
ENGROSSED SUBSTITUTE SENATE BILL 5383

State of Washington

66th Legislature

2019 Regular Session

By Senate Housing Stability & Affordability (originally sponsored by Senators Zeiger, Palumbo, Nguyen, Short, Van De Wege, Wilson, C., and Wilson, L.)

READ FIRST TIME 02/14/19.

1 AN ACT Relating to tiny houses; amending RCW 58.17.040,
2 35.21.684, 19.27.031, and 43.22.450; adding a new section to chapter
3 35.21 RCW; and creating a new section.

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

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

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

14 The provisions of this chapter shall not apply to:

15 (1) Cemeteries and other burial plots while used for that
16 purpose;

17 (2) Divisions of land into lots or tracts each of which is one-
18 one hundred twenty-eighth of a section of land or larger, or five
19 acres or larger if the land is not capable of description as a
20 fraction of a section of land, unless the governing authority of the

1 city, town, or county in which the land is situated shall have
2 adopted a subdivision ordinance requiring plat approval of such
3 divisions: PROVIDED, That for purposes of computing the size of any
4 lot under this item which borders on a street or road, the lot size
5 shall be expanded to include that area which would be bounded by the
6 center line of the road or street and the side lot lines of the lot
7 running perpendicular to such center line;

8 (3) Divisions made by testamentary provisions, or the laws of
9 descent;

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

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

20 (6) A division made for the purpose of alteration by adjusting
21 boundary lines, between platted or unplatted lots or both, which does
22 not create any additional lot, tract, parcel, site, or division nor
23 create any lot, tract, parcel, site, or division which contains
24 insufficient area and dimension to meet minimum requirements for
25 width and area for a building site;

26 (7) Divisions of land into lots or tracts if: (a) Such division
27 is the result of subjecting a portion of a parcel or tract of land to
28 either chapter 64.32 or 64.34 RCW subsequent to the recording of a
29 binding site plan for all such land; (b) the improvements constructed
30 or to be constructed thereon are required by the provisions of the
31 binding site plan to be included in one or more condominiums or owned
32 by an association or other legal entity in which the owners of units
33 therein or their owners' associations have a membership or other
34 legal or beneficial interest; (c) a city, town, or county has
35 approved the binding site plan for all such land; (d) such approved
36 binding site plan is recorded in the county or counties in which such
37 land is located; and (e) the binding site plan contains thereon the
38 following statement: "All development and use of the land described
39 herein shall be in accordance with this binding site plan, as it may
40 be amended with the approval of the city, town, or county having

1 jurisdiction over the development of such land, and in accordance
2 with such other governmental permits, approvals, regulations,
3 requirements, and restrictions that may be imposed upon such land and
4 the development and use thereof. Upon completion, the improvements on
5 the land shall be included in one or more condominiums or owned by an
6 association or other legal entity in which the owners of units
7 therein or their owners' associations have a membership or other
8 legal or beneficial interest. This binding site plan shall be binding
9 upon all now or hereafter having any interest in the land described
10 herein." The binding site plan may, but need not, depict or describe
11 the boundaries of the lots or tracts resulting from subjecting a
12 portion of the land to either chapter 64.32 or 64.34 RCW. A site plan
13 shall be deemed to have been approved if the site plan was approved
14 by a city, town, or county: (i) In connection with the final approval
15 of a subdivision plat or planned unit development with respect to all
16 of such land; or (ii) in connection with the issuance of building
17 permits or final certificates of occupancy with respect to all of
18 such land; or (iii) if not approved pursuant to (i) and (ii) of this
19 subsection (7)(e), then pursuant to such other procedures as such
20 city, town, or county may have established for the approval of a
21 binding site plan;

22 (8) A division for the purpose of leasing land for facilities
23 providing personal wireless services while used for that purpose.
24 "Personal wireless services" means any federally licensed personal
25 wireless service. "Facilities" means unstaffed facilities that are
26 used for the transmission or reception, or both, of wireless
27 communication services including, but not necessarily limited to,
28 antenna arrays, transmission cables, equipment shelters, and support
29 structures; and

30 (9) A division of land into lots or tracts of less than three
31 acres that is recorded in accordance with chapter 58.09 RCW and is
32 used or to be used for the purpose of establishing a site for
33 construction and operation of consumer-owned or investor-owned
34 electric utility facilities. For purposes of this subsection,
35 "electric utility facilities" means unstaffed facilities, except for
36 the presence of security personnel, that are used for or in
37 connection with or to facilitate the transmission, distribution,
38 sale, or furnishing of electricity including, but not limited to,
39 electric power substations. This subsection does not exempt a
40 division of land from the zoning and permitting laws and regulations

1 of cities, towns, counties, and municipal corporations. Furthermore,
2 this subsection only applies to electric utility facilities that will
3 be placed into service to meet the electrical needs of a utility's
4 existing and new customers. New customers are defined as electric
5 service locations not already in existence as of the date that
6 electric utility facilities subject to the provisions of this
7 subsection are planned and constructed.

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

10 (1) A city or town may not adopt an ordinance that has the
11 effect, directly or indirectly, of discriminating against consumers'
12 choices in the placement or use of a home in such a manner that is
13 not equally applicable to all homes. Homes built to 42 U.S.C. Sec.
14 5401-5403 standards (as amended in 2000) must be regulated for the
15 purposes of siting in the same manner as site built homes, factory
16 built homes, or homes built to any other state construction or local
17 design standard. However, except as provided in subsection (2) of
18 this section, any city or town may require that:

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

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

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

27 (d) The home is thermally equivalent to the state energy code;
28 and

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

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

38 (2) A city or town may not adopt an ordinance that has the
39 effect, directly or indirectly, of restricting the location of

1 manufactured/mobile homes in manufactured/mobile home communities
2 that were legally in existence before June 12, 2008, based
3 exclusively on the age or dimensions of the manufactured/mobile home.
4 This does not preclude a city or town from restricting the location
5 of a manufactured/mobile home in manufactured/mobile home communities
6 for any other reason including, but not limited to, failure to comply
7 with fire, safety, or other local ordinances or state laws related to
8 manufactured/mobile homes.

9 (3) Except as provided under subsection (4) of this section, a
10 city or town may not adopt an ordinance that has the effect, directly
11 or indirectly, of preventing the entry or requiring the removal of a
12 recreational vehicle or tiny house with wheels as defined in section
13 6 of this act used as a primary residence in manufactured/mobile home
14 communities.

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

17 (a) Imposes fire, safety, or other regulations related to
18 recreational vehicles;

19 (b) Requires utility hookups in manufactured/mobile home
20 communities to meet state or federal building code standards for
21 manufactured/mobile home communities; or

22 (c) Includes both of the following provisions:

23 (i) A recreational vehicle or tiny house with wheels as defined
24 in section 6 of this act must contain at least one internal toilet
25 and at least one internal shower; and

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

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

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

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

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

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

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

3 (b) The International Residential Code, published by the
4 International Code Council, Inc. including Appendix Q of the 2018
5 International Residential Code;

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

11 (3) The International Fire Code, published by the International
12 Code Council, Inc., including those standards of the National Fire
13 Protection Association specifically referenced in the International
14 Fire Code: PROVIDED, That, notwithstanding any wording in this code,
15 participants in religious ceremonies shall not be precluded from
16 carrying handheld candles;

17 (4) Portions of the International Wildland Urban Interface Code,
18 published by the International Code Council Inc., as set forth in RCW
19 19.27.560;

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

25 (6) The rules adopted by the council establishing standards for
26 making buildings and facilities accessible to and usable by
27 individuals with disabilities or elderly persons as provided in RCW
28 70.92.100 through 70.92.160; and

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

32 In case of conflict among the codes enumerated in subsections
33 (1), (2), (3), (4), and (5) of this section, the first named code
34 shall govern over those following.

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

1 The council may issue opinions relating to the codes at the
2 request of a local official charged with the duty to enforce the
3 enumerated codes.

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

6 Whenever used in RCW 43.22.450 through 43.22.490:

7 (1) "Department" means the Washington state department of labor
8 and industries;

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

10 (3) "Factory built housing" means any structure, including a
11 factory built tiny house with or without a chassis (wheels), designed
12 primarily for human occupancy other than a manufactured or mobile
13 home the structure or any room of which is either entirely or
14 substantially prefabricated or assembled at a place other than a
15 building site;

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

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

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

24 (7) "Commercial structure" means a structure designed or used for
25 human habitation, or human occupancy for industrial, educational,
26 assembly, professional or commercial purposes.

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

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

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

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

38 (4) For purposes of this section:

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

5 (b) "Tiny house communities" means real property rented or held
6 out for rent to others for the placement of tiny houses with wheels
7 or tiny houses utilizing the binding site plan process in RCW
8 58.17.035.

--- **END** ---