
HOUSE BILL 2610

State of Washington

66th Legislature

2020 Regular Session

By Representatives Duerr, Ramel, Kloba, Appleton, Walen, Harris, Ryu, Gregerson, Doglio, Dolan, Valdez, Tharinger, Santos, Pollet, and Macri

Read first time 01/16/20. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to the sale or lease of manufactured/mobile home
2 communities and the property on which they sit; amending RCW
3 59.20.300 and 59.20.305; reenacting and amending RCW 59.20.030;
4 adding new sections to chapter 59.20 RCW; creating a new section; and
5 prescribing penalties.

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

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

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

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

20 (c) Many tenants who reside in manufactured/mobile home
21 communities are part of low-income households and senior citizens and

1 are, therefore, those residents most in need of reasonable security
2 in the siting of their manufactured/mobile homes because such tenants
3 experience adverse impacts on their health, safety, and welfare when
4 forced to move due to closure, change of use, or discontinuance of
5 manufactured/mobile home communities.

6 (2) It is the intent of the legislature to encourage and
7 facilitate the preservation of existing manufactured/mobile home
8 communities in the event of voluntary sales of manufactured/mobile
9 home communities and, to the extent necessary and possible, involve
10 manufactured/mobile home community tenants or an eligible
11 organization, such as a nonprofit organization, housing authority,
12 community land trust, resident nonprofit cooperative, or local
13 government, in the preservation of manufactured/mobile home
14 communities.

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

17 For purposes of this chapter:

18 (1) "Abandoned" as it relates to a mobile home, manufactured
19 home, or park model owned by a tenant in a mobile home park, mobile
20 home park cooperative, or mobile home park subdivision or tenancy in
21 a mobile home lot means the tenant has defaulted in rent and by
22 absence and by words or actions reasonably indicates the intention
23 not to continue tenancy;

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

27 (3) "Eligible organization" includes community land trusts,
28 resident nonprofit cooperatives, local governments, local housing
29 authorities, nonprofit community or neighborhood-based organizations,
30 federally recognized Indian tribes in the state of Washington, and
31 regional or statewide nonprofit housing assistance organizations;

32 (4) "Housing and low-income assistance organization" means an
33 organization that provides tenants living in mobile home parks,
34 manufactured housing communities, and manufactured/mobile home
35 communities with information about their rights and other pertinent
36 information;

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

- 1 (6) "Landlord" means the owner of a mobile home park and includes
2 the agents of a landlord;
- 3 (7) "Local government" means a town government, city government,
4 code city government, or county government in the state of
5 Washington;
- 6 (8) "Manufactured home" means a single-family dwelling built
7 according to the United States department of housing and urban
8 development manufactured home construction and safety standards act,
9 which is a national preemptive building code. A manufactured home
10 also: (a) Includes plumbing, heating, air conditioning, and
11 electrical systems; (b) is built on a permanent chassis; and (c) can
12 be transported in one or more sections with each section at least
13 eight feet wide and forty feet long when transported, or when
14 installed on the site is three hundred twenty square feet or greater;
- 15 (9) "Manufactured/mobile home" means either a manufactured home
16 or a mobile home;
- 17 (10) "Mobile home" means a factory-built dwelling built prior to
18 June 15, 1976, to standards other than the United States department
19 of housing and urban development code, and acceptable under
20 applicable state codes in effect at the time of construction or
21 introduction of the home into the state. Mobile homes have not been
22 built since the introduction of the United States department of
23 housing and urban development manufactured home construction and
24 safety act;
- 25 (11) "Mobile home lot" means a portion of a mobile home park or
26 manufactured housing community designated as the location of one
27 mobile home, manufactured home, or park model and its accessory
28 buildings, and intended for the exclusive use as a primary residence
29 by the occupants of that mobile home, manufactured home, or park
30 model;
- 31 (12) "Mobile home park cooperative" or "manufactured housing
32 cooperative" means real property consisting of common areas and two
33 or more lots held out for placement of mobile homes, manufactured
34 homes, or park models in which both the individual lots and the
35 common areas are owned by an association of shareholders which leases
36 or otherwise extends the right to occupy individual lots to its own
37 members;
- 38 (13) "Mobile home park subdivision" or "manufactured housing
39 subdivision" means real property, whether it is called a subdivision,
40 condominium, or planned unit development, consisting of common areas

1 and two or more lots held for placement of mobile homes, manufactured
2 homes, or park models in which there is private ownership of the
3 individual lots and common, undivided ownership of the common areas
4 by owners of the individual lots;

5 (14) "Mobile home park," "manufactured housing community," or
6 "manufactured/mobile home community" means any real property which is
7 rented or held out for rent to others for the placement of two or
8 more mobile homes, manufactured homes, or park models for the primary
9 purpose of production of income, except where such real property is
10 rented or held out for rent for seasonal recreational purpose only
11 and is not intended for year-round occupancy;

12 (15) "Notice of sale" means a notice required under RCW 59.20.300
13 to be delivered to all tenants of a manufactured/mobile home
14 community and other specified parties within fourteen days after the
15 date on which any advertisement, (~~multiple~~) listing, or public
16 notice (~~advertises~~) is first made advertising that a manufactured/
17 mobile home community or the property on which it sits is for sale or
18 lease;

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

22 (17) "Orders" means written official military orders, or any
23 written notification, certification, or verification from the service
24 member's commanding officer, with respect to the service member's
25 current or future military status;

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

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

33 (20) "Qualified sale of manufactured/mobile home community" means
34 the sale, as defined in RCW 82.45.010, of land and improvements
35 comprising a manufactured/mobile home community that is transferred
36 in a single purchase to a (~~qualified tenant organization~~)
37 homeowners' association or to an eligible organization for the
38 purpose of preserving the property as a manufactured/mobile home
39 community;

1 (21) (~~"Qualified tenant organization"~~) "Homeowners'
2 association" means a formal organization of tenants within a
3 manufactured/mobile home community, with the only requirement for
4 membership consisting of being a tenant;

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

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

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

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

20 (26) "Notice of opportunity to purchase" means a notice required
21 under section 5 of this act;

22 (27) "Resident nonprofit cooperative" means a nonprofit
23 cooperative corporation formed by a group of manufactured/mobile home
24 community residents for the purpose of acquiring the manufactured/
25 mobile home community in which they reside and converting the
26 manufactured/mobile home community to a mobile home park cooperative
27 or manufactured housing cooperative.

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

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

33 (a) Each tenant of the manufactured/mobile home community;

34 (b) The officers of any known (~~qualified tenant organization~~)
35 homeowners' association;

36 (c) The office of mobile/manufactured home relocation assistance;

37 (d) The local government within whose jurisdiction all or part of
38 the manufactured/mobile home community exists;

1 (e) The housing authority within whose jurisdiction all or part
2 of the manufactured/mobile home community exists; and

3 (f) The Washington state housing finance commission.

4 (2) A notice of sale must include:

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

8 (b) The contact information of the landlord or landlord's agent
9 who is responsible for communicating with the (~~qualified tenant~~
10 ~~organization~~) tenants, homeowners' association, or eligible
11 organization regarding the sale of the property.

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

14 (1) Except as provided in subsection (5) of this section, a
15 landlord must provide a written notice of opportunity to purchase a
16 manufactured/mobile home community by certified mail or personal
17 delivery to each tenant and to the department of commerce and the
18 housing finance commission within:

19 (a) Three days after the date on which a landlord receives a bona
20 fide offer to purchase or lease his or her manufactured/mobile home
21 community or the property on which the manufactured/mobile home
22 community is located; or

23 (b) Fourteen days after the date on which any advertisement,
24 listing, or public notice is first made that the manufactured/mobile
25 home community, or property on which it sits, is for sale or lease.

26 (2) The notice of opportunity to purchase required pursuant to
27 subsection (1)(b) of this section is in addition to the notice of
28 sale required pursuant to RCW 59.20.300.

29 (3) Notice by certified mail postmarked within the requisite
30 number of days is deemed to comply with the requirements of this
31 section.

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

33 (a) A statement that the landlord is, or is not, considering the
34 sale or lease of the manufactured/mobile home community or the
35 property on which it sits;

36 (b) A statement that:

37 (i) Homeowners' associations and eligible organizations have
38 forty-five days from the date on which the notice of opportunity to
39 purchase was personally delivered or postmarked to provide the

1 landlord with notice of intent to consider purchasing or leasing the
2 manufactured/mobile home park, during which time the landlord shall
3 not make a final acceptance of an offer to purchase or lease the
4 park; and

5 (ii) If such notice of intent is provided to the landlord within
6 forty-five days, the landlord shall not make a final unconditional
7 acceptance of an offer to purchase or lease the park from a person or
8 entity other than a homeowners' association or eligible organization
9 for an additional one hundred twenty days; and

10 (c) The contact information for the landlord or landlord's agent
11 who is responsible for communicating with the tenants, homeowners'
12 association, or eligible organization regarding an opportunity to
13 make an offer for the sale of the property.

14 (5) A notice of opportunity to purchase is not required with
15 respect to a sale, transfer, conveyance, or lease of the
16 manufactured/mobile home community or the property on which it sits
17 where the transaction is:

18 (a) Due to foreclosure;

19 (b) Incidental to financing the park;

20 (c) Pursuant to eminent domain;

21 (d) Pursuant to a tax sale;

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

23 (f) Among the partners or shareholders who own the manufactured/
24 mobile home community; or

25 (g) To a member of the owner's family or to a trust for the sole
26 benefit of members of the owner's family.

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

29 (1) If, within forty-five days after the date on which a notice
30 of opportunity to purchase was personally delivered or postmarked,
31 the landlord receives notice from a homeowners' association or
32 eligible organization expressing an intent to consider purchasing or
33 leasing the manufactured/mobile home community, the landlord shall
34 not make a final unconditional acceptance of an offer to purchase or
35 lease the park from a person or entity other than a homeowners'
36 association or eligible organization for an additional one hundred
37 twenty days.

38 (2) If no homeowners' association or eligible organization
39 provides notice expressing an intent to consider the purchase or

1 lease within forty-five days after the date on which a notice of
2 opportunity to purchase was personally delivered or postmarked, the
3 landlord is not subject to the restrictions of subsection (1) of this
4 section.

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

7 A landlord intending to sell or lease a manufactured/mobile home
8 community or the property on which it sits is (~~encouraged~~) required
9 to negotiate in good faith with (~~qualified tenant organizations~~)
10 homeowners' associations and eligible organizations.

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

13 (1) The department of commerce must maintain a list of all
14 homeowners' associations and eligible organizations that submit to
15 the department of commerce a written request to receive notices of
16 opportunity to purchase or lease manufactured/mobile home communities
17 pursuant to section 5 of this act. The list must include the
18 following information:

19 (a) The name and mailing address of the homeowners' association
20 or eligible organization; and

21 (b) A statement that the homeowners' association or eligible
22 organization wishes to purchase or lease a manufactured/mobile home
23 community.

24 (2) The department of commerce must provide a copy of the list
25 required to be maintained under this section to any person upon
26 request.

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

29 (1) A landlord who sells or transfers a manufactured/mobile home
30 community and willfully fails to comply with section 4 or 5 of this
31 act or RCW 59.20.305 is liable to the state of Washington for a civil
32 penalty in the amount of the greater of ten thousand dollars or ten
33 percent of the total sale price. This penalty is the exclusive remedy
34 for a violation of section 4 or 5 of this act or RCW 59.20.305.

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

1 NEW SECTION. **Sec. 9.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

--- **END** ---