
SENATE BILL 5319

State of Washington

67th Legislature

2021 Regular Session

By Senators McCune and Short

Read first time 01/21/21. Referred to Committee on Housing & Local Government.

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 59.20.305; reenacting and amending RCW 59.20.030; adding a new
4 section to chapter 59.20 RCW; adding a new section to chapter 84.36
5 RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that at the time of
8 the last great housing shortage in the United States, mobile homes
9 and later manufactured housing that could be owned and placed on a
10 rented lot became a popular solution. As we approach a greater
11 housing crisis, the legislature finds that it is in the state's
12 interest to preserve affordable housing, especially for the aging
13 population. There are manufactured/mobile home parks that specialize
14 in providing affordable housing for citizens aged 55 and older. These
15 parks often have well-kept mobile/manufactured homes that are set on
16 foundations or are not easily movable for other reasons. The
17 legislature finds that it is in the state's interest to preserve this
18 type of housing.

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

1 For purposes of this chapter:

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

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

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

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

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

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

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

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

37 (9) "Manufactured/mobile home" means either a manufactured home
38 or a mobile home;

39 (10) "Mobile home" means a factory-built dwelling built prior to
40 June 15, 1976, to standards other than the United States department

1 of housing and urban development code, and acceptable under
2 applicable state codes in effect at the time of construction or
3 introduction of the home into the state. Mobile homes have not been
4 built since the introduction of the United States department of
5 housing and urban development manufactured home construction and
6 safety act;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (26) "55-plus manufactured/mobile home community" means a
40 manufactured/mobile home community in which the residents and tenants

1 are at least 55 years of age and where the majority of homes in the
2 community are permanently affixed on the lot on which they sit.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 59.20
4 RCW to read as follows:

5 (1)(a) Except as provided in subsection (5) of this section, a
6 landlord must provide a written notice of the opportunity to purchase
7 or lease a 55-plus manufactured/mobile home community or the property
8 on which the community is located by certified mail or personal
9 delivery to each tenant and to the department of commerce and the
10 housing finance commission within:

11 (i) Three days after the date on which a landlord receives a bona
12 fide offer to purchase or lease the 55-plus manufactured/mobile home
13 community or the property on which it is located and is considering
14 the sale as a result of such offer; or

15 (ii) Fourteen days after the date on which any advertisement,
16 listing, or public notice is first made that the 55-plus
17 manufactured/mobile home community, or property on which it sits, is
18 for sale or lease.

19 (b) For purposes of this subsection, "bona fide offer" means a
20 signed written statement that sets forth an offered price, a
21 description of the property to be purchased, and any other offer
22 terms and conditions.

23 (2) The notice of opportunity to purchase required pursuant to
24 subsection (1)(a)(ii) of this section is in addition to the notice of
25 sale required pursuant to RCW 59.20.300.

26 (3) Notice by certified mail postmarked within the requisite
27 number of days is deemed to comply with the requirements of this
28 section.

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

30 (a) A statement that the landlord is considering the sale or
31 lease of the 55-plus manufactured/mobile home community or the
32 property on which it sits;

33 (b) A statement that:

34 (i) Qualified tenant organizations or other eligible
35 organizations have 45 days from the date on which the notice of
36 opportunity to purchase was personally delivered or postmarked to
37 provide the landlord with notice of intent to consider purchasing or
38 leasing the 55-plus manufactured/mobile home community, during which

1 time the landlord shall not make a final acceptance of an offer to
2 purchase or lease the community; and

3 (ii) If such notice of intent is provided to the landlord within
4 45 days, the landlord shall not make a final unconditional acceptance
5 of an offer to purchase or lease the 55-plus manufactured/mobile home
6 community from a person or entity other than a qualified tenant
7 organization or eligible organization for an additional 120 days; and

8 (c) The contact information for the landlord or landlord's agent
9 who is responsible for communicating with the qualified tenant
10 organization or eligible organization regarding an opportunity to
11 make an offer for the sale of the property.

12 (5) A notice of opportunity to purchase is not required with
13 respect to a sale, transfer, conveyance, or lease of the 55-plus
14 manufactured/mobile home community or the property on which it sits
15 where the transaction is:

16 (a) Due to foreclosure;

17 (b) Incidental to financing the park;

18 (c) Pursuant to eminent domain;

19 (d) Pursuant to a tax sale;

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

21 (f) Among the partners or shareholders who own the 55-plus
22 manufactured/mobile home community; or

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

25 (6) If, within 45 days after the date on which a notice of
26 opportunity to purchase was personally delivered or postmarked, the
27 landlord receives notice from a qualified tenant organization or
28 eligible organization expressing an intent to consider purchasing or
29 leasing a 55-plus manufactured/mobile home community or the property
30 on which it is located, the landlord shall not make a final
31 unconditional acceptance of an offer to purchase or lease the
32 community from a person or entity other than a qualified tenant
33 organization or eligible organization for an additional 120 days.

34 (7) If no qualified tenant organization or eligible organization
35 provides notice expressing an intent to consider the purchase or
36 lease within 45 days after the date on which a notice of opportunity
37 to purchase was personally delivered or postmarked, the landlord is
38 not subject to the restrictions of subsection (6) of this section.

1 **Sec. 4.** RCW 59.20.305 and 2008 c 116 s 5 are each amended to
2 read as follows:

3 ((A)) (1) Except as provided in subsection (2) of this section, a
4 landlord intending to sell a manufactured/mobile home community is
5 encouraged to negotiate in good faith with qualified tenant
6 organizations and eligible organizations.

7 (2) A landlord intending to sell or lease a 55-plus manufactured/
8 mobile home community or the property on which it sits shall
9 negotiate in good faith with qualified tenant organizations and
10 eligible organizations. Any qualified tenant organization or eligible
11 organization that submits a notice of intent to purchase or lease a
12 55-plus manufactured/mobile home community or the property on which
13 it sits pursuant to section 3 of this act is required to negotiate in
14 good faith with the landlord intending to sell or lease the 55-plus
15 manufactured/mobile home community or property on which it sits.

16 NEW SECTION. **Sec. 5.** A new section is added to chapter 84.36
17 RCW to read as follows:

18 (1) An owner of a mobile home park is eligible for a property tax
19 exemption as provided in this section when:

20 (a) The owner provides tenants of the mobile home park a closure
21 notice longer than the period required under RCW 59.20.080 but up to
22 three years; or

23 (b) The owner offers a right of first refusal to a qualified
24 tenant organization or eligible organization in accordance with
25 section 3 of this act.

26 (2) The property is exempt from all property taxes payable
27 beginning in the next succeeding calendar year and each subsequent
28 year during the exemption period under this section, which may not
29 exceed a period of 36 months.

30 (3) A claim for exemption under this section may be made and
31 filed with the county assessor at any time during the year for
32 exemption from taxes payable the following year. The owner of the
33 mobile home park must certify on the application for exemption that
34 notice was given in accordance with the requirements of section 3 of
35 this act or RCW 59.21.030, as applicable.

36 (4) Any amount of property tax exempted under this section is due
37 and payable immediately, subject to interest and penalties under RCW
38 84.56.020, if the mobile home park is closed or converted before the

1 end of the closure notice period or if the mobile home park is sold
2 to a party that was not offered the right of first refusal.

3 (5) For the purposes of this section, "mobile home park" has the
4 same meaning as in RCW 59.20.030.

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

--- END ---