

SSB 5383 - S AMD 183
By Senator Zeiger

PULLED 03/06/2019

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

12 The provisions of this chapter shall not apply to:

13 (1) Cemeteries and other burial plots while used for that
14 purpose;

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

26 (3) Divisions made by testamentary provisions, or the laws of
27 descent;

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

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

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

13 (7) Divisions of land into lots or tracts if: (a) Such division
14 is the result of subjecting a portion of a parcel or tract of land to
15 either chapter 64.32 or 64.34 RCW subsequent to the recording of a
16 binding site plan for all such land; (b) the improvements constructed
17 or to be constructed thereon are required by the provisions of the
18 binding site plan to be included in one or more condominiums or owned
19 by an association or other legal entity in which the owners of units
20 therein or their owners' associations have a membership or other
21 legal or beneficial interest; (c) a city, town, or county has
22 approved the binding site plan for all such land; (d) such approved
23 binding site plan is recorded in the county or counties in which such
24 land is located; and (e) the binding site plan contains thereon the
25 following statement: "All development and use of the land described
26 herein shall be in accordance with this binding site plan, as it may
27 be amended with the approval of the city, town, or county having
28 jurisdiction over the development of such land, and in accordance
29 with such other governmental permits, approvals, regulations,
30 requirements, and restrictions that may be imposed upon such land and
31 the development and use thereof. Upon completion, the improvements on
32 the land shall be included in one or more condominiums or owned by an
33 association or other legal entity in which the owners of units
34 therein or their owners' associations have a membership or other
35 legal or beneficial interest. This binding site plan shall be binding
36 upon all now or hereafter having any interest in the land described
37 herein." The binding site plan may, but need not, depict or describe
38 the boundaries of the lots or tracts resulting from subjecting a
39 portion of the land to either chapter 64.32 or 64.34 RCW. A site plan
40 shall be deemed to have been approved if the site plan was approved

1 by a city, town, or county: (i) In connection with the final approval
2 of a subdivision plat or planned unit development with respect to all
3 of such land; or (ii) in connection with the issuance of building
4 permits or final certificates of occupancy with respect to all of
5 such land; or (iii) if not approved pursuant to (i) and (ii) of this
6 subsection (7)(e), then pursuant to such other procedures as such
7 city, town, or county may have established for the approval of a
8 binding site plan;

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

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

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

37 (1) A city or town may not adopt an ordinance that has the
38 effect, directly or indirectly, of discriminating against consumers'
39 choices in the placement or use of a home in such a manner that is

1 not equally applicable to all homes. Homes built to 42 U.S.C. Sec.
2 5401-5403 standards (as amended in 2000) must be regulated for the
3 purposes of siting in the same manner as site built homes, factory
4 built homes, or homes built to any other state construction or local
5 design standard. However, except as provided in subsection (2) of
6 this section, any city or town may require that:

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

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

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

15 (d) The home is thermally equivalent to the state energy code;
16 and

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

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

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

36 (3) Except as provided under subsection (4) of this section, a
37 city or town may not adopt an ordinance that has the effect, directly
38 or indirectly, of preventing the entry or requiring the removal of a
39 recreational vehicle or tiny house with wheels as defined in section

1 5 of this act used as a primary residence in manufactured/mobile home
2 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 or tiny house with wheels as defined
12 in section 5 of this act must contain at least one internal toilet
13 and at least one internal shower; and

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

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

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

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

23 **Sec. 4.** RCW 19.27.031 and 2018 c 189 s 1 are each amended to
24 read as follows:

25 Except as otherwise provided in this chapter, there shall be in
26 effect in all counties and cities the state building code which shall
27 consist of the following codes which are hereby adopted by reference:

28 (1)(a) The International Building Code, published by the
29 International Code Council, Inc.;

30 (b) The International Residential Code, published by the
31 International Code Council, Inc. including Appendix Q of the 2018
32 International Residential Code;

33 (2) The International Mechanical Code, published by the
34 International Code Council, Inc., except that the standards for
35 liquefied petroleum gas installations shall be NFPA 58 (Storage and
36 Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54
37 (National Fuel Gas Code);

38 (3) The International Fire Code, published by the International
39 Code Council, Inc., including those standards of the National Fire

1 Protection Association specifically referenced in the International
2 Fire Code: PROVIDED, That, notwithstanding any wording in this code,
3 participants in religious ceremonies shall not be precluded from
4 carrying handheld candles;

5 (4) Portions of the International Wildland Urban Interface Code,
6 published by the International Code Council Inc., as set forth in RCW
7 19.27.560;

8 (5) Except as provided in RCW 19.27.170, the Uniform Plumbing
9 Code and Uniform Plumbing Code Standards, published by the
10 International Association of Plumbing and Mechanical Officials:
11 PROVIDED, That any provisions of such code affecting sewers or fuel
12 gas piping are not adopted;

13 (6) The rules adopted by the council establishing standards for
14 making buildings and facilities accessible to and usable by
15 individuals with disabilities or elderly persons as provided in RCW
16 70.92.100 through 70.92.160; and

17 (7) The state's climate zones for building purposes are
18 designated in RCW 19.27A.020(3) and may not be changed through the
19 adoption of a model code or rule.

20 In case of conflict among the codes enumerated in subsections
21 (1), (2), (3), (4), and (5) of this section, the first named code
22 shall govern over those following.

23 The codes enumerated in this section shall be adopted by the
24 council as provided in RCW 19.27.074. The council shall solicit input
25 from first responders to ensure that firefighter safety issues are
26 addressed during the code adoption process.

27 The council may issue opinions relating to the codes at the
28 request of a local official charged with the duty to enforce the
29 enumerated codes.

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

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

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

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

4 (4) For purposes of this section:

5 (a) "Tiny house" and "tiny house with wheels" means a dwelling to
6 be used as permanent housing with permanent provisions for living,
7 sleeping, eating, cooking, and sanitation built in accordance with
8 the 2018 International Resident Code Appendix Q.

9 (b) "Tiny house communities" means real property rented or held
10 out for rent to others for the placement of tiny houses with wheels
11 or tiny houses utilizing the binding site plan process in RCW
12 58.17.035."

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13 On page 1, line 1 of the title, after "houses;" strike the
14 remainder of the title and insert "amending RCW 58.17.040, 35.21.684,
15 and 19.27.031; adding a new section to chapter 35.21 RCW; and
16 creating a new section."

EFFECT: Makes clarifying amendments regarding the definition and manufacturing standards of tiny houses with wheels.

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