
SUBSTITUTE HOUSE BILL 1374

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Housing (originally sponsored by Representatives Simpson, Schindler, Miloscia, Sells, Chase and Holmquist)

READ FIRST TIME 02/17/05.

1 AN ACT Relating to prohibiting certain restrictions on the location
2 of manufactured homes; amending RCW 35.21.684, 35A.21.312, and
3 36.01.225; adding a new section to chapter 35.21 RCW; adding a new
4 section to chapter 35A.21 RCW; adding a new section to chapter 36.01
5 RCW; providing an effective date; and declaring an emergency.

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

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

9 A city or town may not enact any statute or ordinance that has the
10 effect, directly or indirectly, of restricting the location of mobile
11 homes or manufactured homes in mobile home parks or manufactured
12 housing communities, as defined in RCW 59.20.030, based exclusively on
13 the age or dimensions of the manufactured home.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21 RCW
15 to read as follows:

16 A code city may not enact any statute or ordinance that has the
17 effect, directly or indirectly, of restricting the location of mobile

1 homes or manufactured homes in mobile home parks or manufactured
2 housing communities, as defined in RCW 59.20.030, based exclusively on
3 the age or dimensions of the manufactured home.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.01 RCW
5 to read as follows:

6 A county may not enact any statute or ordinance that has the
7 effect, directly or indirectly, of restricting the location of mobile
8 homes or manufactured homes in mobile home parks or manufactured
9 housing communities, as defined in RCW 59.20.030, based exclusively on
10 the age or dimensions of the manufactured home.

11 **Sec. 4.** RCW 35.21.684 and 2004 c 256 s 2 are each amended to read
12 as follows:

13 (1) A city or town may not enact any statute or ordinance that has
14 the effect, directly or indirectly, of discriminating against
15 consumers' choices in the placement or use of a home in such a manner
16 that is not equally applicable to all homes. Homes built to 42 U.S.C.
17 Sec. 5401-5403 standards (as amended in 2000) must be regulated for the
18 purposes of siting in the same manner as site built homes, factory
19 built homes, or homes built to any other state construction or local
20 design standard. However, except as provided in sections 1 through 3
21 of this act, any city or town may require that (a) a manufactured home
22 be a new manufactured home; (b) the manufactured home be set upon a
23 permanent foundation, as specified by the manufacturer, and that the
24 space from the bottom of the home to the ground be enclosed by concrete
25 or an approved concrete product which can be either load bearing or
26 decorative; (c) the manufactured home comply with all local design
27 standards applicable to all other homes within the neighborhood in
28 which the manufactured home is to be located; (d) the home is thermally
29 equivalent to the state energy code; and (e) the manufactured home
30 otherwise meets all other requirements for a designated manufactured
31 home as defined in RCW 35.63.160. A city with a population of one
32 hundred thirty-five thousand or more may choose to designate its
33 building official as the person responsible for issuing all permits,
34 including department of labor and industries permits issued under
35 chapter 43.22 RCW in accordance with an interlocal agreement under

1 chapter 39.34 RCW, for alterations, remodeling, or expansion of
2 manufactured housing located within the city limits under this section.

3 (2) This section does not override any legally recorded covenants
4 or deed restrictions of record.

5 (3) This section does not affect the authority granted under
6 chapter 43.22 RCW.

7 **Sec. 5.** RCW 35A.21.312 and 2004 c 256 s 3 are each amended to read
8 as follows:

9 (1) A code city may not enact any statute or ordinance that has the
10 effect, directly or indirectly, of discriminating against consumers'
11 choices in the placement or use of a home in such a manner that is not
12 equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-
13 5403 standards (as amended in 2000) must be regulated for the purposes
14 of siting in the same manner as site built homes, factory built homes,
15 or homes built to any other state construction or local design
16 standard. However, except as provided in sections 1 through 3 of this
17 act, any code city may require that (a) a manufactured home be a new
18 manufactured home; (b) the manufactured home be set upon a permanent
19 foundation, as specified by the manufacturer, and that the space from
20 the bottom of the home to the ground be enclosed by concrete or an
21 approved concrete product which can be either load bearing or
22 decorative; (c) the manufactured home comply with all local design
23 standards applicable to all other homes within the neighborhood in
24 which the manufactured home is to be located; (d) the home is thermally
25 equivalent to the state energy code; and (e) the manufactured home
26 otherwise meets all other requirements for a designated manufactured
27 home as 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 including department of labor and industries permits issued under
31 chapter 43.22 RCW in accordance with an interlocal agreement under
32 chapter 39.34 RCW, for alterations, remodeling, or expansion of
33 manufactured housing located within the city limits under this section.

34 (2) This section does not override any legally recorded covenants
35 or deed restrictions of record.

36 (3) This section does not affect the authority granted under
37 chapter 43.22 RCW.

1 **Sec. 6.** RCW 36.01.225 and 2004 c 256 s 4 are each amended to read
2 as follows:

3 (1) A county 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 for the purposes
8 of siting in the same manner as site built homes, factory built homes,
9 or homes built to any other state construction or local design
10 standard. However, except as provided in sections 1 through 3 of this
11 act, any county may require that (a) a manufactured home be a new
12 manufactured home; (b) the manufactured home be set upon a permanent
13 foundation, as specified by the manufacturer, and that the space from
14 the bottom of the home to the ground be enclosed by concrete or an
15 approved concrete product which can be either load bearing or
16 decorative; (c) the manufactured home comply with all local design
17 standards applicable to all other homes within the neighborhood in
18 which the manufactured home is to be located; (d) the home is thermally
19 equivalent to the state energy code; and (e) the manufactured home
20 otherwise meets all other requirements for a designated manufactured
21 home as defined in RCW 35.63.160.

22 (2) This section does not override any legally recorded covenants
23 or deed restrictions of record.

24 (3) This section does not affect the authority granted under
25 chapter 43.22 RCW.

26 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and takes effect
29 July 1, 2005.

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