

# SENATE BILL REPORT

## ESHB 1741

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As Reported By Senate Committee On:  
Financial Services, Insurance & Housing, February 24, 2004

**Title:** An act relating to prohibiting discrimination against consumers' choices in housing.

**Brief Description:** Prohibiting discrimination against consumers' choices in housing.

**Sponsors:** House Committee on Local Government (originally sponsored by Representatives Romero, Lantz, Mielke, O'Brien, Edwards, Chase and Schindler).

**Brief History:**

**Committee Activity:** Financial Services, Insurance & Housing: 2/24/04 [DP].

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### SENATE COMMITTEE ON FINANCIAL SERVICES, INSURANCE & HOUSING

**Majority Report:** Do pass.

Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

**Staff:** Jennifer Arnold (786-7543)

**Background:** Local governments have the general authority to adopt comprehensive plans and zoning ordinances. A local government planning under the Growth Management Act (GMA) must develop a comprehensive plan consistent with the GMA, as well as enact implementing development regulations, including zoning provisions.

A "designated manufactured home" is defined under current law as a home constructed after June 15, 1976, in accordance with state and federal requirements, that meets certain minimum size and roof pitch requirements, and that has exterior siding similar in appearance to materials commonly used in conventional site-built homes.

**Summary of Bill:** Local governments are prohibited from enacting any local statute or ordinance that has the effect of discriminating against consumers' choices in the placement or uses of a home. If a home is built in compliance with the Federal National Manufactured Housing Construction and Safety Standards Act, a local government must regulate such housing in the same manner as site-built homes, factory-built homes, or homes built to any other state construction standard.

Limited authority is retained by local governments to enact regulations specific to manufactured homes with respect to the following three areas: siting, installation, and design. This regulatory authority is limited to regulations that require a manufactured home to be: (1) new; (2) set upon a permanent foundation; (3) consistent with specified design standards if it is located in an historic neighborhood; (4) consistent with the thermal standards of the state energy code; and (5) otherwise consistent with state statutes governing the standards for manufactured homes.

A statutory definition for the term "new manufactured home" is created.

A city or town with a population of at least 135,000 residents may designate its building official as the person responsible for the issuance of various permits relating to the alteration, remodeling, or expansion of a manufactured home.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect on July 1, 2005.

**Testimony For:** Housing is becoming an issue in urban areas, in particular affordability. This bill prohibits cities from discriminating against manufactured housing. The appearance of manufactured housing has changed over the years; today such housing is essentially indistinguishable from site-built homes. In a tight economy, this creates additional options in the housing market, which would particularly help the elderly. There are three changes between the House version and the Senate version: (1) it clarifies that any design standards relate to all housing; (2) it clarifies what a permanent foundation is; and (3) it adds that any city over 135,000 can opt to issue permits for expansion. The bill is not about covenants and is not about used homes. It does not in any way affect park relocation or existing homes. Someone already living in a manufactured home that needs to have it moved will not be prejudiced. There are reasonable standards in the bill to protect folks on placement and use of homes throughout our neighborhoods.

**Testimony Against:** None.

**Testified:** PRO: Representative Jim Moeller, on behalf of Representative Romero; Mike Ryherd, WA Manufactured Housing Association; Bob Mitchell, WA Association of Realtors.

Signed In/Did Not Testify: Nick Federici, WA Low-Income Housing Alliance; John Woodring, Manufactured Housing Communities of Washington.