
SUBSTITUTE HOUSE BILL 2581

State of Washington 63rd Legislature 2014 Regular Session

By House Environment (originally sponsored by Representatives Tarleton, S. Hunt, Pollet, and Carlyle)

READ FIRST TIME 02/05/14.

1 AN ACT Relating to on-water dwellings; amending RCW 90.58.270; and
2 creating new sections.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that all
5 Washington residents benefit from the unique aesthetic, recreational,
6 and economic opportunities that are derived from the state's aquatic
7 resources, including its navigable waters and shoreline areas. The
8 legislature also recognizes that, as affirmed in chapter 212, Laws of
9 2011, existing floating homes are an important cultural amenity and an
10 element of the state's maritime history and economy. The 2011
11 legislation, which clarified the legal status of floating homes, was
12 intended to ensure the vitality and long-term survival of existing
13 floating single-family home communities.

14 (2) The legislature finds that further clarification of the status
15 of other residential uses on water that meet specific requirements and
16 share important cultural, historical, and economic commonalities with
17 floating homes, is necessary.

18 (3) The legislature, therefore, intends to: Preserve the existence
19 and vitality of on-water residential uses; establish greater clarity

1 and regulatory uniformity for these uses; and respect the well-
2 established authority of local governments to determine compliance with
3 regulatory requirements applicable to their jurisdiction.

4 **Sec. 2.** RCW 90.58.270 and 2011 c 212 s 2 are each amended to read
5 as follows:

6 (1) Nothing in this (~~statute~~) section shall constitute authority
7 for requiring or ordering the removal of any structures, improvements,
8 docks, fills, or developments placed in navigable waters prior to
9 December 4, 1969, and the consent and authorization of the state of
10 Washington to the impairment of public rights of navigation, and
11 corollary rights incidental thereto, caused by the retention and
12 maintenance of said structures, improvements, docks, fills or
13 developments are hereby granted: PROVIDED, That the consent herein
14 given shall not relate to any structures, improvements, docks, fills,
15 or developments placed on tidelands, shorelands, or beds underlying
16 said waters which are in trespass or in violation of state statutes.

17 (2) Nothing in this section shall be construed as altering or
18 abridging any private right of action, other than a private right which
19 is based upon the impairment of public rights consented to in
20 subsection (1) (~~hereof~~) of this section.

21 (3) Nothing in this section shall be construed as altering or
22 abridging the authority of the state or local governments to suppress
23 or abate nuisances or to abate pollution.

24 (4) Subsection (1) of this section shall apply to any case pending
25 in the courts of this state on June 1, 1971 relating to the removal of
26 structures, improvements, docks, fills, or developments based on the
27 impairment of public navigational rights.

28 (5)(a) A floating home permitted or legally established prior to
29 January 1, 2011, must be classified as a conforming preferred use.

30 (b) For the purposes of this subsection:

31 (i) "Conforming preferred use" means that applicable development
32 and shoreline master program regulations may only impose reasonable
33 conditions and mitigation that will not effectively preclude
34 maintenance, repair, replacement, and remodeling of existing floating
35 homes and floating home moorages by rendering these actions
36 impracticable.

1 (ii) "Floating home" means a single-family dwelling unit
2 constructed on a float, that is moored, anchored, or otherwise secured
3 in waters, and is not a vessel, even though it may be capable of being
4 towed.

5 (6)(a) A floating on-water residence legally established prior to
6 July 1, 2014, must be considered a conforming use and accommodated
7 through reasonable shoreline master program regulations, permit
8 conditions, or mitigation that will not effectively preclude
9 maintenance, repair, replacement, and remodeling of existing floating
10 on-water residences and their moorages by rendering these actions
11 impracticable.

12 (b) For the purpose of this subsection, "floating on-water
13 residence" means any floating structure other than a floating home, as
14 defined under subsection (5) of this section, that: (i) Is designed or
15 used primarily as a residence on the water and has detachable
16 utilities; and (ii) whose owner or primary occupant has held a lease or
17 sublease to use space in a marina as their primary residence since a
18 date prior to July 1, 2014.

19 NEW SECTION. Sec. 3. This act does not affect the application of
20 any other applicable permits, authorizations, or authorities.

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