

SHB 1741 - H AMD

By Representative Romero

Strike everything after the enacting clause and insert the following:

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

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

16 A city or town may not enact any statute or ordinance that has
17 the effect, directly or indirectly, of discriminating against
18 consumers' choices in the placement or use of a home in such a
19 manner that is not equally applicable to all homes. Homes built to
20 42 U.S.C. Sec. 5401-5403 standards (as amended in 2000) must be
21 regulated in the same manner as site built homes, factory built
22 homes, or homes built to any other state construction standard.
23 However, any city or town may require that (1) a manufactured home
24 be a new manufactured home, (2) the manufactured home be set upon
25 a permanent foundation, as specified in the international
26 residential code, (3) if the manufactured home is to be located in
27 a designated historic neighborhood, the manufactured home comply
28 with all design standards that apply to all other homes within the
29 designated historic neighborhood, (4) the home is thermally

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

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

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

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

34 A county may not enact any statute or ordinance that has the
35 effect, directly or indirectly, of discriminating against
36 consumers' choices in the placement or use of a home in such a
37 manner that is not equally applicable to all homes. Homes built to

1 42 U.S.C. Sec. 5401-5403 standards (as amended in 2000) must be
2 regulated in the same manner as site built homes, factory built
3 homes, or homes built to any other state construction standard.
4 However, any county may require that (1) a manufactured home be a
5 new manufactured home, (2) the manufactured home be set upon a
6 permanent foundation, as specified in the international residential
7 code, (3) if the manufactured home is to be located in a designated
8 historic neighborhood, the manufactured home comply with all design
9 standards that apply to all other homes within the designated
10 historic neighborhood, (4) the home is thermally equivalent to the
11 state energy code, and (5) the manufactured home otherwise meets
12 all other requirements for a designated manufactured home as
13 defined in RCW 35.63.160.

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

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

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

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

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

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

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

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

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

9 Correct the title.

EFFECT: The striking amendment has the following effects on the substitute bill:

- ∅ Allows counties, cities, and towns limited authority to regulate manufactured homes, so as to require that a manufactured home: a)be a new manufactured home; b)be set upon a permanent foundation; 3)meet specified design standards if it is to be located in an historic neighborhood; 4)is thermally equivalent to those meeting the standards of the state energy code; and 5)otherwise meets the standards for manufactured homes as set forth in RCW 35.63.160;
- ∅ Allows a city or town with a population of at least one hundred thirty-five thousand residents to designate its building official as being the person responsible for the issuance of various permits relating to the alteration of a manufactured home;
- ∅ Amends RCW 35.63.160, as follows: 1)Deletes an obsolete provision requiring cities to complete a review of the need and demand for manufactured homes by December 31, 1990; and 2)provides a definition of the phrase "new manufactured home".