
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-0164.1/25

ATTY/TYPIST: MFW:eab

BRIEF DESCRIPTION: Concerning manufactured homes in cooperative communities.

1 AN ACT Relating to manufactured homes in cooperative communities;
2 amending RCW 65.20.020, 65.20.030, 65.20.050, 65.20.060, and
3 65.20.070; and providing an effective date.

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

5 **Sec. 1.** RCW 65.20.020 and 2010 c 161 s 1154 are each amended to
6 read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Affixed" means that the manufactured home is installed in
10 accordance with the installation standards in state law.

11 (2) "Department" means the department of licensing.

12 (3) "Eliminating the title" means to cancel an existing
13 certificate of title issued by this state or a foreign jurisdiction
14 or to waive the certificate of title required in chapter 46.12 RCW
15 and recording the appropriate documents in the county real property
16 records pursuant to this chapter.

17 (4) "Homeowner" means the owner of a manufactured home.

18 (5) "Land" means real property excluding the manufactured home if
the title has not been eliminated and means real property including
the manufactured home if the title has been eliminated.

19 (6) "Manufactured home" or "mobile home" means a structure,

20 designed and constructed to be transportable in one or more sections
21 and is built on a permanent chassis and designed to be used as a

dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. The structure must comply with the national mobile home construction and safety standards act of 1974 as adopted by chapter 43.22 RCW if applicable. "Manufactured home" does not include a modular home. A structure which met the definition of a "manufactured home" at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable.

(7) "Owner" means, when referring to a manufactured home that is titled, the person who is the registered owner. When referring to a ~~((mobile home))~~ **manufactured home** that is untitled pursuant to this chapter, the owner is

the person who owns the land. When referring to land, the person may have fee simple title, have a leasehold estate of ~~((thirty-five))~~ **35** 2 years or more, have an individual interest in a mobile home park as

defined in RCW 59.22.020, or be purchasing the ~~((property))~~ **land** on a real

estate contract. Owners include joint tenants, tenants in common, holders of legal life estates, and holders of remainder interests.

(8) "Person" means any individual, trustee, partnership, corporation, or other legal entity. "Person" may refer to more than one individual or entity.

(9) "Secured party" means the legal owner when referring to a titled mobile home, or the lender securing a loan through a mortgage, deed of trust, or real estate contract when referring to land or land containing an untitled manufactured home pursuant to this chapter.

(10) "Security interest" means an interest in ~~((property))~~ **a manufactured home or land** to secure

payment of a loan made by a secured party to a borrower.

(11) "Title" or "titled" means a certificate of title issued pursuant to chapter 46.12 RCW.

Sec. 2. RCW 65.20.030 and 2000 c 250 s 9A-836 are each amended to read as follows:

(1) When a manufactured home is sold or transferred on or after March 1, 1990, and when all ownership in the manufactured home is transferred through the sale or other transfer of the manufactured home to new owners, the manufactured home shall be real property when the new owners eliminate the title pursuant to this chapter. The

37 manufactured home shall not be real property in any form, including
38 fixture law, unless the title is eliminated under this chapter. Where
39 any person who owned a used manufactured home on March 1, 1990,

1 continues to own the manufactured home on or after March 1, 1990, the
2 interests and rights of owners, secured parties, lienholders, and
3 others in the manufactured home shall be based on the law prior to
4 March 1, 1990, except where the owner voluntarily eliminates the
5 title to the manufactured home by complying with this chapter. If the
6 title to the manufactured home is eliminated under this chapter, the
7 manufactured home shall be ~~((treated the same as a site-built~~
8 ~~structure and ownership shall be based on ownership of the))~~
9 considered real property ((through real property law)). If the title
10 to the manufactured home has not been eliminated under this chapter,
11 ownership shall be based on chapter 46.12 RCW.

12 (2) For purposes of perfecting and realizing upon security
13 interests, manufactured homes shall always be treated as follows:
14 ~~((1))~~ (a) If the title has not been eliminated under this chapter,
15 security interests in the manufactured home shall be perfected only
16 under chapter 62A.9A RCW in the case of a manufactured home held as
17 inventory by a manufacturer or dealer or chapter 46.12 RCW in all
18 other cases, and the lien shall be treated as securing personal
19 property for purposes of realizing upon the security interest; or
20 ~~((2))~~ (b) if the title has been eliminated under this chapter, a
21 separate security interest in the manufactured home shall not exist,
22 and the manufactured home shall only be secured as part of the real
23 property through a mortgage, deed of trust, lease, or real estate
24 contract.

25 **Sec. 3.** RCW 65.20.050 and 1989 c 343 s 5 are each amended to
26 read as follows:

27 (1) The department shall approve the application for elimination
28 of the title when all requirements listed in RCW 65.20.040 have been
29 satisfied and the registered and legal owners of the manufactured
30 home have consented to the elimination of the title. After approval,
31 the department shall have the approved application recorded in the
32 county or counties in which the land is located and on which the
33 manufactured home is affixed.

34 (2) The county auditor shall record the approved application, and
35 any other form prescribed by the department, in the county real
36 property records. The manufactured home shall then be treated as real
37 property ~~((as if it were a site-built structure))~~. Removal of the
38 manufactured home from the land is prohibited unless the procedures
39 set forth in RCW 65.20.070 are complied with.

1 (3) The department shall cancel the title after verification that
2 the county auditor has recorded the appropriate documents, and the
3 department shall maintain a record of each manufactured home title
4 eliminated under this chapter by vehicle identification number. The
5 title is deemed eliminated on the date the appropriate documents are
6 recorded by the county auditor.

7 **Sec. 4.** RCW 65.20.060 and 1989 c 343 s 6 are each amended to
8 read as follows:

9 It is the responsibility of the owner, secured parties, and
10 others to take action as necessary to protect their respective
11 interests in conjunction with the elimination of the title or
12 reissuance of a previously eliminated title.

13 A manufactured home whose title has been eliminated shall be
14 conveyed by deed, lease or real estate contract and shall
15 only be transferred together with the interest in the ((~~property~~)) land to
16 which it is affixed, unless procedures described in RCW 65.20.070 are completed.

17 Nothing in this chapter shall be construed to require a ((~~lender~~))
18 secured party to consent to the elimination of the title of a manufactured home, or to
19 retitling a manufactured home under RCW 65.20.070. The obligation of
20 the ((~~lender~~)) secured party to consent is governed solely by the
21 agreement between the lender and the owner of the manufactured home. Absent any express
22 written contractual obligation, a ((~~lender~~)) secured party may
23 withhold consent in the lender's sole discretion. In addition, the homeowner shall comply
24 with all reasonable requirements imposed by a ((~~lender~~)) secured
25 party for obtaining consent, and a ((~~lender~~)) secured party may charge a reasonable fee
26 for processing a request for consent.

27 **Sec. 5.** RCW 65.20.070 and 1989 c 343 s 7 are each amended to
28 read as follows:

29 Before physical removal of an untitled manufactured home from the
30 land the home is affixed to, the owner shall follow one of these two
31 procedures:

32 (1) Where a title is to be issued or the home has been destroyed:

33 (a) The owner shall apply to the department for a title pursuant
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34 to chapter 46.12 RCW. In addition the owner shall provide:

35 (i) An affidavit in the form prescribed by the department, signed
36 by the owners of the land and all secured parties and other
37 lienholders in the land consenting to the removal of the home;

38 (ii) Payment of recording fees;

1 (iii) A certification from a title insurance company listing the
2 owners and lienholders in the land and dated within ~~((ten))~~ 10 days
3 of the date of application for a new title under this subsection; and

4 (iv) Any other information the department may require;

5 (b) The owner shall apply for and obtain permits necessary to
6 move a manufactured home including but not limited to the permit
7 required by RCW 46.44.170, and comply with other regulations
8 regarding moving a manufactured home; and

9 (c) The department shall approve the application for title when
10 the requirements of chapter 46.12 RCW and this subsection have been
11 satisfied. Upon approval the department shall have the approved
12 application and the affidavit recorded in the county or counties in
13 which the land from which the home is being removed is located and
14 the department shall issue a title. The title is deemed effective on
15 the date the appropriate documents are recorded with the county
16 auditor.

17 (2) Where the manufactured home is to be moved to a new location
18 but again will be affixed to land owned by the homeowner a new title
19 need not be issued, but the following procedures must be complied
20 with:

21 (a) The owner shall apply to the department for a transfer in
22 location of the manufactured home and if a new owner, a transfer in
23 ownership by filing an application pursuant to RCW 65.20.040. In
24 addition the owner shall include:

25 (i) An affidavit in the form prescribed by the department signed
26 by all of the owners ~~((of the real property from which the
27 manufactured home is being moved indicating their consent))~~. The
28 affidavit shall include the consent of all secured parties and other
29 lienholders in the land from which the manufactured home is being
30 moved;

31 (ii) A legal description and property tax parcel number of the
32 real property from which the home is being removed and a legal
33 description and property tax parcel number of the land on which the
34 home is being moved to; and

35 (iii) A certification from a title insurance company listing the
36 owners and lienholders in the land and dated within ~~((ten))~~ 10 days
37 of the application for transfer in location under this subsection;

38 (b) The owner shall apply for and obtain permits necessary to
39 move a manufactured home including but not limited to RCW 46.44.170,

1 and comply with other regulations regarding moving a manufactured
2 home; and

3 (c) After approval, including verification that the owners,
4 secured parties, and other lienholders have consented to the move,
5 the department shall have the approved application recorded in the
6 county or counties in which the land from which the home is being
7 removed and the land to which the home is being moved is located.

8 NEW SECTION. **Sec. 6.** This act takes effect October 15, 2025.

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