

HOUSE BILL REPORT

ESHB 1440

As Passed Legislature

Title: An act relating to mobile home affairs.

Brief Description: Regulating mobile homes.

Sponsor(s): By House Committee on Housing (originally sponsored by Representatives Winsley, Franklin, Ballard, Nelson, Leonard, Ogden, Wineberry and Miller).

Brief History:

Reported by House Committee on:
Housing, February 15, 1991, DPS;
Passed House, March 11, 1991, 98-0;
Amended by Senate;
Conference Committee Report adopted;
Passed Legislature, 98-0.

**HOUSE COMMITTEE ON
HOUSING**

Majority Report: *That Substitute House Bill No. 1440 be substituted therefor, and the substitute bill do pass.*
Signed by 8 members: Representatives Nelson, Chair;
Franklin, Vice Chair; Mitchell, Ranking Minority Member;
Winsley, Assistant Ranking Minority Member; Ballard;
Leonard; Ogden; and Wineberry.

Staff: Bill Lynch (786-7092).

Background: The Mobile Home Relocation Act was enacted in 1989 and subsequently amended in 1990. This legislation was declared unconstitutional by a superior court judge. A stay of this superior court decision was recently granted, so the legislation will be given effect until the issue is finally decided by the state Supreme Court.

Relocation assistance is provided from two sources when a mobile home park is closed or converted to another use. Low-income tenants receive payments from the mobile home park relocation fund and from the park owners. Tenants who are not low-income only receive payments from the park owners. Park owners are responsible for paying up to the full amount of relocation assistance if there are insufficient moneys in the fund. The fund consists of payments of a \$50 fee imposed on the transfer or elimination

of mobile home titles. Owners of recreational vehicles are not entitled to relocation assistance.

It is not necessary to bring a site-built home up to current codes when it is moved. Mobile homes are required, however, to comply with current codes when they are moved.

The Office of Mobile Home Affairs was created by the Legislature in 1988 within the Department of Community Development. The office serves as the coordinating office within state government for matters related to manufactured housing. The office also serves as an ombudsman with respect to problems which arise between mobile home park owners and park residents.

The Office of Mobile Home Affairs will terminate on July 1, 1991 unless reauthorized by the Legislature.

The Office of Mobile Home Affairs is funded by a \$15 fee imposed on the transfer of title on new or used mobile homes where ownership of the mobile home is changed, or when a mobile home title is eliminated pursuant to statute. The \$15 fee is part of the Mobile Home Relocation Act that was declared unconstitutional in a superior court decision.

Some states have a mobile home commission that administers all mobile home programs. It has been suggested that the state should consider adopting a similar structure to regulate mobile home issues.

Summary of Bill: The \$50 fee imposed on the transfer or elimination of mobile home titles expires on July 1, 1992. Park owners are required to pay a \$5 annual fee for each occupied lot in the mobile home park, unless the park owner owns the unit occupying the lot. This fee is deposited into the relocation fund. Park owners are only required to make-up shortfalls in the relocation fund until July 1, 1992. The park owner direct contribution to tenants is eliminated.

Tenants who are not low-income are no longer entitled to relocation assistance. Owners of recreational vehicles are entitled to receive their actual relocation costs, not to exceed \$2,000. The Department of Community Development is required to adopt rules for the granting of waivers from the payment of relocation assistance when parks are involuntarily closed.

Mobile homes that are relocated due to the closure of or conversion of a mobile home park are not required to comply with the current codes for the sole reason of their relocation.

A fee of \$15 is reimposed on every transfer of title on new or used mobile homes where ownership is changed, or when a mobile home title is eliminated. The fee does not apply to court-mandated divorce transactions or the removal of a deceased spouse's name from the mobile home title. The fee is collected by the Department of Licensing or its authorized agents and forwarded to the state treasurer. The fee is deposited into the Mobile Home Affairs Account to support the Office of Mobile Home Affairs.

A Manufactured Housing Task Force is created to study and make recommendations regarding the structure the state should use to regulate manufactured housing. The task force is directed to examine the structures other states use to regulate manufactured housing, including the commission form.

The task force is required to submit a final report to the House Housing Committee and the Senate Commerce and Labor Committee by December 1, 1992. The task force terminates on December 31, 1992.

The task force consists of: two members of the Senate, one from each caucus; two members of the House of Representatives, one from each caucus; two representatives of mobile home park owners; two representatives of mobile home owners; one representative of the mobile home manufacturers; one representative of the mobile home dealers; one representative of mobile home transporters; one representative of local building officials; one county official from a county with a population of 100,000 or more; one county official from a county with a population of less than 100,000; one city official from a city with a population of 35,000 or more; one city official from a city with a population of less than 35,000; and one representative of local health officials. The ex officio members of the task force are the director, or the director's designee from the Department of Community Development, the Department of Licensing, the Department of Labor and Industries, and the Attorney General's Office.

Staffing for the task force will be provided by legislative staff and staff from the agencies or offices with ex officio membership.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 1991.

Testimony For: The office serves an important function and should continue. The office works well with tenants and park owners. It is useful to have one office in state

government people can call to get assistance with mobile home problems.

Testimony Against: None.

Witnesses: Ron Clarke, WA Manufactured Housing Association; Bob Jacobson, Senior Lobby; Mimi Curry, Department of Community Development; and Rachel LeMieux, Department of Revenue.