

RCW 6.13.010 Homestead, what constitutes—Terms defined. (1)

The homestead consists of real or personal property that the owner or a dependent of the owner uses as a residence. In the case of a dwelling house or mobile home, the homestead consists of the dwelling house or the mobile home in which the owner resides or intends to reside, with appurtenant buildings, and the land on which the same are situated and by which the same are surrounded, or improved or unimproved land, regardless of area, owned with the intention of placing a house or mobile home thereon and residing thereon. A mobile home may be exempted under this chapter whether or not it is permanently affixed to the underlying land and whether or not the mobile home is placed upon a lot owned by the mobile home owner or a dependent of the owner. Property included in the homestead must be actually intended or used as the principal home for the owner.

(2) As used in this chapter:

(a) "Owner" includes but is not limited to a purchaser under a deed of trust, mortgage, or real estate contract.

(b) "Net value" means market value less all liens and encumbrances senior to the judgment being executed upon and not including the judgment being executed upon.

(c) "Forced sale" includes any sale of homestead property in a bankruptcy proceeding under Title 11 of the United States Code. The reinvestment provisions of RCW 6.13.070 do not apply to the proceeds.

(d) "Dependent" has the meaning given in Title 11 U.S.C. Sec. 522(a)(1). [2021 c 290 s 2; 1999 c 403 s 1; 1993 c 200 s 1; 1987 c 442 s 201; 1981 c 329 s 7; 1945 c 196 s 1; 1931 c 88 s 1; 1927 c 193 s 1; 1895 c 64 s 1; Rem. Supp. 1945 s 528. Formerly RCW 6.12.010.]

Findings—2021 c 290: "The legislature finds that the homestead exemption is intended to protect the homeowner's equity in a home against unsecured creditors. The legislature finds that changes to the homestead exemption are necessary to modernize the law and to address the case of *Wilson v. Rigby*, 909 F.3d 306 (2018) and to adopt the reasoning in *In re Good*, 588 B.R. 573 (Bankr. W.D. Wash. 2018)." [2021 c 290 s 1.]

Effective date—2021 c 290: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 12, 2021]." [2021 c 290 s 8.]

Severability—1981 c 329: See note following RCW 6.21.020.