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ENGROSSED SUBSTITUTE HOUSE BILL 1741

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State of Washington

58th Legislature

2004 Regular Session

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

READ FIRST TIME 03/05/03.

1 AN ACT Relating to prohibiting discrimination against consumers'  
2 choices in housing; amending RCW 35.63.160; adding a new section to  
3 chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding  
4 a new section to chapter 36.01 RCW; creating a new section; and  
5 providing an effective date.

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

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

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

3        A city or town may not enact any statute or ordinance that has the  
4 effect, directly or indirectly, of discriminating against consumers'  
5 choices in the placement or use of a home in such a manner that is not  
6 equally applicable to all homes.    Homes built to 42 U.S.C. Sec. 5401-  
7 5403 standards (as amended in 2000) must be regulated in the same  
8 manner as site built homes, factory built homes, or homes built to any  
9 other state construction standard.    However, any city or town may  
10 require that (1) a manufactured home be a new manufactured home, (2)  
11 the manufactured home be set upon a permanent foundation, as specified  
12 in the state manufactured housing installation standard and that the  
13 space from the bottom of the home to the ground be enclosed by concrete  
14 or an approved concrete product which can be either load bearing or  
15 decorative, (3) if the manufactured home is to be located in a  
16 designated historic neighborhood, the manufactured home comply with all  
17 design standards that apply to all other homes within the designated  
18 historic neighborhood, (4) the home is thermally equivalent to the  
19 state energy code, and (5) the manufactured home otherwise meets all  
20 other requirements for a designated manufactured home as defined in RCW  
21 35.63.160.    A city with a population of one hundred thirty-five  
22 thousand or more may choose to designate its building official as the  
23 person responsible for issuing all permits for alterations, remodeling,  
24 or expansion of manufactured housing located within the city limits  
25 under this section.

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

28        A code city may not enact any statute or ordinance that has the  
29 effect, directly or indirectly, of discriminating against consumers'  
30 choices in the placement or use of a home in such a manner that is not  
31 equally applicable to all homes.    Homes built to 42 U.S.C. Sec. 5401-  
32 5403 standards (as amended in 2000) must be regulated in the same  
33 manner as site built homes, factory built homes, or homes built to any  
34 other state construction standard.    However, any code city may require  
35 that (1) a manufactured home be a new manufactured home, (2) the  
36 manufactured home be set upon a permanent foundation, as specified in  
37 the state manufactured housing installation standard and that the space

1 from the bottom of the home to the ground be enclosed by concrete or an  
2 approved concrete product which can be either load bearing or  
3 decorative, (3) if the manufactured home is to be located in a  
4 designated historic neighborhood, the manufactured home comply with all  
5 design standards that apply to all other homes within the designated  
6 historic neighborhood, (4) the home is thermally equivalent to the  
7 state energy code, and (5) the manufactured home otherwise meets all  
8 other requirements for a designated manufactured home as defined in RCW  
9 35.63.160. A code city with a population of one hundred thirty-five  
10 thousand or more may choose to designate its building official as the  
11 person responsible for issuing all permits for alterations, remodeling,  
12 or expansion of manufactured housing located within the city limits  
13 under this section.

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

16 A county may not enact any statute or ordinance that has the  
17 effect, directly or indirectly, of discriminating against consumers'  
18 choices in the placement or use of a home in such a manner that is not  
19 equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-  
20 5403 standards (as amended in 2000) must be regulated in the same  
21 manner as site built homes, factory built homes, or homes built to any  
22 other state construction standard. However, any county may require  
23 that (1) a manufactured home be a new manufactured home, (2) the  
24 manufactured home be set upon a permanent foundation, as specified in  
25 the state manufactured housing installation standard and that the space  
26 from the bottom of the home to the ground be enclosed by concrete or an  
27 approved concrete product which can be either load bearing or  
28 decorative, (3) if the manufactured home is to be located in a  
29 designated historic neighborhood, the manufactured home comply with all  
30 design standards that apply to all other homes within the designated  
31 historic neighborhood, (4) the home is thermally equivalent to the  
32 state energy code, and (5) the manufactured home otherwise meets all  
33 other requirements for a designated manufactured home as defined in RCW  
34 35.63.160.

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

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

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

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

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

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

18           (2) "New manufactured home" means any manufactured home required to  
19 be titled under Title 46 RCW, which has not been previously titled to  
20 a retail purchaser, and is not a "used mobile home" as defined in RCW  
21 82.45.032(2).

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

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

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