

social and health services and natural resources and the oil and gas conservation committee to administer those portions of the state program, approved under the federal act, over which the said departments and committee have primary subject-matter authority under existing state law. The departments of social and health services and natural resources and the oil and gas conservation committee are empowered to enter into such agreements and perform the administration contained therein.

The state board of health shall adopt drinking water regulations applicable to public water supply systems which are not covered by the federal Safe Drinking Water Act only if necessary to protect public health.

Passed the Senate March 10, 1988.

Passed the House March 10, 1988.

Approved by the Governor March 24, 1988, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 24, 1988.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to the last paragraph of section 1, Substitute Senate Bill No. 6238, entitled:

"AN ACT Relating to the authority to administer selected federal safe drinking water act programs."

The first part of this Department of Ecology request bill authorizes the Departments of Ecology, Natural Resources, and Social and Health Services and the Gas Conservation Committee to carry out programs of the Federal Safe Drinking Water Act as amended in 1986.

The amendment added to the bill allows the State Board of Health to adopt drinking water regulations for systems not covered under federal law "if necessary" to protect the public health. Narrowly interpreted, this language could result in the state's inability to regulate certain drinking water supply practices. The difficulty in establishing a direct cause-and-effect relationship between each specific practice and larger public health concerns will make it difficult for the State Board of Health to prove that regulations are necessary to protect the public health. With over 5,000 small public water systems in our state not covered by the federal act, I am reluctant to significantly reduce the health regulatory authority and subject the department to legal challenges to prove the public health nexus for each system in court. I would hope motivation for this amendment could be resolved administratively or through legislative language which addresses the specific issue.

I believe the agency has the discretion to adopt appropriate regulations for systems not under federal jurisdiction and is not required to implement the federal regulations unless it independently determines the standards are appropriate for the small systems.

With the exception of the last paragraph of section 1, Substitute Senate Bill No. 6238 is approved."

CHAPTER 280

[Substitute House Bill No. 1673]

OFFICE OF MOBILE HOME AFFAIRS

AN ACT Relating to an office of mobile home affairs; amending RCW 46.70.023 and 59.22.020; adding new sections to chapter 59.22 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

***Sec. 1. Section 4, chapter 241, Laws of 1986 and RCW 46.70.023 are each amended to read as follows:**

(1) An "established place of business" requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. An established place of business shall have an improved display area of not less than three thousand square feet in or immediately adjoining the building, or a display area large enough to display six or more vehicles of the type the dealer is licensed to sell, whichever area is larger. The business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. The dealer shall keep the building open to the public so that they may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event may a room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house be considered an "established place of business" unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law.

(2) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed new motor vehicle dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the administrative procedure act.

(3) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(4) A subagency shall comply with all requirements of an established place of business.

(5) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency.

(6) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. A wholesale dealer need not maintain a display area as required in this section. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(7) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(8) A listing dealer need not have a display area if the dealer does not physically maintain any vehicles for display.

(9) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(10) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

(11) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

(12) For the purposes of obtaining a license from the department under this chapter, the owner of a mobile home park who sells mobile homes located on mobile home lots within the park shall be eligible to be licensed as a mobile home dealer without meeting the requirements of subsections (1) and (7) of this section regarding an established place of business, furnishing a display area, compliance with applicable zoning and land use ordinances, and

the prohibition against conducting the business in a dwelling house. Such an applicant for a mobile home dealer's license shall comply in all other respects with the requirements of this chapter for licensure of mobile home dealers, including the remaining provisions of subsection (1) of this section.

(13) Nothing in this chapter shall prohibit local government from enforcing the building codes and local government zoning and other land use ordinances or regulations.

(14) Any mobile home park owner who sells mobile homes located on mobile home lots within the park shall be prohibited from coercing, influencing, or interfering with the sale of any mobile home located in the park. Any owner of a mobile home in a park shall have all the rights provided to the owner by the mobile home landlord-tenant act in selling the home.

*Sec. 1 was vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 2. A new section is added to chapter 59.22 RCW to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.

This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance to resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The office will keep records of its activities in this area.

(2) ***The department shall establish the mobile home and manufactured housing affairs advisory committee. The mobile home and manufactured housing affairs advisory committee shall be a subcommittee of the state housing advisory committee if the department creates a state housing advisory committee. The committee shall consist of five members appointed by the director of the department of community development. The committee shall be comprised of one representative of mobile home park tenants, one representative of mobile home park owners, and one representative of the public at large, each of whom shall be knowledgeable and have practical experience with the mobile home landlord tenant act, one representative of mobile home manufacturers and one representative of local governments. Only the representatives of the mobile home park tenants, mobile home park owners, and the public at large shall review and advise the office on issues relating to the mobile home landlord tenant act. The director of the department of community development shall appoint the committee chairperson. The entire committee shall advise the office in implementing the provisions of subsection (1) of this section. The members of the committee may receive compensation or reimbursement for travel expenses.***

Neither the office nor advisory committee may evaluate, develop, or recommend policies or programs relating to governmental rent control or rent stabilization.

***Sec. 2 was partially vetoed, see message at end of chapter.**

Sec. 3. Section 2, chapter 482, Laws of 1987 and RCW 59.22.020 are each amended to read as follows:

The following definitions shall apply throughout this chapter unless the context clearly requires otherwise:

(1) "Affordable" means that, where feasible, low-income residents should not pay more than thirty percent of their monthly income for housing costs.

(2) "Conversion costs" includes the cost of acquiring the mobile home park, the costs of planning and processing the conversion, the costs of any needed repairs or rehabilitation, and any expenditures required by a government agency or lender for the project.

(3) "Department" means the department of community development.

(4) "Fund" means the mobile home park purchase fund created pursuant to RCW 59.22.030.

(5) "Housing costs" means the total cost of owning, occupying, and maintaining a mobile home and a lot or space in a mobile home park.

(6) "Individual interest in a mobile home park" means any interest which is fee ownership or a lesser interest which entitles the holder to occupy a lot or space in a mobile home park for a period of not less than either fifteen years or the life of the holder. Individual interests in a mobile home park include, but are not limited to, the following:

(a) Ownership of a lot or space in a mobile home park or subdivision;

(b) A membership or shares in a stock cooperative, or a limited equity housing cooperative; or

(c) Membership in a nonprofit mutual benefit corporation which owns, operates, or owns and operates the mobile home park.

(7) "Low-income resident" means an individual or household who resided in the mobile home park prior to application for a loan pursuant to this chapter and with an annual income at or below eighty percent of the median income for the county of standard metropolitan statistical area of residence. Net worth shall be considered in the calculation of income with the exception of the resident's mobile/manufactured home which is used as their primary residence.

(8) "Low-income spaces" means those spaces in a mobile home park operated by a resident organization which are occupied by low-income residents.

(9) "Mobile home park" means a mobile home park, as defined in RCW 59.20.030(4), or a manufactured home park subdivision as defined by RCW 59.20.030(6) created by the conversion to resident ownership of a mobile home park.

(10) "Resident organization" means a group of mobile home park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobile home park in which they reside and converting the mobile home park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobile home park at the time of application for assistance from the department.

(11) "Resident ownership" means, depending on the context, either the ownership, by a resident organization, as defined in this section, of an interest in a mobile home park which entitles the resident organization to control the operations of the mobile home park for a term of no less than fifteen years, or the ownership of individual interests in a mobile home park, or both.

(12) "Landlord" shall have the same meaning as it does in RCW 59.20.030.

(13) "Manufactured housing" means residences constructed on one or more chassis for transportation, and which bear an insignia issued by a state or federal regulatory agency indicating compliance with all applicable construction standards of the United States department of housing and urban development.

(14) "Mobile home" shall have the same meaning as it does in RCW 46.04.302.

(15) "Mobile home lot" shall have the same meaning as it does in RCW 59.20.030.

(16) "Tenant" means a person who rents a mobile home lot for a term of one month or longer, and owns the mobile home on the lot.

NEW SECTION. Sec. 4. (1) Every landlord shall register by October 1, 1988, with the department of revenue under such rules as that department shall prescribe.

(2) Every landlord shall pay a fee of one dollar per lot per year, and in addition, shall collect from each tenant on January 1 of each year a fee of one dollar per year for each lot rented by the tenant. Both fees shall be remitted by the landlord to the department of revenue under such rules as the department shall prescribe. The fee required by this chapter, to be collected by the landlord, shall be deemed to be held in trust by the landlord until paid to the department of revenue, and any landlord who appropriates or converts the fee collected to his or her own use other than the payment to the department shall be guilty of a gross misdemeanor. The provisions of chapter 82.32 RCW shall apply to the collection and enforcement of this fee.

NEW SECTION. Sec. 5. There is created in the custody of the state treasurer a special account known as the mobile home affairs account. All fees collected pursuant to section 4 of this act shall be placed in that account.

Disbursements from this special account shall be as follows:

(1) For the two-year period beginning July 1, 1988, forty thousand dollars, or so much thereof as may be necessary for costs incurred in registering landlords and collecting fees, and thereafter five thousand dollars per year for that purpose.

(2) All remaining amounts shall be remitted to the department of community development for the purpose of implementing sections 2 and 4 of this act.

NEW SECTION. Sec. 6. Sections 4 and 5 of this act are each added to chapter 59.22 RCW.

Passed the House March 9, 1988.

Passed the Senate March 5, 1988.

Approved by the Governor March 24, 1988, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 24, 1988.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 1 and 2(2), Substitute House Bill No. 1673 entitled:

"AN ACT Relating to an office of mobile home affairs."

Substitute House Bill No. 1673 establishes an office of mobile home affairs within the Department of Community Development to coordinate state services related to mobile homes and to provide an ombudsman service. The office is to be supported through a fee on mobile home lots within mobile home parks. A new advisory committee on mobile home and manufactured housing affairs is created. Finally, mobile home park owners who wish to be licensed as mobile home dealers are exempted from certain licensing requirements.

I agree that a point of coordination in state government for mobile home and manufactured housing issues is needed. In light of the limited state resources available to support new programs, I am pleased to see that the potential clients of this service have agreed to support the office through an annual user fee. Last year, the Department of Community Development began collecting information on mobile home issues and providing technical assistance to mobile home park tenants and park owners. Establishment of an office to coordinate these activities is a logical next step.

Section 2(2) would establish a narrowly-focused advisory committee in statute. Boards, commissions, committees, task forces and similar entities have proliferated in this state, and now number over 400. The director of the Department of Community Development has authority to create ad hoc advisory committees as the need arises. This authority makes it unnecessary to create advisory committees in statute.

Section 1 amends the Unfair Motor Vehicle Business Practices Act to exempt mobile home park owners from certain dealer licensing requirements. I am vetoing this section because I support the consumer protection provisions included in the law and required of all dealers. Existing law allows the director of the Department of Licensing to waive place of business requirements if this is warranted. In addition, mobile home park owners are able to sell up to five units each year without applying for a dealer license. This should provide enough flexibility for park owners to continue to provide this invaluable assistance to tenants. Finally, in approving this language, the Legislature has not indicated the reasons one group of dealers should be treated differently from others. Failure to outline this distinction creates the basis for a legal challenge.

With the exception of sections 1 and 2(2), Substitute House Bill No. 1673 is approved."