
SUBSTITUTE SENATE BILL 5481

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Winsley, Gardner, Hale, Rasmussen, T. Sheldon, Goings and Costa)

Read first time 03/03/99.

1 AN ACT Relating to manufactured housing; amending RCW 35.63.110,
2 35.63.160, 35A.63.100, 35A.63.145, and 36.70.750; adding a new section
3 to chapter 36.70A RCW; creating a new section; and providing an
4 effective date.

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

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

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

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

11 However, in any zoning district for single-family residences,
12 single-family designated manufactured homes, as defined in RCW
13 35.63.160, that are thermally equivalent to the state energy code and
14 manufactured after April 1, 1992, shall be sited on individual lots
15 subject only to land use regulations applicable to all other single-
16 family residences on individual lots in such districts. This section
17 does not prevent the adoption of home design regulations to assure
18 neighborhood compatibility provided such regulations apply equally to
19 homes regulated under the state building code and designated
20 manufactured homes as defined in RCW 35.63.160.

21 **Sec. 3.** RCW 35.63.160 and 1988 c 239 s 1 are each amended to read
22 as follows:

23 ~~(1) ((Each comprehensive plan which does not allow for the siting~~
24 ~~of manufactured homes on individual lots shall be subject to a review~~
25 ~~by the city of the need and demand for such homes. The review shall be~~
26 ~~completed by December 31, 1990.~~

27 ~~(2) For the purpose of providing an optional reference for cities~~
28 ~~which choose to allow manufactured homes on individual lots,)) A~~
29 "designated manufactured home" is a manufactured home constructed after
30 June 15, 1976, in accordance with state and federal requirements for
31 manufactured homes, which:

32 (a) Is comprised of at least two fully enclosed parallel sections
33 each of not less than twelve feet wide by thirty-six feet long;

34 (b) Was originally constructed with and now has a composition or
35 wood shake or shingle, coated metal, or similar roof of ~~((not less~~
36 ~~than))~~ nominal 3:12 pitch; and

1 (c) Has exterior siding similar in appearance to siding materials
2 commonly used on conventional site-built uniform building code single-
3 family residences.

4 (~~(+3)~~) (2) Nothing in this section precludes cities from allowing
5 any manufactured home from being sited on individual lots through local
6 standards which differ from the designated manufactured home as
7 described in this section, except that the term "designated
8 manufactured home" shall not be used except as defined in subsection
9 (~~(+2)~~) (1) of this section.

10 **Sec. 4.** RCW 35A.63.100 and 1979 ex.s. c 170 s 8 are each amended
11 to read as follows:

12 After approval of the comprehensive plan, as set forth above, the
13 legislative body, in developing the municipality and in regulating the
14 use of land, may implement or give effect to the comprehensive plan or
15 parts thereof by ordinance or other action to such extent as the
16 legislative body deems necessary or appropriate. Such ordinances or
17 other action may provide for:

18 (1) Adoption of an official map and regulations relating thereto
19 designating locations and requirements for one or more of the
20 following: Streets, parks, public buildings, and other public
21 facilities, and protecting such sites against encroachment by buildings
22 and other physical structures.

23 (2) Dividing the municipality, or portions thereof, into
24 appropriate zones within which specific standards, requirements, and
25 conditions may be provided for regulating the use of public and private
26 land, buildings, and structures, and the location, height, bulk, number
27 of stories, and size of buildings and structures, size of yards,
28 courts, open spaces, density of population, ratio of land area to the
29 area of buildings and structures, setbacks, area required for off-
30 street parking, protection of access to direct sunlight for solar
31 energy systems, and such other standards, requirements, regulations,
32 and procedures as are appropriately related thereto. The ordinance
33 encompassing the matters of this subsection is hereinafter called the
34 "zoning ordinance". No zoning ordinance, or amendment thereto, shall
35 be enacted by the legislative body without at least one public hearing,
36 notice of which shall be given as set forth in RCW 35A.63.070. Such
37 hearing may be held before the planning agency or the board of
38 adjustment or such other body as the legislative body shall designate.

1 However, in any zoning district for single-family residences,
2 single-family designated manufactured homes, as defined in RCW
3 35A.63.145, that are thermally equivalent to the state energy code and
4 manufactured after April 1, 1992, shall be sited on individual lots
5 subject only to land use regulations applicable to all other single-
6 family residences on individual lots in such districts. This section
7 does not prevent the adoption of home design regulations to assure
8 neighborhood compatibility provided such regulations apply equally to
9 homes regulated under the state building code and designated
10 manufactured homes as defined in RCW 35A.63.145.

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

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

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

21 **Sec. 5.** RCW 35A.63.145 and 1988 c 239 s 2 are each amended to read
22 as follows:

23 ~~(1) ((Each comprehensive plan which does not allow for the siting~~
24 ~~of manufactured homes on individual lots shall be subject to a review~~
25 ~~by the city of the need and demand for such homes. The review shall be~~
26 ~~completed by December 31, 1990.~~

27 ~~(2) For the purpose of providing an optional reference for cities~~
28 ~~which choose to allow manufactured homes on individual lots,)) A~~
29 "designated manufactured home" is a manufactured home constructed after
30 June 15, 1976, in accordance with state and federal requirements for
31 manufactured homes, which:

32 (a) Is comprised of at least two fully enclosed parallel sections
33 each of not less than twelve feet wide by thirty-six feet long;

34 (b) Was originally constructed with and now has a composition or
35 wood shake or shingle, coated metal, or similar roof of ~~((not less~~
36 ~~than))~~ nominal 3:12 pitch; and

1 (c) Has exterior siding similar in appearance to siding materials
2 commonly used on conventional site-built uniform building code single-
3 family residences.

4 (~~(+3+)~~) (2) Nothing in this section precludes cities from allowing
5 any manufactured home from being sited on individual lots through local
6 standards which differ from the designated manufactured home as
7 described in this section, except that the term "designated
8 manufactured home" shall not be used except as defined in subsection
9 (~~(+2+)~~) (1) of this section.

10 **Sec. 6.** RCW 36.70.750 and 1963 c 4 s 36.70.750 are each amended to
11 read as follows:

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

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

16 However, in any zoning district for single-family residences,
17 single-family designated manufactured homes, as defined in RCW
18 35.63.160, that are thermally equivalent to the state energy code and
19 manufactured after April 1, 1992, shall be sited on individual lots
20 subject only to land use regulations applicable to all other single-
21 family residences on individual lots in such districts. This
22 subsection does not prevent the adoption of home design regulations to
23 assure neighborhood compatibility provided such regulations apply
24 equally to homes regulated under the state building code and designated
25 manufactured homes as defined in RCW 35.63.160;

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

31 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.70A RCW
32 to read as follows:

33 Any city or county that plans or elects to plan under this chapter
34 must allow in any zoning district for single-family residences, single-
35 family designated manufactured homes as defined in RCW 43.63B.010,
36 35.63.160, or 35A.63.145, that are thermally equivalent to the state
37 energy code and manufactured after April 1, 1992, to be sited on

1 individual lots subject only to land use regulations applicable to all
2 other single-family residences on individual lots in such districts.
3 This section does not prevent the adoption of home design regulations
4 to assure neighborhood compatibility provided such regulations apply
5 equally to homes regulated under the state building code and designated
6 manufactured homes as defined in RCW 43.63B.010, 35.63.160, or
7 35A.63.145.

8 NEW SECTION. **Sec. 8.** This act takes effect January 1, 2001.

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