

HB 2610 - H AMD 1282

By Representative Duerr

ADOPTED 02/16/2020

1 Strike everything after the enacting clause and insert the
2 following:

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

4 (a) It is the policy of this state to encourage affordable
5 housing ownership, including manufactured/mobile home community
6 living.

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

16 (c) Many tenants who reside in manufactured/mobile home
17 communities are part of low-income households and senior citizens and
18 are, therefore, those residents most in need of reasonable security
19 in the siting of their manufactured/mobile homes because such tenants
20 experience adverse impacts on their health, safety, and welfare when
21 forced to move due to closure, change of use, or discontinuance of
22 manufactured/mobile home communities.

23 (2) It is the intent of the legislature to encourage and
24 facilitate the preservation of existing manufactured/mobile home
25 communities in the event of voluntary sales of manufactured/mobile
26 home communities and, to the extent necessary and possible, involve
27 manufactured/mobile home community tenants or an eligible
28 organization, such as a nonprofit organization, housing authority,
29 community land trust, resident nonprofit cooperative, or local
30 government, in the preservation of manufactured/mobile home
31 communities.

1 **Sec. 2.** RCW 59.20.030 and 2019 c 342 s 1 and 2019 c 23 s 4 are
2 each reenacted and amended to read as follows:

3 For purposes of this chapter:

4 (1) "Abandoned" as it relates to a mobile home, manufactured
5 home, or park model owned by a tenant in a mobile home park, mobile
6 home park cooperative, or mobile home park subdivision or tenancy in
7 a mobile home lot means the tenant has defaulted in rent and by
8 absence and by words or actions reasonably indicates the intention
9 not to continue tenancy;

10 (2) "Active duty" means service authorized by the president of
11 the United States, the secretary of defense, or the governor for a
12 period of more than thirty consecutive days;

13 (3) "Eligible organization" includes community land trusts,
14 resident nonprofit cooperatives, local governments, local housing
15 authorities, nonprofit community or neighborhood-based organizations,
16 federally recognized Indian tribes in the state of Washington, and
17 regional or statewide nonprofit housing assistance organizations;

18 (4) "Housing and low-income assistance organization" means an
19 organization that provides tenants living in mobile home parks,
20 manufactured housing communities, and manufactured/mobile home
21 communities with information about their rights and other pertinent
22 information;

23 (5) "Housing authority" or "authority" means any of the public
24 body corporate and politic created in RCW 35.82.030;

25 (6) "Landlord" means the owner of a mobile home park and includes
26 the agents of a landlord;

27 (7) "Local government" means a town government, city government,
28 code city government, or county government in the state of
29 Washington;

30 (8) "Manufactured home" means a single-family dwelling built
31 according to the United States department of housing and urban
32 development manufactured home construction and safety standards act,
33 which is a national preemptive building code. A manufactured home
34 also: (a) Includes plumbing, heating, air conditioning, and
35 electrical systems; (b) is built on a permanent chassis; and (c) can
36 be transported in one or more sections with each section at least
37 eight feet wide and forty feet long when transported, or when
38 installed on the site is three hundred twenty square feet or greater;

39 (9) "Manufactured/mobile home" means either a manufactured home
40 or a mobile home;

1 (10) "Mobile home" means a factory-built dwelling built prior to
2 June 15, 1976, to standards other than the United States department
3 of housing and urban development code, and acceptable under
4 applicable state codes in effect at the time of construction or
5 introduction of the home into the state. Mobile homes have not been
6 built since the introduction of the United States department of
7 housing and urban development manufactured home construction and
8 safety act;

9 (11) "Mobile home lot" means a portion of a mobile home park or
10 manufactured housing community designated as the location of one
11 mobile home, manufactured home, or park model and its accessory
12 buildings, and intended for the exclusive use as a primary residence
13 by the occupants of that mobile home, manufactured home, or park
14 model;

15 (12) "Mobile home park cooperative" or "manufactured housing
16 cooperative" means real property consisting of common areas and two
17 or more lots held out for placement of mobile homes, manufactured
18 homes, or park models in which both the individual lots and the
19 common areas are owned by an association of shareholders which leases
20 or otherwise extends the right to occupy individual lots to its own
21 members;

22 (13) "Mobile home park subdivision" or "manufactured housing
23 subdivision" means real property, whether it is called a subdivision,
24 condominium, or planned unit development, consisting of common areas
25 and two or more lots held for placement of mobile homes, manufactured
26 homes, or park models in which there is private ownership of the
27 individual lots and common, undivided ownership of the common areas
28 by owners of the individual lots;

29 (14) "Mobile home park," "manufactured housing community," or
30 "manufactured/mobile home community" means any real property which is
31 rented or held out for rent to others for the placement of two or
32 more mobile homes, manufactured homes, or park models for the primary
33 purpose of production of income, except where such real property is
34 rented or held out for rent for seasonal recreational purpose only
35 and is not intended for year-round occupancy;

36 (15) "Notice of sale" means a notice required under RCW 59.20.300
37 to be delivered to all tenants of a manufactured/mobile home
38 community and other specified parties within fourteen days after the
39 date on which any advertisement, (~~multiple~~) listing, or public
40 notice (~~advertises~~) is first made advertising that a manufactured/

1 mobile home community or the property on which it sits is for sale or
2 lease;

3 (16) "Occupant" means any person, including a live-in care
4 provider, other than a tenant, who occupies a mobile home,
5 manufactured home, or park model and mobile home lot;

6 (17) "Orders" means written official military orders, or any
7 written notification, certification, or verification from the service
8 member's commanding officer, with respect to the service member's
9 current or future military status;

10 (18) "Park model" means a recreational vehicle intended for
11 permanent or semi-permanent installation and is used as a primary
12 residence;

13 (19) "Permanent change of station" means: (a) Transfer to a unit
14 located at another port or duty station; (b) change of a unit's home
15 port or permanent duty station; (c) call to active duty for a period
16 not less than ninety days; (d) separation; or (e) retirement;

17 (20) "Qualified sale of manufactured/mobile home community" means
18 the sale, as defined in RCW 82.45.010, of land and improvements
19 comprising a manufactured/mobile home community that is transferred
20 in a single purchase to a qualified tenant organization or to an
21 eligible organization for the purpose of preserving the property as a
22 manufactured/mobile home community;

23 (21) "Qualified tenant organization" means a formal organization
24 of tenants within a manufactured/mobile home community, with the only
25 requirement for membership consisting of being a tenant;

26 (22) "Recreational vehicle" means a travel trailer, motor home,
27 truck camper, or camping trailer that is primarily designed and used
28 as temporary living quarters, is either self-propelled or mounted on
29 or drawn by another vehicle, is transient, is not occupied as a
30 primary residence, and is not immobilized or permanently affixed to a
31 mobile home lot;

32 (23) "Service member" means an active member of the United States
33 armed forces, a member of a military reserve component, or a member
34 of the national guard who is either stationed in or a resident of
35 Washington state;

36 (24) "Tenant" means any person, except a transient, who rents a
37 mobile home lot;

38 (25) "Transient" means a person who rents a mobile home lot for a
39 period of less than one month for purposes other than as a primary
40 residence;

1 (26) "Notice of opportunity to purchase" means a notice required
2 under section 4 of this act;

3 (27) "Resident nonprofit cooperative" means a nonprofit
4 cooperative corporation formed by a group of manufactured/mobile home
5 community residents for the purpose of acquiring the manufactured/
6 mobile home community in which they reside and converting the
7 manufactured/mobile home community to a mobile home park cooperative
8 or manufactured housing cooperative.

9 **Sec. 3.** RCW 59.20.300 and 2011 c 158 s 5 are each amended to
10 read as follows:

11 (1) A landlord must provide a written notice of sale of a
12 manufactured/mobile home community by certified mail or personal
13 delivery to:

- 14 (a) Each tenant of the manufactured/mobile home community;
- 15 (b) The officers of any known qualified tenant organization;
- 16 (c) The office of mobile/manufactured home relocation assistance;
- 17 (d) The local government within whose jurisdiction all or part of
- 18 the manufactured/mobile home community exists;
- 19 (e) The housing authority within whose jurisdiction all or part
- 20 of the manufactured/mobile home community exists; and
- 21 (f) The Washington state housing finance commission.

22 (2) A notice of sale must include:
23 (a) A statement that the landlord intends to sell or lease the
24 manufactured/mobile home community or the property on which it sits;
25 and

26 (b) The contact information of the landlord or landlord's agent
27 who is responsible for communicating with the qualified tenant
28 organization, tenants, or eligible organization regarding the sale of
29 the property.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 59.20
31 RCW to read as follows:

32 (1) Except as provided in subsection (5) of this section, a
33 landlord must provide a written notice of opportunity to purchase a
34 manufactured/mobile home community by certified mail or personal
35 delivery to each tenant and to the department of commerce and the
36 housing finance commission within fourteen days after the date on
37 which any advertisement, listing, or public notice is first made that

1 the manufactured/mobile home community, or property on which it sits,
2 is for sale or lease.

3 (2) The notice of opportunity to purchase required under this
4 section is in addition to the notice of sale required pursuant to RCW
5 59.20.300.

6 (3) Notice by certified mail postmarked within the requisite
7 number of days is deemed to comply with the requirements of this
8 section.

9 (4) A notice of opportunity to purchase must include:

10 (a) A statement that the landlord intends to sell or lease the
11 manufactured/mobile home community or the property on which it sits;

12 (b) A statement that:

13 (i) Qualified tenant organizations and eligible organizations
14 have forty-five days from the date on which the notice of opportunity
15 to purchase was personally delivered or postmarked to provide the
16 landlord with notice of intent to consider purchasing or leasing the
17 manufactured/mobile home park, during which time the landlord shall
18 not make a final acceptance of an offer to purchase or lease the
19 park; and

20 (ii) If such notice of intent is provided to the landlord within
21 forty-five days, the landlord shall not make a final unconditional
22 acceptance of an offer to purchase or lease the park from a person or
23 entity other than a qualified tenant organization or eligible
24 organization for an additional ninety days;

25 (c) A signed affidavit that discloses the advertised or listed
26 selling price; and

27 (d) The contact information for the landlord or landlord's agent
28 who is responsible for communicating with the tenants, qualified
29 tenant organization, or eligible organization regarding an
30 opportunity to make an offer for the sale of the property.

31 (5) A notice of opportunity to purchase is not required with
32 respect to a sale, transfer, conveyance, or lease of the
33 manufactured/mobile home community or the property on which it sits
34 if the transaction is:

35 (a) Due to foreclosure;

36 (b) Incidental to financing the park;

37 (c) Pursuant to eminent domain;

38 (d) Pursuant to a tax sale;

39 (e) Between joint tenants or tenants in common;

- 1 (f) Among the partners or shareholders who own the manufactured/
2 mobile home community; or
3 (g) To a member of the owner's family or to a trust for the sole
4 benefit of members of the owner's family.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 59.20
6 RCW to read as follows:

7 (1) If, within forty-five days after the date on which a notice
8 of opportunity to purchase was personally delivered or postmarked,
9 the landlord receives notice from a qualified tenant organization or
10 eligible organization expressing an intent to consider purchasing or
11 leasing the manufactured/mobile home community, the landlord shall
12 not make a final unconditional acceptance of an offer to purchase or
13 lease the park from a person or entity other than a qualified tenant
14 organization or eligible organization for an additional ninety days.

15 (2) If no qualified tenant organization or eligible organization
16 provides notice expressing an intent to consider the purchase or
17 lease within forty-five days after the date on which a notice of
18 opportunity to purchase was personally delivered or postmarked, the
19 landlord is not subject to the restrictions of subsection (1) of this
20 section.

21 **Sec. 6.** RCW 59.20.305 and 2008 c 116 s 5 are each amended to
22 read as follows:

23 A landlord intending to sell or lease a manufactured/mobile home
24 community or the property on which it sits is (~~encouraged~~) required
25 to negotiate in good faith with qualified tenant organizations and
26 eligible organizations. Any qualified tenant organization or eligible
27 organization that submits a notice of intent to purchase or lease a
28 manufactured/mobile home community or the property on which it sits
29 pursuant to section 5 of this act is required to negotiate in good
30 faith with the landlord intending to sell or lease the manufactured/
31 mobile home community or property on which it sits.

32 NEW SECTION. **Sec. 7.** A new section is added to chapter 59.20
33 RCW to read as follows:

34 (1) The department of commerce must maintain a registry of all
35 eligible organizations that submit to the department of commerce a
36 written request to receive notices of opportunity to purchase or
37 lease manufactured/mobile home communities pursuant to section 5 of

1 this act. The department of commerce must provide registered eligible
2 organizations with notices of opportunity to purchase once it
3 receives such a notice pursuant to section 4(1) of this act. The
4 registry must include the following information:

5 (a) The name and mailing address of the eligible organization;
6 and

7 (b) A statement that the eligible organization wishes to purchase
8 or lease a manufactured/mobile home community.

9 (2) The department of commerce must provide a copy of the
10 registry required to be maintained under this section to any person
11 upon request.

12 NEW SECTION. **Sec. 8.** A new section is added to chapter 59.20
13 RCW to read as follows:

14 (1) A landlord who sells or transfers a manufactured/mobile home
15 community and willfully fails to comply with section 4 or 5 of this
16 act or RCW 59.20.305 is liable to the state of Washington for a civil
17 penalty in the amount of ten thousand dollars. This penalty is the
18 exclusive remedy for a violation of section 4 or 5 of this act or RCW
19 59.20.305.

20 (2) The attorney general may bring a civil action in superior
21 court in the name of the state against a landlord under this section.

22 NEW SECTION. **Sec. 9.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected."

26 Correct the title.

EFFECT: (1) Changes references to "homeowners' associations" back
to "qualified tenant organizations," which is the term used in
current law.

(2) Strikes the requirement that a landlord provide a written
notice of opportunity to purchase within 3 days after receipt of a
bona fide offer to purchase (leaving intact the requirement that a
landlord provide a written notice of opportunity to purchase within
14 days after the date on which any advertisement, listing, or public
notice is first made regarding sale or lease).

(3) Requires that a written notice of opportunity to purchase
include a signed affidavit that discloses the advertised or listed
selling price.

(4) Reduces the number of days that a landlord in receipt of a
notice of intent must wait to make a final unconditional acceptance
of an offer from 120 days to 90 days.

(5) Requires the Department of Commerce (Commerce) to maintain a registry (rather than a list) of eligible organizations (but not qualified tenant organizations) that submit a written request to receive notices, and requires Commerce to provide registered eligible organizations with notices of opportunity to purchase upon receipt of such a notice from a landlord.

(6) Changes the civil penalty on a landlord who willfully fails to comply from the greater of \$10,000 or 10 percent of the total sale price to \$10,000.

(7) Makes a technical correction in the definition of "notice of opportunity to purchase" to refer to the correct section.

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