

**ESSB 5383** - H COMM AMD  
By Committee on Local Government

**ADOPTED 04/10/2019**

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

3 "NEW SECTION. **Sec. 1.** Tiny houses have become a trend across  
4 the nation to address the shortage of affordable housing. As tiny  
5 houses become more acceptable, the legislature finds that it is  
6 important to create space in the code for the regulation of tiny  
7 house siting. Individual cities and counties may allow tiny houses  
8 with wheels to be collected together as tiny house villages using the  
9 binding site plan method articulated in chapter 58.17 RCW.

10 The legislature recognizes that the International Code Council in  
11 2018 has issued tiny house building code standards in Appendix Q of  
12 the International Residential Code, which can provide a basis for the  
13 standards requested within this act.

14 **Sec. 2.** RCW 58.17.040 and 2004 c 239 s 1 are each amended to  
15 read as follows:

16 The provisions of this chapter shall not apply to:

17 (1) Cemeteries and other burial plots while used for that  
18 purpose;

19 (2) Divisions of land into lots or tracts each of which is one-  
20 one hundred twenty-eighth of a section of land or larger, or five  
21 acres or larger if the land is not capable of description as a  
22 fraction of a section of land, unless the governing authority of the  
23 city, town, or county in which the land is situated shall have  
24 adopted a subdivision ordinance requiring plat approval of such  
25 divisions: PROVIDED, That for purposes of computing the size of any  
26 lot under this item which borders on a street or road, the lot size  
27 shall be expanded to include that area which would be bounded by the  
28 center line of the road or street and the side lot lines of the lot  
29 running perpendicular to such center line;

30 (3) Divisions made by testamentary provisions, or the laws of  
31 descent;

1 (4) Divisions of land into lots or tracts classified for  
2 industrial or commercial use when the city, town, or county has  
3 approved a binding site plan for the use of the land in accordance  
4 with local regulations;

5 (5) A division for the purpose of lease when no residential  
6 structure other than mobile homes, tiny houses or tiny houses with  
7 wheels as defined in section 5 of this act, or travel trailers are  
8 permitted to be placed upon the land when the city, town, or county  
9 has approved a binding site plan for the use of the land in  
10 accordance with local regulations;

11 (6) A division made for the purpose of alteration by adjusting  
12 boundary lines, between platted or unplatted lots or both, which does  
13 not create any additional lot, tract, parcel, site, or division nor  
14 create any lot, tract, parcel, site, or division which contains  
15 insufficient area and dimension to meet minimum requirements for  
16 width and area for a building site;

17 (7) Divisions of land into lots or tracts if: (a) Such division  
18 is the result of subjecting a portion of a parcel or tract of land to  
19 either chapter 64.32 or 64.34 RCW subsequent to the recording of a  
20 binding site plan for all such land; (b) the improvements constructed  
21 or to be constructed thereon are required by the provisions of the  
22 binding site plan to be included in one or more condominiums or owned  
23 by an association or other legal entity in which the owners of units  
24 therein or their owners' associations have a membership or other  
25 legal or beneficial interest; (c) a city, town, or county has  
26 approved the binding site plan for all such land; (d) such approved  
27 binding site plan is recorded in the county or counties in which such  
28 land is located; and (e) the binding site plan contains thereon the  
29 following statement: "All development and use of the land described  
30 herein shall be in accordance with this binding site plan, as it may  
31 be amended with the approval of the city, town, or county having  
32 jurisdiction over the development of such land, and in accordance  
33 with such other governmental permits, approvals, regulations,  
34 requirements, and restrictions that may be imposed upon such land and  
35 the development and use thereof. Upon completion, the improvements on  
36 the land shall be included in one or more condominiums or owned by an  
37 association or other legal entity in which the owners of units  
38 therein or their owners' associations have a membership or other  
39 legal or beneficial interest. This binding site plan shall be binding  
40 upon all now or hereafter having any interest in the land described

1 herein." The binding site plan may, but need not, depict or describe  
2 the boundaries of the lots or tracts resulting from subjecting a  
3 portion of the land to either chapter 64.32 or 64.34 RCW. A site plan  
4 shall be deemed to have been approved if the site plan was approved  
5 by a city, town, or county: (i) In connection with the final approval  
6 of a subdivision plat or planned unit development with respect to all  
7 of such land; or (ii) in connection with the issuance of building  
8 permits or final certificates of occupancy with respect to all of  
9 such land; or (iii) if not approved pursuant to (i) and (ii) of this  
10 subsection (7)(e), then pursuant to such other procedures as such  
11 city, town, or county may have established for the approval of a  
12 binding site plan;

13 (8) A division for the purpose of leasing land for facilities  
14 providing personal wireless services while used for that purpose.  
15 "Personal wireless services" means any federally licensed personal  
16 wireless service. "Facilities" means unstaffed facilities that are  
17 used for the transmission or reception, or both, of wireless  
18 communication services including, but not necessarily limited to,  
19 antenna arrays, transmission cables, equipment shelters, and support  
20 structures; and

21 (9) A division of land into lots or tracts of less than three  
22 acres that is recorded in accordance with chapter 58.09 RCW and is  
23 used or to be used for the purpose of establishing a site for  
24 construction and operation of consumer-owned or investor-owned  
25 electric utility facilities. For purposes of this subsection,  
26 "electric utility facilities" means unstaffed facilities, except for  
27 the presence of security personnel, that are used for or in  
28 connection with or to facilitate the transmission, distribution,  
29 sale, or furnishing of electricity including, but not limited to,  
30 electric power substations. This subsection does not exempt a  
31 division of land from the zoning and permitting laws and regulations  
32 of cities, towns, counties, and municipal corporations. Furthermore,  
33 this subsection only applies to electric utility facilities that will  
34 be placed into service to meet the electrical needs of a utility's  
35 existing and new customers. New customers are defined as electric  
36 service locations not already in existence as of the date that  
37 electric utility facilities subject to the provisions of this  
38 subsection are planned and constructed.

1       **Sec. 3.** RCW 35.21.684 and 2009 c 79 s 1 are each amended to read  
2 as follows:

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

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

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

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

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

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

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

31       (2) A city or town may not adopt an ordinance that has the  
32 effect, directly or indirectly, of restricting the location of  
33 manufactured/mobile homes in manufactured/mobile home communities  
34 that were legally in existence before June 12, 2008, based  
35 exclusively on the age or dimensions of the manufactured/mobile home.  
36 This does not preclude a city or town from restricting the location  
37 of a manufactured/mobile home in manufactured/mobile home communities  
38 for any other reason including, but not limited to, failure to comply  
39 with fire, safety, or other local ordinances or state laws related to  
40 manufactured/mobile homes.

1 (3) Except as provided under subsection (4) of this section, a  
2 city or town may not adopt an ordinance that has the effect, directly  
3 or indirectly, of preventing the entry or requiring the removal of a  
4 recreational vehicle or tiny house with wheels as defined in section  
5 5 of this act used as a primary residence in manufactured/mobile home  
6 communities.

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

9 (a) Imposes fire, safety, or other regulations related to  
10 recreational vehicles;

11 (b) Requires utility hookups in manufactured/mobile home  
12 communities to meet state or federal building code standards for  
13 manufactured/mobile home communities; or

14 (c) Includes both of the following provisions:

15 (i) A recreational vehicle or tiny house with wheels as defined  
16 in section 5 of this act must contain at least one internal toilet  
17 and at least one internal shower; and

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

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

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

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

27 **Sec. 4.** RCW 43.22.450 and 2001 c 335 s 8 are each amended to  
28 read as follows:

29 Whenever used in RCW 43.22.450 through 43.22.490:

30 (1) "Department" means the Washington state department of labor  
31 and industries;

32 (2) "Approved" means approved by the department;

33 (3) "Factory built housing" means any structure, including a  
34 factory built tiny house with or without a chassis (wheels), designed  
35 primarily for human occupancy other than a manufactured or mobile  
36 home the structure or any room of which is either entirely or  
37 substantially prefabricated or assembled at a place other than a  
38 building site;

1 (4) "Install" means the assembly of factory built housing or  
2 factory built commercial structures at a building site;

3 (5) "Building site" means any tract, parcel or subdivision of  
4 land upon which factory built housing or a factory built commercial  
5 structure is installed or is to be installed;

6 (6) "Local enforcement agency" means any agency of the governing  
7 body of any city or county which enforces laws or ordinances  
8 governing the construction of buildings;

9 (7) "Commercial structure" means a structure designed or used for  
10 human habitation, or human occupancy for industrial, educational,  
11 assembly, professional or commercial purposes.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.21  
13 RCW to read as follows:

14 (1) A city or town may adopt an ordinance to regulate the  
15 creation of tiny house communities.

16 (2) The owner of the land upon which the community is built shall  
17 make reasonable accommodation for utility hookups for the provision  
18 of water, power, and sewerage services and comply with all other  
19 duties in chapter 59.20 RCW.

20 (3) Tenants of tiny house communities are entitled to all rights  
21 and subject to all duties and penalties required under chapter 59.20  
22 RCW.

23 (4) For purposes of this section:

24 (a) "Tiny house" and "tiny house with wheels" means a dwelling to  
25 be used as permanent housing with permanent provisions for living,  
26 sleeping, eating, cooking, and sanitation built in accordance with  
27 the state building code.

28 (b) "Tiny house communities" means real property rented or held  
29 out for rent to others for the placement of tiny houses with wheels  
30 or tiny houses utilizing the binding site plan process in RCW  
31 58.17.035.

32 **Sec. 6.** RCW 19.27.035 and 2018 c 207 s 2 are each amended to  
33 read as follows:

34 The building code council shall:

35 (1) (a) By July 1, 2019, adopt a revised process for the review of  
36 proposed statewide amendments to the codes enumerated in RCW  
37 19.27.031; and

1       (~~(2)~~) (b) Adopt a process for the review of proposed or enacted  
2 local amendments to the codes enumerated in RCW 19.27.031 as amended  
3 and adopted by the state building code council.

4       (2) By December 31, 2019, adopt building code standards specific  
5 for tiny houses.

6       **Sec. 7.** RCW 35.21.278 and 2012 c 218 s 1 are each amended to  
7 read as follows:

8       (1) Without regard to competitive bidding laws for public works,  
9 a county, city, town, school district, metropolitan park district,  
10 park and recreation district, port district, or park and recreation  
11 service area may contract with a chamber of commerce, a service  
12 organization, a community, youth, or athletic association, or other  
13 similar association located and providing service in the immediate  
14 neighborhood, for drawing design plans, making improvements to a  
15 park, school playground, public square, or port habitat site,  
16 installing equipment or artworks, or providing maintenance services  
17 for a facility or facilities as a community or neighborhood project,  
18 or environmental stewardship project, and may reimburse the  
19 contracting association its expense. The contracting association may  
20 use volunteers in the project and provide the volunteers with  
21 clothing or tools; meals or refreshments; accident/injury insurance  
22 coverage; and reimbursement of their expenses. The consideration to  
23 be received by the public entity through the value of the  
24 improvements, artworks, equipment, or maintenance shall have a value  
25 at least equal to three times that of the payment to the contracting  
26 association. All payments made by a public entity under the authority  
27 of this section for all such contracts in any one year shall not  
28 exceed twenty-five thousand dollars or two dollars per resident  
29 within the boundaries of the public entity, whichever is greater.

30       (2) A county, city, town, school district, metropolitan park  
31 district, park and recreation district, or park and recreation  
32 service area may ratify an agreement, which qualifies under  
33 subsection (1) of this section and was made before June 9, 1988.

34       (3) Without regard to competitive bidding laws for public works,  
35 a school district, institution of higher education, or other  
36 governmental entity that includes training programs for students may  
37 contract with a community service organization, nonprofit  
38 organization, or other similar entity, to build tiny houses for low-

1 income housing, if the students participating in the building of the  
2 tiny houses are in:  
3 (a) Training in a community and technical college construction or  
4 construction management program;  
5 (b) A career and technical education program;  
6 (c) A state recognized apprenticeship preparation program; or  
7 (d) Training under a construction career exploration program for  
8 high school students administered by a nonprofit organization."

9 Correct the title.

EFFECT: Makes the following changes:

- (1) Requires the State Building Code Council to adopt building code standards specific to tiny houses by December 31, 2019;
- (2) Adds recognition of Appendix Q of the International Code Council to the legislative findings section;
- (3) Removes specific reference to Appendix Q of the International Code Council throughout the bill; and
- (4) Authorizes schools and training programs for students to contract with community service and nonprofit organizations to build tiny houses for low income housing, without regard to competitive bidding laws, if the students participating in the building of the tiny houses are in: (a) Training in a community and technical college construction or construction management program; (b) a career and technical education program; (c) an apprenticeship preparation program; or (d) training under a construction career exploration program for high school students administered by a nonprofit organization.

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