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SENATE BILL 5068

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State of Washington

58th Legislature

2003 Regular Session

By Senator Prentice

Read first time 01/14/2003. Referred to Committee on Financial Services, Insurance & Housing.

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 taking legal  
6 action against a landlord or tenant for violations of the  
7 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.

10 (2) Therefore, it is the intent of the legislature to provide a  
11 less costly and lengthy way for manufactured/mobile home landlords and  
12 tenants to resolve disputes, and to provide a mechanism for state  
13 authorities to quickly locate managers and owners of manufactured  
14 housing communities. The legislature further intends to authorize the  
15 department of licensing to register manufactured housing community  
16 managers, conduct investigations, issue citations, and impose fines for  
17 violations of the manufactured/mobile home landlord-tenant act.

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

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

4        (2) "Manufactured housing community" has the same meaning as in RCW  
5 59.20.030.

6        (3) "Manufactured housing community manager" means a person who  
7 performs manufactured housing community management duties and does not  
8 include resident owners of manufactured housing communities who perform  
9 management duties.

10       NEW SECTION.    **Sec. 3.** (1) Upon receiving complaints alleging  
11 violations of chapter 59.20 RCW by either landlords or tenants, the  
12 department may investigate the alleged violations and issue citations.

13        (2) If after an investigation the department finds a violation of  
14 chapter 59.20 RCW, the department must deliver a citation to the person  
15 who has committed the violation either by certified mail or in person.  
16 The citation must specify the violation, the corrective action to be  
17 taken, the time within which the corrective action must be taken, the  
18 penalties that will result if corrective action is not taken within the  
19 specified time period, and the process for contesting the citation  
20 through a hearing.

21        (3) Citations for all violations other than those deemed imminently  
22 life-threatening may be contested through an administrative hearing  
23 under chapter 34.05 RCW. In order to obtain a hearing a person must,  
24 within fifteen days of receiving a citation from the department,  
25 request that the department conduct a hearing. If a hearing is not  
26 requested within this time period, the citation constitutes a final  
27 order of the department and is not subject to review by any court or  
28 agency. If an administrative law judge decides that a person has  
29 violated chapter 59.20 RCW, that person shall pay for the cost incurred  
30 by the department in conducting the hearing.

31        (4) For violations that are imminently life-threatening, corrective  
32 action must take place within twenty-four hours of the receipt of the  
33 department's citation. For all other violations, corrective action  
34 must take place within fifteen days of the receipt of the department's  
35 citation.

36        (5) If a person fails to take corrective action within the required  
37 time period and the department has not received a timely request for an

1 administrative hearing, the department may impose a fine for every day  
2 that the violation remains uncorrected. The department shall establish  
3 a schedule of fines by rule.

4 (6) Upon application by a person showing that a good faith effort  
5 to comply with the corrective action requirements of the citation has  
6 been made and that the corrective action has not been completed because  
7 of factors beyond the person's control, the department may extend the  
8 time period in which corrective action must be taken before fines are  
9 imposed.

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

13 NEW SECTION. **Sec. 4.** (1) A person cannot be a manager of a  
14 manufactured housing community consisting of more than twenty-five lots  
15 until a certificate of registration certifying him or her as a  
16 manufactured housing community manager has been issued by the  
17 department.

18 (2) A corporation, partnership, trust, association, sole  
19 proprietor, or other like organization may own or operate a  
20 manufactured housing community or engage in the business of  
21 manufactured housing community management without being certified if it  
22 employs, retains, or contracts with certified natural persons who are  
23 registered manufactured housing community managers subject to this  
24 chapter.

25 NEW SECTION. **Sec. 5.** (1) To apply for registration an applicant  
26 must file with the department an application for registration on a form  
27 prescribed by the department. The department may adopt rules to  
28 prescribe the contents of the application. The application must  
29 include, but is not limited to:

30 (a) The name and address of the manufactured housing community  
31 owner;

32 (b) The name and address of the manufactured housing community  
33 manager; and

34 (c) The number of lots within the manufactured housing community  
35 that are subject to chapter 59.20 RCW.

1 (2) Certificates of registration are effective on the date issued  
2 by the department and must be renewed annually.

3 (3) The department may adopt fees to cover the administrative costs  
4 of park manager registration.

5 NEW SECTION. **Sec. 6.** (1) By July 1, 2004, the department must:

6 (a) Compile the most accurate list possible of all the manufactured  
7 housing communities in the state, the number of lots subject to chapter  
8 59.20 RCW located in each manufactured housing community, and the names  
9 and addresses of the owners of these parks. The department is  
10 encouraged to work with groups including, but not limited to: The  
11 office of community development, mobile home owners' associations,  
12 tenant advocacy groups, park owners' associations, and county assessors  
13 to generate the list. The list must be updated annually;

14 (b) Send out notifications to all known manufactured housing  
15 community owners that the first annual fees pursuant to section 9 of  
16 this act are due. These notifications must include information about  
17 late fees, liens, and passing costs on to tenants; and

18 (c) Collect the first annual fees due from all park owners, and  
19 allow sixty days to pass during which late fees and lien notices are  
20 sent to noncomplying mobile home park owners as provided in this  
21 chapter.

22 (2) Fees pursuant to section 9 of this act must be collected by the  
23 department on an annual basis thereafter.

24 NEW SECTION. **Sec. 7.** By January 1, 2005, the department must have  
25 properly trained employees in place to administer this chapter. The  
26 department is encouraged to work with persons who have knowledge of  
27 manufactured/mobile home landlord-tenant disputes to properly train its  
28 employees to implement this chapter. These knowledgeable persons may  
29 be employees of the office of community development or employees of  
30 other states' manufactured housing divisions, when those states have a  
31 similar model of manufactured/mobile home landlord-tenant dispute  
32 resolution.

33 NEW SECTION. **Sec. 8.** The manufactured/mobile home investigations  
34 account is created in the custody of the state treasurer. All receipts  
35 from the imposition of fines for violations of chapter 59.20 RCW and

1 the fees collected under sections 3 and 9 of this act must be deposited  
2 into the account. Expenditures from the account may be used only for  
3 the administrative costs associated with administering this chapter.  
4 Only the director or the director's designee may authorize expenditures  
5 from the account. The account is subject to allotment procedures under  
6 chapter 43.88 RCW, but an appropriation is not required for  
7 expenditures.

8 NEW SECTION. **Sec. 9.** (1) Each owner of a mobile home park shall  
9 pay to the department an annual registration fee to fund the  
10 administrative costs of the investigation of violations of the  
11 manufactured/mobile home landlord-tenant act as provided in this  
12 chapter. The fee must be determined annually by the department, and  
13 may not exceed ten dollars for each lot within a park that is subject  
14 to chapter 59.20 RCW. Park owners may pass on the cost of this fee to  
15 tenants. The first annual fees must be collected at a date determined  
16 by the department, but no later than July 1, 2004, as provided in  
17 section 6 of this act.

18 (2) If an owner fails to pay the fee within thirty days after  
19 receiving written notice of the amount due, a penalty of fifty percent  
20 of the amount of the fee is added to the amount due. The owner is not  
21 entitled to any reimbursement of this penalty from his or her tenants.

22 (3) If an owner fails to pay the required fees within sixty days  
23 after receiving written notice of the amount due:

24 (a) The amount due under this section becomes a lien in favor of  
25 the state upon the owner's property. The lien is superior to all other  
26 liens and encumbrances except general taxes and local and special  
27 assessments, and bears interest computed monthly and compounded  
28 annually at a rate of eight percent; or

29 (b) Tenants may voluntarily submit their lot fees to the  
30 department.

31 (4) All fees collected by the department under subsection (1) of  
32 this section must be deposited into the manufactured/mobile home  
33 investigations account.

34 **Sec. 10.** RCW 59.22.050 and 1991 c 327 s 3 are each amended to read  
35 as follows:

36 (1) In order to provide general assistance to mobile home resident

1 organizations, park owners, and landlords and tenants, the department  
2 shall establish an office of mobile home affairs which will serve as  
3 the coordinating office within state government for matters relating to  
4 mobile homes or manufactured housing.

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

11 (2) The office shall perform all the consumer complaint and related  
12 functions of the state administrative agency that are required for  
13 purposes of complying with the regulations established by the federal  
14 department of housing and urban development for manufactured housing,  
15 including the preparation and submission of the state administrative  
16 plan.

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

20 NEW SECTION. **Sec. 11.** The office of community development is  
21 directed to work with the department of licensing in order to  
22 facilitate an orderly transition from the mobile home park ombudsman  
23 program to the registration and enforcement system created by this  
24 chapter.

25 NEW SECTION. **Sec. 12.** Sections 1, 2, 5 through 9, and 11 of this  
26 act take effect August 1, 2003. Sections 3, 4, and 10 of this act take  
27 effect January 1, 2005.

28 NEW SECTION. **Sec. 13.** Sections 1 through 9 and 11 of this act  
29 constitute a new chapter in Title 59 RCW.

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