
SENATE BILL 5869

State of Washington

64th Legislature

2015 Regular Session

By Senator Sheldon

Read first time 02/06/15. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to restrictions on the location of manufactured/
2 mobile homes; and amending RCW 35.21.684, 35A.21.312, and 36.01.225.

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

4 **Sec. 1.** RCW 35.21.684 and 2009 c 79 s 1 are each amended to read
5 as follows:

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

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

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

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

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

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

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

15 (2) A city or town may not adopt an ordinance that has the
16 effect, directly or indirectly, of restricting the location of
17 manufactured/mobile homes in manufactured/mobile home communities
18 that were legally in existence before June 12, 2008, based
19 exclusively on the age or dimensions of the manufactured/mobile home.
20 This does not preclude a city or town from restricting the location
21 of a manufactured/mobile home in manufactured/mobile home communities
22 for any other reason including, but not limited to, failure to comply
23 with fire, safety, or other local ordinances or state laws related to
24 manufactured/mobile homes; however, a city or town may not restrict
25 the location of a manufactured/mobile home based on the manufactured/
26 mobile home community not meeting current fire, safety, other current
27 local ordinances, or state laws related to manufactured/mobile homes
28 if the manufactured/mobile home community meets the fire, safety,
29 other local ordinances, or state laws, related to manufactured/mobile
30 homes, that were in existence at the time the manufactured/mobile
31 home community was permitted by the city or town.

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

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

39 (a) Imposes fire, safety, or other regulations related to
40 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,
8 a manufactured/mobile home community must provide toilets and
9 showers.

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

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

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

16 **Sec. 2.** RCW 35A.21.312 and 2009 c 79 s 2 are each amended to
17 read as follows:

18 (1) A code city may not adopt an ordinance that has the effect,
19 directly or indirectly, of discriminating against consumers' choices
20 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.
22 5401-5403 standards (as amended in 2000) must be regulated for the
23 purposes of siting in the same manner as site built homes, factory
24 built homes, or homes built to any other state construction or local
25 design standard. However, except as provided in subsection (2) of
26 this section, any code city may require that:

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

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

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

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

37 (e) The manufactured home otherwise meets all other requirements
38 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
4 and industries permits issued under chapter 43.22 RCW in accordance
5 with an interlocal agreement under chapter 39.34 RCW, for
6 alterations, remodeling, or expansion of manufactured housing located
7 within the 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 manufactured/
10 mobile homes in manufactured/mobile home communities that were
11 legally in existence before June 12, 2008, based exclusively on the
12 age or dimensions of the manufactured/mobile home. This does not
13 preclude a code city from restricting the location of a manufactured/
14 mobile home in manufactured/mobile home communities for any other
15 reason including, but not limited to, failure to comply with fire,
16 safety, or other local ordinances or state laws related to
17 manufactured/mobile homes; however, a code city may not restrict the
18 location of a manufactured/mobile home based on the manufactured/
19 mobile home community not meeting current fire, safety, other current
20 local ordinances, or state laws related to manufactured/mobile homes
21 if the manufactured/mobile home community meets the fire, safety,
22 other local ordinances, or state laws, related to manufactured/mobile
23 homes, that were in existence at the time the manufactured/mobile
24 home community was permitted by the code city.

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

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

32 (a) Imposes fire, safety, or other regulations related to
33 recreational vehicles;

34 (b) Requires utility hookups in manufactured/mobile home
35 communities to meet state or federal building code standards for
36 manufactured/mobile home communities or recreational vehicle parks;
37 or

38 (c) Includes both of the following provisions:

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

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

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

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

8 (7) This section does not affect the authority granted under
9 chapter 43.22 RCW.

10 **Sec. 3.** RCW 36.01.225 and 2009 c 79 s 3 are each amended to read
11 as follows:

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

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

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

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

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

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

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

1 for any other reason including, but not limited to, failure to comply
2 with fire, safety, or other local ordinances or state laws related to
3 manufactured/mobile homes; however, a county may not restrict the
4 location of a manufactured/mobile home based on the manufactured/
5 mobile home community not meeting current fire, safety, other current
6 local ordinances, or state laws related to manufactured/mobile homes
7 if the manufactured/mobile home community meets the fire, safety,
8 other local ordinances, or state laws, related to manufactured/mobile
9 homes, that were in existence at the time the manufactured/mobile
10 home community was permitted by the county.

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

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

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

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