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SENATE BILL 6593

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State of Washington

58th Legislature

2004 Regular Session

By Senators Prentice, Carlson, Keiser, T. Sheldon and Winsley

Read first time 01/26/2004. Referred to Committee on Financial Services, Insurance & Housing.

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, (3) the home  
13 is thermally equivalent to the state energy code, and (4) the  
14 manufactured home otherwise meets all other requirements for a  
15 designated manufactured home as defined in RCW 35.63.160.

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

18        A code city 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 code city may require  
25 that (1) a manufactured home be a new manufactured home, (2) the  
26 manufactured home be set upon a permanent foundation, as specified in  
27 the state manufactured housing installation standard, (3) the home is  
28 thermally equivalent to the state energy code, and (4) the manufactured  
29 home otherwise meets all other requirements for a designated  
30 manufactured home as defined in RCW 35.63.160.

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

33        A county may not enact any statute or ordinance that has the  
34 effect, directly or indirectly, of discriminating against consumers'  
35 choices in the placement or use of a home in such a manner that is not  
36 equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-

1 5403 standards (as amended in 2000) must be regulated in the same  
2 manner as site built homes, factory built homes, or homes built to any  
3 other state construction standard. However, any county may require  
4 that (1) a manufactured home be a new manufactured home, (2) the  
5 manufactured home be set upon a permanent foundation, as specified in  
6 the state manufactured housing installation standard, (3) the home is  
7 thermally equivalent to the state energy code, and (4) the manufactured  
8 home otherwise meets all other requirements for a designated  
9 manufactured home as defined in RCW 35.63.160.

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

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

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

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

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

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

29 (2) "New manufactured home" means any manufactured home required to  
30 be titled under Title 46 RCW, which has not been previously titled to  
31 a retail purchaser, and is not a "used mobile home" as defined in RCW  
32 82.45.032(2).

33 (3) Nothing in this section precludes cities from allowing any  
34 manufactured home from being sited on individual lots through local  
35 standards which differ from the designated manufactured home or new  
36 manufactured home as described in this section, except that the term

1 "designated manufactured home" and "new manufactured home" shall not be  
2 used except as defined in subsections (1) and (2) of this section.

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

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