
Civil Rights & Judiciary Committee

HB 1206

Brief Description: Concerning park models, tiny homes, and manufactured homes.

Sponsors: Representatives Ryu, Jenkin, Dolan and Pollet.

Brief Summary of Bill

- Redefines the term "park model" for purposes of the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA), and removes references to "park models" from other definitions.
- Adds a definition of "tiny home" to the MHLTA.

Hearing Date: 2/12/19

Staff: Cece Clynch (786-7195).

Background:

The Manufactured/Mobile Home Landlord-Tenant Act (MHLTA) governs the legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a mobile home lot within a mobile home park, mobile home park cooperative, or mobile home park subdivision, where the tenant has no ownership interest in the property or in the association which owns the property.

For purposes of the MHLTA:

- "Manufactured home" means a single-family dwelling built according to the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national preemptive building code. A manufactured home also: (a) includes plumbing, heating, air conditioning, and electrical systems; (b) is built on a permanent chassis; and (c) can be transported in one or more sections with each section at least eight feet wide and 40 feet long when transported, or when installed on the site is 320 square feet or greater.

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- "Mobile home park," "manufactured housing community," or "manufactured/mobile home community" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purposes only and is not intended for year-round occupancy.
- "Mobile home park cooperative" or "manufactured housing cooperative" means real property consisting of common areas and two or more lots held out for placement of mobile homes, manufactured homes, or park models in which both the individual lots and the common areas are owned by an association of shareholders which leases or otherwise extends the right to occupy individual lots to its own members.
- "Mobile home park subdivision" or "manufactured housing subdivision" means real property, whether it is called a subdivision, condominium, or planned unit development, consisting of common areas and two or more lots held for placement of mobile homes, manufactured homes, or park models in which there is private ownership of the individual lots and common, undivided ownership of the common areas by owners of the individual lots.
- "Park model" means a recreational vehicle intended for permanent or semi-permanent installation and used as a primary residence.
- "Recreational vehicle" means 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.

In the 2018 case of *Allen v. Dan & Bill's RV Park*, the issue before Division II of the Court of Appeals was whether a park which rented space to people with different types of trailers and motorhomes was a manufactured/mobile home park for purposes of the MHLTA. The court determined that:

- two trailers in the park, both of which had been there for several years and in which the tenants had lived continuously for several years, but only one of which was immobilized, qualified as park models;
- the park was therefore a manufactured/mobile home park; and
- the MHLTA applied.

In so doing the court determined that the Office of Administrative Hearings had erred by improperly importing the phrases from the definition of "recreational vehicle" into the definition of "park model" to define "semi-permanent installation" to mean "immobilized" and "permanent installation" to mean "permanently affixed."

Summary of Bill:

Definitions in the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA) are amended to remove "park models" from the definition of "mobile home park," "mobile home park cooperative," and "mobile home park subdivision."

The term "park model" is redefined to mean a recreational vehicle trailer built on a single chassis that is a minimum of 35 feet long and no more than 40 feet long, mounted on wheels and having

a gross trailer area maximum of 320 square feet during transport and not exceeding 400 square feet in set up mode, and certified by the manufacturer as complying with ANSI A119.5.

The definition of "manufactured home" is amended to provide that when installed on the site a manufactured home is 400 square feet (rather than 320 square feet) or more.

A new term is added to the MHLTA and defined. "Tiny home" means a dwelling designed for permanent occupancy that is 400 square feet or less in floor area, excluding lofts. Tiny homes do not include recreational vehicles, park models, or manufactured homes.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.