

SENATE BILL REPORT

SB 5448

As Reported by Senate Committee On:
Financial Institutions, Housing & Insurance, February 16, 2011

Title: An act relating to conforming certain manufactured/mobile home dispute resolution program definitions with certain manufactured/mobile home landlord-tenant act definitions.

Brief Description: Conforming certain manufactured/mobile home dispute resolution program definitions with certain manufactured/mobile home landlord-tenant act definitions.

Sponsors: Senators Schoesler and Shin.

Brief History:

Committee Activity: Financial Institutions, Housing & Insurance: 2/08/11, 2/16/11 [DPS].

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

Majority Report: That Substitute Senate Bill No. 5448 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton, Ranking Minority Member; Fain, Haugen, Keiser and Litzow.

Staff: Edward Redmond (786-7471)

Background: Manufactured/mobile home communities are governed by the Manufactured/Mobile Home Landlord-Tenant Act (Act). The Act outlines the rights and responsibilities of manufactured/mobile home landlords and tenants as well as defines various terms. A Recreational Vehicle (R.V.), for example, is defined as a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot. Whereas a park model is defined as a recreational vehicle intended for permanent or semi-permanent installation and is used as a primary residence.

Being defined as either a park model or R.V. has legal significance in terms of the governing laws applicable to landlords and tenants. Eviction of park models, for instance, is governed by the Act; however, eviction of R.V.s not used as a primary residence is governed by the law on forcible entry and unlawful detainer, and the Residential Landlord-Tenant Act.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Manufactured Housing Dispute Resolution Program (Program) was enacted by the Legislature in 2007 to provide a low cost and efficient dispute resolution process for landlords and homeowners. The Attorney General is authorized to administer the Program and resolve disputes regarding alleged violations of the Act. Numerous terms defined under the Act are also similarly defined under the Program. The definition of R.V., however, differs. Under the Program, R.V. is defined as a travel trailer, motor home, truck camper, or camping trailer that is primarily used as a permanent residence located in a mobile home park or manufactured housing community.

Summary of Bill (Recommended Substitute): The current definition of R.V. used in the Program is changed to the definition used under the Act. An R.V. is defined as a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot.

Being defined as an R.V. has the following legal significance: An owner of an R.V. is prohibited from using the Program to resolve a landlord-tenant dispute because the Program is only available to homeowners including owners of park models. An R.V. owner, therefore, needs to commence a lawsuit at the district or superior court to resolve a landlord-tenant dispute.

The definition of park model used in the Program and Act is amended. A park model is defined as an R.V. that is used as a primary residence.

EFFECT OF CHANGES MADE BY FINANCIAL INSTITUTIONS, HOUSING & INSURANCE COMMITTEE (Recommended Substitute): The definition of park model is amended under the Act and Program. A technical correction is made to remove redundancy in the use of terms resulting from the amended park model definition.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This is a technical correction bill. Currently, there is a dispute resolution program in the Attorney General's Office that enforces the Mobile Home Landlord-Tenant Act. It is paid for by a \$10-per-lot fee that is owed by the park owner; the park owner can go back and collect \$5 from the tenants. The definition of manufactured housing community in RCW 59.30 includes two or more recreational vehicles. This differs from the definition in RCW 59.20, which does not make a mobile home park two or more recreational vehicles. Consequently, the Attorney General in the Dispute Resolution Program is enforcing the Mobile Home Landlord-Tenant Act in R.V. parks. Additionally, the Attorney General is collecting the \$10 fee from R.V. parks, which amounts to approximately \$650,000 per year in total collections. R.V. parks are not mobile

home parks; the Dispute Resolution Program was enacted to enforce the Mobile Home Landlord-Tenant Act.

Persons Testifying: PRO: John Woodring, Manufactured Housing Communities of Washington; Robert Cochran, Contempo Mobile Home Park.