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HOUSE BILL 1801

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Dunshee, Dunn, Quall and Mielke

Read first time 02/05/2001. Referred to Committee on Local Government & Housing.

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 new manufactured homes, as defined in RCW 35.63.160, shall be sited on  
15 individual lots subject only to land use regulations applicable to all  
16 other single-family residences on individual lots in such districts.  
17 This section does not prevent the adoption of home design regulations  
18 to assure neighborhood compatibility provided such regulations apply  
19 equally to homes regulated under the state building code and designated  
20 manufactured homes and new manufactured homes, as defined in RCW  
21 35.63.160.

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

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

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

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

35       (b) Was originally constructed with and now has a composition or  
36 wood shake or shingle, coated metal, or similar roof of ~~((not less~~  
37 ~~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 (2) "New manufactured home" means any manufactured home required to  
5 be titled under Title 46 RCW, which has not been previously titled to  
6 a retail purchaser, and is not a "used mobile home" as defined in RCW  
7 82.45.032(2).

8 (3) Nothing in this section precludes cities from allowing any  
9 manufactured home from being sited on individual lots through local  
10 standards which differ from the designated manufactured home or new  
11 manufactured home as described in this section, except that the term  
12 "designated manufactured home" and "new manufactured home" shall not be  
13 used except as defined in subsections (1) and (2) of this section.

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

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

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

27 (2) Dividing the municipality, or portions thereof, into  
28 appropriate zones within which specific standards, requirements, and  
29 conditions may be provided for regulating the use of public and private  
30 land, buildings, and structures, and the location, height, bulk, number  
31 of stories, and size of buildings and structures, size of yards,  
32 courts, open spaces, density of population, ratio of land area to the  
33 area of buildings and structures, setbacks, area required for off-  
34 street parking, protection of access to direct sunlight for solar  
35 energy systems, and such other standards, requirements, regulations,  
36 and procedures as are appropriately related thereto. The ordinance  
37 encompassing the matters of this subsection is hereinafter called the  
38 "zoning ordinance". No zoning ordinance, or amendment thereto, shall

1 be enacted by the legislative body without at least one public hearing,  
2 notice of which shall be given as set forth in RCW 35A.63.070. Such  
3 hearing may be held before the planning agency or the board of  
4 adjustment or such other body as the legislative body shall designate.

5 However, in any zoning district for single-family residences,  
6 single-family designated manufactured homes, as defined in RCW  
7 35A.63.145, that are thermally equivalent to the state energy code, and  
8 new manufactured homes, as defined in RCW 35.63.160, shall be sited on  
9 individual lots subject only to land use regulations applicable to all  
10 other single-family residences on individual lots in such districts.  
11 This section does not prevent the adoption of home design regulations  
12 to assure neighborhood compatibility provided such regulations apply  
13 equally to homes regulated under the state building code and designated  
14 manufactured homes and new manufactured homes, as defined in RCW  
15 35A.63.145.

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

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

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

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

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

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

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

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

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

7 (2) "New manufactured home" means any manufactured home required to  
8 be titled under Title 46 RCW, which has not been previously titled to  
9 a retail purchaser, and is not a "used mobile home" as defined in RCW  
10 82.45.032(2).

11 (3) Nothing in this section precludes cities from allowing any  
12 manufactured home from being sited on individual lots through local  
13 standards which differ from the designated manufactured home or new  
14 manufactured home as described in this section, except that the term  
15 "designated manufactured home" and "new manufactured home" shall not be  
16 used except as defined in subsections (1) and (2) of this section.

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

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

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

23 However, in any zoning district for single-family residences,  
24 single-family designated manufactured homes, as defined in RCW  
25 35.63.160, that are thermally equivalent to the state energy code, and  
26 new manufactured homes, as defined in RCW 35.63.160, shall be sited on  
27 individual lots subject only to land use regulations applicable to all  
28 other single-family residences on individual lots in such districts.  
29 This subsection does not prevent the adoption of home design  
30 regulations to assure neighborhood compatibility provided such  
31 regulations apply equally to homes regulated under the state building  
32 code and designated manufactured homes and new manufactured homes, as  
33 defined in RCW 35.63.160;

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

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

3        Any city or county that plans or elects to plan under this chapter  
4 must allow in any zoning district for single-family residences (1)  
5 single-family designated manufactured homes as defined in RCW 35.63.160  
6 or 35A.63.145, that are thermally equivalent to the state energy code,  
7 (2) manufactured homes as defined in RCW 43.63B.010, and (3) new  
8 manufactured homes as defined in RCW 35.63.160 or 35A.63.145, to be  
9 sited on individual lots subject only to land use regulations  
10 applicable to all other single-family residences on individual lots in  
11 such districts.    This section does not prevent the adoption of home  
12 design regulations to assure neighborhood compatibility provided such  
13 regulations apply equally to homes regulated under the state building  
14 code and designated manufactured homes, manufactured homes, and new  
15 manufactured homes as defined in RCW 43.63B.010, 35.63.160, or  
16 35A.63.145.

17        NEW SECTION.    **Sec. 8.**    This act takes effect January 1, 2003.

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