



Potential Manufactured Housing policy options

More feasible/lower risk

1. Caps on late fees

- a. Could match OMC 5.82.060 to cap late fees at \$10/month

Examples from other jurisdictions:

Bellingham City Council is considering adoption of an [ordinance](#) to limit junk fees in tenancies covered by the Manufactured/Mobile Home Landlord Tenant Act, as well as the Residential Landlord-Tenant Act. This includes capping late fees at \$10.

[Aberdeen](#) caps late fees at 1.5% of the tenant's monthly rent.

Current State law:

Not addressed.

2. Rent increase notice timeframe

- Could require additional notice of rent increases beyond current requirement to provide 3 months' notice of rent increases.
- Options after receiving feedback from residents at community meeting that they would need 6-9 months to plan for a significant rent increase; and likely 9 months if they needed to sell their home and relocate
 - a. 6 months' notice of all rent increases
 - b. 6 months' notice for rent increases above 5%
 - c. 9 months' notice for rent increases of 10% or more

Examples from other jurisdictions:

[Aberdeen](#) requires 120 days' notice for rent increases of 3% or more in a 12-month period.

Current State law:

RCW [59.20.090](#)(2) requires 3 months' notice of any increase in rent.

3. Increased transparency when rent is increased

- Options after hearing from residents that they would like increased transparency about rent increases and charges.
 - a. Could match the requirements in OMC 5.82.030(A), (B), and (C) where rent increase notices must specify a rationale for the rent increase.

Current State law:

[RCW 59.20.060](#) rental agreements must include 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 must be itemized in a billing to the tenant. A written rental agreement must include a written statement containing accurate historical information regarding the past five years' rental amount charged for the lot or space.

RCW [59.20.070](#) Landlords are prohibited from charging a tenant a utility fee in excess of actual utility costs.

4. Zoning protections to prevent redevelopment

- Residents at the September community meeting expressed fear that their park will be sold and redeveloped to multifamily or other use, and that they will be displaced.
 - a. Consider text amendment to OMC 18.04 that prohibits redevelopment of existing manufactured home parks or limits permitted uses.
 - 1. This policy action was considered in Olympia's Housing Action Plan but was not prioritized. Instead, a Tenant Opportunity to Purchase policy was recommended (which has since been addressed by State Legislature in providing residents notice of sale and opportunity to compete to purchase). This policy action has been recommended to prevent potential displacement by manufactured housing advocates at ROCNW.
 - b. Some jurisdictions also require park owners to submit a relocation plan, provide resources to residents, and assist them in applying for relocation assistance when they notify residents of a change of use.

Examples from other jurisdictions

Some local governments (including [Bellingham](#), [Bothell](#), [Deer Park](#), [Ellensburg](#), [Kenmore](#), [Renton](#), [Tumwater](#)) have established protective zoning overlays that designate an area specifically for manufactured home communities and/or enacted measures to prohibit or limit change of use to prevent displacement due to redevelopment of a community.

5. Provide information about legal rights and resources

- Residents at the September community meeting expressed interest in learning more about their legal rights.
 - a. Could require distribution of Northwest Justice Project's resources on legal rights for manufactured home tenancies annually or upon lease renewal
 - b. Could require landlords to provide information from the City with a link to the City's webpage with resources either annually or upon lease renewal
 - c. Could partner with outside agency to provide community trainings

6. Maintenance responsibilities

- Options after hearing from residents that they are held responsible for maintenance and/or removal of large evergreen trees on the lot space they rent. Residents reported being charged for maintenance of the driveway to the property and sidewalks (which likely should be park owner's responsibility under state law).
 - a. City could explore policy options that hold landlord responsible for maintenance of trees on lot rental. Tenant is responsible for any additional landscaping or plants they have added.

Current State law

RCW [59.20.100](#) Improvements made by the tenant are the property of the tenant and a tenant must leave the lot in the same or better condition than when they took possession.

RCW [59.20.130](#) it is the landlord's duty to maintain shared and common areas that are not in tenant's possession, vacant mobile home lots, maintain utilities up to the point of connection to the home, maintain roads within the park.

RCW [59.20.135](#) park owners are prohibited from transferring responsibility for maintenance of "permanent structures," which includes the clubhouse, carports, and storage sheds. A permanent structure does not include structures built or affixed by a tenant. A permanent structure includes only those structures that were provided as amenities to the park tenants. Park owners can require the tenant to maintain their manufactured home and yard.

RCW [59.20.140](#)(1) it is the tenant's responsibility to maintain their home and lot clean and sanitary.

7. Guest fees and policies

- Options after hearing from residents that they can be charged for having guests in their home and their guests are required to be screened by the landlord after staying past a certain period of time. *Note: Some residents thought it was unfair to charge them for guests staying in their own home or require their guests to undergo screening. Other residents wanted rules regarding guests to be enforced. So there was a difference in opinion regarding this issue.*
 - a. City could limit fees that can be charged for guests.
 - b. City could prohibit financial screening of guests, or limit to certain circumstances and types of screening.

Current State law

RCW [59.20.060](#): a landlord may establish rules charging for guests who remain on the premises for more than 15 days in any 60-day period. Landlords may not tow or impound a guest's vehicle unless they provide notice to the guest. Landlords may not charge a fee for guest parking unless there is a violation of guest parking rules.

More difficult/higher risk

1. Rule violations leading to termination of tenancy

- Resident shared story of being issued a violation for having an expired car tab on their vehicle. Advocates have shared that rule changes and violations can lead to eviction filings.
- The City could create a policy that limits what constitutes a rule violation.
- Lower risk but would likely be difficult to further define rule violations beyond what is allowable under state law.

Current State law

RCW [59.20.080](#) goes over reasons a landlord may terminate tenancy. Repeated or periodic rule violations is grounds for termination. If the landlord serves three valid 20-day notices to comply or vacate within a 12-month period, they may proceed to filing an eviction.

RCW [59.20.045](#) Rules are enforceable against a tenant only if:

(1) Their purpose is to promote the convenience, health, safety, or welfare of the residents, protect and preserve the premises from abusive use, or make a fair distribution of services and facilities made available for the tenants generally;

- (2) They are reasonably related to the purpose for which they are adopted;
- (3) They apply to all tenants in a fair manner;
- (4) They are not for the purpose of evading an obligation of the landlord;
- (5) They are not retaliatory or discriminatory in nature; and
- (6) With respect to any new or amended rules not contained within the rental agreement, the tenant was provided at least thirty days' written notice of the new or amended rule. The tenant must be provided with at least three months to comply with the new or amended rule after the thirty-day notice period. Within the three-month grace period, any violation of the new or amended rule must result in a warning only. After expiration of the three-month grace period, any violation of the new or amended rule subjects the tenant to termination of the tenancy as authorized under RCW [59.20.080](#)(1)(a).

2. Economic Displacement Relocation Assistance

- Options after hearing from residents that they would need 9 months or more to plan, provide time to sell their home, and find alternative housing if they experienced a large rent increased that forced them to move out. Residents also provided input that the relocation assistance amount must be significant, due to loss of investments and equity. Residents can leave whenever they find a new buyer for their home that is approved by the park owner, as rental agreements are assumed by the new owner. New owners have to be screened and approved for residency by the park.
 - a. Rent increases of 10% or more trigger relocation assistance and require 9 months' notice.
 - b. Amount considerations:
 - 1. Under OMC 5.82.040, tenants can request Economic Displacement Relocation Assistance of 2.5 times their monthly rent.
 - 2. Under RCW 59.21.021, if a park is permanently closed or changed to another type of use, the maximum amount of relocation assistance available is \$11,000 for a single-section home and \$17,000 for a multi-section home.
- This proposal is likely to carry more risk, depending on the amount of the relocation assistance required, as it could present a significant cost to park owners.

Current State law

RCW [59.20.073](#)(1) owner may transfer a rental agreement when they transfer title (sell) the manufactured home.

RCW [59.21.021](#) relocation assistance is available through Department of Commerce if a park closes or upon change of use. Amount provided under this statute: up to a maximum of \$17,000 for a multisection home and up to a maximum of \$11,000 for a single-section home.

3. Providing payment for transfer of ownership to park/landlord

- Advocates have shared examples of residents being evicted for nonpayment because when they got behind on rent, they tried to sell the home, but the park owner rejected the buyers who applied to the park. Currently, if a resident is forced to leave and is unable to sell, the park can put a lien on their home and take ownership of the property. The park can then re-sell or rent the property.

- a. Consider policy that requires park owners to compensate former owner for value of property, less any money owed.
- This proposal would require significant staff time and research, considering the legal complications and potential risks.

Examples from other jurisdictions

Michigan is considering legislation that would require park owners/landlords to go through a process to declare that a home is abandoned, evaluate the fair market value of the home, subtract any rents or charges owed by the former owner, and provide notice to the former owner of their evaluation accompanied by payment.

Staff Recommendations

Some of the following policies are similar to protections provided under Olympia's existing Rental Housing Code, but specifically address timeframe and concerns raised in the September community meeting with manufactured homeowners. Staff recommends Olympia prioritize the following policies:

1. Require 6 months' notice for rent increases over 5% and 9 months' notice for rent increases of 10% or more in a 12-month period.
2. Adopt similar language to OMC 5.82.030(A), (B), and (C), which requires landlords to specify a rationale for a rent increase in notice provided to the tenant.
3. Require landlords to provide information from the City of Olympia about policies and resources at lease renewal or annually.
4. Adopt zoning amendments to limit redevelopment of existing manufactured home parks.

The City could also explore enacting an Economic Displacement Relocation Assistance program but would need to exercise caution in the amount of funds required to be paid by park owners.

Some policies may be difficult to enact at the City level, but staff recommends that the City advocates for policy change at the state level to:

1. Provide payment for transfer of ownership to park/landlord, similar to legislation proposed in Michigan, to compensate owners who are forced to vacate for the value of their homes.
2. Further clarify what constitutes a rule violation to curb evictions for overly punitive rule violations shared by residents and advocates (such as being issued a notice for overgrown blackberry bushes and expired car tabs).