

SENATE BILL REPORT

SB 6450

As Reported by Senate Committee On:
Natural Resources & Parks, February 4, 2014

Title: An act relating to on-water dwellings.

Brief Description: Concerning on-water dwellings.

Sponsors: Senators Pedersen, Kohl-Welles, Pearson, Liias, Ericksen and Kline.

Brief History:

Committee Activity: Natural Resources & Parks: 1/30/14, 2/04/14 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 6450 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pearson, Chair; Liias, Ranking Member; Dansel, Hargrove, Hewitt, Kline and Parlette.

Staff: Curt Gavigan (786-7437)

Background: The Shoreline Management Act (SMA) requires the development of local shoreline master programs, which must be consistent with guidelines adopted by the Department of Ecology. Each local government must establish a program for the administration and enforcement of a shoreline permit system.

The SMA provides that all permitted or legally established floating homes as of January 1, 2011, must be considered as a conforming preferred use under local shoreline regulations. This means that local regulations may only impose reasonable conditions and mitigation that will not effectively preclude actions such as maintenance, repair, replacement, and remodeling of floating homes.

Summary of Bill (Recommended Substitute): A floating on-water residence that was legally established before July 1, 2014, must be accommodated through reasonable local shoreline regulations, permit conditions, or mitigation. The local regulations may not effectively preclude actions such as maintenance, repair, replacement, and remodeling of floating on-water residences.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The term floating on-water residence means any floating structure, other than a floating home, that:

- is designed or used primarily as a residence on the water and has detachable utilities; and
- whose owner or primary occupant has held a lease or sublease to use space in a marina as a primary residence since before July 1, 2014.

An intent section is included.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES & PARKS COMMITTEE (Recommended Substitute):

- Provides conforming use status and the associated protections in the underlying bill to any floating structure other than a floating home (1) that is designed or used primarily as a residence on the water and has detachable utilities; and (2) whose owner or primary occupant has held a lease or sublease in a marina as their primary residence since prior to July 1, 2014.
- Specifies that the bill does not affect other permits, authorizations, or authorities.
- Modifies the intent section.
- Makes organizational changes.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: Protection was established for floating homes in the area in a previous bill. This bill would see that protection extended to those who live within structures classified as vessels. This bill would protect people who may be otherwise unable to afford housing in Seattle. Houseboat owners protect the environment and are a boon to their community. These residences do not impede the function of harbors. This bill would not upset the delicate balance of laws that exist currently.

CON: There is concern that this bill would disrupt the SMA, as well as concern that this bill could enable floating housing developments or other residential buildings which do have environmental impacts.

OTHER: There is support for the intent of the bill, but there is some concern that this bill would not affect recreational liveaboards that move from place to place.

Persons Testifying: PRO: Senator Pederson, prime sponsor; Ginny Stern, Keith Rosema, Maria Warren, Heather Dean, Olympia Liveaboard Assn.; Matthew Pontious, Langdon Miller, Natalie Saaris, John Geisheker, Susan Welch, Lake Union Liveaboard Assn.; Allen

Miller, Martin Marina; Todd Filer, Kent Perry, John Chaney, Barbara Engram, Michael Currie, citizens.

CON: Naki Stevens, Sound Action; Susan Neff, citizen.

OTHER: Doug Levy, Recreational Boating Assn. of WA; Tom Clingman, Dept. of Ecology.