

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

DEAR HOMEOWNER: In honor of MHOA'S 50th Anniversary 1966 – 2016 We hope that these Rules and Tips are helpful to you in your Community and that you will share them with your neighbors. As MHOA'S motto is "MHOA Means Helping One Another".

RCW59.20 Rules

For the purposes of this information homeowner or resident/tenant are used interchangeable. RCW is the Revised Code of Washington (State Law)-AG is Attorney General referencing the Manufactured/Mobile Home Dispute Resolution Program for Landlords and Homeowner's

1. Disclaimer regarding Legal Advice – MHOA has been cautioned carefully by the AG's office, Columbia Legal Services, and past presidents of MHOA, to be very careful of what we say, or put in writing to residents. When we talk to residents on an issue in their park with their manager or owner, at a park visit, or on our opinion on language 59.20, we should start off the conversation with the statement - ***"Please understand that we at MHOA are not attorneys and what I'm going to say or write to you is my personal opinion only and should not be construed as an interpretation of the law. I'm not an attorney."*** If in doubt, residents should consult with an attorney. We all need to remember to advise our residents of this fact and to cover our possible exposure as to the unauthorized practice of law.

AG's Dispute Resolution Program, RCW 59.30 – request complaint forms online at www.atg.wa.gov/MHDR.aspx, or call **1-866-924-4658**, or **Toy** direct at **206-389-3858**, or go to **MHOA's** website at www.mhoa.net and click on the link to the government services. Ask the AG'S Office to mail you copies, or call the **MHOA** office 1-360-373-2436 for a copy. You can also go to MHOA's website under the government link and print out a copy. Spanish copies are available from the **AG** or **MHOA**.

If homeowner's/residents call or contact **MHOA** officers, the home office, or District Directors about other issues, do your research, make extensive notes, and call the **MHOA** office for help. **DOCUMENT EVERYTHING!**

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

These tips on RCW59.20 are not a legal opinion, but are based on historical cases. These tips can also be copied and distributed to residents at park visits.

If anyone has questions about these tips, or suggestions for additions or changes, please call the **MHOA** office at **360-373-2436** or e-mail us at www.mhoa.net.

ALPHABETICAL ORDER BY SUBJECT

Administrative fees – a community owner can charge a reasonable administrative fee to read water or sewer meters, they cannot make a profit on the cost of utilities.

Age of homes – Park owners often attempt to deny a pre-1976 mobile home from entering a park, they cannot do this, however they can insist such a home (normally a single-wide) be brought up to code prior to entering the park.

Antennas - okay, call the **MHOA** office for specific details. Federal law says you can put up a small dish antenna on your home, even if the park provides cable. The park owner can establish reasonable rules for this installation.

Attorney's - **MHOA** has a list of pro bono attorneys and attorneys in Bar Associations in nearly every county and major city in the State. We also have information on legal counsel available through **211**, **CLEAR**, Northwest Justice Project and Washington Legal Help.

Babysitting for \$ - okay if for a relative, not okay if running a business, or daycare.

Bicycles, skateboards, scooters and roller blades – an owner cannot single out children. An owner can include in their rules and regulations a prohibition against such use or activity within the park boundaries, but the rule must apply to all homeowner's/residents, not just children.

Billing for Utilities: Landlords are encouraged to be transparent in their billing practices. Sharing billing statements from the utility company is helpful and gains trust when a tenant request it. If you are on City Meters, your City Water Department

can also give insight to charges being assessed in your community. **RCW 59.20.070 (6)** is the State Law that applies to fees.

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

Caregivers – a homeowner/resident may share their unit with any person over 18 years of age, if that person is providing live-in home or hospice care under an approved plan of treatment ordered by a physician. The provider is not considered a tenant and has no rights of tenancy. The owner may not charge a guest fee for the provider.

Carports & sheds - if originally installed by the park owner, it is the park owner's responsibility to repair, resident's responsibility to maintain (case law – The Woodshed Act) on this, and the AG supports this issue). This issue can be complicated. A resident should not agree to take over this responsibility if the owner requests, or offers a rent inducement (“Woodshed Act” – case law, see copy in the **MHOA** office). The park owner should be responsible for the structural integrity of the shed, the resident responsible to periodically re-paint the shed.

Clubhouse – Community owner responsibility to keep clean, repair and maintain, unless residents agree in writing they will clean and maintain (never should agree to repair, shouldn't agree to keep clean unless as part of the park rules on holding social or private events, with or without a deposit.

Death of a Single Person Living Alone 11.62 RCW New in 2015. – You rent a lot in a park and you are a single and sole occupant/tenant of the home. What happens if you die? You can now choose someone to act for you after you die where you are the sole occupancy of a dwelling unit. This person would have the authority to deal with the belongings you have left behind. “You must designate **in writing** who you want to take care of your belongings. Why – your heirs, personal representative or executor may not learn of your death in a timely manner. This designation must be in writing, be separate from your rental agreement, give your designated person's name, mailing address, phone number and/or e-mail number and give a copy to your park manager, in the designation, tell the landlord to allow this person to enter your unit and remove your belongings, state clearly that this designation remains in effect until you revoke it in writing or replace it with a new designation.

What must a landlord do after learning a tenant and sole occupant has died? She/he must mail or personally deliver a written notice to any known; personal representative, executor, designated person, or emergency contact. If the landlord has e-mail addresses for any of these people, she/he must also e-mail the notice.

The landlord's notice must include the tenant's name, the name of the designated agent, the approximate date of the tenant's death, the rent amount, the date through which the tenant paid rent and a statement that failure to remove the tenant's belongings by the end of the tenancy will allow the landlord to enter

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

the premises, store the property and charge the actual or reasonable costs of moving and storing the belongings, and sell or dispose of the belongings. For more information and sample forms, go to www.washingtonlawhelp.org/resource/when-a-tenant-who-lives-alone-dies-new-state-law.

Death: RCW64.80.010 Transfer of Real Property on the death of a resident in a park – For information on this transfer and to locate and read bills, please go to www.leg.wa.gov and look up this RCW, which deals with the regulations on the transfer of real property to a beneficiary.

Definitions of Homes:

Mobile vs Manufactured Vs Modular Homes Definitions

MOBILE Home:

Technically, factory-built homes built prior to 1976 intended for permanent placement are considered “mobile homes”.

Manufactured Home:

With the implementation of HUD manufactured housing construction standards on June 15, 1976, factory-built homes constructed to the HUD **code after that date are considered “manufactured homes”**. HUD regulations created universal standards throughout the United States. A HUD-coded home will display a red HUD Certification Label on each individual section of the home and a Data Plate will be located inside the home, typically near the main electrical breaker box. Manufactured homes are built on a permanent chassis to ensure stable transport to the home site from the factory. (HUD=Housing & Urban Development)

Modular Home:

A modular home is factory-built to local/state codes rather than the HUD code. These homes may or may not have a permanent chassis and typically are placed on permanent foundations. They usually are not placed in manufactured housing communities; in fact, some states will not allow non-HUD homes to be placed in manufactured home communities.

Deposits on using the clubhouse - If an owner starts imposing a deposit on the use of the clubhouse, this is probably reasonable, as long as management is consistent in requiring the deposit for all users and rules for returning the deposit or keeping part or all are clearly laid out, in writing. In our opinion, a reasonable deposit for a resident to use the clubhouse would be say \$25-100, more than this would not be reasonable and could be construed as harassment or retaliation. If a park owner requires a deposit for use of a clubhouse by an in-park tenant association (HOA, Chapter or Resident's group), but not other groups, a claim should be filed with the

AG, such a deposit would in our opinion be a violation of 59.20 under harassment or intimidation guidelines against a tenant association.

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

Discrimination in Housing - Laws protect you from discrimination based on your: Race, Color, Sex or gender, Ancestry, Religion, Age 40 or older, National origin, Marital status, Parental/familial status, Disability, Sexual orientation, Retaliation, and Use of a trained service animal.

Drainage - Case law on this issue, owners are responsible for standing water in a park, leading to water under a tenant's home, retention ponds, detention ponds and that installation of a sump pump is only a temporary fix, and if the owner asks for this, the owner should pay for the device. This can be complicated, call the **MHOA** office or the AG's office.

Electrical Checklist – Make sure electrical cords are in good condition and not overloaded, make sure Ground-fault circuit interrupters (GFCIs) are installed in bathrooms, garages, outdoors, at kitchen counters, a qualified electrician is called to do electrical work in your home. Make sure smoke alarms are installed inside each bedroom and outside each sleeping area, and tested each month, replace batteries are replaced annually and are less than 10 years old. (These items will be necessary if you want to sell your home).

Emergency loss of water, sewer, septic and electrical power. A community owner has 48 hours to restore this usage, except in extreme time constraints to obtain bids, permits and construction.

Entrance and Exit fees - prohibited under **59.20.060(2) (e)**.

Entry – except in an emergency, a community owner/manager should give a homeowner/resident 24 hours to enter upon a homeowner's leased lot for inspection or repair purposes. See **RCW 59.20.200 (1)** where defective condition is imminently hazardous to life.

Evictions – complicated. An owner may evict a resident for 1. Substantial violations or repeated or periodic violations of park rules, 2. Non-payment of rent or other charges, 3. conviction of a crime or engaging in criminal activity, 4. Change of land use. If the owner serves three fifteen day notices within a twelve-month period to comply or vacate for failure to comply with the terms of the rental agreement or park rules. When a homeowner/resident receives an eviction notice, **MHOA** cannot help; they need to be referred to an attorney.

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

FIFTY-FIVE (55) + parks - HUD – Housing and Urban Development), when an owner has 80%/20% of a MHP with **HUD 55+** and **HOPA1995** rules, the resident's families in the 20% portion of the rule are restricted to the age of children that may occupy the home. Family Parks: There can be restrictions (local ordinances) on the number

of children living in the unit, normally 2 children per bedroom, 1 per the main couch. In a 55+ park, the park owner should have a sign in a public area (front of the park, clubhouse, or common area) advertising the park as a 55+ park. The Park Owner is also required by **HUD** to have their residents fill out a form every two years attesting to their age, in order for the Park Owner to maintain the 55+ status. Many park owners do not and have not complied with this requirement. If the park owner does not file these reports a resident should report this fact to the Seattle **HUD** office 206-220-5242.

55+ Senior Parks – Periodically questions are raised about park owners being in compliance with the 1995 HOPA rules regarding being a 55+ senior park. Basically a park owner can retain the park's status as a 55+ senior park as long as at least 80% of the housing units are occupied by at least one person over 55 years of age. This means a park owner could have up to 20% of the units in the park with occupants under 55, including children. The law requires the park owner to re-survey their residents every two years (by providing them with a form attesting to their age). A copy of the form is to be provided to the resident, a copy mailed to HUD, and a copy kept by the park owner. For more information about this law and the 55+ rules go to www.hud.gov/offices/fheo/library/hopa95, or MHOA (we have copies of the law), or by contacting Sara K. Pratt, Director, Office of Enforcement, Office of Air Housing and Equal Opportunity, room 5206, 451 Seventh Street SW, Washington DC 20410-0500, (202) 708-0836, or the Seattle HUD office at 1-800-767-7468 or (206) 220-5109. If you are not being given the form every two years by your park owner, the status of your park as a 55+ senior park is in jeopardy. You need to report your park owner to the Seattle HUD office at 1-206-220-5242.

Financing - MHOA also has a list of banks and other financing sources for loans to purchase new and used manufactured/mobile homes.

Fraud – or Bad Business Practices: Contact www.bbb.org Better Business Bureau.

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

National Consumer Fraud is the Federal Trade Commission at: www.ftc.gov 1-877-382-4357. Washington State Attorney General's Office – Consumer Protection go to <http://www.access.wa.gov/topics/consumerprotection>

Guest Parking - Both **MHCW** (the park owner's association) and **CLS** say "there should not be a fee for normal guest parking unless a violation of guest parking rules occurs". 59.20.060(2)(f) says that a landlord cannot charge a fee for guests, but may establish rules charging for guests who remain for more than 15 days in a 60-day period. A fee for extended periods of guest parking would therefore be okay if the extended period was defined in the lease. 59.20 is silent as to the amount, but anything like \$10-15 per day would seem to be unreasonable. We do not believe a fee could and should be charged to a caregiver.

Heating Checklist – Make sure space heaters are at least 3 feet from anything that can burn (walls, curtains, bedding and furniture). Make sure your wood burning chimney is cleaned every year, your HVAC system is checked annually, and carbon monoxide alarms are located outside each sleeping area.

HOA: Home Owners' Association:

HOMESTEAD RIGHTS: Homestead rights are designed to protect property owners by allowing them to register a portion of their property as a homestead making it off-limits to residents. **Do not sign away your rights**

Improvements – Such as Landscaping. RCW59.20 "Improvements" specifically states "Improvements, except a natural lawn, purchased and installed by a tenant even though affixed to or in the ground may be removed or disposed of by the tenant prior to the termination of the tenancy: PROVIDED, that a tenant shall leave the mobile home lot in substantially the same or better condition than upon taking possession". What does this mean: It means that if you remove your home from the park, you should be able to take your small plants, bushes, trees, planter boxes, decorations, etc. from your lot and take them with you.

Insurance - a landlord can ask if you are covered for home/liability insurance. Unless a clause is in the resident's lease requiring the resident to provide a copy, it is probably not mandatory for the resident to provide the landlord with a copy (although this is a reasonable request from a landlord to insure the resident has property damage and liability coverage - *especially if the resident has a swimming pool or trampoline*). In these

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

cases, park owners are increasingly changing park rules to disallow homeowner's pools and trampolines because of liability concerns. (Note: Some Insurance Companies will provide a statement of coverage, but the details of your coverage are your business.) (Adding Park as additional insured? Get advice please) (Remember a **Lease** is an **agreement** and takes two parties in the agreement.)

Junk Mail - Receiving unwanted junk mail advertisements, catalogs, etc. Go to www.DirectMarketingAssociation.com on Google. Sign up for deleting junk mail. This won't stop all of this kind of unwanted stuff but it should help.

Key to Homeowner's Homes - Per **CLS**, a landlord has no right to request or receive a key to a resident's home, whether the resident is away temporarily, snow birding, etc., or the unit is for sale. **DO NOT GIVE A KEY TO YOUR HOME TO THE PARK MANAGER.** Suggestion, your next door neighbor (close friend).

Labor & Industries – L & I - Please go to the following link, to find out what types of Labor & Industries (L & I) inspections are necessary when making improvements or upgrades to your Home. This is for your benefit should you desire to re-sell your home in the future. Also check this list out when making repairs to your home. What types of repairs are required to be what is known as **L & I Compliant?**

<http://www.lni.wa.gov/ipub/622-049-000.pdf>

Landscaping – a homeowner/resident generally must submit a landscape plan for major renovation of space/lot landscaping. You can be billed for maintenance **If** you do not maintain the landscaping on your leased space/lot and you receive a 15 day notice of a lack of maintenance from your park manager or park owner, except for a routine inspection (with a prior 24-48 hour notice), or in the case of an emergency, or by an invitation by you, park managers and maintenance personnel are not supposed to be on your lot and unless you have received a warning notice, and they come on your space/lot and remove, cut down, or otherwise interfere with the landscaping you own or have installed.

October 10, 2015 - **Success Story** - A park/MHOA Chapter filed a complaint with the Attorney General under the guidelines of RCW59.30 regarding landscaping requirements under RCW59.20 by both the park owner and residents. The AG ruled that the park owner has indeed the responsibility to maintain weeds in interior driveways in the park and common areas. The park owner agreed to spray weeds and clean up debris from dead weeds as the weeds die out. The AG ruled that if tenants do not maintain landscaping on their lots, after being given the required notice, that management does have a right, after proper notice, to be cared for by management with a reasonable charge for implementing the maintenance. What does this

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

mean - the park owner has to maintain common areas of weeds and tenants must maintain their leased lots and a park owner does have a right, after proper notice, to charge tenants for management to clean up their leased lot. If your park owner is not maintaining the common areas, residents need to file a complaint under RCW59.30, if you don't maintain your leased lot, don't be surprised if management charges you to clean up your lot.

Leases - 59.20 states the landlord must provide a one-year lease with automatic one-year renewal. Language indicating at the end of the initial lease that the lease reverts to a month to month occupancy is against the law (MHCW – Holiday Resort lawsuit)). Don't sign a month to month lease. If an owner asks you to sign a new lease, read the lease and changes carefully, seek legal counsel before you sign. On May 22, 2006, the Washington Court of Appeals, District 1, declared that the “month-to-month” clause in a yearly lease was a violation of 59.20 and violates the **Consumer Protection Act (CPA)**. If the owner gives you a new lease, you should review it carefully and draw a line through any item you feel is unfair, and initial the change. That is your right. Then if any dispute comes around at least you will have shown the items you dispute. If the owner persists, refer them to RCW59.20.090 (1) (a). If harassed, file a complaint with the AG's office. Do not allow a park manager to force or intimidate you into signing a new lease without you having the right to have an attorney review the lease and give you advice.

Western Plaza, LLC v. Tison: 2015: Washington Supreme Court Decisions: Washington Case Law: Washington Law: U.S. Law: Justia
<http://law.justia.com/cases/washington/supreme-court/2015/90179-1.html>

Legislative Action Team – LAT – Independent of State Organizations, researches and lists all parks in the 49 legislative districts in Washington State and the number of lots/spaces, also park closures. Can be contacted at LegActTeam@msn.com. Any homeowner is welcome to join as a member participant. It's FREE! Personal info is confidential, and participants are informed on what is happening Legislation wise in Washington State, also on Homeowner activities and meetings. Works on Advocacy for Homeowners.

Lot Description, Picture – Plan or Map - Per SHB 2194 (passed in July 2012), community owners must now provide a more complete description of the leased lot (i.e. a map showing the location of the boundaries of the lot and the utility stubs), cannot prohibit the tenant from hiring a Realtor and placing a typical Realtor **For Sale** sign on the leased lot. The homeowner/seller is to provide a buyer confirmation of all taxes, rent, and reasonable expenses due on the home and the lot, and provide a copy of the homeowner/seller's current lease (which is assignable per 59.20) and park rules. **2194** also requires a homeowner/resident who has been designated as a sex offender to notify

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

the park ownership. A homeowner/resident previously approved and has been a resident and has engaged in criminal activity or has been convicted as a sex offender can be evicted. No resident who engages in criminal activity or is convicted as a sex offender should be allowed to physically remain in the park or visit the park. Such an eviction brings up a host of issues: 1. they could continue to pay rent until their sold their home, 2. they could hire a Realtor to show and sell the home, 3. They couldn't do a "for Sale by Owner" because they would be denied entry into the park.

Map – See Lot Description:

Mediation provisions – (RCW59.20.250 paraphrased) - according to the law, landlord and tenant "may" agree, in writing, to submit any dispute arising under the Act or under the terms, conditions, or performance of the rental agreement to mediation, by an independent third party, or to settle the dispute through industry mediation procedures. **59.20.080** (paraphrased) - when a notice of eviction based on a "park rule" is served, the notice requires a written 15-day notice (three notices within a 12-month period is cause for an eviction). If a tenant receives a 15 day notice the tenant should ask the landlord for mediation within 5 days. A duty is imposed upon both parties to participate in good faith in a mediation process for a period of ten days. Under both of these cases a resident is advised to seek legal counsel prior to starting mediation, or for any notice of eviction for any reason. Once a resident receives an eviction notice, this is "legal" and **MHOA** cannot get further involved, except to refer residents/homeowners to potential pro bono attorneys, we cannot give legal advice. Mediation is an informal and flexible dispute resolution process. The mediator's role is to guide the parties toward their own resolution. Through joint sessions and separate caucuses with parties, the mediator helps both sides define the issue (s) clearly, understand each other's position and move to a resolution.

MEDIATION

Mediation - is an informal and flexible dispute resolution **process**. The **mediator** role is to guide the parties toward their own resolution. Through joint sessions and separate caucuses with parties, the **mediator** helps both sides define the issue(s) clearly, understand each other's position and move closer to a resolution.

MHDRP - The 2007 WA State Legislature recognized that there are factors unique to the relationship between a manufactured/mobile home tenant and their landlord. The difficulty and expense of moving and relocating a manufactured/mobile home creates unique challenges. The Legislature found that

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

many tenants who experienced violations of the manufactured/mobile home landlord-tenant act (MHLTA) were often left without protections or access to legal remedies. In response, the State Legislature passed into law **RCW 59.30**. **This law authorizes the Attorney General's Office to administer the Manufactured Housing Dispute Resolution Program and enforce the Manufactured/Mobile Home Landlord-Tenant Act. It also authorizes the Department of Revenue to register manufactured/mobile home communities and collect registration fees. Who can use the MHDR program? - See more at: <http://www.atg.wa.gov/manufactured-housing-dispute-resolution-program#Start>**

MHOA Membership – subject to payment of annual \$20 dues, effective May 1, 2015 dues generally cover all household members, with only one vote per household on significant **MHOA** issues or motions at Executive Board or annual meetings. Can a manager or owner of a park belong to a **MHOA** Chapter or **HOA** – this is not recommended. Should they be invited to resident meetings – yes, if the purpose is to inform homeowners of activities in the park, planned maintenance, or to ask residents input on issues, otherwise no–homeowner/residents should be able to meet in private to discuss issues. Can park managers or a park owner be restricted or denied entry to a park **MHOA** Chapter or **HOA** meeting – yes. Can a manager or owner refuse a **MHOA** Chapter, **HOA**, or residents from meeting in a park clubhouse or at a resident's home – no. Can a person living outside of a park belong to a **MHOA** Chapter in a park, yes – if they live in a mobile or manufactured home, live in a park with no chapter, can such a person belong to an **HOA** in park – probably not. Can a former resident in a park or a guest be invited to attend social activities or tenant meetings in a park – yes, as a guest of a homeowner/resident in a park, or as an invited guest of the Chapter or **HOA**. Local area legislators, incumbents or candidates for political office can visit a park, talk to residents, distribute information (this is not solicitation), and be invited to speak at homeowner/resident meetings.

Move in – generally an owner can require a prospective resident to fill out an entry application, pay for a credit report and/or a criminal background check (the cost of which should not exceed the owner's cost for any such report – typically \$25-75.00), and require a security deposit. Security and/or pet deposits are to be returned within 14 days after the resident moves out, subject to rules. An owner is not required to pay interest on deposits. If an application from a prospective buyer of a unit in a park is denied the park owner must provide reasons why the buyer is denied (**Fair Screening Act**).

Noise -. Reminder, residents need not make unusual noises before 8 A.M. and after 10 P.M., your neighbors are entitled per their lease to "**quiet enjoyment**" of living in a park. A personal suggestion would be to get 3 other Homeowners who are also experiencing

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

the high noise level and who are not enjoying "quiet enjoyment" and all three make a complaint to management in writing. Keeping copies. Ask your local law enforcement office for a noise assessment-decibel reading. Office of Code Compliance. Your manager of your community can also make this request.

RCW 59.20.080 *Grounds for termination of tenancy or occupancy or failure to renew a tenancy of occupancy - Notice-Mediation. (j) The Tenant engages in disorderly or substantially annoying conduct upon the park premises that results in the destruction of the rights of other to the peaceful enjoyment and us of the premises. The landlord shall give the tenant Written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within 15 days. (k) The tenant creates a nuisance that materially affects the health, safety, and welfare of other park residents.*

Painting – Homeowner's/residents generally must submit colors to the owner, no spray painting in most park rules. Per the AG, park owners can require tenants to re-paint their homes, contact a local painting contractor to get an opinion if they believe the home should be entirely re-painted. Sometimes high pressure washing can solve the problem.

Park closures – minimum of a 12-month notice, funds available for relocation assistance, call 1-800-964-0852, Department of Commerce - **Office of Manufactured Housing**. Call the **MHOA** office for assistance on park closures, park purchases and relocations. There are laws governing this procedure in the RCW 59.20.

Pests, rodents, ants, raccoons, rabbits, feral cats and dogs – if throughout the park in common areas, this is the Community owner's responsibility. **MHOA** has information on pests, trapping and removal.

Petitions – residents of a park, whether **MHOA** members or individual residents, can go around the park and solicit signatures on petitions. These petitions could be for the purpose of sending to the Community Owner/Manager protesting against rent increases, manager treatment of residents/homeowner's, poor maintenance, supporting a political candidate, or any other issue affecting the residents/homeowners of the park. Per **CLS** and the **AG's** office, an owner or manager of a park cannot prevent residents or **MHOA** officers from soliciting petitions and cannot prevent homeowner's/residents from gathering together to discuss issues related to the park or manufactured/mobile home living.

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

Pets – most communities have a two pet rule, with general limits up to 25 pounds on a pet, require a separate written pet policy, rules and regulations, and are allowed to charge a reasonable deposit. Some parks deny entry by dangerous animals, especially Pit Bulls, Rottweiler's, and German Shepard's. This is reasonable.

Landlords and homeowners must both remember that while pets provide a source of comfort for their owners, they can also cause problems around a community.

The law allows Community Owners to change the park rules regarding pets, and also authorizes them to entirely prohibit pet ownership. Both homeowners and landlords should be aware that the law requires **six-month notice** to homeowners of rule changes regarding pets. The Attorney General has the capacity to issue fines for violating this law if necessary. Compliance with the law is not an option, it is an obligation!

Pets – handicap/disabled – The Federal Fair Housing Act, ADA, Section 504 of the Rehabilitation Act, and Washington State Law require that homeowners/residents with disabilities be provided with “reasonable accommodations” in order for them to have full use and enjoyment of their housing. Allowing service animals is a reasonable accommodation. It is reasonable for a park owner to request documentation from a medical provider to attest that the resident needs a service animal. A homeowner/resident should provide an owner with a letter from a health provider verifying that the homeowner/resident has a disability and has such a need. It is reasonable for an owner to ask for verification on shots for the animal and that the animal is licensed.

Pools/trampolines – based on the liability risks, it is reasonable for an owner to deny the installation of these items. If they exist in a park, the owner can give the resident a six month notice they will no longer be allowed. Language on these items should be in the park rules and regulations.

RCW – Revised Code of Washington – Official Laws passed by the Legislature in the State of Washington.

RCW 59.20 – Manufactured/Mobile Home Landlord/Tenant Act.

RCW 59.30 - Manufactured/Mobile Home Dispute Resolution Program under the direction of the Washington State Attorney General's Office.

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

Receipt – Homeowners have a right under the **RCW 59.20.134** for a written receipt for payments made.

Rent – an owner must give a homeowner three months' advance notice prior to the anniversary date of your lease for an increase in rent. Washington State is a strong property rights state and there is no current rent control or restriction against an owner for raising rents. A homeowner must pay their rent and should be encouraged to keep a record of payments and check stubs. Month-to-month leases (which are at the request of the homeowner) still require a three-month notice of a rent increase. Landlords can increase rent for increased costs for utilities and property taxes, as long as a clause is in the lease allowing for a reduction in rent for lower utilities and property taxes. If a park owner continually increases lot rents every year without much evidence of improved maintenance of the park, the homeowner should gather together, sign a petition and forward it to the park owner asking for relief. Note – there is no provision in **59.20** requiring a park owner to provide an operating budget for maintenance of the park, or account to the homeowner for costs to maintain the park. Homeowner's have the right to ask for a receipt for rent paid and under the law to receive one.

Resident manager – a community owner is not required to hire and place a resident manager in a park/community. A resident manager is not covered under 59.20, but is covered under their employment contract.

Rules - When a homeowner signs a lease and original rules and regulations they should know what they are agreeing to and should abide by the rules. Any future changes should conform to **RCW 59.20.045**. **MHCW's** position is that if an owner wants to later change rules he can do so on a 30-day notice prior to the resident's lease anniversary date, and if the changes fall under **RCW 59.20.043** and are reasonable and apply to all residents, then the resident automatically must comply with the new rules. The park

owner should provide each resident/homeowner with a copy of any new rules and regulations. Under 59.20.080(2) under grounds for termination that "in the case of a violation of a material change in park rules with respect to pets, tenant with minor children, or recreational facilities, the tenant should be given a six-month notice in which to comply". This seems to imply that if an owner wants to change a "substantive" rule, he needs to give residents a six-month notice. In our opinion, any existing tenant that had pets or children would be grandfathered until they sell their unit (i.e. if an owner wanted to now have a "no pet"

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

policy, or was wanting to change a family park over to a 55+ park) (see Pets). Retaliation or harassment against a resident or a threat of eviction for a rule violation is prohibited in 59.20. In our opinion, elimination of a clubhouse, a swimming pool, a hot tub or sauna, a picnic area, a playground, a common laundry room, would constitute a “substantive” change and would require a six-month notice. If an amenity is removed, the residents should ask the park owner for a reduction in rent, and if not granted a complaint should be filed with the **AG** under **RCW 59.30**.

RCW59.20.045 Enforceability of RULES against a tenant - **Rules** are enforceable against a tenant only if: (1) Their purpose is to promote the convenience, health, safety, or welfare of the residents, (2) They are reasonable, (3) They apply to all tenants in a "fair" manner, (4) They are not for the purpose of evading an obligation of the landlord, and (5) They are not retaliatory or discriminatory in nature.

What does this mean? - **Rules** apply to all tenants, management cannot pick and choose which tenants they may choose to notify of a rule violation and may not show favoritism to some tenants who might be their friend. Management cannot use rule violations to discriminate against tenants who they may not like, or who may be a member of a tenant organization in the park. Park rules do not normally apply to park resident managers; these folks are governed by their employment contract. – *Good common sense though would be to set an example for all to see.*

Roofs, gutters, downspouts – resident responsibility to keep clean, free of debris.

Security deposits - some landlords are arbitrarily increasing existing security deposits. Legal advice we've received from the **AG** and **Columbia Legal (CLS)** is that this issue is not covered in RCW59.20, but is a contract or lease interpretation, currently outside the AG's purview under RCW59.30. **CLS** advises there is no case law on this issue. **MHOA** would advise that unless a tenant has a history of violating their lease or park rules then they should not have to pay an increased security deposit, especially since the park owner keeps their deposit and earns interest on the funds. When this issue comes up with any resident in parks you handle, we suggest you refer the resident to legal counsel.

Scams – Consumers who suspect they may have been victimized should: 1. Have a reputable computer technician remove any software that may have been added by a scammer; 2. Change your passwords frequent, us a combination of letters, numbers and upper case items (i.e. @, #, \$, %, &, etc.).3. Contact your bank or financial institution, 4. Monitor your bank and credit card account activity. 5. File a complaint with the Federal Trade Commission (FTC). Visit www.atg.wa.gov to learn more, 6. Report identity theft to your local police or sheriff, ask the law enforcement agency to provide you with a case number.

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

Selling your Home? – Are you having difficulty paying your lot rent, maintenance and utilities – some guidelines for selling your home (per RCW59.20.073 Transfer of rental agreement):

1. Any rental agreement or lease shall be assignable by the tenant to a buyer (this means the current scheduled lot rent will continue for the new buyer until the end of the lease.
2. The seller is to notify the landlord at least fifteen days in advance of such intended sale and transfer of the lease.
3. Notify the buyer of the provisions of RCW59.20.073.
4. The seller shall verify in writing to the landlord payment of all personal property taxes, rent and utilities of the home.
5. Notify the buyer to contact park management for them to fill out a rental application, pay any security or pet deposits, pay for any credit or criminal background checks.
6. Notify your local park MHOA Chapter or Home Owner's Association.
7. Provide the buyer with a copy of your current lease and the park's current rules and regulations, the amount of your current lot rent, normal utility costs, and advise the buyer of the last five year's history of lot rent increases.
8. Ask management to provide the buyer with a map of the lot so they know where the boundaries of the lot area and the location of utility stubs (required in 2012 under RCW59.20).
9. You have the right to hire a Realtor to sell your home and have a traditional Realtor "For Sale" sign placed on your leased lot.
10. The landlord must notify the selling tenant, in writing, of a refusal to permit transfer of the lease and the sale of the home and the reasons why the sale is being refused.
11. The landlord may require the home to meet applicable fire and safety standards if a state or local agency has advised the tenant of violations.
12. Show the buyer the title of the home.

13. Ask your local area Realtors for a Market Analysis of your home, estimated selling price and tips on things you can do to improve the value of your home.
14. If your park lot rent is high (\$700-\$1,000) consider including in the sale listing a provision that you will prepay six months of lot rent to a buyer.
15. Be flexible in accepting a purchase price, remember you are obligated to continue to pay the lot rent until the home is sold.

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

16. Make up a flyer on the sale of your home and deliver to all residents in the park, they may know of someone looking to buy a home in the park.
17. Clean up your yard, high pressure wash the outside of your home, paint steps and handicap ramps, plant some colorful flowers to improve the curb appeal, clean up the inside of the home, remove clutter, donate unnecessary items to your local thrift store or senior citizen's center, check the age of your roof, heating and air conditioning equipment and your hot water tank.

Speeding – an owner can impose a fine say up to \$25 for residents or guests speeding in a park. Most park speeding limits are generally set at 10-15 MPH.

Stagnant Water - under the home contributing to MOLD.

Of concern could be health and sanitation concerns under **RCW 59.20.190** if stagnate water is accumulating under the home. Check that the leak is not your responsibility!

Duties of the Landlord: (2) Maintain the common premises and prevent the accumulation of stagnant water and to prevent the detrimental effects of moving water when such condition is not the fault of the tenant; (6) Maintain and protect all utilities provided to the manufactured home . . . in good working condition. Maintenance responsibility shall be determined at that point where the normal Manufactured home **utilities "hook-ups"** connect to those provided by the landlord or utility company;

Storm Water: Abatement in Storm Water Retention Pond – Engrossed Substitute Senate Bill 5324 was passed in 2013, relating to mosquito abatement in storm water control ponds. This act provides for maintenance and control of vegetation growth in storm water retention ponds to reduce mosquito habitat. If your park has a retention

or detention pond as part of the park's common areas, it is the park owner's responsibility to maintain these areas, keeping them free of overgrown vegetation and clean of debris. Fish and Game and your local health department and storm water control departments also have some control over these areas. Reference RCW59.20.130 Duties of Landlord, subsection (4) keep all common premises of the mobile home park free of weeds or plant growth noxious and detrimental to the health of tenants.

Streets, carports/sheds, drainage, landscaping, septic systems, storm drainage, and clubhouses – if these items were originally installed by the owner, they are

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

considered “**permanent structures**” and are the responsibility of the owner to maintain, repair and/or replace. The AG’s office supports this position. Roads are to be kept free of ice and snow to prevent slip and fall hazards.

Tenant Businesses – Tenants have a right to sell unwanted or unused items by advertising these items in your local paper, Craig's List or E-Bay, but nearly all park rules do not allow tenants to operate a business out of their home, especially if potential buyers are asked to come to the tenant's home to purchase items. If you are in doubt if whether or not you are running a business out of your home, meet with your park manager (bring along a witness!) and talk to your manager.

Title – If Lost, or missing call the Department of Licensing at 360-902-3770 or visit your local Vehicle Licensing Office to get copies of all the forms needed. **In the purchasing of your home the seller should have given you Title. Keep in a safe place.**

Visit your local **Vehicle Licensing Office** and request forms. For questions call your **County Auditor**, or email the **Department of Licensing** at: titles@dol.wa.gov

Affidavit of Loss/Release of Interest: <http://www.dol.wa.gov/forms/420040.pdf>

Vehicle Records Request: <http://www.dol.wa.gov/forms/224003.pdf>

Department of Licensing, Titles:

<http://www.dol.wa.gov/vehicleregistration/replacetitle.html>

Towing of Vehicles: RCW 59.20.060 Prohibited Provisions (2) any rental agreement executed between the landlord and Tenant shall **NOT** contain any provision: (b) which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owners of the vehicle.

Towing of Vehicles: Laws governing such in Washington State: RCW 46.55.063, 46.55.118. Right of Towing RCW 46.55.120 and Redemption. The **Department of Licensing** and the **Washington State Patrol** oversee **ALL** sections of the RCW 46.55. Please call your District Commander of the Washington State Patrol if you feel your car has not been towed in compliance with the LAW.

Trees: Not addressed in the Statute.

Suggestion: Many trees in Washington State especially “Old Growth” are protected. Check with the *Urban Forestry Department*. In most communities you do **NOT** own the land, which includes old growth timber.

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

VEHICLES: Size and number of resident vehicles - say an owner wants new rules to limit trucks to no greater than a 3/4 ton, or no more than 2 vehicles, or no RV'S or boats in the driveways - this is probably okay if applied to all residents. Nearly all parks have rules that limit cars parked in the driveway on a homeowner's leased lot to two cars and generally park rules do not allow for the parking of RV'S and trailers in the homeowner's driveway. Park owners can generally prohibit homeowner's from doing mechanical work or changing oil on their cars in the driveways as long as rule is applied fairly.

Waiver of Homestead rights - don't do, if requested by a landlord, call your attorney.

Water Meters – Many community owners are now installing individual water meters on resident lots, to avoid having to have maintenance workers read meters, avoid disputes over water usage by families' vs single residents, and push this responsibility onto homeowner's and have the cost of water used by residents as part of their lot rent. This is equivalent to a rent increase. Homeowner's/residents facing this issue should be encouraged to file a complaint with the **AG** and ask that their base rent be reduced. The installation of these meters should require a qualified vendor and permits and the community owner should pay for any restoration of homeowner's/residents landscaping caused by the work or damage to their home. (Best Practices Article for Landlords & Homeowners on Water Meter Installations-2015,) request a copy from LegActTeam@msn.com .

WOODSHED ACT: The term 'woodshedding' refers to the instruction that is given to a witness in order to make him/her respond to one party's favor. In woodshedding, the witness is advised about the method of responding to questions while giving testimony so that the testimony turns in the advising party's favor. It is also known as horseshedding. The following is an example of a case law defining the term: The term "woodshedding" refers to impermissibly coaching a witness or unfairly prejudicing a witness during ex parte communications. [In re Yasmin & Yaz (Drospirenone) Mktg., Sales Practices and Products Liability Litig. 2011 U.S. Dist. LEXIS 21973 (D. Ill. 2011)].

ZONING of Your Community: If you live in a City, you can find out from City Hall how your community is zoned: Is it Mobile/Manufactured? Have your HOA/Chapter check out your zoning classification. This is important for the preservation of your Community, be informed! Get assistance from your State Homeowners Associations to help you with this.

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

Squirrel & Raccoon Breeding & Bird Nesting Season is here!

Call your local Humane Society or the County Fish and Wildlife Division. If you are bothered with ants, bugs, bees, wasps, etc. an exterminator is best.

Before hiring anyone, check that they are licensed and bonded. You want warranted, repair work so you get the best and correct extermination and repair job possible. You need a qualified, knowledgeable wildlife service technician who specializes in trapping & exclusion of wildlife, odor removal (location & extraction of odor source), and hazardous material removal – including dead carcasses, all types of debris & animal excretion as well as a birds' nest or nesting material.

***Squirrels and Raccoons** love to enter attics and sheds, chewing holes and causing damage to many areas of the roofline. Ensure your provider: Removes the animal safely and cleans up the mess and provides repairs to prevent animals from re-entering.

***Birds** love to nest in bathroom and dryer vents as well as attic and roof vents. They also can find a hole to enter attics. Ensure you provider: Removes the bird safely and cleans up the mess and can provide screens and caps to prevent the birds from re-entering your home through the vents.

Trapping and removal or exclusion of wildlife as well as a complete repair of damaged areas is your best defense against these agitating creatures. Inspection will also make you aware of problems you may encounter within the roofline or structure in the future.

6/24/2015 alphabetized Jew. Updated **07/29/2016**jw.

Q. Why did HUD recently post a proposed rule on the Federal Register with regard to RVs/park model homes?

A. HUD's [new proposed rule](#) would define an RV as "a factory build vehicular structure, not certified as a manufactured home, designed only for recreational use and not as a primary residence or for permanent occupancy." HUD's rule would require that units claiming the RV exemption display a notice that identifies the standards used to construct the unit and state that the unit is designed only for recreational use, and not as a primary residence or permanent dwelling. See more at: <http://www.inquisitr.com/2954507/huds-proposed-rule-affecting-rv-living-and-tiny-houses-causes-uproar-on-regulatory-docket/>

In some states, only HUD code homes are allowed in mobile/manufactured home communities, so

Washington State Manufactured/Mobile Homeowner's Rules and Tips – 2016

this definition change could lead to application of HUD standards to some homes of less than 400 square feet if intended for permanent residency and actually open up a new market for those park model/tiny homes if constructed to the HUD standard for manufactured homes.

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