

---

ENGROSSED HOUSE BILL 1227

---

State of Washington

61st Legislature

2009 Regular Session

By Representatives Springer, Warnick, Johnson, Lias, McCune, Ormsby, and Morrell

Read first time 01/15/09. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to recreational vehicles used as primary residences  
2 in manufactured/mobile home communities; and amending RCW 35.21.684,  
3 35A.21.312, and 36.01.225.

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

5 **Sec. 1.** RCW 35.21.684 and 2008 c 117 s 1 are each amended to read  
6 as follows:

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

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

17 (b) The manufactured home be set upon a permanent foundation, as  
18 specified by the manufacturer, and that the space from the bottom of

1 the home to the ground be enclosed by concrete or an approved concrete  
2 product which can be either load bearing or decorative;

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

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

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

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

16 (2) A city or town may not adopt an ordinance that has the effect,  
17 directly or indirectly, of restricting the location of (~~mobile homes~~  
18 ~~or manufactured homes in mobile home parks or manufactured housing~~)  
19 manufactured/mobile homes in manufactured/mobile home communities(~~, as~~  
20 ~~defined in RCW 59.20.030, which~~) that were legally in existence before  
21 June 12, 2008, based exclusively on the age or dimensions of the  
22 (~~mobile home or~~) manufactured/mobile home. This does not preclude a  
23 city or town from restricting the location of a (~~mobile home or~~  
24 ~~manufactured home in mobile home parks or manufactured housing~~)  
25 manufactured/mobile home in manufactured/mobile home communities for  
26 any other reason including, but not limited to, failure to comply with  
27 fire, safety, or other local ordinances or state laws related to  
28 (~~mobile homes and~~) manufactured/mobile homes.

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

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

36 (a) Imposes fire, safety, or other regulations related to  
37 recreational vehicles;

1       (b) Requires utility hookups in manufactured/mobile home  
2 communities to meet state or federal building code standards for  
3 manufactured/mobile home communities; or

4       (c) Includes both of the following provisions:

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

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

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

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

13       ~~((4))~~ (7) This section does not affect the authority granted  
14 under chapter 43.22 RCW.

15       **Sec. 2.** RCW 35A.21.312 and 2008 c 117 s 2 are each amended to read  
16 as follows:

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

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

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

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

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

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

1 A code city with a population of one hundred thirty-five thousand  
2 or more may choose to designate its building official as the person  
3 responsible for issuing all permits, including department of labor and  
4 industries permits issued under chapter 43.22 RCW in accordance with an  
5 interlocal agreement under chapter 39.34 RCW, for alterations,  
6 remodeling, or expansion of manufactured housing located within the  
7 city limits under this section.

8 (2) A code city may not adopt an ordinance that has the effect,  
9 directly or indirectly, of restricting the location of (~~mobile homes~~  
10 ~~or manufactured homes in mobile home parks or manufactured housing~~)  
11 manufactured/mobile homes in manufactured/mobile home communities(~~, as~~  
12 ~~defined in RCW 59.20.030, which~~) that were legally in existence before  
13 June 12, 2008, based exclusively on the age or dimensions of the  
14 (~~mobile home or~~) manufactured/mobile home. This does not preclude a  
15 code city from restricting the location of a (~~mobile home or~~  
16 ~~manufactured home in mobile home parks or manufactured housing~~)  
17 manufactured/mobile home in manufactured/mobile home communities for  
18 any other reason including, but not limited to, failure to comply with  
19 fire, safety, or other local ordinances or state laws related to  
20 (~~mobile homes and~~) manufactured/mobile homes.

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

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

28 (a) Imposes fire, safety, or other regulations related to  
29 recreational vehicles;

30 (b) Requires utility hookups in manufactured/mobile home  
31 communities to meet state or federal building code standards for  
32 manufactured/mobile home communities or recreational vehicle parks; or

33 (c) Includes both of the following provisions:

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

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

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

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

5       ~~((4))~~ (7) This section does not affect the authority granted  
6 under chapter 43.22 RCW.

7       **Sec. 3.** RCW 36.01.225 and 2008 c 117 s 3 are each amended to read  
8 as follows:

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

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

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

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

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

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

29       (2) A county may not adopt an ordinance that has the effect,  
30 directly or indirectly, of restricting the location of ~~((mobile homes~~  
31 ~~or manufactured homes in mobile home parks or manufactured housing))~~  
32 manufactured/mobile homes in manufactured/mobile home communities, as  
33 defined in RCW 59.20.030, which were legally in existence before June  
34 12, 2008, based exclusively on the age or dimensions of the ~~((mobile~~  
35 ~~home or))~~ manufactured/mobile home. This does not preclude a county  
36 from restricting the location of a ~~((mobile home or manufactured home~~  
37 ~~in mobile home parks or manufactured housing))~~ manufactured/mobile home

1 in manufactured/mobile home communities for any other reason including,  
2 but not limited to, failure to comply with fire, safety, or other local  
3 ordinances or state laws related to ~~((mobile — homes — and))~~  
4 manufactured/mobile homes.

5 (3) A county may not adopt an ordinance that has the effect,  
6 directly or indirectly, of preventing the entry or requiring the  
7 removal of a recreational vehicle used as a primary residence in  
8 manufactured/mobile home communities, as defined in RCW 59.20.030,  
9 unless the recreational vehicle fails to comply with the fire, safety,  
10 or other local ordinances or state laws related to recreational  
11 vehicles.

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

14 ~~((4))~~ (5) This section does not affect the authority granted  
15 under chapter 43.22 RCW.

--- END ---