

SHB 1741 - H AMD 765

By Representative Romero

ADOPTED AS AMENDED 02/11/2004

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that: Congress has
4 preempted the regulation by the states of manufactured housing
5 construction standards through adoption of construction standards for
6 manufactured housing (42 U.S.C. Sec. 5401-5403); and this federal
7 regulation is equivalent to the state's uniform building code. The
8 legislature also finds that congress has declared that: (1)
9 Manufactured housing plays a vital role in meeting the housing needs of
10 the nation; and (2) manufactured homes provide a significant resource
11 for affordable homeownership and rental housing accessible to all
12 Americans (42 U.S.C. Sec. 5401-5403). The legislature intends to
13 protect the consumers' rights to choose among a number of housing
14 construction alternatives without restraint of trade or discrimination
15 by local governments.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21 RCW
17 to read as follows:

18 A city or town may not enact any statute or ordinance that has the
19 effect, directly or indirectly, of discriminating against consumers'
20 choices in the placement or use of a home in such a manner that is not
21 equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-
22 5403 standards (as amended in 2000) must be regulated in the same
23 manner as site built homes, factory built homes, or homes built to any
24 other state construction standard. However, any city or town may
25 require that (1) a manufactured home be a new manufactured home, (2)
26 the manufactured home be set upon a permanent foundation, as specified
27 in the state manufactured housing installation standard, (3) if the
28 manufactured home is to be located in a designated historic
29 neighborhood, the manufactured home comply with all design standards

1 that apply to all other homes within the designated historic
2 neighborhood, (4) the home is thermally equivalent to the state energy
3 code, and (5) the manufactured home otherwise meets all other
4 requirements for a designated manufactured home as defined in RCW
5 35.63.160. A city with a population of one hundred thirty-five
6 thousand or more may choose to designate its building official as the
7 person responsible for issuing all permits for alterations, remodeling,
8 or expansion of manufactured housing located within the city limits
9 under this section.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.21 RCW
11 to read as follows:

12 A code city may not enact any statute or ordinance that has the
13 effect, directly or indirectly, of discriminating against consumers'
14 choices in the placement or use of a home in such a manner that is not
15 equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-
16 5403 standards (as amended in 2000) must be regulated in the same
17 manner as site built homes, factory built homes, or homes built to any
18 other state construction standard. However, any code city may require
19 that (1) a manufactured home be a new manufactured home, (2) the
20 manufactured home be set upon a permanent foundation, as specified in
21 the state manufactured housing installation standard, (3) if the
22 manufactured home is to be located in a designated historic
23 neighborhood, the manufactured home comply with all design standards
24 that apply to all other homes within the designated historic
25 neighborhood, (4) the home is thermally equivalent to the state energy
26 code, and (5) the manufactured home otherwise meets all other
27 requirements for a designated manufactured home as defined in RCW
28 35.63.160. A code city with a population of one hundred thirty-five
29 thousand or more may choose to designate its building official as the
30 person responsible for issuing all permits for alterations, remodeling,
31 or expansion of manufactured housing located within the city limits
32 under this section.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.01 RCW
34 to read as follows:

35 A county may not enact any statute or ordinance that has the

1 effect, directly or indirectly, of discriminating against consumers'
2 choices in the placement or use of a home in such a manner that is not
3 equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-
4 5403 standards (as amended in 2000) must be regulated in the same
5 manner as site built homes, factory built homes, or homes built to any
6 other state construction standard. However, any county may require
7 that (1) a manufactured home be a new manufactured home, (2) the
8 manufactured home be set upon a permanent foundation, as specified in
9 the state manufactured housing installation standard, (3) if the
10 manufactured home is to be located in a designated historic
11 neighborhood, the manufactured home comply with all design standards
12 that apply to all other homes within the designated historic
13 neighborhood, (4) the home is thermally equivalent to the state energy
14 code, and (5) the manufactured home otherwise meets all other
15 requirements for a designated manufactured home as defined in RCW
16 35.63.160.

17 **Sec. 5.** RCW 35.63.160 and 1988 c 239 s 1 are each amended to read
18 as follows:

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

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

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

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

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

1 (2) "New manufactured home" means any manufactured home required to
2 be titled under Title 46 RCW, which has not been previously titled to
3 a retail purchaser, and is not a "used mobile home" as defined in RCW
4 82.45.032(2).

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

11 NEW SECTION. Sec. 6. This act takes effect July 1, 2005."

12 Correct the title.

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