

HOUSE BILL REPORT

HB 2764

*As Reported By House Committee on:
Housing*

Title: An act relating to manufactured housing installation.

Brief Description: Regulating manufactured housing regulation.

Sponsor(s): Representatives Cooper, Winsley, Mitchell, Kremen, Ogden, Leonard, Nelson, Chandler, Ferguson and Paris.

Brief History:

Reported by House Committee on:
Housing, February 7, 1992, DPS.

**HOUSE COMMITTEE ON
HOUSING**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 7 members: Representatives Nelson, Chair; Franklin, Vice Chair; Mitchell, Ranking Minority Member; Winsley, Assistant Ranking Minority Member; Ballard; Leonard; and Ogden.

Staff: Bill Lynch (786-7092).

Background: It is a violation of the state Consumer Protection Act if a contractor, manufactured home dealer, or manufactured home manufacturer improperly installs a manufactured home which: (1) causes a health and safety risk to the occupants of the manufactured home; or (2) severely hinders the use and enjoyment of the manufactured home.

Although there are penalties for the improper installation of a manufactured home, there is no training or certification required for a person to install a manufactured home.

Summary of Substitute Bill: A certification program for manufactured home installers is established in the Department of Community Development. After July 1, 1993, no manufactured home may be installed without a certified manufactured home installer being on the installation site.

It is a violation for a manufactured home dealer or manufacturer to engage a person to install a manufactured home who is not certified.

At least one certified manufactured home installer must be on the installation site for each two non-certified workers performing installation work. The certified manufactured home installer is responsible for the performance of non-certified workers.

"Manufactured home installation" includes the construction of the support piers and foundation system and required connections to them, and the installation of on-site water, gas, electrical, and sewer systems and the necessary connections for the normal operation of the manufactured home. It does not include specialty trades that are responsible for: the construction of accessory structures such as garages, carports, and deck and storage buildings; pouring concrete into forms; painting and drywall finishing; carpet installation; or specialty work performed by licensed plumbers or electricians. No state regulations related to licensing or permits for plumbers and electricians are lessened.

Persons who wish to be certified to install manufactured homes must apply to the Department of Community Development. The applicant must demonstrate sufficient experience in, as well as demonstrated general knowledge of, manufactured home installation. The application must also be accompanied by a bond running to the state of Washington in the amount of \$6000. The installer may file a deposit of cash or other security in lieu of the bond.

The director of the Department of Community Development reviews applications for certification and determines which applicants are eligible to take the training course and examination for certification. Any applicants for certification after July 1, 1995, must provide written evidence of 12 months of experience under the direct supervision of a certified manufactured home installer. The department shall require applicants before July 1, 1993, to provide evidence of experience in lieu of the experience under the supervision of a certified installer. The director may allow local building code officials and utility representatives to take the training course and examination.

The department must construct the examination to test the applicant's general knowledge of the technical information and practical procedures necessary for installing manufactured homes, applicable federal and state laws relating to manufactured homes, and local government regulations related to manufactured home installations.

A certificate of manufactured home installation is renewable every three years. The department shall determine the continuing education that is necessary for renewal of the certificate. If a person fails to renew the certificate by the renewal date, the person must retake the examination.

A certificate of manufactured home installation allows the holder to install manufactured homes throughout the state and within any city or county without any other license, permit, or fee. Any local building or installation permits or fees must still be obtained or paid.

The certificate may be revoked by the Department of Community Development if: the certificate was obtained through fraud or error; the holder is found to be incompetent as a result of multiple violations of the state installation code; the holder's bond has expired, exhausted, or terminated; or the holder has violated a statute or rule implementing the certification law.

The holder of a certificate must be given written notice of the intent to revoke the certificate, which includes the right to request a hearing on the revocation. All hearings are conducted in accordance with the Administrative Procedures Act.

The department shall charge fees for the issuance, renewal, and reinstatement of all certificates, and for the training courses and examinations required for certification. The fees may only be used to cover the full costs of administering and enforcing the program.

An authorized representative of the state, city, or county, including a local building official, may investigate violations and inspect sites at which manufactured home installation work is being performed. Upon the request of the authorized representative, a person performing installation work must identify the persons holding the certificate of manufactured home installation issued by the department.

Procedures are established for the issuance and appeals of infractions. Each day in which a person improperly engages in the installation of manufactured homes is a separate infraction. Each worksite at which a person improperly engages in the installation of manufactured homes is a separate infraction. Infractions are heard and determined in district court. The burden of proof is on the department to establish that an infraction occurred by a preponderance of the evidence.

If a person is found to have committed an infraction, a monetary penalty of \$1000 is assessed. Three violations within a 12 month period shall cause a review and may subject the installer to a suspension of certification as well as the monetary penalty.

Substitute Bill Compared to Original Bill: An advisory committee is eliminated. Local building officials and utility representatives may take the training course and examination. Language is added to clarify that any local installation or building permits or fees are unaffected. Any licensing or permit requirements for electricians or plumbers are unaffected. The authority for the Department of Licensing to suspend a business license is removed. The separate bond required for certified installers is deleted, and the existing requirement for an installer to be either a registered contractor, or licensed dealer or manufacturer is restored.

Fiscal Note: Requested, January 23, 1992.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: Many consumer problems regarding mobile homes relate to the installation of the home. A pilot education program for installers was well-received. Mobile home installers need to be familiar with the mobile home installation code.

Testimony Against: None.

Witnesses: Representative David Cooper; Ron Clarke, Washington Manufactured Housing Association (supports); Arnold Livingston, Mobile Home Association, (supports); Department of Labor and Industries (supports with amendments); Joe Brewer, Department of Labor and Industries (supports with amendments); and Blair Patrick, Washington Association of Building Officials (supports with amendments).