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HOUSE BILL 1692

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State of Washington                      62nd Legislature                      2011 Regular Session

By Representatives Rolfes, Appleton, Roberts, and Hunt

Read first time 01/31/11. Referred to Committee on Judiciary.

1            AN ACT Relating to manufactured/mobile home park rent adjustment;  
2 amending RCW 35.21.830; adding a new chapter to Title 59 RCW; and  
3 prescribing penalties.

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

5            NEW SECTION.            **Sec. 1.**            (1) The legislature finds that  
6 manufactured/mobile home tenants have a substantial investment in their  
7 residences and appurtenances for which a space or lot is rented in a  
8 manufactured/mobile home park. Alternate sites for the relocation of  
9 manufactured/mobile homes are difficult to find due to the shortage of  
10 vacant spaces, new park development, and the restrictions of age, size,  
11 or style of homes permitted in many parks. Likewise, the cost of  
12 moving a home is substantial and the risk of damage when moving is  
13 significant. These conditions result in the creation of a captive  
14 market of tenants. This captivity contributes to an imbalance in the  
15 bargaining relationship between park owners and tenants in favor of the  
16 park owners.

17            (2) The legislature also finds that because homes in parks are  
18 often occupied by senior citizens, persons on fixed incomes, and  
19 persons of low or moderate incomes, rent increases affect these persons

1 with particular harshness. Continual space or lot rent increases in  
2 parks diminish the value of the investment of tenants. State law  
3 permits park owners to require tenants to make modifications to their  
4 homes for a variety of reasons that constitute capital improvements,  
5 which accrue to the benefit of the park owner by increasing the market  
6 value of the park itself. Additionally, many tenants make voluntary  
7 improvements to their spaces or lots that are permanent and affixed to  
8 the space or lot rented. These improvements inure to the benefit of  
9 the park owner and become the property of the park owner when the  
10 tenant leaves. Further, in many instances, rents in parks have been  
11 raised to such a level that tenants are unable to find purchasers for  
12 their homes, resulting in a serious reduction in the sale price of  
13 their home, which makes them captives in the park and has them face a  
14 significant or total loss of equity in their homes if they leave.

15 (3) Therefore, the legislature intends to facilitate and encourage  
16 fair bargaining between tenants and park owners to achieve mutually  
17 satisfactory agreements regarding space or lot rents in parks. Absent  
18 such agreements, the legislature further intends to protect the tenants  
19 from unreasonable space or lot rent increases while simultaneously  
20 recognizing and providing for the need of park owners to receive a just  
21 and reasonable return on the investment in their property.

22 NEW SECTION. **Sec. 2.** The definitions in this section apply  
23 throughout this chapter unless the context clearly requires otherwise.

24 (1) "Base rent" means the space or lot rent in effect on January 1,  
25 2011, as determined under this chapter.

26 (2) "Base year" means a base rent charged or collected in any park  
27 for the first year following the date of the space rent ceiling.

28 (3) "Base year rent" means the space or lot rent charged or  
29 collected in a park for a base year.

30 (4) "Board" means the manufactured/mobile home park rental review  
31 board established by the department under section 8 of this act.

32 (5) "Consumer price index" means the consumer price index for all  
33 urban consumers applicable to the pertinent geographical or political  
34 area of the state of Washington as published by the United States  
35 department of labor, bureau of labor statistics.

36 (6) "Department" means the department of commerce.

37 (7) "Director" means the director of the department of commerce.

1 (8) "Manufactured/mobile home" or "home" means a structure designed  
2 for human habitation and for being moved on a street or highway, but  
3 does not include a recreational vehicle unless the recreational vehicle  
4 is located on a space or lot in a park or community and is occupied by  
5 a tenant on a permanent basis. As used in this subsection,  
6 "recreational vehicle" means a type of manufactured/mobile home if it  
7 is located on a space or lot in a park and is occupied by a tenant on  
8 a permanent basis. As used in this subsection, "permanent basis" means  
9 occupancy for a period in excess of six months per year.

10 (9) "Manufactured/mobile home park" or "park" means any parcel of  
11 land where two or more manufactured/mobile home spaces or lots are  
12 rented or held out for rent to accommodate homes for human habitation.

13 (10) "Manufactured/mobile home park owner" or "park owner" means  
14 the owner, lessor, landlord, operator, or manager of a park.

15 (11) "Manufactured/mobile home space or lot" or "space or lot"  
16 means the site within a park intended, designed, or used for the  
17 location or accommodation of a home for human habitation.

18 (12) "Manufactured/mobile home tenant" or "tenant" means any person  
19 who owns or is entitled to occupy a manufactured/mobile home.

20 (13) "Net operating income" means the gross income of a  
21 manufactured/mobile home park less allowable operating expenses. As  
22 used in this subsection, "gross income" means the sum of: Gross rents;  
23 interest from rental deposits, unless directly paid by the park owner  
24 to the tenants; income derived from any source related to or operated  
25 on the park including, but not limited to, laundry facilities, vending  
26 machines, amusement devices, cleaning fees or services, and garage and  
27 parking fees; and all other income or consideration received or  
28 receivable for or in connection with the use or occupancy of a  
29 manufactured/mobile home space or lot.

30 (14) "Operating expenses," for a manufactured/mobile home park,  
31 means the following: Real property taxes; utility costs; management  
32 fees actually paid if management services are contracted for, or the  
33 reasonable value of management services performed by the park owner,  
34 limited to no more than four percent of the gross income of the park;  
35 normal repair and maintenance expenses; license and registration fees  
36 paid by the park owner and not the tenants; and other operating  
37 expenses deemed reasonable by the board.

1 (15) "Rent increase" means any additional consideration demanded  
2 from a tenant for a manufactured/mobile home space or lot.

3 (16) "Space or lot rent" means the consideration demanded or  
4 received for the use or occupancy of a manufactured/mobile home space  
5 or lot exclusive of any consideration paid for the occupancy of the  
6 home itself. The payment of space or lot rent entitles the tenant to  
7 the full use and enjoyment of all of the park's amenities, facilities,  
8 services, and utilities that are not individually metered and  
9 separately billed to the tenant.

10 (17) "Space rent ceiling" means the amount determined under section  
11 4 of this act.

12 NEW SECTION. **Sec. 3.** (1) This chapter applies to every home  
13 located in a park except for those parks that are specifically excluded  
14 from coverage by the director.

15 (2) This chapter does not apply to any park that the director finds  
16 is (a) owned and operated by the residents of the park or (b) is owned  
17 and operated by a nonprofit corporation granted tax-exempt status by  
18 the internal revenue service.

19 (3) Exemption from this chapter is granted only upon approval of an  
20 application for such status made to the director by the tenants of the  
21 park or their representatives or by the nonprofit corporation. Any  
22 park where one or more lots are not owned by a tenant and are rented by  
23 the nonprofit corporation are not exempt from this chapter.

24 NEW SECTION. **Sec. 4.** (1) Within sixty calendar days after the  
25 effective date of this section, a park owner must submit to the  
26 department: A rent schedule of space or lot rents within the park on  
27 January 1, 2011; a schedule of any other charges paid by tenants within  
28 the park; the amount of the charges and to whom paid; the name,  
29 address, e-mail, and telephone number of the park's manager, if any;  
30 and the name, address, e-mail, and telephone number of the park owner.  
31 A park owner shall also update the registration of the park within  
32 thirty days of any change to the information previously filed for the  
33 park with the director and the department of licensing. A park owner  
34 shall also provide any further information as required by resolution of  
35 the board.

1 (2) A park owner is not eligible to receive a space rent ceiling  
2 adjustment under this chapter unless the current registration as may be  
3 required for the park is on file with the director and the department  
4 of licensing, and complete with the board, prior to the time a petition  
5 for a space rent ceiling adjustment is filed.

6 (3) At the time of any registration of a park with the director, a  
7 park owner must have paid any registration fees required by the  
8 department of licensing or under chapter RCW 59.30 RCW.

9 (4) The board shall not accept any petition from a park owner for  
10 a space rent ceiling adjustment or commence a proceeding under section  
11 9 of this act if the park owner has not paid the required registration  
12 fees to the director or to the department of licensing.

13 NEW SECTION. **Sec. 5.** A park owner shall file an annual report  
14 with the board on a date as determined by the board. The report must  
15 contain all pertinent financial information related to the operation of  
16 the park. The report must include a history of space or lot rent  
17 increases, or increases in space or lot rent for capital improvements,  
18 for the previous five years of operation of the park. The report must  
19 be made available for review and photocopying at the place of business  
20 of the board. The board may charge a reasonable fee for photocopying  
21 any report.

22 NEW SECTION. **Sec. 6.** (1) Beginning on the first day of the first  
23 month following the effective date of this section, a park owner shall  
24 not charge or collect space or lot rents for any manufactured/mobile  
25 home spaces or lots in an amount more than the space or lot rents in  
26 effect on January 1, 2011, except as provided in this chapter.

27 (2) Any park owner or tenant may petition the board for the purpose  
28 of determining the base rent in effect, in any existing park on January  
29 1, 2011, or in any park developed subsequent to January 1, 2011.

30 (3) After the effective date of this section, a park owner who has  
31 established the base rent for the park is entitled to one annual  
32 adjustment in the base rent charged for each space or lot in a park  
33 equal to the increase in the consumer price index from the date of the  
34 establishment of the base rent or the most recent annual adjustment of  
35 the space rent to the date proposed in the park owner's petition. The  
36 annual space rent adjustment may not exceed five percent, with a

1 minimum increase set at three percent or the annual cost of living  
2 adjustment for social security as measured by the consumer price index  
3 for urban wage earners and clerical workers prepared by the bureau of  
4 labor statistics, United States department of labor, whichever is  
5 lower. There may not be an additional increase in rent under this  
6 subsection unless the consumer price index increase exceeds ten  
7 percent. If the consumer price index increase exceeds ten percent, the  
8 rent increase must be one percent for each one percent that the  
9 consumer price index exceeds ten percent. The one percent rent  
10 adjustment must contain the park owner's calculations supporting the  
11 amount of the permissive annual adjustment.

12 (4) A park owner may increase a tenant's rent more than once per  
13 year for a pro rata share of any increase in the manufactured/mobile  
14 home park's real property taxes or utilities in accordance with RCW  
15 59.20.060(2)(c) if the tenant's rental agreement also provides for a  
16 pro rata reduction in the tenant's rent if the manufactured/mobile home  
17 park's real property taxes or utilities decrease.

18 (5) A park owner may petition the board for an extraordinary  
19 adjustment of the space rent ceiling. The petition must contain the  
20 amount of and the basis for the requested adjustment. The park owner  
21 shall submit as part of the petition process proof of gross income,  
22 operating expenses, costs of capital improvements, and net operating  
23 income of the park for the previous three full calendar years. It is  
24 assumed as part of the park owner's petition that a typical industry  
25 standard of operating expenses for a park is set between thirty-five  
26 and forty percent of gross receipts for Washington state, and a  
27 reasonable return on the park owner's net operating income is set at  
28 9.5 percent. Excluded from operating expenses are: Costs due to  
29 deferred maintenance; debt service expenses; depreciation; any  
30 rehabilitation of homes a park owner gains title to or typical real  
31 estate selling, recording, and title expenses; land lease expenses; and  
32 any attorneys' fees or court costs of any kind.

33 (6) An adjustment of the base rent in any park is not effective  
34 until at least twelve months from the date of the establishment of the  
35 base rent or the effective date of any prior adjustment.

36 NEW SECTION. **Sec. 7.** (1) A minimum of fifty percent of the  
37 tenants of a manufactured/mobile home park under this chapter may

1 petition the board to determine whether the base rent of adjustments  
2 applicable to the tenant's manufactured/mobile home spaces or lots are  
3 valid under this chapter. The petition must contain the names,  
4 addresses, and telephone numbers of the tenants filing the petition and  
5 the park owner or manager, a statement of the relief requested, and the  
6 basis of the requested relief. The petition must be signed by the  
7 tenants submitting the petition, accompanied by proof that the petition  
8 was personally served or mailed to the park owner or manager and by the  
9 payment of a petition fee, if any, as established by resolution of the  
10 board.

11 (2) Any park owner under this chapter may petition the board to  
12 determine whether the base rent or proposed adjustments of the base  
13 rent applicable to any manufactured/mobile home space or lot within the  
14 owner's park are valid under this chapter. The petition must contain  
15 the name, address, e-mail, and telephone number of the park owner  
16 filing the petition and the tenants of the park affected by the  
17 proposed adjustment, a statement of the amount of the adjustment or  
18 other relief requested, and the basis of the requested adjustment or  
19 relief. The petition must be signed by the park owner submitting the  
20 petition, accompanied by proof that the petition was personally served  
21 or mailed to each tenant and by the payment of a petition fee, if any,  
22 as established by resolution of the board.

23 (3) The board may designate the form of the petition submitted by  
24 a tenant or park owner under this section. If the board designates the  
25 form, each tenant and park owner must submit his or her petition on the  
26 form and no other form is acceptable.

27 (4) A petition may not be accepted by the board unless it is  
28 accompanied by the payment of a one hundred dollar fee payable to the  
29 department.

30 NEW SECTION. **Sec. 8.** (1) The manufactured/mobile home park rental  
31 review board is established by the department. The board must be  
32 composed of five members. Two members must be tenants of a park and be  
33 officers of an organization established for the education and service  
34 to tenants in parks. Two members must be park owners, as designated  
35 and recommended by mobile home communities of Washington state. One  
36 member must be a representative of the department. Board members must

1 be selected by the director and shall serve for a term of three years.  
2 Board members may not receive compensation from the department.

3 (2) The board has the following duties and powers:

4 (a) Subject to the approval of the department, the board may adopt  
5 rules to effectuate the purposes and policies of this chapter and to  
6 enable the board to carry out its duties and powers.

7 (b) The department shall appoint a manufactured/mobile home rent  
8 review director who shall administer and carry out the purposes and  
9 policies of this chapter. The rent review director must be an employee  
10 of the department.

11 (c) The board, through the rent review director, shall keep a  
12 record of its proceedings.

13 (d) The board shall: Require registration fees for each park, with  
14 the fee amounts to be determined by the department of licensing;  
15 designate the form of petitions; collect a petition fee of one hundred  
16 dollars payable to the department; and determine the acceptability of  
17 petitions filed.

18 (e) The board shall determine the validity of base rents and  
19 adjustments to the base rents of all manufactured/mobile home spaces or  
20 lots within all parks.

21 NEW SECTION. **Sec. 9.** (1) The proceedings of the board are  
22 initiated by the filing and acceptance of a petition under this  
23 chapter. Upon the filing and acceptance of a petition, the board shall  
24 establish the date and time to consider the petition. A proceeding  
25 must commence within forty-five days from the filing and acceptance of  
26 a petition unless the board has commenced a proceeding on another  
27 petition that conflicts with this forty-five day period. The board  
28 shall mail a written notice of its proceedings to all parties affected  
29 by a petition at least fifteen days before the date and time  
30 designated.

31 (2) Each party to a proceeding may be assisted by an attorney or  
32 another representative designated by the party. Any costs for the  
33 attorney or another representative must be borne by the respective  
34 party.

35 (3) Formal rules of evidence do not apply, but all testimony must  
36 be given under oath. The board may compel, by subpoena, the production  
37 of documents and the attendance of witnesses at its hearings.



1 (4) If a party fails to appear at a duly noticed proceeding, the  
2 board may hear and review any evidence that may be presented and may  
3 make determinations and findings as supported by the evidence  
4 presented.

5 (5) The board shall determine the validity of the space rent  
6 ceiling or space rent ceiling adjustments and may grant or deny other  
7 relief requested by the petition relating to the proceeding.

8 (6) The board shall make written findings, based on the evidence  
9 presented, on all issues relevant to the determinations.

10 (7) The board shall meet to consider the evidence and arguments of  
11 the parties no later than ten days after the matter has been submitted  
12 for decision, and shall make a final decision within a reasonable time.  
13 An adjustment of park rents is not allowed without a board decision.

14 (8) The decision of the board must be supported by the evidence  
15 submitted at the hearing. The petitioning party has the burden of  
16 proof in such proceedings.

17 (9) The proponent of any adjustment to a base rent has the burden  
18 of proof by a preponderance of the evidence.

19 (10) The determinations and findings of the board constitute a  
20 final administrative action. The determinations and findings of the  
21 board must be mailed to each party to a proceeding. The decision  
22 becomes effective upon the date it is mailed to the parties unless  
23 otherwise stated.

24 NEW SECTION. **Sec. 10.** (1) Upon written request from the park's  
25 tenant's association, or a majority of the park's tenants, the park  
26 owner, park manager, or a representative from the park owner's  
27 management company must meet and discuss any capital expenditure with  
28 the tenants between ten and thirty days after the park owner has given  
29 the tenants notice of an increase in the tenants' monthly occupancy  
30 charges.

31 (2) The park owner shall provide reasonable evidence of the cost of  
32 a capital expenditure for any requesting tenant's association or a  
33 majority of the park's tenants. The cost of any capital expenditure  
34 must include the actual cost of the capital expenditure, legal and  
35 engineering fees, interest, points, and other borrowing costs incurred  
36 to make the capital expenditure, if the park owner uses funds borrowed  
37 from a financial institution.

1 (3) Capital expenditures, which may be used to increase a tenant's  
2 rent or occupancy charges, are divided into three categories:

3 (a) Capital improvements. Capital improvements are the addition of  
4 improvements where none existed before, such as the construction of a  
5 new clubhouse, swimming pool, or other such amenity, or an addition to  
6 an existing clubhouse, swimming pool, or other amenity. The park owner  
7 shall notify all tenants in writing of the intent to make a capital  
8 improvement in excess of ten thousand dollars. The park owner must  
9 absorb the first five thousand dollars of capital improvements during  
10 any one calendar year.

11 (b) Capital replacements. Capital replacements are the major  
12 repairs, replacements, or renovation of any existing improvement in the  
13 park, such as utility systems, streets, and common buildings. Capital  
14 replacements also include the addition of items like water, gas, and  
15 septic or electric systems or meters. The park owner may make capital  
16 replacement expenditures without the consent or vote of the tenants.  
17 The park owner shall apply any insurance proceeds received in  
18 connection with a capital replacement item before seeking any increase  
19 in rent or occupancy charges from the tenants. The park owner must  
20 absorb the first five thousand dollars of any capital replacements  
21 during any one calendar year.

22 (c) Capital mandates. A capital mandate can be either a capital  
23 improvement or a capital replacement that is required: (i) By a  
24 governmental entity, quasi-governmental entity, utility company, or  
25 other service provider, such as water, sewer, septic, telephone, cable  
26 television, or garbage; (ii) due to fire, flood, earthquake, or other  
27 similar casualty loss or natural disaster; or (iii) to protect the  
28 health and safety of the tenants or to permit the continued occupancy  
29 or operation of the park in compliance with applicable law. The park  
30 owner may make capital mandate expenditures without the consent or vote  
31 of the tenants. The park owner shall apply any insurance proceeds  
32 received in connection with a capital mandate item before increasing  
33 the rent to the tenants for a capital mandate.

34 NEW SECTION. **Sec. 11.** (1) It is presumed that the net operating  
35 income produced by a park owner during the base year provides a fair  
36 return on park property. The park owner bears the burden of proving

1 that any increase in rent to a tenant is justified to realize a fair  
2 rate of return.

3 (2) The board may determine that the base year net operating income  
4 yielded other than a fair return on park property, in which case the  
5 base rent may be adjusted accordingly. In order to make such a  
6 determination, the board must find that the park owner's operating and  
7 maintenance expenses in the base year were unusually high or low in  
8 comparison to other years. Adjustments to the base rent may be made in  
9 calculating these expenses so that the base year operating expenses  
10 reflect average expenses for the park property over a reasonable period  
11 of time, including factors as determined by the board.

12 NEW SECTION. **Sec. 12.** (1) To determine the net operating income  
13 of the base year, a sum equal to the operating expenses for the base  
14 year must be deducted from the actual or realized gross income in the  
15 base year.

16 (2) If the park owner did not own the subject property during the  
17 base year, the operating expenses for the base year must be determined  
18 by one of the following methods, whichever the board determines to be  
19 more reliable in the particular case:

20 (a) The previous owner's actual operating expenses, if such  
21 determination is available; or

22 (b) Actual operating expenses for the first calendar year of  
23 ownership, discounted to the current calendar year.

24 (3) To determine the net operating income for any year subsequent  
25 to the base year, a sum equal to the actual operating expenses for the  
26 particular year must be deducted from the actual or annualized income,  
27 determined by analyzing the monthly rents in effect at the time of  
28 filing a petition.

29 (4) While the net operating income formula should operate to allow  
30 a park owner a fair return on park property, the board shall consider  
31 all relevant factors presented in making a determination as set forth  
32 in this chapter.

33 NEW SECTION. **Sec. 13.** (1) A space or lot rent increase is not  
34 valid when any petition is pending before the board or any proceeding  
35 on any petition is being conducted by the board. A space or lot rent  
36 increase is also not valid during the period in which the board's

1 decision for that park is being reviewed by a court of competent  
2 jurisdiction, except that permissible annual adjustments may be payable  
3 during such judicial review.

4 (2) A park owner shall not increase space or lot rents under this  
5 chapter if the park owner:

6 (a) Has failed to comply with this chapter or rules adopted under  
7 this chapter, including any provisions requiring the payment of  
8 registration fees, registration penalties, or petition fees; or

9 (b) Has failed to comply substantially with any applicable state or  
10 local housing, health, or safety law, or has been found in violation of  
11 chapter 59.20 RCW by ruling of the attorney general's dispute  
12 resolution program.

13 (3) A park owner shall not increase space or lot rents unless the  
14 notice to increase space or lot rents contains a statement in  
15 substantially the following form: "The undersigned (owner) certifies  
16 that this manufactured/mobile home space or lot and common areas of the  
17 park are not subject to any uncorrected citation or notices of  
18 violation of any state or local housing, health, or safety law issued  
19 by any government official or agency, or has been found in violation of  
20 chapter 59.20 RCW by ruling of the attorney general's dispute  
21 resolution program."

22 (4) If a park owner fails to comply with this section, a tenant may  
23 refuse to pay the space or lot rent increase, seek administrative or  
24 civil remedies under this chapter, or raise the park owner's  
25 noncompliance as an affirmative defense in any resulting unlawful  
26 detainer action filed by the park owner. If a tenant pays a rent  
27 increase subsequently found by the board to be in violation of this  
28 chapter, the park owner must credit the affected tenant's rental  
29 account by any overpayment of rent determined by the board.

30 NEW SECTION. **Sec. 14.** A park owner shall not reduce the level or  
31 kind of services provided to tenants in effect on January 1, 2011, or  
32 take any action in retaliation for the exercise by tenants of any of  
33 the rights granted under this chapter.

34 (1) If a park owner provides in the rent, without separate charge,  
35 utilities or similar services including, but not limited to, natural  
36 gas, electricity, water, sewer, garbage, or cable television, and  
37 attempts to charge separately for these services by any means of

1 transferring to the tenant the obligation for payment for these  
2 services, the cost savings must be given to the tenant by a space or  
3 lot rent reduction equal to the actual reduction of the park owner's  
4 cost of the transferred utility or similar service, less common area  
5 usage based on the park owner's actual costs for the twelve-month  
6 period prior to any notice to the tenants of the change. Failure to  
7 comply with this subsection precludes a park owner from seeking and  
8 receiving any relief under this chapter until compliance occurs.

9 (2) In determining the cost savings to be given to tenants in the  
10 form of decreased space or lot rents, the cost of installation of  
11 separate utility meters or other costs incurred by the park owner do  
12 not constitute a deduction against space or lot rent reduction.  
13 However, this does not prohibit the consideration of those costs as an  
14 increased operating expense.

15 (3) If a service other than a utility or similar service is reduced  
16 or eliminated or a utility or similar service is reduced or eliminated  
17 without a concomitant decrease in rent, the affected tenants may file  
18 a petition to determine the validity of the action. The petition must  
19 be filed within one year of the date on which the service was reduced  
20 or eliminated.

21 NEW SECTION. **Sec. 15.** (1) Any person who demands, accepts, or  
22 retains any payment in violation of this chapter is liable in a civil  
23 action to the person from whom the payment is demanded, accepted, or  
24 retained for damages in the sum of three times the amount by which the  
25 payment or payments demanded, accepted, or retained exceed the maximum  
26 space or lot rent that could lawfully be demanded, accepted, or  
27 retained, together with reasonable attorneys' fees and costs as  
28 determined by the court.

29 (2) It is unlawful for a park owner to adjust any rent in an amount  
30 in excess of that allowed under this chapter or by order of the board.  
31 An owner who willfully and knowingly violates this chapter or the  
32 orders of the board is guilty of a misdemeanor.

33 (3) The board, the rent review director, the director, tenants, and  
34 park owners may seek relief from the appropriate court within the  
35 jurisdiction within which the park is located to enforce this chapter  
36 or rules adopted under this chapter or to restrain or enjoin any  
37 violation of this chapter or rules, orders, and decisions of the board.

1 (4) Any waiver or purported waiver by a tenant of the rights  
2 granted under this chapter, whether oral or written, is void as  
3 contrary to public policy.

4 (5) A park owner or tenant aggrieved by any action of the board may  
5 seek judicial review by appealing to the appropriate court within the  
6 jurisdiction. This chapter prevents any interference or retaliatory  
7 acts against any individual tenant, group of tenants, or tenant's  
8 association. If the board determines that the park owner has  
9 interfered with or retaliated against any individual tenant, group of  
10 tenants, or tenant's association, the park owner is subject to fines of  
11 up to one thousand dollars per incident, which must be paid to the  
12 department.

13 NEW SECTION. **Sec. 16.** The initial cost of the administration of  
14 this chapter must be funded by the payment of three dollars per space  
15 or lot, occupied or vacant, in all manufactured/mobile home parks. The  
16 three dollar payment must be paid annually by the park owner to the  
17 department beginning the effective date of this section. The payment  
18 may be increased as determined by the department.

19 **Sec. 17.** RCW 35.21.830 and 1981 c 75 s 1 are each amended to read  
20 as follows:

21 The imposition of controls on rent is of statewide significance and  
22 is preempted by the state. Except for space or lot rents, as defined  
23 in section 2 of this act, in manufactured/mobile home parks, as defined  
24 in section 2 of this act, no city or town of any class may enact,  
25 maintain, or enforce ordinances or other provisions which regulate the  
26 amount of rent to be charged for single family or multiple unit  
27 residential rental structures or sites other than properties in public  
28 ownership, under public management, or properties providing low-income  
29 rental housing under joint public-private agreements for the financing  
30 or provision of such low-income rental housing. This section shall not  
31 be construed as prohibiting any city or town from entering into  
32 agreements with private persons which regulate or control the amount of  
33 rent to be charged for rental properties.

34 NEW SECTION. **Sec. 18.** This chapter must be liberally construed to  
35 achieve its purposes and to preserve its validity.

1        NEW SECTION.    **Sec. 19.**    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.

5        NEW SECTION.    **Sec. 20.**    If specific funding for the purposes of  
6 this act, referencing this act by bill or chapter number, is not  
7 provided by June 30, 2011, in the omnibus appropriations act, this act  
8 is null and void.

9        NEW SECTION.    **Sec. 21.**    Sections 1 through 16 and 18 through 20 of  
10 this act constitute a new chapter in Title 59 RCW.

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