

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1227

61st Legislature
2009 Regular Session

Passed by the House March 4, 2009
Yeas 88 Nays 7

Speaker of the House of Representatives

Passed by the Senate April 2, 2009
Yeas 44 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1227** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1227

Passed Legislature - 2009 Regular Session

State of Washington **61st Legislature** **2009 Regular Session**

By Representatives Springer, Warnick, Johnson, Lias, McCune, Ormsby,
and Morrell

Read first time 01/15/09. Referred to Committee on Local Government &
Housing.

1 AN ACT Relating to recreational vehicles used as primary residences
2 in manufactured/mobile home communities; and amending RCW 35.21.684,
3 35A.21.312, and 36.01.225.

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

5 **Sec. 1.** RCW 35.21.684 and 2008 c 117 s 1 are each amended to read
6 as follows:

7 (1) A city or town may not adopt an ordinance that has the effect,
8 directly or indirectly, of discriminating against consumers' choices in
9 the placement or use of a home in such a manner that is not equally
10 applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-5403
11 standards (as amended in 2000) must be regulated for the purposes of
12 siting in the same manner as site built homes, factory built homes, or
13 homes built to any other state construction or local design standard.
14 However, except as provided in subsection (2) of this section, any city
15 or town may require that:

16 (a) A manufactured home be a new manufactured home;

17 (b) The manufactured home be set upon a permanent foundation, as
18 specified by the manufacturer, and that the space from the bottom of

1 the home to the ground be enclosed by concrete or an approved concrete
2 product which can be either load bearing or decorative;

3 (c) The manufactured home comply with all local design standards
4 applicable to all other homes within the neighborhood in which the
5 manufactured home is to be located;

6 (d) The home is thermally equivalent to the state energy code; and

7 (e) The manufactured home otherwise meets all other requirements
8 for a designated manufactured home as defined in RCW 35.63.160.

9 A city with a population of one hundred thirty-five thousand or
10 more may choose to designate its building official as the person
11 responsible for issuing all permits, including department of labor and
12 industries permits issued under chapter 43.22 RCW in accordance with an
13 interlocal agreement under chapter 39.34 RCW, for alterations,
14 remodeling, or expansion of manufactured housing located within the
15 city limits under this section.

16 (2) A city or town may not adopt an ordinance that has the effect,
17 directly or indirectly, of restricting the location of (~~mobile homes~~
18 ~~or manufactured homes in mobile home parks or manufactured housing~~)
19 manufactured/mobile homes in manufactured/mobile home communities(~~, as~~
20 ~~defined in RCW 59.20.030, which~~) that were legally in existence before
21 June 12, 2008, based exclusively on the age or dimensions of the
22 (~~mobile home or~~) manufactured/mobile home. This does not preclude a
23 city or town from restricting the location of a (~~mobile home or~~
24 ~~manufactured home in mobile home parks or manufactured housing~~)
25 manufactured/mobile home in manufactured/mobile home communities for
26 any other reason including, but not limited to, failure to comply with
27 fire, safety, or other local ordinances or state laws related to
28 (~~mobile homes and~~) manufactured/mobile homes.

29 (3) Except as provided under subsection (4) of this section, a city
30 or town may not adopt an ordinance that has the effect, directly or
31 indirectly, of preventing the entry or requiring the removal of a
32 recreational vehicle used as a primary residence in manufactured/mobile
33 home communities.

34 (4) Subsection (3) of this section does not apply to any local
35 ordinance or state law that:

36 (a) Imposes fire, safety, or other regulations related to
37 recreational vehicles;

1 (b) Requires utility hookups in manufactured/mobile home
2 communities to meet state or federal building code standards for
3 manufactured/mobile home communities; or

4 (c) Includes both of the following provisions:

5 (i) A recreational vehicle must contain at least one internal
6 toilet and at least one internal shower; and

7 (ii) If the requirement in (c)(i) of this subsection is not met, a
8 manufactured/mobile home community must provide toilets and showers.

9 (5) For the purposes of this section, "manufactured/mobile home
10 community" has the same meaning as in RCW 59.20.030.

11 (6) This section does not override any legally recorded covenants
12 or deed restrictions of record.

13 ((+4)) (7) This section does not affect the authority granted
14 under chapter 43.22 RCW.

15 **Sec. 2.** RCW 35A.21.312 and 2008 c 117 s 2 are each amended to read
16 as follows:

17 (1) A code city may not adopt an ordinance that has the effect,
18 directly or indirectly, of discriminating against consumers' choices in
19 the placement or use of a home in such a manner that is not equally
20 applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-5403
21 standards (as amended in 2000) must be regulated for the purposes of
22 siting in the same manner as site built homes, factory built homes, or
23 homes built to any other state construction or local design standard.
24 However, except as provided in subsection (2) of this section, any code
25 city may require that:

26 (a) A manufactured home be a new manufactured home;

27 (b) The manufactured home be set upon a permanent foundation, as
28 specified by the manufacturer, and that the space from the bottom of
29 the home to the ground be enclosed by concrete or an approved concrete
30 product which can be either load bearing or decorative;

31 (c) The manufactured home comply with all local design standards
32 applicable to all other homes within the neighborhood in which the
33 manufactured home is to be located;

34 (d) The home is thermally equivalent to the state energy code; and

35 (e) The manufactured home otherwise meets all other requirements
36 for a designated manufactured home as defined in RCW 35.63.160.

1 A code city with a population of one hundred thirty-five thousand
2 or more may choose to designate its building official as the person
3 responsible for issuing all permits, including department of labor and
4 industries permits issued under chapter 43.22 RCW in accordance with an
5 interlocal agreement under chapter 39.34 RCW, for alterations,
6 remodeling, or expansion of manufactured housing located within the
7 city limits under this section.

8 (2) A code city may not adopt an ordinance that has the effect,
9 directly or indirectly, of restricting the location of (~~mobile homes~~
10 ~~or manufactured homes in mobile home parks or manufactured housing~~)
11 manufactured/mobile homes in manufactured/mobile home communities(~~(, as~~
12 ~~defined in RCW 59.20.030, which~~) that were legally in existence before
13 June 12, 2008, based exclusively on the age or dimensions of the
14 (~~mobile home or~~) manufactured/mobile home. This does not preclude a
15 code city from restricting the location of a (~~mobile home or~~
16 ~~manufactured home in mobile home parks or manufactured housing~~)
17 manufactured/mobile home in manufactured/mobile home communities for
18 any other reason including, but not limited to, failure to comply with
19 fire, safety, or other local ordinances or state laws related to
20 (~~mobile homes and~~) manufactured/mobile homes.

21 (3) Except as provided under subsection (4) of this section, a code
22 city may not adopt an ordinance that has the effect, directly or
23 indirectly, of preventing the entry or requiring the removal of a
24 recreational vehicle used as a primary residence in manufactured/mobile
25 home communities.

26 (4) Subsection (3) of this section does not apply to any local
27 ordinance or state law that:

28 (a) Imposes fire, safety, or other regulations related to
29 recreational vehicles;

30 (b) Requires utility hookups in manufactured/mobile home
31 communities to meet state or federal building code standards for
32 manufactured/mobile home communities or recreational vehicle parks; or

33 (c) Includes both of the following provisions:

34 (i) A recreational vehicle must contain at least one internal
35 toilet and at least one internal shower; and

36 (ii) If the requirement in (c)(i) of this subsection is not met, a
37 manufactured/mobile home community must provide toilets and showers.

1 (5) For the purposes of this section, "manufactured/mobile home
2 community" has the same meaning as in RCW 59.20.030.

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

5 ~~((4))~~ (7) This section does not affect the authority granted
6 under chapter 43.22 RCW.

7 **Sec. 3.** RCW 36.01.225 and 2008 c 117 s 3 are each amended to read
8 as follows:

9 (1) A county may not adopt an ordinance that has the effect,
10 directly or indirectly, of discriminating against consumers' choices in
11 the placement or use of a home in such a manner that is not equally
12 applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-5403
13 standards (as amended in 2000) must be regulated for the purposes of
14 siting in the same manner as site built homes, factory built homes, or
15 homes built to any other state construction or local design standard.
16 However, except as provided in subsection (2) of this section, any
17 county may require that:

18 (a) A manufactured home be a new manufactured home;

19 (b) The manufactured home be set upon a permanent foundation, as
20 specified by the manufacturer, and that the space from the bottom of
21 the home to the ground be enclosed by concrete or an approved concrete
22 product which can be either load bearing or decorative;

23 (c) The manufactured home comply with all local design standards
24 applicable to all other homes within the neighborhood in which the
25 manufactured home is to be located;

26 (d) The home is thermally equivalent to the state energy code; and

27 (e) The manufactured home otherwise meets all other requirements
28 for a designated manufactured home as defined in RCW 35.63.160.

29 (2) A county may not adopt an ordinance that has the effect,
30 directly or indirectly, of restricting the location of ~~((mobile homes
31 or manufactured homes in mobile home parks or manufactured housing))~~
32 manufactured/mobile homes in manufactured/mobile home communities, as
33 defined in RCW 59.20.030, which were legally in existence before June
34 12, 2008, based exclusively on the age or dimensions of the ~~((mobile
35 home or))~~ manufactured/mobile home. This does not preclude a county
36 from restricting the location of a ~~((mobile home or manufactured home
37 in mobile home parks or manufactured housing))~~ manufactured/mobile home

1 in manufactured/mobile home communities for any other reason including,
2 but not limited to, failure to comply with fire, safety, or other local
3 ordinances or state laws related to ~~((mobile—homes—and))~~
4 manufactured/mobile homes.

5 (3) A county may not adopt an ordinance that has the effect,
6 directly or indirectly, of preventing the entry or requiring the
7 removal of a recreational vehicle used as a primary residence in
8 manufactured/mobile home communities, as defined in RCW 59.20.030,
9 unless the recreational vehicle fails to comply with the fire, safety,
10 or other local ordinances or state laws related to recreational
11 vehicles.

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

14 ~~((+4))~~ (5) This section does not affect the authority granted
15 under chapter 43.22 RCW.

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