
ENGROSSED 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

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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 or to an
37 eligible organization for the purpose of preserving the property as a
38 manufactured/mobile home community;

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

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

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

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

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

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

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

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

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

- 32 (a) Each tenant of the manufactured/mobile home community;
33 (b) The officers of any known qualified tenant organization;
34 (c) The office of mobile/manufactured home relocation assistance;
35 (d) The local government within whose jurisdiction all or part of
36 the manufactured/mobile home community exists;
37 (e) The housing authority within whose jurisdiction all or part
38 of the manufactured/mobile home community exists; and
39 (f) The Washington state housing finance commission.

1 (2) A notice of sale must include:

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

5 (b) The contact information of the landlord or landlord's agent
6 who is responsible for communicating with the qualified tenant
7 organization, tenants, or eligible organization regarding the sale of
8 the property.

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

11 (1) Except as provided in subsection (5) of this section, a
12 landlord must provide a written notice of opportunity to purchase a
13 manufactured/mobile home community by certified mail or personal
14 delivery to each tenant and to the department of commerce and the
15 housing finance commission within fourteen days after the date on
16 which any advertisement, listing, or public notice is first made that
17 the manufactured/mobile home community, or property on which it sits,
18 is for sale or lease.

19 (2) The notice of opportunity to purchase required under this
20 section is in addition to the notice of sale required pursuant to RCW
21 59.20.300.

22 (3) Notice by certified mail postmarked within the requisite
23 number of days is deemed to comply with the requirements of this
24 section.

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

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

28 (b) A statement that:

29 (i) Qualified tenant organizations and eligible organizations
30 have forty-five days from the date on which the notice of opportunity
31 to purchase was personally delivered or postmarked to provide the
32 landlord with notice of intent to consider purchasing or leasing the
33 manufactured/mobile home park, during which time the landlord shall
34 not make a final acceptance of an offer to purchase or lease the
35 park; and

36 (ii) If such notice of intent is provided to the landlord within
37 forty-five days, the landlord shall not make a final unconditional
38 acceptance of an offer to purchase or lease the park from a person or

1 entity other than a qualified tenant organization or eligible
2 organization for an additional ninety days;

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

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

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

13 (a) Due to foreclosure;

14 (b) Incidental to financing the park;

15 (c) Pursuant to eminent domain;

16 (d) Pursuant to a tax sale;

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

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

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

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

24 (1) If, within forty-five days after the date on which a notice
25 of opportunity to purchase was personally delivered or postmarked,
26 the landlord receives notice from a qualified tenant organization or
27 eligible organization expressing an intent to consider purchasing or
28 leasing the manufactured/mobile home community, the landlord shall
29 not make a final unconditional acceptance of an offer to purchase or
30 lease the park from a person or entity other than a qualified tenant
31 organization or eligible organization for an additional ninety days.

32 (2) If no qualified tenant organization or eligible organization
33 provides notice expressing an intent to consider the purchase or
34 lease within forty-five days after the date on which a notice of
35 opportunity to purchase was personally delivered or postmarked, the
36 landlord is not subject to the restrictions of subsection (1) of this
37 section.

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

3 A landlord intending to sell or lease a manufactured/mobile home
4 community or the property on which it sits is (~~encouraged~~) required
5 to negotiate in good faith with qualified tenant organizations and
6 eligible organizations. Any qualified tenant organization or eligible
7 organization that submits a notice of intent to purchase or lease a
8 manufactured/mobile home community or the property on which it sits
9 pursuant to section 5 of this act is required to negotiate in good
10 faith with the landlord intending to sell or lease the manufactured/
11 mobile home community or property on which it sits.

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

14 (1) The department of commerce must maintain a registry of all
15 eligible organizations that submit to the department of commerce a
16 written request to receive notices of opportunity to purchase or
17 lease manufactured/mobile home communities pursuant to section 5 of
18 this act. The department of commerce must provide registered eligible
19 organizations with notices of opportunity to purchase once it
20 receives such a notice pursuant to section 4(1) of this act. The
21 registry must include the following information:

22 (a) The name and mailing address of the eligible organization;
23 and

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

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

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

31 (1) A landlord who sells or transfers a manufactured/mobile home
32 community and willfully fails to comply with section 4 or 5 of this
33 act or RCW 59.20.305 is liable to the state of Washington for a civil
34 penalty in the amount of ten thousand dollars. This penalty is the
35 exclusive remedy for a violation of section 4 or 5 of this act or RCW
36 59.20.305.

37 (2) The attorney general may bring a civil action in superior
38 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.

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