

ESHB 1207 - S COMM AMD

By Committee on Housing Stability & Affordability

NOT CONSIDERED 12/23/2019

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. Imposing undue burdens and new restrictions for the siting of
10 replacement manufactured homes may deem lots unusable as home sites
11 thus, exacerbating the low vacancy rates and reducing affordable
12 housing opportunities. The legislature intends to provide protection
13 for manufactured housing communities by not prohibiting the siting of
14 a manufactured/mobile home on an existing lot based solely on lack of
15 compliance with the existing separation and setback requirements that
16 regulate distance between such homes.

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

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

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

29 (b) The manufactured home be set upon a permanent foundation, as
30 specified by the manufacturer, and that the space from the bottom of

1 the home to the ground be enclosed by concrete or an approved
2 concrete product which can be either load bearing or decorative;

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

6 (d) The home is thermally equivalent to the state energy code;
7 and

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

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

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

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

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

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

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

- 1 (a) Imposes fire, safety, or other regulations related to
2 recreational vehicles;
- 3 (b) Requires utility hookups in manufactured/mobile home
4 communities to meet state or federal building code standards for
5 manufactured/mobile home communities; or
- 6 (c) Includes both of the following provisions:
- 7 (i) A recreational vehicle must contain at least one internal
8 toilet and at least one internal shower; and
- 9 (ii) If the requirement in (c)(i) of this subsection is not met,
10 a manufactured/mobile home community must provide toilets and
11 showers.
- 12 (5) For the purposes of this section, "manufactured/mobile home
13 community" has the same meaning as in RCW 59.20.030.
- 14 (6) This section does not override any legally recorded covenants
15 or deed restrictions of record.
- 16 (7) This section does not affect the authority granted under
17 chapter 43.22 RCW.

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

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

- 29 (a) A manufactured home be a new manufactured home;
- 30 (b) The manufactured home be set upon a permanent foundation, as
31 specified by the manufacturer, and that the space from the bottom of
32 the home to the ground be enclosed by concrete or an approved
33 concrete product which can be either load bearing or decorative;
- 34 (c) The manufactured home comply with all local design standards
35 applicable to all other homes within the neighborhood in which the
36 manufactured home is to be located;
- 37 (d) The home is thermally equivalent to the state energy code;
38 and

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

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

10 (2) (a) A code city may not adopt an ordinance that has the
11 effect, directly or indirectly, of restricting the location of
12 manufactured/mobile homes in manufactured/mobile home communities
13 that were legally in existence before June 12, 2008, based
14 exclusively on the age or dimensions of the manufactured/mobile home.
15 (~~This does not preclude~~)

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

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

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. 4.** 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) 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~~)

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

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

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

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

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

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By Committee on Housing Stability & Affordability

NOT CONSIDERED 12/23/2019

21 On page 1, line 1 of the title, after "communities;" strike the
22 remainder of the title and insert "amending RCW 35.21.684,
23 35A.21.312, and 36.01.225; and creating a new section."

EFFECT: Modifies legislative findings and intent language to more accurately reflect the substantive policy of the bill.

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