

SENATE BILL REPORT

SB 6185

As Reported by Senate Committee On:
Natural Resources & Parks, January 30, 2014

Title: An act relating to floating houses in harbor areas.

Brief Description: Concerning floating houses in harbor areas.

Sponsors: Senators Chase, Ericksen, McAuliffe and Roach.

Brief History:

Committee Activity: Natural Resources & Parks: 1/28/14, 1/30/14 [DP].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass.

Signed by Senators Pearson, Chair; Liias, Ranking Member; Dansel, Hargrove, Hewitt, Kline and Parlette.

Staff: Curt Gavigan (786-7437)

Background: Constitutional Harbor Area Provisions. Article XV of the state Constitution creates the Harbor Line Commission to establish and modify harbor lines in the navigable waters in front of cities. Harbor areas must be reserved for landings, wharves, streets, and other conveniences of navigation and commerce. The Constitution delegates to the Legislature the power to appoint the Harbor Line Commission and establish laws for harbor area construction, maintenance, and leasing, but limits lease length to a maximum of 30 years.

The Legislature has appointed the Board of Natural Resources (Board) to also serve as the Harbor Lines Commission. In that capacity, the Board may establish or relocate harbor lines.

Aquatic Land and Harbor Area Statutes. Harbor areas are one specific type of state-owned aquatic land. The Legislature has designated the Department of Natural Resources (DNR) as manager of state-owned aquatic lands with direction to: (1) encourage public use and access; (2) foster water-dependent uses; (3) ensure environmental protection; and (4) utilize renewable resources.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Each harbor area lease must provide for the construction or maintenance of conveniences of navigation and commerce adequate for public needs, as determined by DNR.

Residential Aquatic Land Use Rules. By rule, DNR allows the residential use of aquatic lands by vessels and floating homes subject to certain restrictions. In general, residential use is limited to 10 percent of the slips in a marina unless the local government adopts another percentage. Additionally, the rules require lessees to meet waste disposal requirements for sewage, oil and toxic substances, solid waste, and grey water.

While the general residential use rules apply to residential vessels in a harbor area, floating homes are not permitted.

DNR generally defines a floating house as a floating structure designed or redesigned to serve primarily as a residence. A vessel is a floating structure designed primarily for navigation, normally capable of self propulsion, and meeting applicable requirements for navigation and safety equipment.

Summary of Bill: The residential use of floating houses is established as an allowable use of aquatic lands in a harbor area.

DNR must allow this use: (1) where compatible with existing navigational and commercial uses of the harbor area; and (2) in the same manner as it allows floating houses outside of a harbor area. An existing use of a floating house in a harbor area is deemed authorized.

When a lease expires, DNR can require floating houses to yield to a newly authorized navigational or commercial use where those uses would otherwise create a conflict. In these cases, DNR must provide an affected floating homeowner with at least six months' notice.

DNR and appropriate lease holders must ensure that floating houses in a harbor area have written notification of the effect of the act.

The term floating house is defined consistent with DNR's current rules. DNR must update applicable, rules, guidelines, and polices by December 31, 2014.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill prevents citizens from being summarily evicted from their homes. It harmonizes rules and regulations so that people have a sense of consistency and certainty about floating homes, which are located in nearly every county in the state. These communities serve as a boon to their marina, often acting as first responders or security to adverse conditions. These are vessels and should be treated as such.

CON: In 2001 DNR adopted rules for residential use on state-owned aquatic lands after an exhaustive process. The bill could affect DNR's efforts to balance aquatic land uses. The issue should be addressed at the local level.

OTHER: There is some concern that the legislation may have unintended consequences for boaters across the state.

Persons Testifying: PRO: Senator Chase, prime sponsor; Gail Luhn, Shilshole Liveaboard Assn.; John Chaney, Lake Union Liveaboard Assn.; Keith Rosema, Ginny Stern, Heather Dean, Olympia Liveaboard Assn.; Allen Miller, Martin Marina; Mike Currie, citizen.

CON: Kristin Swenddal, DNR.

OTHER: John Sipkens, Recreational Boating Assn. of WA.