

SHB 1207 - H AMD 128

By Representative Ryu

ADOPTED 03/13/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that manufactured
4 housing communities provide significant opportunity for affordable
5 housing, but at the same time, vacancy rates in established
6 communities are very low. Siting a replacement manufactured home on a
7 manufactured housing community lot is basic to a landlord's right to
8 continue in business and to provide opportunity for housing that is
9 needed. From the time of establishment of a manufactured housing
10 community, the lot sizes and setback and separation distances within
11 should remain intact for any subsequent replacement of manufactured
12 homes on particular lots. Imposing undue burdens and new restrictions
13 for the siting of replacement manufactured homes may deem lots
14 unusable as home sites thus, exacerbating the low vacancy rates and
15 reducing affordable housing opportunities. The legislature intends to
16 provide protection for manufactured housing communities by
17 authorizing the siting of replacement homes on existing lots within
18 established manufactured housing communities abiding by those lot
19 sizes, setback and separation distances, and other requirements that
20 were in place at the time the manufactured housing communities were
21 established.

22 **Sec. 2.** RCW 35.21.684 and 2009 c 79 s 1 are each amended to read
23 as follows:

24 (1) A city or town may not adopt an ordinance that has the
25 effect, directly or indirectly, of discriminating against consumers'
26 choices in the placement or use of a home in such a manner that is
27 not equally applicable to all homes. Homes built to 42 U.S.C. Sec.
28 5401-5403 standards (as amended in 2000) must be regulated for the
29 purposes of siting in the same manner as site built homes, factory
30 built homes, or homes built to any other state construction or local

1 design standard. However, except as provided in subsection (2) of
2 this section, any city or town may require that:

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

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

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

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

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

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

22 (2) (a) A city or town may not adopt an ordinance that has the
23 effect, directly or indirectly, of restricting the location of
24 manufactured/mobile homes in manufactured/mobile home communities
25 that were legally in existence before June 12, 2008, based
26 exclusively on the age or dimensions of the manufactured/mobile home.
27 (~~This does not preclude~~)

28 (b) A city or town may not prohibit the siting of a manufactured/
29 mobile home on an existing lot based solely on lack of compliance
30 with existing separation and setback requirements that regulate the
31 distance between homes.

32 (c) A city or town is not precluded by (a) or (b) of this
33 subsection from restricting the location of a manufactured/mobile
34 home in manufactured/mobile home communities for any other reason
35 including, but not limited to, failure to comply with fire, safety,
36 or other local ordinances or state laws related to manufactured/
37 mobile homes.

38 (3) Except as provided under subsection (4) of this section, a
39 city or town may not adopt an ordinance that has the effect, directly
40 or indirectly, of preventing the entry or requiring the removal of a

1 recreational vehicle used as a primary residence in manufactured/
2 mobile home communities.

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

5 (a) Imposes fire, safety, or other regulations related to
6 recreational vehicles;

7 (b) Requires utility hookups in manufactured/mobile home
8 communities to meet state or federal building code standards for
9 manufactured/mobile home communities; or

10 (c) Includes both of the following provisions:

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

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

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

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

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

22 **Sec. 3.** RCW 35A.21.312 and 2009 c 79 s 2 are each amended to
23 read as follows:

24 (1) A code city may not adopt an ordinance that has the effect,
25 directly or indirectly, of discriminating against consumers' choices
26 in the placement or use of a home in such a manner that is not
27 equally applicable to all homes. Homes built to 42 U.S.C. Sec.
28 5401-5403 standards (as amended in 2000) must be regulated for the
29 purposes of siting in the same manner as site built homes, factory
30 built homes, or homes built to any other state construction or local
31 design standard. However, except as provided in subsection (2) of
32 this section, any code city may require that:

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

34 (b) The manufactured home be set upon a permanent foundation, as
35 specified by the manufacturer, and that the space from the bottom of
36 the home to the ground be enclosed by concrete or an approved
37 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 code city with a population of one hundred thirty-five thousand
9 or 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) A code city 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~~)

21 (b) A code city may not prohibit the siting of a manufactured/
22 mobile home on an existing lot based solely on lack of compliance
23 with existing separation and setback requirements that regulate the
24 distance between homes.

25 (c) A code city is not precluded by (a) or (b) of this subsection
26 from restricting the location of a manufactured/mobile home in
27 manufactured/mobile home communities for any other reason including,
28 but not limited to, failure to comply with fire, safety, or other
29 local ordinances or state laws related to manufactured/mobile homes.

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

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

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

39 (b) Requires utility hookups in manufactured/mobile home
40 communities to meet state or federal building code standards for

1 manufactured/mobile home communities or recreational vehicle parks;
2 or

3 (c) Includes both of the following provisions:

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

6 (ii) If the requirement in (c)(i) of this subsection is not met,
7 a manufactured/mobile home community must provide toilets and
8 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 (7) This section does not affect the authority granted under
14 chapter 43.22 RCW.

15 **Sec. 4.** RCW 36.01.225 and 2009 c 79 s 3 are each amended to read
16 as follows:

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

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

38 (2) (a) A county may not adopt an ordinance that has the effect,
39 directly or indirectly, of restricting the location of manufactured/

1 mobile homes in manufactured/mobile home communities, as defined in
2 RCW 59.20.030, which were legally in existence before June 12, 2008,
3 based exclusively on the age or dimensions of the manufactured/mobile
4 home. ((This does not preclude))

5 (b) A county may not prohibit the siting of a manufactured/mobile
6 home on an existing lot based solely on lack of compliance with
7 existing separation and setback requirements that regulate the
8 distance between homes.

9 (c) A county is not precluded by (a) or (b) of this subsection
10 from restricting the location of a manufactured/mobile home in
11 manufactured/mobile home communities for any other reason including,
12 but not limited to, failure to comply with fire, safety, or other
13 local ordinances or state laws related to manufactured/mobile homes.

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

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

23 (5) This section does not affect the authority granted under
24 chapter 43.22 RCW."

25 Correct the title.

EFFECT: (1) Removes language requiring a city or town, code city,
or county to allow the siting of a replacement manufactured/mobile
home on an existing site if the replacement home fits on the existing
footprint of the manufactured/mobile home it is replacing.

(2) Adds that a city or town, code city, or county may not
prohibit the siting of a manufactured/mobile home based solely on
lack of compliance with existing separation and setback requirements
that regulate the distance between homes.

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