
SUBSTITUTE SENATE BILL 5780

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Eide, Kastama, Kauffman, Kilmer, Jacobsen, Rockefeller and Rasmussen)

READ FIRST TIME 02/26/07.

1 AN ACT Relating to the preservation of manufactured/mobile home
2 communities by providing a tax exemption; adding a new section to
3 chapter 82.45 RCW; adding a new chapter to Title 59 RCW; and repealing
4 RCW 59.23.005, 59.23.010, 59.23.015, 59.23.020, 59.23.025, 59.23.030,
5 59.23.035, and 59.23.040.

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

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

8 (a) Manufactured/mobile home communities provide a significant
9 source of homeownership opportunities for Washington residents.
10 However, the increasing closure and conversion of manufactured/mobile
11 home communities to other uses, combined with increasing
12 manufactured/mobile home lot rents, low vacancy rates in existing
13 manufactured/mobile home communities, and the extremely high cost of
14 moving homes when manufactured/mobile home communities close,
15 increasingly make manufactured/mobile home community living insecure
16 for manufactured/mobile home tenants.

17 (b) The preservation of manufactured/mobile home communities is a
18 more economical alternative than providing new replacement housing

1 units for tenants who are displaced from closing manufactured/mobile
2 home communities.

3 (2) It is the intent of the legislature to encourage and facilitate
4 the preservation of existing manufactured/mobile home communities in
5 the event of voluntary sales of manufactured/mobile home communities
6 and, to the extent necessary and possible, to involve
7 manufactured/mobile home community tenants or an eligible organization
8 representing tenants in the preservation of manufactured/mobile home
9 communities.

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

12 (1) "Eligible organization" includes local governments, local
13 housing authorities, nonprofit community or neighborhood-based
14 organizations, federally recognized Indian tribes in the state of
15 Washington, and regional or statewide nonprofit housing assistance
16 organizations.

17 (2) "Housing authority" or "authority" means any of the public body
18 corporate and politic created in RCW 35.82.030.

19 (3) "Local government" means a town government, city government,
20 code city government, or county government in the state of Washington.

21 (4) "Manufactured home" means a single-family dwelling built
22 according to the United States department of housing and urban
23 development manufactured home construction and safety standards act,
24 which is a national preemptive building code. A manufactured home
25 also: (a) Includes plumbing, heating, air conditioning, and electrical
26 systems; (b) is built on a permanent chassis; and (c) can be
27 transported in one or more sections with each section at least eight
28 feet wide and forty feet long when transported, or when installed on
29 the site is three hundred twenty square feet or greater.

30 (5) "Mobile home" means a factory-built dwelling built before June
31 15, 1976, to standards other than the United States department of
32 housing and urban development code, and acceptable under applicable
33 state codes in effect at the time of construction or introduction of
34 the home into the state. Mobile homes have not been built since the
35 introduction of the United States department of housing and urban
36 development manufactured home construction and safety act.

1 (6) "Manufactured/mobile home" means either a manufactured home or
2 a mobile home.

3 (7) "Manufactured/mobile home community" means any real property
4 that is rented or held out for rent to others for the placement of two
5 or more manufactured/mobile homes or park models for the primary
6 purpose of production of income, except where the real property is
7 rented or held out for rent for seasonal recreational purpose only and
8 is not intended for year-round occupancy.

9 (8) "Qualified tenant organization" means a formal organization of
10 tenants within a manufactured/mobile home community, with the only
11 requirement for membership consisting of being a tenant.

12 (9) "Qualified sale of a manufactured/mobile home community" means
13 the sale of land and improvements comprising a manufactured/mobile home
14 community that is transferred in a single purchase to a qualified
15 tenant organization or to an eligible organization representing the
16 tenants.

17 (10) "Sale" has the same meaning as in RCW 82.45.010.

18 (11) "Tenant" means a person who rents a manufactured/mobile home
19 lot for a term of one month or longer and owns the manufactured/mobile
20 home on the lot.

21 NEW SECTION. **Sec. 3.** A qualified sale of a manufactured/mobile
22 home community is exempt from the excise tax imposed under chapter
23 82.45 RCW, as provided for in section 4 of this act.

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.45 RCW
25 to read as follows:

26 (1) A qualified sale of a manufactured/mobile home community as
27 described in section 3 of this act is exempt from tax under this
28 chapter.

29 (2) The department shall establish by rule a process to determine
30 whether such a sale is exempt from tax under this chapter.

31 NEW SECTION. **Sec. 5.** The following acts or parts of acts are each
32 repealed:

33 (1) RCW 59.23.005 (Findings--Intent) and 1993 c 66 s 1;

34 (2) RCW 59.23.010 (Obligation of good faith) and 1993 c 66 s 2;

1 (3) RCW 59.23.015 (Application of chapter--Definition of "notice")
2 and 1993 c 66 s 3;

3 (4) RCW 59.23.020 (Definitions) and 1993 c 66 s 4;

4 (5) RCW 59.23.025 (Notice to qualified tenant organization of sale
5 of mobile home park--Time frame for negotiations--Terms--Transfer or
6 sale to relatives) and 1993 c 66 s 5;

7 (6) RCW 59.23.030 (Improper notice by mobile home park owner--Sale
8 may be set aside--Attorneys' fees) and 1993 c 66 s 6;

9 (7) RCW 59.23.035 (Notice to mobile home park owner of sale of
10 tenant's mobile home--Time frame for negotiations--Terms--Transfer or
11 sale to relatives) and 1993 c 66 s 7; and

12 (8) RCW 59.23.040 (Improper notice by mobile home owner--Sale may
13 be set aside--Attorneys' fees) and 1993 c 66 s 8.

14 NEW SECTION. **Sec. 6.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 7.** Sections 1 through 3 of this act constitute
19 a new chapter in Title 59 RCW.

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