
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; amending RCW 35.21.684,
3 35A.21.312, and 36.01.225; and declaring an emergency.

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 were legally in existence before June
21 12, 2008, based exclusively on the age or dimensions of the (~~mobile~~
22 ~~home or~~) manufactured/mobile home. This does not preclude a city or
23 town from restricting the location of a (~~mobile home or manufactured~~
24 ~~home in mobile home parks or manufactured housing~~) manufactured/mobile
25 home in manufactured/mobile home communities for any other reason
26 including, but not limited to, failure to comply with fire, safety, or
27 other local ordinances or state laws related to (~~mobile homes and~~)
28 manufactured/mobile homes.

29 (3) A city or town may not adopt an ordinance that has the effect,
30 directly or indirectly, of preventing the entry or requiring the
31 removal of a recreational vehicle used as a primary residence in
32 manufactured/mobile home communities, as defined in RCW 59.20.030,
33 unless the recreational vehicle fails to comply with the fire, safety,
34 or other local ordinances or state laws related to recreational
35 vehicles.

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

1 (~~(4)~~) (5) This section does not affect the authority granted
2 under chapter 43.22 RCW.

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

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

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

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

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

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

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

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

17 (~~(4)~~) (5) This section does not affect the authority granted
18 under chapter 43.22 RCW.

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

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

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

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

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

1 (d) The home is thermally equivalent to the state energy code; and
2 (e) The manufactured home otherwise meets all other requirements
3 for a designated manufactured home as defined in RCW 35.63.160.

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

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

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

26 ((+4)) (5) This section does not affect the authority granted
27 under chapter 43.22 RCW.

28 NEW SECTION. Sec. 4. This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of the
30 state government and its existing public institutions, and takes effect
31 immediately.

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