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HOUSE BILL 1605

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Carlson, Quall, Van Luven, Voloria, Dunn, Eickmeyer, Miloscia, Skinner, Morris, Wolfe, O'Brien, Radcliff, Edwards, Alexander, Mielke, Romero, Gombosky, Lantz, Ballasiotes and D. Schmidt

Read first time 01/29/1999. Referred to Committee on Local Government.

1 AN ACT Relating to manufactured housing; amending RCW 35.63.110,  
2 35A.63.100, and 36.70.750; adding a new section to chapter 36.70A RCW;  
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that limiting  
6 competition for housing types, manufacturing methods, and housing  
7 designs stifles housing choices, arbitrarily reduces competition, and  
8 increases costs which in turn reduces housing affordability. These  
9 restrictions on the siting of manufactured housing go beyond  
10 regulations needed to adequately protect the life and safety of the  
11 citizens of the state. The legislature further finds that manufactured  
12 housing built to federal standards should not be prohibited or  
13 restrained beyond restraints or prohibitions placed on site-built  
14 single-family residences, either through personal or public  
15 restrictions, and that any such restrictions are contrary to the public  
16 policy of the state that encourages housing affordability and consumer  
17 choice absent restraint of trade by private or public entities.

18 The legislature recognizes that federal standards for manufactured  
19 housing supersedes state and local building and energy codes and that

1 compliance with state or local building or energy codes as a  
2 requirement for issuing a permit for siting a manufactured housing unit  
3 may not be required as a condition for allowing manufactured homes in  
4 the state.

5 **Sec. 2.** RCW 35.63.110 and 1965 c 7 s 35.63.110 are each amended to  
6 read as follows:

7 For any or all of such purposes the council or board, on  
8 recommendation of its commission, may divide the municipality or any  
9 portion thereof into districts of such size, shape and area, or may  
10 establish such official maps, or development plans for the whole or any  
11 portion of the municipality as may be deemed best suited to carry out  
12 the purposes of this chapter and within such districts it may regulate  
13 and restrict the erection, construction, reconstruction, alteration,  
14 repair or use of buildings, structures, or land.

15 However, in any zoning district for single-family residences,  
16 single-family manufactured homes, as defined in RCW 43.63B.010, that  
17 are thermally equivalent to the state energy code, shall be sited on  
18 individual lots subject only to land use regulations applicable to all  
19 other single-family residences on individual lots in such districts.  
20 This section does not prevent the adoption of home design regulations  
21 to assure neighborhood compatibility provided such regulations apply  
22 equally to homes regulated under the state building code and  
23 manufactured homes as defined in RCW 43.63B.010.

24 **Sec. 3.** RCW 35A.63.100 and 1979 ex.s. c 170 s 8 are each amended  
25 to read as follows:

26 After approval of the comprehensive plan, as set forth above, the  
27 legislative body, in developing the municipality and in regulating the  
28 use of land, may implement or give effect to the comprehensive plan or  
29 parts thereof by ordinance or other action to such extent as the  
30 legislative body deems necessary or appropriate. Such ordinances or  
31 other action may provide for:

32 (1) Adoption of an official map and regulations relating thereto  
33 designating locations and requirements for one or more of the  
34 following: Streets, parks, public buildings, and other public  
35 facilities, and protecting such sites against encroachment by buildings  
36 and other physical structures.

1 (2) Dividing the municipality, or portions thereof, into  
2 appropriate zones within which specific standards, requirements, and  
3 conditions may be provided for regulating the use of public and private  
4 land, buildings, and structures, and the location, height, bulk, number  
5 of stories, and size of buildings and structures, size of yards,  
6 courts, open spaces, density of population, ratio of land area to the  
7 area of buildings and structures, setbacks, area required for off-  
8 street parking, protection of access to direct sunlight for solar  
9 energy systems, and such other standards, requirements, regulations,  
10 and procedures as are appropriately related thereto. The ordinance  
11 encompassing the matters of this subsection is hereinafter called the  
12 "zoning ordinance". No zoning ordinance, or amendment thereto, shall  
13 be enacted by the legislative body without at least one public hearing,  
14 notice of which shall be given as set forth in RCW 35A.63.070. Such  
15 hearing may be held before the planning agency or the board of  
16 adjustment or such other body as the legislative body shall designate.

17 However, in any zoning district for single-family residences,  
18 single-family manufactured homes, as defined in RCW 43.63B.010, that  
19 are thermally equivalent to the state energy code, shall be sited on  
20 individual lots subject only to land use regulations applicable to all  
21 other single-family residences on individual lots in such districts.  
22 This section does not prevent the adoption of home design regulations  
23 to assure neighborhood compatibility provided such regulations apply  
24 equally to homes regulated under the state building code and  
25 manufactured homes as defined in RCW 43.63B.010.

26 (3) Adoption of design standards, requirements, regulations, and  
27 procedures for the subdivision of land into two or more parcels,  
28 including, but not limited to, the approval of plats, dedications,  
29 acquisitions, improvements, and reservation of sites for public use.

30 (4) Scheduling public improvements on the basis of recommended  
31 priorities over a period of years, subject to periodic review.

32 (5) Such other matters as may be otherwise authorized by law or as  
33 the legislative body deems necessary or appropriate to effectuate the  
34 goals and objectives of the comprehensive plan or parts thereof and the  
35 purposes of this chapter.

36 **Sec. 4.** RCW 36.70.750 and 1963 c 4 s 36.70.750 are each amended to  
37 read as follows:

1 Any board, by ordinance, may establish classifications, within each  
2 of which, specific controls are identified, and which will:

3 (1) Regulate the use of buildings, structures, and land as between  
4 agriculture, industry, business, residence, and other purposes.

5 However, in any zoning district for single-family residences,  
6 single-family manufactured homes, as defined in RCW 43.63B.010, that  
7 are thermally equivalent to the state energy code, shall be sited on  
8 individual lots subject only to land use regulations applicable to all  
9 other single-family residences on individual lots in such districts.  
10 This subsection does not prevent the adoption of home design  
11 regulations to assure neighborhood compatibility provided such  
12 regulations apply equally to homes regulated under the state building  
13 code and manufactured homes as defined in RCW 43.63B.010;

14 (2) Regulate location, height, bulk, number of stories and size of  
15 buildings and structures; the size of yards, courts, and other open  
16 spaces; the density of population; the percentage of a lot which may be  
17 occupied by buildings and structures; and the area required to provide  
18 off-street facilities for the parking of motor vehicles.

19 NEW SECTION. Sec. 5. A new section is added to chapter 36.70A RCW  
20 to read as follows:

21 Any city or county that plans or elects to plan under this chapter  
22 must allow in any zoning district for single-family residences, single-  
23 family manufactured homes as defined in RCW 43.63B.010 that are  
24 thermally equivalent to the state energy code, to be sited on  
25 individual lots subject only to land use regulations applicable to all  
26 other single-family residences on individual lots in such districts.  
27 This section does not prevent the adoption of home design regulations  
28 to assure neighborhood compatibility provided such regulations apply  
29 equally to homes regulated under the state building code and  
30 manufactured homes as defined in RCW 43.63B.010.

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