
ENGROSSED SUBSTITUTE HOUSE BILL 1841

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Housing (originally sponsored by Representatives Leonard, Winsley, Cantwell, Hine, G. Fisher, Anderson, Nelson, Brekke, Roland, Rasmussen, Paris and Sheldon). Read first time March 6, 1991.

1 AN ACT Relating to mobile homes; amending RCW 59.21.010, 59.21.020,
2 59.21.050, and 59.21.110; adding new sections to chapter 59.21 RCW;
3 creating a new section; and repealing RCW 59.21.060.

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

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

7 The legislature recognizes that it is quite costly to move a mobile
8 home. Many mobile home tenants need financial assistance in order to
9 move their mobile homes from a mobile home park. The purpose of this
10 chapter is to provide a mechanism for assisting mobile home tenants to
11 relocate to suitable alternative sites when the mobile home park in
12 which they reside is closed or converted to another use.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 59.21 RCW
14 to read as follows:

1 Each mobile home park-owner shall pay an annual fee of five dollars
2 for each occupied lot in the mobile home park. Lots that are occupied
3 by mobile homes or recreational vehicles owned by the park-owner are
4 exempt from this fee requirement. The fee shall be due on October 1 of
5 each year. The fee shall be remitted by the park-owner to the
6 department of revenue under rules as the department shall prescribe.
7 The fee imposed under this section shall be forwarded by the department
8 of revenue to the state treasurer for deposit into the mobile home park
9 relocation fund. The provisions of chapter 82.32 RCW shall apply to
10 the collection and enforcement of this fee.

11 **Sec. 3.** RCW 59.21.010 and 1990 c 171 s 1 are each amended to read
12 as follows:

13 Unless the context clearly requires otherwise, the definitions in
14 this section apply throughout this chapter.

15 (1) "Director" means the director of the department of community
16 development.

17 (2) "Department" means the department of community development.

18 (3) "Fund" means the mobile home park relocation fund established
19 under RCW 59.21.050 consisting of (~~tenant and landlord contributions~~)
20 park-owner fee payments under section 2 of this act as well as park-
21 owner payments when there are insufficient moneys in its fund.

22 (4) "Low-income" means at or below eighty percent of median
23 household income as defined by the United States department of housing
24 and urban development, for the county or standard metropolitan
25 statistical area where the park is located.

26 (5) "Mobile home park" or "park" means real property that is rented
27 or held out for rent to others for the placement of two or more mobile
28 homes for the primary purpose of production of income, except where the

1 real property is rented or held out for rent for seasonal recreational
2 purpose only and is not intended for year-round occupancy.

3 (6) "Landlord" or "park-owner" means the owner of the mobile home
4 park that is being closed at the time relocation assistance is
5 provided.

6 (7) "Relocate" means to remove the mobile home from the mobile home
7 park being closed.

8 (8) "Relocation assistance" means the monetary assistance provided
9 under RCW 59.21.020.

10 **Sec. 4.** RCW 59.21.020 and 1990 c 171 s 2 are each amended to read
11 as follows:

12 (1) If a mobile home park is closed or converted to another use,
13 all ~~((affected))~~ low-income park tenants owning a mobile home are
14 entitled to relocation assistance from the park-owner or the fund at
15 the time the tenant relocates as follows: (a) For a single-wide mobile
16 home, four thousand five hundred dollars; and (b) for a double-wide or
17 larger mobile home, seven thousand five hundred dollars. ~~((No park
18 tenant shall receive relocation assistance from the park owner or the
19 fund for relocation of a recreational vehicle))~~ Upon the closure or
20 conversion of a mobile home park, the park-owner shall pay park tenants
21 who do not qualify as low-income tenants relocation assistance at the
22 time the tenant relocates as follows: (i) For a single-wide mobile
23 home, one thousand five hundred dollars; and (ii) for a double-wide
24 mobile home, two thousand five hundred dollars. The park-owner shall
25 pay the actual relocation expenses, not to exceed two thousand dollars,
26 for the relocation of recreational vehicles. The relocation assistance
27 costs shall be adjusted annually by the housing component of the
28 consumer price index for the Washington state area.

1 (2) When a tenant is forced to relocate before July 1, 1991, the
2 payment of relocation assistance as provided by this section shall be
3 paid by the park-owner. However, if the tenant has been given notice
4 to vacate prior to April 1, 1989, and the tenant has not yet relocated
5 as of April 28, 1989, the payment of relocation assistance by the park-
6 owner shall be required only if the tenant is low income.

7 (3) When a tenant is forced to relocate after June 30, 1991, the
8 payment of relocation assistance to low-income park tenants as provided
9 in this section shall be ~~((shared as follows: The landlord or park-~~
10 ~~owner shall provide one third and the fund shall provide two thirds.~~

11 ~~(4) After July 1, 1992, (a) if twenty four months' notice of~~
12 ~~closure is given, the landlord or park owner shall provide five hundred~~
13 ~~dollars for a single wide home or one thousand dollars for a double-~~
14 ~~wide or larger home and the fund shall provide the balance of the~~
15 ~~relocation assistance to low income park tenants; (b) if the park owner~~
16 ~~gives less than twenty four months' notice the park owner shall provide~~
17 ~~one third and the fund shall provide two thirds of the relocation~~
18 ~~assistance to low income park tenants.~~

19 ~~(5))~~ made from the mobile home park relocation fund unless there
20 are insufficient moneys in the fund.

21 The park-owner shall be responsible for paying up to the full
22 amount of relocation assistance to low-income park tenants if there are
23 insufficient moneys in the fund. The department shall adopt rules
24 governing disbursements of assistance from the fund and park-owner
25 payments when there are insufficient moneys to meet the demand for
26 relocation assistance.

27 (4) The park-owner shall pay relocation assistance directly to
28 those park tenants who do not qualify as low-income tenants. The
29 tenant must submit to the park-owner a copy of the contract entered

1 into for the purpose of relocating the mobile home, which includes the
2 date of relocation.

3 (5) The tenant may recover court costs and a reasonable attorney's
4 fee in any action brought to require the park-owner to pay relocation
5 assistance in which the tenant prevails.

6 (6) If the park-owner does not pay his or her portion of the
7 relocation assistance when required by this chapter, the department
8 shall have a lien on the real property on which the park is located.
9 Such lien shall be collected as delinquent general property taxes and
10 shall be forwarded to the department by the county treasurer.

11 (7) All tenants eligible for relocation assistance shall apply for
12 verification of eligibility to the department. The department shall
13 issue a document to each tenant signifying the tenant's low-income
14 status, or status other than low income to be given to the park-owner
15 by the tenant.

16 ~~((6) The park owner shall be responsible for paying up to the full~~
17 ~~amount of relocation assistance to low income park tenants if there are~~
18 ~~insufficient moneys in the fund. The department shall adopt rules~~
19 ~~governing disbursements of assistance from the fund and park owner~~
20 ~~payments when there are insufficient moneys to meet the demand for~~
21 ~~relocation assistance.~~

22 ~~(7) The park owner shall pay park tenants who do not qualify as~~
23 ~~low income tenants the same amount of relocation assistance that low~~
24 ~~income park tenants are entitled to from the park owners under this~~
25 ~~section. The landlord shall pay the relocation assistance directly to~~
26 ~~the tenant if the tenant submits to the landlord a copy of the contract~~
27 ~~entered into for the purpose of relocating the mobile home, which~~
28 ~~includes the date of relocation. The tenant may recover court costs~~
29 ~~and a reasonable attorney's fee in any action brought to require the~~

1 ~~landlord to pay relocation assistance under this subsection in which~~
2 ~~the tenant prevails.~~

3 ~~(8) The park owner shall make any payment to the department~~
4 ~~required by this chapter when demanded by the department; however, the~~
5 ~~department shall not demand such payment earlier than thirty days prior~~
6 ~~to the expected relocation date of the tenant. If the landlord does~~
7 ~~not pay his or her portion of the relocation assistance to the~~
8 ~~department when required by this chapter, the department shall have a~~
9 ~~lien on the real property on which the park is located. Such lien~~
10 ~~shall be collected as delinquent general property taxes and shall be~~
11 ~~forwarded to the department by the county treasurer.~~

12 ~~((9))~~ (8) The director or his or her designee shall approve all
13 expenditures from the fund.

14 ~~((10))~~ (9) Relocation assistance contributions required from
15 landlords or park-owners by this section shall be reduced by the amount
16 paid or required to be paid under any other law for the same mobile
17 home park tenant for the same relocation.

18 ~~((11))~~ (10) Notwithstanding RCW 59.21.100, it is a violation of
19 this chapter to request or require as a condition of initiating or
20 renewing a tenancy in a mobile home park, a waiver of relocation
21 assistance under this section or any other law or ordinance. Any such
22 waiver, regardless of the date of its execution, is void and
23 unenforceable as contrary to public policy.

24 ~~((12))~~ (11) Any park-owner coercing or attempting to coerce a
25 tenant into terminating a tenancy for the purpose of avoiding the
26 payment of relocation assistance shall give rise to a civil cause of
27 action for damages or equitable relief by a tenant injured by such act.

28 **Sec. 5.** RCW 59.21.050 and 1990 c 171 s 5 are each amended to read
29 as follows:

1 (1) The mobile home park relocation fund is created in the custody
2 of the state treasurer. All legislative appropriations for mobile home
3 relocation assistance, receipts from fees collected under this chapter,
4 and amounts required to be paid by park-owners to low-income park
5 tenants when there are insufficient moneys in the fund shall be
6 deposited into the fund. Expenditures from the fund may be used only
7 for relocation assistance under RCW 59.21.020, or transfer to the
8 mobile home park purchase fund under subsection (2) of this section.
9 Only the director of community development or the director's designee
10 may authorize expenditures from the fund. All relocation payments to
11 low-income park tenants, including those due from the park-owner shall
12 be made from the fund. The fund is subject to allotment procedures
13 under chapter 43.88 RCW, but no appropriation is required for
14 expenditures.

15 (2) The state treasurer shall maintain the fund and shall invest
16 the fund moneys. Moneys earned on these investments shall be deposited
17 in the fund and shall be used for the same purposes as other fund
18 moneys. Unexpended and unencumbered moneys that remain in the fund at
19 the end of the fiscal year do not revert to the state general fund but
20 remain in the fund, separately accounted for, as a contingency reserve,
21 or if the director determines at the end of any fiscal year beginning
22 after December 31, 1991, that the fund contains a surplus over the
23 projected amount needed for relocation during the upcoming year(s), any
24 surplus may be transferred to the mobile home park purchase fund
25 created by chapter 59.22 RCW. However, the director may cause any
26 uncommitted funds in the mobile home park purchase fund which were
27 transferred from the mobile home park relocation fund to be transferred
28 back to the mobile home park relocation fund if that fund cannot
29 otherwise meet its current obligations.

1 (3) A low-income park tenant who is entitled to relocation
2 assistance under this chapter is entitled to payment only after
3 submitting an application which includes: (a) A copy of the notice
4 from the park-owner that the tenancy is terminated due to closure of
5 the park; (b) a copy of the rental agreement currently in force; and
6 (c) a copy of the contract entered into for the purpose of relocating
7 the mobile home, which includes the date of relocation.

8 (4) The director may adopt rules for the administration of the
9 fund.

10 **Sec. 6.** RCW 59.21.110 and 1989 c 201 s 15 are each amended to read
11 as follows:

12 Any person who intentionally violates, intentionally attempts to
13 evade, or intentionally evades the provisions of this ((act)) chapter
14 is guilty of a misdemeanor.

15 NEW SECTION. **Sec. 7.** A new section is added to chapter 59.21 RCW
16 to read as follows:

17 The department shall waive the requirement for a park-owner to pay
18 relocation assistance under this chapter when the mobile home park is
19 involuntarily closed. A park-owner may not avoid the responsibility to
20 pay relocation assistance by failing to provide necessary maintenance
21 to the park. The department shall adopt rules for the granting of
22 waivers under this section.

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

25 (1) The legislature finds that existing older mobile homes provide
26 affordable housing to many persons of low income, and that requiring
27 these homes that are legally located in mobile home parks to meet new

1 fire, safety, and construction codes because they are relocating due to
2 the closure or conversion of the mobile home park, compounds the
3 economic burden facing these tenants.

4 (2) Mobile homes that are relocated due to either the closure or
5 conversion of a mobile home park, may not be required by any city or
6 county to comply with the requirements of any applicable fire, safety,
7 or construction code for the sole reason of its relocation. This
8 section shall only apply if the original occupancy classification of
9 the building is not changed as a result of the move.

10 (3) This section shall not apply to mobile homes that are
11 substantially remodeled or rehabilitated, nor to any work performed in
12 compliance with installation requirements. For the purpose of
13 determining whether a moved mobile home has been substantially
14 remodeled or rebuilt, any cost relating to preparation for relocation
15 or installation shall not be considered.

16 NEW SECTION. **Sec. 9.** This act shall not be construed as
17 affecting any existing right acquired or liability or obligation
18 incurred under the sections amended or repealed in this act or under
19 any rule or order adopted under those sections, nor as affecting any
20 proceeding instituted under those sections.

21 NEW SECTION. **Sec. 10.** RCW 59.21.060 and 1990 c 171 s 6 & 1989
22 c 201 s 6 are each repealed.

23 NEW SECTION. **Sec. 11.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.