
SUBSTITUTE HOUSE BILL 1440

State of Washington 52nd Legislature 1991 Regular Session

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

Read first time February 19, 1991.

1 AN ACT Relating to mobile home affairs; amending RCW 59.21.060,
2 59.22.020, 59.22.050, 82.08.065, and 82.45.090; adding a new section to
3 chapter 59.21 RCW; adding new sections to chapter 43.131 RCW; adding a
4 new section to chapter 59.22 RCW; creating a new section; repealing RCW
5 59.22.050 and 59.22.900; providing an effective date; and declaring an
6 emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 59.21 RCW
9 to read as follows:

10 (1) There is hereby imposed a fee of fifteen dollars on every
11 transfer of title on a new or used mobile homes where ownership of the
12 mobile home is changed by any transaction including but not limited to
13 sales and gift transactions and transfers of ownership which involve
14 elimination of title under chapter 65.20 RCW, but not including court-
15 mandated divorce transactions or the removal of a deceased spouse's

1 name from the mobile home title. The county auditor shall collect the
2 fee as provided in chapter 82.08 RCW. The fee collected under this
3 section shall be forwarded to the state treasurer. The state treasurer
4 shall deposit each fee collected in the mobile home affairs account
5 created by RCW 59.22.070.

6 (2) The department of revenue, the department of licensing, and the
7 state treasurer may enact any rules necessary to carry out this
8 section.

9 **Sec. 2.** RCW 59.22.020 and 1988 c 280 s 3 are each amended to read
10 as follows:

11 The following definitions shall apply throughout this chapter
12 unless the context clearly requires otherwise:

13 (1) "Account" means the mobile home affairs account created under
14 RCW 59.22.070.

15 (2) "Affordable" means that, where feasible, low-income residents
16 should not pay more than thirty percent of their monthly income for
17 housing costs.

18 ~~((+2))~~ (3) "Conversion costs" includes the cost of acquiring the
19 mobile home park, the costs of planning and processing the conversion,
20 the costs of any needed repairs or rehabilitation, and any expenditures
21 required by a government agency or lender for the project.

22 ~~((+3))~~ (4) "Department" means the department of community
23 development.

24 (5) "Fee" means the mobile home title transfer fee created under
25 RCW 59.21.060.

26 ~~((+4))~~ (6) "Fund" means the mobile home park purchase fund created
27 pursuant to RCW 59.22.030.

1 (~~(5)~~) (7) "Housing costs" means the total cost of owning,
2 occupying, and maintaining a mobile home and a lot or space in a mobile
3 home park.

4 (~~(6)~~) (8) "Individual interest in a mobile home park" means any
5 interest which is fee ownership or a lesser interest which entitles the
6 holder to occupy a lot or space in a mobile home park for a period of
7 not less than either fifteen years or the life of the holder.
8 Individual interests in a mobile home park include, but are not limited
9 to, the following:

10 (a) Ownership of a lot or space in a mobile home park or
11 subdivision;

12 (b) A membership or shares in a stock cooperative, or a limited
13 equity housing cooperative; or

14 (c) Membership in a nonprofit mutual benefit corporation which
15 owns, operates, or owns and operates the mobile home park.

16 (~~(7)~~) (9) "Low-income resident" means an individual or household
17 who resided in the mobile home park prior to application for a loan
18 pursuant to this chapter and with an annual income at or below eighty
19 percent of the median income for the county of standard metropolitan
20 statistical area of residence. Net worth shall be considered in the
21 calculation of income with the exception of the resident's
22 mobile/manufactured home which is used as their primary residence.

23 (~~(8)~~) (10) "Low-income spaces" means those spaces in a mobile
24 home park operated by a resident organization which are occupied by
25 low-income residents.

26 (~~(9)~~) (11) "Mobile home park" means a mobile home park, as
27 defined in RCW 59.20.030(4), or a manufactured home park subdivision as
28 defined by RCW 59.20.030(6) created by the conversion to resident
29 ownership of a mobile home park.

1 (~~(10)~~) (12) "Resident organization" means a group of mobile home
2 park residents who have formed a nonprofit corporation, cooperative
3 corporation, or other entity or organization for the purpose of
4 acquiring the mobile home park in which they reside and converting the
5 mobile home park to resident ownership. The membership of a resident
6 organization shall include at least two-thirds of the households
7 residing in the mobile home park at the time of application for
8 assistance from the department.

9 (~~(11)~~) (13) "Resident ownership" means, depending on the context,
10 either the ownership, by a resident organization, as defined in this
11 section, of an interest in a mobile home park which entitles the
12 resident organization to control the operations of the mobile home park
13 for a term of no less than fifteen years. or the ownership of
14 individual interests in a mobile home park, or both.

15 (~~(12)~~) (14) "Landlord" shall have the same meaning as it does in
16 RCW 59.20.030.

17 (~~(13)~~) (15) "Manufactured housing" means residences constructed
18 on one or more chassis for transportation, and which bear an insignia
19 issued by a state or federal regulatory agency indication compliance
20 with all applicable construction standards of the United States
21 department of housing and urban development.

22 (~~(14)~~) (16) "Mobile home" shall have the same meaning as it does
23 in RCW 46.04.302.

24 (~~(15)~~) (17) "Mobile home lot" shall have the same meaning as it
25 does in RCW 59.20.030.

26 (~~(16)~~) (18) "Tenant" means a person who rents a mobile home lot
27 for a term of one month or longer and owns the mobile home on the
28 lot.

1 **Sec. 3.** RCW 59.22.050 and 1989 c 294 s 1 are each amended to read
2 as follows:

3 (1) In order to provide general assistance to mobile home resident
4 organizations, park owners, and landlords and tenants, the department
5 shall establish an office of mobile home affairs which will serve as
6 the coordinating office within state government for matters relating to
7 mobile homes or manufactured housing.

8 This office will provide an ombudsman service to mobile home park
9 owners and mobile home tenants with respect to problems and disputes
10 between park owners and park residents and to provide technical
11 assistance to resident organizations or persons in the process of
12 forming a resident organization pursuant to chapter 59.22 RCW. The
13 office will keep records of its activities in this area.

14 (2) ~~((In addition, the office shall work with the mobile home space~~
15 ~~availability and affordability task force to develop recommendations to~~
16 ~~(a) increase the availability of mobile home park spaces, (b) stabilize~~
17 ~~rent levels through traditional market forces of supply and demand and~~
18 ~~through incentives such as current use valuation of mobile home parks,~~
19 ~~but not through artificial controls on rent, and (c) allow senior~~
20 ~~citizens on fixed incomes to continue living in their mobile homes,~~
21 ~~including the possibility of direct subsidies.~~

22 ~~The mobile home space availability and affordability task force~~
23 ~~shall be comprised of four legislators, one from each caucus in the~~
24 ~~house of representatives appointed by the speaker of the house and one~~
25 ~~from each caucus in the senate appointed by the president of the~~
26 ~~senate, two representatives of park owners, two representatives of~~
27 ~~tenants, and two representatives of local governments. All~~
28 ~~nonlegislative members shall be appointed by the director of the~~
29 ~~department of community development. Staffing for the task force shall~~
30 ~~be supplied by the department of community development, the house of~~

1 ~~representatives housing committee, and the senate economic development~~
2 ~~and labor committee.~~

3 ~~(3) In developing these recommendations the office and the task~~
4 ~~force shall:~~

5 ~~(a) Review the ordinances of local government to assess their~~
6 ~~impact on the availability of mobile home rental spaces;~~

7 ~~(b) Consult with federal, state, and local agencies, senior citizen~~
8 ~~organizations, the real estate industry, and other groups as it~~
9 ~~considers necessary;~~

10 ~~(c) Use, to the fullest extent possible, the services, facilities,~~
11 ~~information, and advice of public and private agencies, organizations,~~
12 ~~and individuals in order to avoid duplication of effort and expense;~~
13 ~~and~~

14 ~~(d) Hold public hearings to allow public input and involvement))~~
15 The office shall perform all the consumer complaint and related
16 functions of the state administrative agency that are required for
17 purposes of complying with the regulations established by the federal
18 department of housing and urban development for manufactured housing,
19 including the preparation and submission of the state administrative
20 plan.

21 **Sec. 4.** RCW 82.08.065 and 1990 c 171 s 8 are each amended to read
22 as follows:

23 In the collection of the sales tax on mobile homes and ((the)) any
24 fee imposed ((in RCW 59.21.060(1))) to fund the mobile home affairs
25 account, the department of revenue may designate the county auditors of
26 the several counties of the state as its collecting agents. Upon such
27 designation, it shall be the duty of each county auditor to collect the
28 tax and the fee at the time the mobile home dealer or selling agent
29 applies for a new certificate of ownership for such mobile home in the

1 instance where transfer of ownership was from a mobile home dealer or
2 person deemed a selling agent under RCW 82.04.480, except where the
3 applicant presents a written statement signed by the department of
4 revenue or its duly authorized agent showing that no retail sales tax
5 or use tax is legally due. The term "mobile home" as used in this
6 section means a mobile home as defined in RCW 46.04.302. It shall be
7 the duty of every mobile home dealer or selling agent to declare upon
8 the application for a new certificate of ownership the selling price
9 paid for the mobile home. Any person willfully misrepresenting, or
10 failing or refusing to declare upon the application, such selling price
11 shall be guilty of a gross misdemeanor.

12 Each county auditor who acts as agent of the department of revenue
13 shall at the time of remitting license fee receipts on motor vehicles
14 subject to the provisions of RCW 82.12.045 pay over and account to the
15 state treasurer for all sales tax revenue collected under this section,
16 after first deducting as his or her collection fee the sum of two
17 dollars for each mobile home upon which the tax has been collected.

18 Any applicant who has paid sales tax to a county auditor under this
19 section may apply to the department of revenue for refund thereof if he
20 has reason to believe that such tax was not legally due and owing. No
21 refund is allowed unless application therefor is received by the
22 department of revenue within four years after payment of the tax. Upon
23 receipt of an application for refund the department of revenue shall
24 consider the same and issue its order either granting or denying it and
25 if refund is denied the taxpayer shall have the right of appeal as
26 provided in RCW 82.32.170, 82.32.180, and 82.32.190.

27 The provisions of this section shall be construed as cumulative of
28 other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for
29 the collection of the tax imposed by this chapter. The department of
30 revenue shall have power to adopt such rules as may be necessary to

1 administer the provisions of this section. Any duties required by this
2 section to be performed by the county auditor may be performed by the
3 director of licensing but no collection fee shall be deductible by the
4 director of licensing in remitting sales tax revenue to the state
5 treasurer.

6 **Sec. 5.** RCW 82.45.090 and 1990 c 171 s 7 are each amended to read
7 as follows:

8 The tax imposed by this chapter (~~and the fee imposed in RCW~~
9 ~~59.21.060(1))~~) shall be paid to and collected by the treasurer of the
10 county within which is located the real property which was sold, said
11 treasurer acting as agent for the state. The county treasurer shall
12 cause a stamp evidencing satisfaction of the lien to be affixed to the
13 instrument of sale or conveyance prior to its recording or to the real
14 estate excise tax affidavit in the case of used mobile home sales and
15 used floating home sales. A receipt issued by the county treasurer for
16 the payment of the tax imposed under this chapter shall be evidence of
17 the satisfaction of the lien imposed hereunder and may be recorded in
18 the manner prescribed for recording satisfactions of mortgages. No
19 instrument of sale or conveyance evidencing a sale subject to the tax
20 shall be accepted by the county auditor for filing or recording until
21 the tax shall have been paid and the stamp affixed thereto; in case the
22 tax is not due on the transfer, the instrument shall not be so accepted
23 until suitable notation of such fact has been made on the instrument by
24 the treasurer.

25 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.131 RCW
26 to read as follows:

27 The office of mobile home affairs and its powers and duties shall
28 be terminated on June 30, 1995, as provided in section 7 of this act.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.131 RCW
2 to read as follows:
3 RCW 59.22.050 and section 3 of this act, 1989 c 294 s 1, & 1988 c
4 280 s 2 as now existing or hereafter amended, are each repealed
5 effective June 30, 1996.

6 NEW SECTION. **Sec. 8.** A new section is added to chapter 59.22 RCW
7 to read as follows:

8 (1) A manufactured housing task force is established to study and
9 make recommendations concerning the structure state government should
10 use to regulate manufactured housing in this state. In conducting this
11 study, the task force shall review the structures used in other states,
12 including those states with a commission structure. The task force
13 shall consider the report prepared by the department of licensing, the
14 department of labor and industries, and the department of community
15 development on consolidating mobile home-related functions in
16 conducting its study.

17 (2) The task force shall submit a final report containing its
18 findings and recommendations to the house of representatives housing
19 committee and the senate commerce and labor committee by December 1,
20 1992. The task force shall terminate on December 31, 1992.

21 (3) The task force shall consist of the following members:

22 (a) Two members of the house of representatives appointed by the
23 speaker of the house of representatives, from different political
24 caucuses;

25 (b) Two members of the senate appointed by the president of the
26 senate, from different political caucuses;

27 (c) Two members who represent mobile home park owners, appointed by
28 the governor;

1 (d) Two members who represent mobile home owners, appointed by the
2 governor;

3 (e) One member who represents mobile home manufacturers, appointed
4 by the governor;

5 (f) One member who represents mobile home dealers, appointed by the
6 governor;

7 (g) One member who represents mobile home transporters, appointed
8 by the governor;

9 (h) One member who represents local building officials, appointed
10 by the governor;

11 (i) One member who represents local health officials, appointed by
12 the governor; and

13 (j) The director, or the director's designee from the department of
14 community development, the department of licensing, the department of
15 labor and industries, and the attorney general's office. The designees
16 shall be nonvoting, ex officio members of the task force.

17 (4) The members of the task force shall select the chair or
18 co-chairs of the task force.

19 (5) Staff assistance for the task force will be provided by
20 legislative staff and staff from the agencies or offices listed in
21 subsection (3)(j) of this section.

22 NEW SECTION. **Sec. 9.** The fifteen-dollar fee imposed in
23 section 1 of this 1991 act on the transfer or elimination of mobile
24 home titles for deposit in the mobile home affairs account, shall
25 supersede the fifteen-dollar fee imposed in RCW 59.21.060 on the
26 transfer or elimination of mobile home titles on July 1, 1991.

27 NEW SECTION. **Sec. 10.** RCW 59.22.900 and 1987 c 482 s 12 are
28 each repealed.

1 NEW SECTION. **Sec. 11.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect July 1, 1991.