

(6) The attorney general may bring an action in the name of the department in the superior court of Thurston county or of any county in which the violator may do business to collect any penalty imposed under this chapter.

(7) All penalties imposed under this section shall be paid to the state treasury and credited to the general fund.

Passed the Senate March 8, 1989.

Passed the House April 13, 1989.

Approved by the Governor April 27, 1989.

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CHAPTER 201

[Substitute House Bill No. 2136]

MOBILE HOME RELOCATION ASSISTANCE

AN ACT Relating to mobile home relocation assistance; amending RCW 59.22.060, 59.22.070, 59.20.060, and 59.20.080; adding a new chapter to Title 59 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Director" means the director of the department of community development.

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

(3) "Fund" means the mobile home park relocation fund established under section 5 of this act consisting of tenant and landlord contributions.

(4) "Low-income" means at or below eighty percent of median income as defined by the United States department of housing and urban development, for the county or standard metropolitan statistical area where the park is located.

(5) "Mobile home park" or "park" means real property that is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

(6) "Landlord" or "park-owner" means the owner of the mobile home park that is being closed at the time relocation assistance is provided.

(7) "Relocate" means to remove the mobile home from the mobile home park being closed.

(8) "Relocation assistance" means the monetary assistance provided under section 2 of this act.

NEW SECTION. Sec. 2. (1) If a mobile home park is closed or converted to another use, all affected park tenants are entitled to relocation assistance from the park-owner or the fund at the time the tenant relocates as follows: (a) For a single-wide mobile home, four thousand five hundred dollars; and (b) for a double-wide or larger mobile home, seven thousand five hundred dollars.

(2) When a tenant is forced to relocate before July 1, 1991, the payment of relocation assistance as provided by this section shall be paid by the park-owner. However, if the tenant has been given notice to vacate prior to April 1, 1989, and the tenant has not yet relocated as of the effective date of this act, the payment of relocation assistance by the park-owner shall be required only if the tenant is low income.

(3) When a tenant is forced to relocate after June 30, 1991, the payment of relocation assistance as provided in this section shall be shared as follows: The landlord or park-owner shall provide one-third and the fund shall provide two-thirds.

(4) After July 1, 1992, (a) if twenty-four months' notice of closure is given, the landlord or park-owner shall provide five hundred dollars for a single-wide home or one thousand dollars for a double-wide or larger home and the fund shall provide the balance of the relocation assistance; (b) if the park-owner gives less than twenty-four months' notice the park-owner shall provide one-third and the fund shall provide two-thirds of the relocation assistance.

(5) The parkowner shall make any payment required by this chapter when demanded by the department; however, the department shall not demand such payment earlier than thirty days prior to the expected relocation date of the tenant. If the landlord does not pay his or her portion of the relocation assistance to the department when required by this chapter, the department shall have a lien on the real property on which the park is located. Such lien shall be collected as delinquent general property taxes and shall be forwarded to the department by the county treasurer.

(6) The director or his or her designee shall approve all expenditures from the fund.

(7) Relocation assistance contributions required from landlords or park-owners by this section shall be reduced by the amount paid or required to be paid under any other law for the same mobile home park tenant for the same relocation.

NEW SECTION. Sec. 3. Notice required by RCW 59.20.080 before park closure or conversion of the park, whether twelve months or longer, shall be given to the director and all tenants in writing, and posted at all park entrances. Notice must also include the tenant's right to relocation assistance, if applicable. This section shall apply to all park closures even though notice may have been given prior to the effective date of this act.

NEW SECTION. Sec. 4. A tenant is not entitled to relocation assistance under section 2 of this act if (1) the tenant has given notice to the landlord of his or her intent to vacate the park and terminate the tenancy before any notice of termination required by the landlord under this chapter has been given, or (2) a person purchases a mobile home already situated in the park or moves a mobile home into the park after a closure or change of use notice has been given and the person has received actual prior notice of the change or closure.

NEW SECTION. Sec. 5. (1) The mobile home park relocation fund is created in the custody of the state treasurer. All legislative appropriations for mobile home relocation assistance, receipts from assessments collected under section 6 of this act, and amounts required to be paid by park-owners shall be deposited into the fund. Expenditures from the fund may be used only for administration of the fund, relocation assistance under section 2 of this act, or transfer to the mobile home park purchase fund under subsection (2) of this section. Only the director of community development or the director's designee may authorize expenditures from the fund. All relocation payments, including those due from the park-owner shall be made from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) The state treasurer shall maintain the fund and shall invest the fund moneys. Moneys earned on these investments shall be deposited in the fund and shall be used for the same purposes as other fund moneys. Unexpended and unencumbered moneys that remain in the fund at the end of the fiscal year do not revert to the state general fund but remain in the fund, separately accounted for, as a contingency reserve, or if the director determines at the end of any fiscal year beginning after December 31, 1991, that the fund contains a surplus over the projected amount needed for relocation during the upcoming year(s), any surplus may be transferred to the mobile home park purchase fund created by chapter 59.22 RCW. However, the director may cause any uncommitted funds in the mobile home park purchase fund which were transferred from the mobile home park relocation fund to be transferred back to the mobile home park relocation fund if that fund cannot otherwise meet its current obligations.

(3) A tenant who is entitled to relocation assistance under this chapter is entitled to payment only after submitting an application which includes: (a) A copy of the notice from the parkowner that the tenancy is terminated due to closure of the park; (b) a copy of the rental agreement currently in force; and (c) a copy of the contract entered into for the purpose of relocating the mobile home, which includes the date of relocation.

(4) The director may adopt rules for the administration of the fund.

(5) The department may use money from the fund to offset the necessary costs of administering the fund. Administrative cost reimbursement shall not exceed fifty thousand dollars or five percent of the revenue to the

fund for any given fiscal year, whichever is greater, to offset expenses incurred during that year.

NEW SECTION. Sec. 6. (1) There is hereby placed on all mobile homes located in mobile home parks an annual assessment of eleven dollars per mobile home beginning on January 1, 1990. The assessment shall be collected by the county treasurer or treasurers within the county or counties where the mobile home or the mobile home park is located. Notice of the assessment created under this section may be included on the notice of property taxes due, or may be sent separately from the notice of property taxes due. The assessment created under this section shall be due at the same time property taxes are due and shall constitute a lien on the mobile home upon which the assessment is imposed. Delinquent assessments created under this section shall be foreclosed in the same manner, and subject to the same time schedules, interest, and penalties as delinquent property taxes. County treasurers may impose a fee for collecting the assessment created in this section not to exceed five percent of the dollar value of the collection of assessments created under this section. The county treasurer may collect the assessment for 1990 at the same time the county treasurer collects the assessment for 1991 if the county treasurer would experience undue hardship in collecting the 1990 assessment in that year.

(2) Upon the request of the treasurer of the county or counties where the mobile home park is located, each park-owner shall provide the county treasurer with a list of all tenants residing in the park on January 1, 1989. This list shall be mailed by August 1, 1989, to the treasurer or treasurers of the county or counties where the mobile home park is located. The list shall include the name and address of each tenant, and the mobile home tax number of each tenant if available. Upon the request of the treasurer of the county or counties where the mobile home park is located, the park-owners shall update the list of tenants residing in the park.

(3) The assessments collected under subsection (1) of this section shall be forwarded to the state treasurer, less any administration fee collected by the county treasurer under this section. The state treasurer shall deposit one dollar of the assessment collected per mobile home in the mobile home affairs account created by RCW 59.22.070; the remainder of the assessment forwarded to the state treasurer under this subsection shall be deposited in the mobile home park relocation fund created under section 5 of this act.

(4) The department of revenue, the state treasurer, and the county treasurers may enact any rules necessary to carry out this section.

Sec. 7. Section 4, chapter 280, Laws of 1988 and RCW 59.22.060 are each amended to read as follows:

(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)) except for unoccupied lots. This fee 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.)) The department of revenue shall forward the one-dollar fee per lot paid by the landlord to the mobile home affairs account created by RCW 59.22.070.~~

(3) This section shall take effect on January 1, 1990.

Sec. 8. Section 5, chapter 280, Laws of 1988 and RCW 59.22.070 are each amended to read as follows:

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 RCW 59.22.060 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 RCW 59.22.050 and 59.22.060.

Sec. 9. Section 6, chapter 279, Laws of 1977 ex. sess. as last amended by section 1, chapter 58, Laws of 1984 and RCW 59.20.060 are each amended to read as follows:

(1) Any mobile home space tenancy regardless of the term, shall be based upon a written rental agreement, signed by the parties, which shall contain:

(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

(b) Reasonable rules for guest parking which shall be clearly stated;

(c) The rules and regulations of the park;

(d) The name and address of the person who is the landlord, and if such person does not reside in the state there shall also be designated by name and address a person who resides in the county where the mobile home park is located who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent;

(e) (i) A covenant by the landlord that, except for acts or events beyond the control of the landlord, the mobile home park will not be converted to a land use that will prevent the space that is the subject of the lease from continuing to be used for its intended use for a period of three years after the beginning of the term of the rental agreement;

(ii) A rental agreement may, in the alternative, contain a statement that the park may be sold or otherwise transferred at any time with the result that subsequent owners may close the mobile home park, or that the landlord may close the park at any time after the required notice. The covenant or statement required by this subsection must appear in print that is larger than the other text of the lease and must be set off by means of a box, blank space, or comparable visual device;

The requirements of this subsection shall apply to tenancies initiated after the effective date of this act.

(f) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement;

~~((f))~~ (g) A listing of the utilities, services, and facilities which will be available to the tenant during the tenancy and the nature of the fees, if any, to be charged;

~~((g))~~ (h) A description of the boundaries of a mobile home space sufficient to inform the tenant of the exact location of his space in relation to other tenants' spaces; and

~~((h))~~ (i) A statement of the current zoning of the land on which the mobile home park is located.

(2) Any rental agreement executed between the landlord and tenant shall not contain any provision:

(a) Which allows the landlord to charge a fee for guest parking unless a violation of the rules for guest parking occurs: PROVIDED, That a fee may be charged for guest parking which covers an extended period of time as defined in the rental agreement;

(b) Which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of said vehicle;

(c) Which allows the landlord to alter the due date for rent payment or increase the rent: (i) During the term of the rental agreement if the term is less than one year, or (ii) more frequently than annually if the term is for one year or more: PROVIDED, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in

rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year: PROVIDED FURTHER, That a rental agreement for a term exceeding one year may provide for annual increases in rent in specified amounts or by a formula specified in such agreement;

(d) By which the tenant agrees to waive or forego rights or remedies under this chapter;

(e) Allowing the landlord to charge an "entrance fee" or an "exit fee";

(f) Which allows the landlord to charge a fee for guests: PROVIDED, That a landlord may establish rules charging for guests who remain on the premises for more than fifteen days in any sixty-day period;

(g) By which the tenant agrees to waive or forego homestead rights provided by chapter 6.13 RCW. This subsection shall not prohibit such waiver after a default in rent so long as such waiver is in writing signed by the husband and wife or by an unmarried claimant and in consideration of the landlord's agreement not to terminate the tenancy for a period of time specified in the waiver if the landlord would be otherwise entitled to terminate the tenancy under this chapter; or

(h) By which, at the time the rental agreement is entered into, the landlord and tenant agree to the selection of a particular arbitrator.

NEW SECTION. Sec. 10. If the rental agreement includes a covenant by the landlord as described in RCW 59.20.060(1)(e)(i), the covenant runs with the land and is binding upon the purchasers, successors, and assigns of the landlord.

NEW SECTION. Sec. 11. Before a mobile home park-owner may close a mobile home park or convert it to another use, the owner shall pay amounts owed for relocation assistance under section 2 of this act to the state treasurer for deposit into the fund. A park-owner may give notice as required by RCW 59.20.080 and this chapter before payment of these amounts.

Sec. 12. Section 8, chapter 279, Laws of 1977 ex. sess. as last amended by section 5, chapter 150, Laws of 1988 and RCW 59.20.080 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the landlord shall not terminate a tenancy, of whatever duration except for one or more of the following reasons:

(a) Substantial violation, or repeated or periodic violations of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20.140. The tenant shall be given written notice to cease the rule violation immediately. The notice shall state that failure to cease the violation of the rule or any subsequent violation of that or any other rule shall result in termination of

the tenancy, and that the tenant shall vacate the premises within fifteen days: PROVIDED, That for a periodic violation the notice shall also specify that repetition of the same violation shall result in termination: PROVIDED FURTHER, That in the case of a violation of a "material change" in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice under this chapter of a six month period in which to comply or vacate;

(b) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate;

(d) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobile homes or mobile home living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park including, but not limited to, conversion to a use other than for mobile homes or conversion of the mobile home park to a mobile home park cooperative or mobile home park subdivision: PROVIDED, That the landlord shall give the tenants twelve months' notice in advance of the ((proposed)) effective date of such change, except that for the period of six months following the effective date of this act the landlord shall give the tenants eighteen months' notice in advance of the proposed effective date of such change;

(f) Engaging in "drug-related activity." "Drug-related activity" means that activity which constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW.

(2) A landlord may terminate any tenancy without cause. Such termination shall be effective twelve months from the date the landlord serves notice of termination upon the tenant or at the end of the current tenancy, whichever is later: PROVIDED, That a landlord shall not terminate a tenancy for any reason or basis which is prohibited under RCW 59.20.070 (3) or (4) or is intended to circumvent the provisions of (1)(e) of this section.

(3) Within five days of a notice of eviction as required by subsection (1)(a) or (2) of this section, the landlord and tenant shall submit any dispute, including the decision to terminate the tenancy without cause, to mediation. The parties may agree in writing to mediation by an independent third party or through industry mediation procedures. If the parties cannot agree, then mediation shall be through industry mediation procedures. A duty is imposed upon both parties to participate in the mediation process in good faith for a period of ten days for an eviction under subsection (1)(a) of this section, or for a period of thirty days for an eviction under subsection

(2) of this section. It is a defense to an eviction under subsection (1)(a) or (2) of this section that a landlord did not participate in the mediation process in good faith.

NEW SECTION. Sec. 13. Any unit of local government may, with the director's approval, give or loan moneys to the fund if insufficient moneys are available to pay the fund's share of relocation assistance under section 2 of this act. When sufficient moneys exist in the fund, the director shall approve the repayment of the loaned moneys to the local government.

NEW SECTION. Sec. 14. A tenant may, with the written approval of his or her attorney at law, waive or compromise their right to relocation assistance under this chapter.

NEW SECTION. Sec. 15. Any person who intentionally violates, intentionally attempts to evade, or intentionally evades the provisions of this act is guilty of a misdemeanor.

NEW SECTION. Sec. 16. Sections 1 through 6, 10, 11, 13, 14, and 15 of this act constitute a new chapter in Title 59 RCW.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 19, 1989.

Passed the Senate April 13, 1989.

Approved by the Governor April 28, 1989.

Filed in Office of Secretary of State April 28, 1989.

CHAPTER 202

[Substitute House Bill No. 1894]

DENTISTS AND DENTAL HYGIENISTS—LICENSING AND SCOPE OF PRACTICE

AN ACT Relating to technical changes in chapters 18.29 and 18.32 RCW; amending RCW 18.29.060, 18.32.030, 18.32.035, 18.32.037, 18.32.040, 18.32.050, 18.32.100, 18.32.110, 18.32.120, 18.32.160, 18.32.180, 18.32.220, 18.32.500, 18.32.520, 18.32.530, and 18.32.600; adding new sections to chapter 18.29 RCW; adding new sections to chapter 18.32 RCW; re-codifying RCW 18.32.085, 18.32.290, 18.32.310, 18.32.320, 18.32.322, 18.32.324, 18.32.326, 18.32.328, 18.32.330, 18.32.340, 18.32.350, and 18.32.360; repealing RCW 18.29.020, 18.29.031, 18.29.040, 18.29.070, 18.32.070, 18.32.210, and 18.32.225; and making an appropriation.

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