

SSB 5383 - S AMD 52  
By Senator Zeiger

ADOPTED 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 6 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 6 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 6 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 **Sec. 5.** RCW 43.22.450 and 2001 c 335 s 8 are each amended to  
31 read as follows:

32 Whenever used in RCW 43.22.450 through 43.22.490:

33 (1) "Department" means the Washington state department of labor  
34 and industries;

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

36 (3) "Factory built housing" means any structure, including a  
37 factory built tiny house with or without a chassis (wheels), designed  
38 primarily for human occupancy other than a manufactured or mobile  
39 home the structure or any room of which is either entirely or

1 substantially prefabricated or assembled at a place other than a  
2 building site;

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

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

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

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

14 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.21  
15 RCW to read as follows:

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

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

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

25 (4) For purposes of this section:

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

30 (b) "Tiny house communities" means real property rented or held  
31 out for rent to others for the placement of tiny houses with wheels  
32 or tiny houses utilizing the binding site plan process in RCW  
33 58.17.035."

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**ADOPTED 03/06/2019**

1        On page 1, line 1 of the title, after "houses;" strike the  
2 remainder of the title and insert "amending RCW 58.17.040, 35.21.684,  
3 19.27.031, and 43.22.450; adding a new section to chapter 35.21 RCW;  
4 and creating a new section."

EFFECT: (1) Subjects tiny houses and tiny houses with wheels to factory built housing standards and rules administered by the department of labor and industries.

(2) Makes clarifying amendments regarding the definition and manufacturing standards of tiny houses with wheels.

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