
SUBSTITUTE HOUSE BILL 1207

State of Washington

66th Legislature

2019 Regular Session

By House Housing, Community Development & Veterans (originally sponsored by Representatives Ryu, Jenkin, Dolan, and Pollet)

READ FIRST TIME 02/07/19.

1 AN ACT Relating to manufactured housing communities; amending RCW
2 35.21.684, 35A.21.312, and 36.01.225; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

1 were in place at the time the manufactured housing communities were
2 established.

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

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

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

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

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

22 (d) The home is thermally equivalent to the state energy code;
23 and

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

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

33 (2) A city or town may not adopt an ordinance that has the
34 effect, directly or indirectly, of restricting the location of
35 manufactured/mobile homes in manufactured/mobile home communities
36 that were legally in existence before June 12, 2008, based
37 exclusively on the age or dimensions of the manufactured/mobile home.
38 A city or town must allow the siting of a replacement manufactured/
39 mobile home on an existing site if the replacement home fits on the

1 existing footprint of the manufactured/mobile home it is replacing.

2 This does not preclude a city or town from restricting the location
3 of a manufactured/mobile home in manufactured/mobile home communities
4 for any other reason including, but not limited to, failure to comply
5 with fire, safety, or other local ordinances or state laws related to
6 manufactured/mobile homes.

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

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

14 (a) Imposes fire, safety, or other regulations related to
15 recreational vehicles;

16 (b) Requires utility hookups in manufactured/mobile home
17 communities to meet state or federal building code standards for
18 manufactured/mobile home communities; or

19 (c) Includes both of the following provisions:

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

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

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

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

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

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

33 (1) A code city may not adopt an ordinance that has the effect,
34 directly or indirectly, of discriminating against consumers' choices
35 in the placement or use of a home in such a manner that is not
36 equally applicable to all homes. Homes built to 42 U.S.C. Sec.
37 5401-5403 standards (as amended in 2000) must be regulated for the
38 purposes of siting in the same manner as site built homes, factory
39 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 code city 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 code city with a population of one hundred thirty-five thousand
16 or 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 code city may not adopt an ordinance that has the effect,
23 directly or indirectly, of restricting the location of manufactured/
24 mobile homes in manufactured/mobile home communities that were
25 legally in existence before June 12, 2008, based exclusively on the
26 age or dimensions of the manufactured/mobile home. A code city must
27 allow the siting of a replacement manufactured/mobile home on an
28 existing site if the replacement home fits on the existing footprint
29 of the manufactured/mobile home it is replacing. This does not
30 preclude a code city from restricting the location of a manufactured/
31 mobile home in manufactured/mobile home communities for any other
32 reason including, but not limited to, failure to comply with fire,
33 safety, or other local ordinances or state laws related to
34 manufactured/mobile homes.

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

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

3 (a) Imposes fire, safety, or other regulations related to
4 recreational vehicles;

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

9 (c) Includes both of the following provisions:

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

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

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

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

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

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

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

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

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

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

1 (d) The home is thermally equivalent to the state energy code;
2 and

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

5 (2) A county may not adopt an ordinance that has the effect,
6 directly or indirectly, of restricting the location of manufactured/
7 mobile homes in manufactured/mobile home communities, as defined in
8 RCW 59.20.030, which were legally in existence before June 12, 2008,
9 based exclusively on the age or dimensions of the manufactured/mobile
10 home. A county must allow the siting of a replacement manufactured/
11 mobile home on an existing site if the replacement home fits on the
12 existing footprint of the manufactured/mobile home it is replacing.

13 This does not preclude a county from restricting the location of a
14 manufactured/mobile home in manufactured/mobile home communities for
15 any other reason including, but not limited to, failure to comply
16 with fire, safety, or other local ordinances or state laws related to
17 manufactured/mobile homes.

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

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

27 (5) This section does not affect the authority granted under
28 chapter 43.22 RCW.

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