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## Community Development & Housing Committee

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### HB 1748

**Brief Description:** Concerning the entry or removal of certain homes, models, or vehicles in manufactured housing communities with a nonconforming use status.

**Sponsors:** Representatives Miloscia, McCune, Moeller, Takko and Kenney.

#### Brief Summary of Bill

- Prohibits local jurisdictions, based on a nonconforming use status, from prohibiting the entry or requiring the removal of a manufactured or mobile home, park model, or recreational vehicle allowed in a manufactured housing community under the Manufactured/Mobile Home Landlord-Tenant Act.

**Hearing Date:** 2/10/11

**Staff:** Chris Cordes (786-7103).

#### Background:

Under the Manufactured/Mobile Home Landlord-Tenant Act (Act), a manufactured housing community is defined as real property which is rented to others for the placement of two or more manufactured or mobile homes or park models for year-round residential occupancy. The Act prohibits owners of manufactured housing communities from preventing the entry or requiring the removal of a manufactured or mobile home or a park model for the sole reason that the home has reached a certain age. Homes may, however, be excluded or expelled for other reasons including failure to comply with fire, safety, and other provisions of local ordinances and state laws. Under the Act, "park model" is defined as a recreational vehicle intended for permanent or semi-permanent installation and used as a primary residence.

Cities, towns, and counties are authorized to adopt residential land use zoning regulations, which may include requirements relating to manufactured homes and manufactured housing

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communities, such as location, design, lot size, foundation construction and other requirements. However, these local jurisdictions may not enact ordinances that discriminate against consumers' choices in locating a home built to federal manufactured home standards unless the ordinance is equally applicable to all homes. Local jurisdictions may require that manufactured homes be new and that they comply with all local design standards, but age and dimension requirements may not restrict the location of manufactured homes in manufactured housing communities that were legally in existence before June 12, 2008.

With some exceptions, local jurisdictions are prohibited from adopting ordinances that restrict the entry or require the removal of recreational vehicles used as primary residences in manufactured housing communities.

Zoning regulations may also prohibit certain land uses as "nonconforming uses." A "nonconforming use" is not defined in state law, but is defined by each local jurisdiction in its zoning ordinances. For example, the City of Olympia code defines "nonconforming use" as an activity in a structure or on a tract of land that was legally established, but which no longer conforms to the code's use regulations.

Since 2004, state law has allowed local jurisdictions to designate a new manufactured housing community as a nonconforming use, but the law prohibits them from ordering the removal or elimination of an existing manufactured housing community based upon its designation as a "nonconforming use."

**Summary of Bill:**

A city, town, or county may not, based on a manufactured housing community's status as a nonconforming use, prohibit the entry or require the removal of a manufactured or mobile home, park model, or recreational vehicle that is allowed in a manufactured housing community under the Manufactured/Mobile Home Landlord-Tenant Act.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.