
HOUSE BILL 3082

State of Washington 58th Legislature 2004 Regular Session

By Representatives Wallace, Morrell, Veloria, Chase, Upthegrove and O'Brien

Read first time 01/27/2004. Referred to Committee on Trade & Economic Development.

1 AN ACT Relating to resolving manufactured/mobile home landlord and
2 tenant disputes; amending RCW 59.22.050; adding a new chapter to Title
3 59 RCW; prescribing penalties; and providing effective dates.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) Taking legal action against a landlord or tenant for violations
7 of the manufactured/mobile home landlord-tenant act can be a costly and
8 lengthy process, and that many people cannot afford to pursue this
9 process; and

10 (b) There are factors unique to the relationship between a
11 manufactured/mobile homeowner and a manufactured/mobile home park
12 owner. The difficulty and expense in moving and relocating a
13 manufactured/mobile home can affect the operation of market forces, and
14 lead to an inequality of the bargaining position of the parties.
15 Because of these factors, there exists inherently substantial
16 differences in the relationship that distinguish it from other
17 landlord-tenant relationships.

18 (2) Therefore, it is the intent of the legislature to provide a
19 less costly and lengthy way for manufactured/mobile home landlords and

1 tenants to resolve disputes, and to provide a mechanism for state
2 authorities to quickly locate owners of manufactured housing
3 communities. The legislature further intends to authorize the
4 department of licensing to register mobile home parks or manufactured
5 housing communities, conduct investigations, issue citations, and
6 impose fines for violations of the manufactured/mobile home landlord-
7 tenant act.

8 NEW SECTION. **Sec. 2.** The definitions in this section apply
9 throughout this chapter unless the context requires otherwise.

10 (1) "Department" means the department of licensing.

11 (2) "Director" means the director of the department of licensing.

12 (3) "Mobile home park" or "manufactured housing community" means
13 any real property that is rented or held out for rent to others for the
14 placement of two or more mobile homes, manufactured homes, or park
15 models for the primary purpose of production of income, except when the
16 real property is rented or held out for rent for seasonal recreational
17 purposes only and is not intended for year-round occupancy.

18 (4) "Landlord" means the owner of a mobile home park and includes
19 the agents of a landlord.

20 (5) "Tenant" means any person, except a transient, who rents a
21 mobile home lot.

22 NEW SECTION. **Sec. 3.** (1) Prior to notifying the department of an
23 alleged violation of chapter 59.20 RCW, the complaining party must
24 provide written notice to the opposing party as provided for under RCW
25 59.20.150. If the complaint is not remedied within a reasonable amount
26 of time under RCW 59.20.200, the complaining party may then ask the
27 department to investigate the alleged violation.

28 (2) Upon receiving complaints alleging violations of chapter 59.20
29 RCW by either landlords or tenants, the department may investigate the
30 alleged violations and issue citations.

31 (3) If after an investigation the department finds a violation of
32 chapter 59.20 RCW, the department may deliver a citation to the
33 landlord or tenant who has committed the violation either by certified
34 mail or in person. The citation must specify the violation, the
35 corrective action to be taken, the time within which the corrective

1 action must be taken, the penalties that will result if corrective
2 action is not taken within the specified time period, and the process
3 for contesting the citation.

4 (4) Citations for all violations may be contested through an
5 administrative hearing under chapter 34.05 RCW. The director may
6 appoint a presiding officer or authorize the office of administrative
7 hearings as provided in chapter 34.12 RCW to conduct hearings. If the
8 director decides, after a hearing under this subsection, that the
9 evidence supports the accusation by a preponderance of evidence, the
10 director shall enter an order to that effect and shall file the order
11 in his or her office and immediately mail a copy to the affected party.
12 The affected party may appeal the director's decision as provided in
13 chapter 34.05 RCW.

14 (a) In order to obtain a hearing a landlord or tenant must, within
15 fifteen days of receiving a citation from the department, request a
16 hearing. If a hearing is not requested within this time period, the
17 citation constitutes a final order of the department and is not subject
18 to review by any court or agency.

19 (b) For violations deemed by the department to be imminently
20 hazardous to life, the department shall follow procedures for emergency
21 adjudicative proceedings as provided in RCW 34.05.479.

22 (5) For violations that are imminently hazardous to life,
23 corrective action must take place within twenty-four hours of the
24 receipt of the department's citation. For all other violations,
25 corrective action must take place within twenty days of the receipt of
26 the department's citation.

27 (6) If a landlord or tenant fails to take corrective action within
28 the required time period and the department has not received a timely
29 request for an administrative hearing, the department may impose a fine
30 of up to five thousand dollars per violation, for every day that the
31 violation remains uncorrected. The department shall establish written
32 guidelines for issuing fines. The department must consider aggravating
33 or mitigating circumstances in assessing any fine.

34 (7) Upon application by a landlord or tenant showing that a good
35 faith effort to comply with the corrective action requirements of the
36 citation has been made and that the corrective action has not been
37 completed because of factors beyond the landlord's or tenant's control,

1 the department may extend the time period in which corrective action
2 must be taken before fines are imposed.

3 (8) When payment of a fine is required as a result of a landlord or
4 tenant not complying with corrective action requirements and timely
5 payment is not made as directed in the final order of the director, the
6 director may enforce the order for payment in the superior court in the
7 county in which the mobile home park/manufactured housing community is
8 located. In any action for enforcement of an order for payment of a
9 fine, the director's order is conclusive proof of the validity of the
10 order of a fine and the terms of payment.

11 (9) The office may issue an order requiring the mobile home park/
12 manufactured housing community owner, or its assignee or agent, to
13 cease and desist from an unlawful practice and take those affirmative
14 actions that in the judgment of the office will carry out the purposes
15 of this chapter. The affirmative actions may include the following:

16 (a) Refunds of rent increases, improper fees, charges, and
17 assessments collected in violation of this chapter;

18 (b) Filing and utilization of documents that correct a statutory or
19 rule violation; and

20 (c) Reasonable action necessary to correct a statutory or rule
21 violation.

22 (10) This section does not limit the right of landlords or tenants
23 to take legal action against another party as provided in chapter 59.20
24 RCW.

25 NEW SECTION. **Sec. 4.** The department has the power to:

26 (1) Issue subpoenas and administer oaths in connection with any
27 investigation, hearing, or proceeding held under this chapter;

28 (2) Take or cause depositions to be taken and use other discovery
29 procedures as needed in an investigation, hearing, or proceeding held
30 under this chapter;

31 (3) Compel attendance of witnesses at hearings;

32 (4) Designate individuals authorized to sign subpoenas and
33 citations; and

34 (5) Employ investigative, administrative, and clerical staff as
35 necessary for enforcement of this chapter.

1 NEW SECTION. **Sec. 5.** The director or individuals acting on the
2 director's behalf are immune from suit in any action, civil or
3 criminal, based upon any disciplinary actions or other official acts
4 performed in the course of their duties under this chapter.

5 NEW SECTION. **Sec. 6.** (1) Landlords and tenants shall cooperate
6 with the department in the course of an investigation by:

7 (a) Furnishing any papers or documents requested;

8 (b) Furnishing in writing an explanation covering the matter
9 contained in a complaint when requested by the department;

10 (c) Allowing authorized access to department representatives for
11 inspection of mobile home parks/manufactured housing community
12 facilities relevant to the alleged violation being investigated; or

13 (d) Responding to subpoenas issued by the department.

14 (2) Failure to cooperate with the department in the course of an
15 investigation is a violation of this chapter.

16 NEW SECTION. **Sec. 7.** (1) All mobile home parks and manufactured
17 housing communities must be registered with the department.

18 (2) To apply for registration, the owner of a mobile home
19 park/manufactured housing community must file with the department an
20 application for registration on a form prescribed by the department.
21 The department may adopt rules to prescribe the contents of the
22 application. The application must include, but is not limited to:

23 (a) The name and address of the mobile home park/manufactured
24 housing community owner;

25 (b) The name and address of the mobile home park/manufactured
26 housing community manager; and

27 (c) The number of lots within the mobile home park/manufactured
28 housing community that are subject to chapter 59.20 RCW.

29 (3) Certificates of registration are effective on the date issued
30 by the department. The department shall assign an expiration date and
31 the registration must be renewed annually.

32 NEW SECTION. **Sec. 8.** By July 1, 2005, the department must:

33 (1) Compile the most accurate list possible of all the mobile home
34 park/manufactured housing communities in the state, the number of lots
35 subject to chapter 59.20 RCW located in each mobile home

1 park/manufactured housing community, and the names and addresses of the
2 owners of these parks. The department is encouraged to work with
3 groups including, but not limited to: The office of community
4 development, mobile home owners' associations, tenant advocacy groups,
5 park owners' associations, and county assessors to generate the list;

6 (2) Send out notifications to all known mobile home
7 park/manufactured housing community owners that the first annual fees
8 pursuant to section 10 of this act are due. These notifications must
9 include information about late fees, liens, and passing costs on to
10 tenants; and

11 (3) Collect the first annual fees due from all mobile home
12 park/manufactured housing community owners, and allow ninety days to
13 pass during which late fees and lien notices are sent to noncomplying
14 mobile home park owners as provided in this chapter.

15 NEW SECTION. **Sec. 9.** By January 1, 2006, the department must have
16 properly trained employees in place to administer this chapter. The
17 department is encouraged to work with persons who have knowledge of
18 manufactured/mobile home landlord-tenant disputes to properly train its
19 employees to implement this chapter. These knowledgeable persons may
20 be employees of the office of community development or employees of
21 other states' manufactured housing divisions, when those states have a
22 similar model of manufactured/mobile home landlord-tenant dispute
23 resolution.

24 NEW SECTION. **Sec. 10.** (1) Each owner of a mobile home
25 park/manufactured housing community shall pay to the department an
26 annual registration fee to fund the costs associated with administering
27 this chapter. The fee must be determined annually by the department,
28 and may not exceed ten dollars for each lot within a park that is
29 subject to chapter 59.20 RCW. Mobile home park/manufactured housing
30 community owners may pass on no more than one-half the cost of this fee
31 to tenants. The first annual fees must be collected by July 1, 2005.

32 (2) If an owner fails to pay the annual fee before the registration
33 expiration date, a penalty fee as determined by the director by rule
34 shall be assessed. The owner is not entitled to any reimbursement of
35 this penalty from his or her tenants.

1 (3) If an owner fails to pay the required fees within ninety days
2 of the registration expiration date, the amount due under this section
3 becomes a lien in favor of the state upon the owner's property. The
4 lien is superior to all other liens and encumbrances except general
5 taxes and local and special assessments, and bears interest computed
6 monthly and compounded annually at a rate of eight percent.

7 (4) The department may adopt fees by rule to cover the costs of
8 administering this chapter in addition to the annual registration fees
9 in this section.

10 NEW SECTION. **Sec. 11.** The manufactured/mobile home investigations
11 account is created in the custody of the state treasurer. All receipts
12 from the imposition of fines for violations of chapter 59.20 RCW and
13 the fees collected under sections 3 and 10 of this act must be
14 deposited into the account. Expenditures from the account may be used
15 only for the costs associated with administering this chapter. Only
16 the director or the director's designee may authorize expenditures from
17 the account. The account is subject to allotment procedures under
18 chapter 43.88 RCW, but an appropriation is not required for
19 expenditures.

20 **Sec. 12.** RCW 59.22.050 and 1991 c 327 s 3 are each amended to read
21 as follows:

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

27 This office will (~~provide an ombudsman service to mobile home park~~
28 ~~owners and mobile home tenants with respect to problems and disputes~~
29 ~~between park owners and park residents and to~~) provide technical
30 assistance to resident organizations or persons in the process of
31 forming a resident organization pursuant to chapter 59.22 RCW. The
32 office will keep records of its activities in this area.

33 (2) The office shall perform all the consumer complaint and related
34 functions of the state administrative agency that are required for
35 purposes of complying with the regulations established by the federal

1 department of housing and urban development for manufactured housing,
2 including the preparation and submission of the state administrative
3 plan.

4 (3) The office shall administer the mobile home relocation
5 assistance program established in chapter 59.21 RCW, including
6 verifying the eligibility of tenants for relocation assistance.

7 NEW SECTION. **Sec. 13.** Sections 1, 2, 4 through 6, and 8 through
8 11 of this act take effect August 1, 2004. Sections 3, 7, and 12 of
9 this act take effect January 1, 2006.

10 NEW SECTION. **Sec. 14.** Sections 1 through 11 of this act
11 constitute a new chapter in Title 59 RCW.

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