

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5580

Chapter 124, Laws of 1993

53rd Legislature
1993 Regular Session

MANUFACTURED HOUSING SAFETY AND CONSTRUCTION STANDARDS ENFORCEMENT

EFFECTIVE DATE: 7/25/93

Passed by the Senate March 17, 1993
YEAS 49 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 8, 1993
YEAS 98 NAYS 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved April 23, 1993

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5580** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

April 23, 1993 - 3:38 p.m.

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5580

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Senators Moore, Barr, McAuliffe, Vognild, Newhouse, Prentice, Prince, Amondson, Sutherland, Fraser, Winsley and von Reichbauer; by request of Department of Community Development

Read first time 02/04/93. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to regulation of manufactured housing construction
2 and safety; adding new sections to chapter 43.63A RCW; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** The director of the department of community
6 development shall enforce manufactured housing safety and construction
7 standards adopted by the secretary of housing and urban development
8 under the National Manufactured Housing Construction and Safety
9 Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).
10 Furthermore, the director may make agreements with the United States
11 government, state agencies, or private inspection organizations to
12 implement the development and enforcement of applicable provisions of
13 this chapter and the National Manufactured Housing Construction and
14 Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426)
15 regarding the state administrative agency program.

16 NEW SECTION. **Sec. 2.** The department shall adopt all rules under
17 chapter 34.05 RCW necessary to implement chapter ..., Laws of 1993
18 (this act), giving due consideration to standards and regulations

1 adopted by the secretary of housing and urban development under the
2 National Manufactured Housing Construction and Safety Standards Act of
3 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) for manufactured
4 housing construction and safety standards.

5 NEW SECTION. **Sec. 3.** The department shall adopt appropriate
6 hearing procedures under chapter 34.05 RCW for the holding of formal
7 and informal presentation of views, giving due consideration to hearing
8 procedures adopted by the secretary of housing and urban development
9 under the National Manufactured Housing Construction and Safety
10 Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).

11 NEW SECTION. **Sec. 4.** (1) A person who violates any of the
12 provisions of the National Manufactured Housing Construction and Safety
13 Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426)
14 applicable to sections 1, 2, 3, and 5 of this act or any rules adopted
15 under sections 1, 2, 3, and 5 of this act is liable to the state of
16 Washington for a civil penalty of not to exceed one thousand dollars
17 for each such violation. Each violation of the provisions of the
18 National Manufactured Housing Construction and Safety Standards Act of
19 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) applicable to sections
20 1, 2, 3, and 5 of this act or any rules adopted under sections 1, 2, 3,
21 and 5 of this act, shall constitute a separate violation with respect
22 to each manufactured home or with respect to each failure or refusal to
23 allow or perform an act required thereby, except that the maximum civil
24 penalty may not exceed one million dollars for any related series of
25 violations occurring within one year from the date of the first
26 violation.

27 (2) An individual or a director, officer, or agent of a corporation
28 who knowingly and willfully violates any of the provisions of sections
29 1, 2, 3, and 5 of this act or any rules adopted under sections 1, 2, 3,
30 and 5 of this act, in a manner that threatens the health or safety of
31 any purchaser, shall be fined not more than one thousand dollars or
32 imprisoned not more than one year, or both.

33 (3) Any legal fees, court costs, expert witness fees, and staff
34 costs expended by the state in successfully pursuing violators of
35 sections 1, 2, 3, and 5 of this act shall be reimbursed in full by the
36 violators.

1 NEW SECTION.

Sec. 5.

(1) The director or the director's
2 authorized representative shall conduct such inspections and
3 investigations as may be necessary to implement or enforce manufactured
4 housing rules adopted under the authority of this chapter or to carry
5 out the director's duties under this chapter.

(2) For the purposes of enforcement of this chapter, persons duly
6 designated by the director upon presenting appropriate credentials to
7 the owner, operator, or agent in charge shall:
8

(a) At reasonable times and without advance notice enter any
9 factory, warehouse, or establishment in which manufactured homes are
10 manufactured, stored, or held for sale; and
11

(b) At reasonable times, within reasonable limits, and in a
12 reasonable manner inspect any factory, warehouse, or establishment as
13 required to comply with the standards adopted by the secretary of
14 housing and urban development under the National Manufactured Housing
15 Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C.
16 Secs. 5401-5426). Each inspection shall be commenced and completed
17 with reasonable promptness.
18

(3) For the purpose of carrying out the provisions of this chapter,
19 the director or the director's authorized representative is authorized:
20

(a) To require, by general or special orders, any factory,
21 warehouse, or establishment in which manufactured homes are
22 manufactured, to file, in such form as prescribed, reports or answers
23 in writing to specific questions relating to any function of the
24 department under this chapter. Such reports and answers shall be made
25 under oath or otherwise, and shall be filed with the department within
26 such reasonable time periods as prescribed by the department; and
27

(b) To hold such hearings, take such testimony, sit and act at such
28 times and places, administer such oaths, and require, by subpoena or
29 otherwise, the attendance and testimony of such witnesses and the
30 production of such books, papers, correspondence, memorandums,
31 contracts, agreements, or other records, as the director or such
32 officer or employee deems advisable.
33

(4) In carrying out the inspections authorized by this section the
34 director shall establish by rule, under chapter 34.05 RCW, and impose
35 on manufactured home manufacturers, distributors, and dealers such
36 reasonable fees as may be necessary to offset the expenses incurred by
37 the director in conducting the inspections, provided these fees are set
38

1 in accordance with guidelines established by the United States
2 secretary of housing and urban development.

3 NEW SECTION. **Sec. 6.** This act shall expire and be of no force and
4 effect on January 1 in any year following the failure of the United
5 States department of housing and urban development to reimburse the
6 state for the duties described in this act.

7 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act are each
8 added to chapter 43.63A RCW.

Passed the Senate March 17, 1993.

Passed the House April 8, 1993.

Approved by the Governor April 23, 1993.

Filed in Office of Secretary of State April 23, 1993.