

SB 6593 - H COMM AMD
By Committee on Local Government

1 Strike everything after the enacting clause and insert the
2 following:

3 NEW SECTION. **Sec. 1.** The legislature finds that: Congress
4 has preempted the regulation by the states of manufactured housing
5 construction standards through adoption of construction standards
6 for manufactured housing (42 U.S.C. Sec. 5401-5403); and this
7 federal regulation is equivalent to the state's uniform building
8 code. The legislature also finds that congress has declared that:
9 (1) Manufactured housing plays a vital role in meeting the housing
10 needs of the nation; and (2) manufactured homes provide a
11 significant resource for affordable homeownership and rental
12 housing accessible to all Americans (42 U.S.C. Sec. 5401-5403).
13 The legislature intends to protect the consumers' rights to choose
14 among a number of housing construction alternatives without
15 restraint of trade or discrimination by local governments.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21
17 RCW to read as follows:

18 (1) A city or town may not enact any statute or ordinance that
19 has the effect, directly or indirectly, of discriminating against
20 consumers' choices in the placement or use of a home in such a
21 manner that is not equally applicable to all homes. Homes built to
22 42 U.S.C. Sec. 5401- 5403 standards (as amended in 2000) must be
23 regulated in the same manner as site built homes, factory built
24 homes, or homes built to any other state construction or local
25 design standard. However, any city or town may require that (1) a
26 manufactured home be a new manufactured home, (2) the manufactured
27 home be set upon a permanent foundation, as specified by the
28 manufacturer, and that the space from the bottom of the home to the

1 ground be enclosed by concrete or an approved concrete product
2 which can be either load bearing or decorative,(3) the manufactured
3 home comply with all local design standards applicable to all other
4 homes within the neighborhood in which the manufactured home is to
5 be located,(4) the home is thermally equivalent to the state energy
6 code, and(5)the manufactured home otherwise meets all other
7 requirements for a designated manufactured home as defined in RCW
8 35.63.160. A city with a population of one hundred thirty-five
9 thousand or more may choose to designate its building official as
10 the person responsible for issuing all permits for alterations,
11 remodeling, or expansion of manufactured housing located within the
12 city limits under this section.

13 (2) Nothing in this section shall override any legally recorded
14 covenants, or deed restrictions of record.

15
16 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.21
17 RCW to read as follows:

18 (1) A code city may not enact any statute or ordinance that has
19 the effect, directly or indirectly, of discriminating against
20 consumers' choices in the placement or use of a home in such a
21 manner that is not equally applicable to all homes. Homes built to
22 42 U.S.C. Sec. 5401- 5403 standards (as amended in 2000) must be
23 regulated in the same manner as site built homes, factory built
24 homes, or homes built to any other state construction or local
25 design standard. However, any code city may require that(1)a
26 manufactured home be a new manufactured home,(2)the manufactured
27 home be set upon a permanent foundation, as specified by the
28 manufacturer, and that the space from the bottom of the home to the
29 ground be enclosed by concrete or an approved concrete product
30 which can be either load bearing or decorative,(3)the manufactured
31 home comply with all local design standards applicable to all other
32 homes within the neighborhood in which the manufactured home is to
33 be located, (4) the home is thermally equivalent to the state
34 energy code, and (5) the manufactured home otherwise meets all
35 other requirements for a designated manufactured home as defined in
36 RCW 35.63.160. A code city with a population of one hundred
37 thirty-five thousand or more may choose to designate its building
38 official as the person responsible for issuing all permits for

1 alterations, remodeling, or expansion of manufactured housing
2 located within the city limits under this section.

3 (2) Nothing in this section shall override any legally recorded
4 covenants, or deed restrictions of record.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.01
6 RCW to read as follows:

7 (1) A county may not enact any statute or ordinance that has
8 the effect, directly or indirectly, of discriminating against
9 consumers' choices in the placement or use of a home in such a
10 manner that is not equally applicable to all homes. Homes built to
11 42 U.S.C. Sec. 5401- 5403 standards (as amended in 2000) must be
12 regulated in the same manner as site built homes, factory built
13 homes, or homes built to any other state construction or local
14 design standard. However, any county may require that (1) a
15 manufactured home be a new manufactured home, (2) the manufactured
16 home be set upon a permanent foundation, as specified by the
17 manufacturer, and that the space from the bottom of the home to the
18 ground be enclosed by concrete or an approved concrete product
19 which can be either load bearing or decorative, (3) the
20 manufactured home comply with all local design standards applicable
21 to all other homes within the neighborhood in which the
22 manufactured home is to be located, (4) the home is thermally
23 equivalent to the state energy code, and (5) the manufactured home
24 otherwise meets all other requirements for a designated
25 manufactured home as defined in RCW 35.63.160.

26 (2) Nothing in this section shall override any legally recorded
27 covenants, or deed restrictions of record.

28 **Sec. 5.** RCW 35.63.160 and 1988 c 239 s 1 are each amended to
29 read as follows:

30 ~~(1) ((Each comprehensive plan which does not allow for the~~
31 ~~siting of manufactured homes on individual lots shall be subject to~~
32 ~~a review by the city of the need and demand for such homes. The~~
33 ~~review shall be completed by December 31, 1990.~~

34 ~~(2) For the purpose of providing an optional reference for~~
35 ~~cities which choose to allow manufactured homes on individual~~
36 ~~lots,)) A "designated manufactured home" is a manufactured home~~

1 constructed after June 15, 1976, in accordance with state and
2 federal requirements for manufactured homes, which:

3 (a) Is comprised of at least two fully enclosed parallel
4 sections each of not less than twelve feet wide by thirty-six feet
5 long;

6 (b) Was originally constructed with and now has a composition
7 or wood shake or shingle, coated metal, or similar roof of (~~not~~
8 ~~less than~~) nominal 3:12 pitch; and

9 (c) Has exterior siding similar in appearance to siding
10 materials commonly used on conventional site-built uniform building
11 code single- family residences.

12 (2) "New manufactured home" means any manufactured home
13 required to be titled under Title 46 RCW, which has not been
14 previously titled to a retail purchaser, and is not a "used mobile
15 home" as defined in RCW 82.45.032(2).

16 (3) Nothing in this section precludes cities from allowing any
17 manufactured home from being sited on individual lots through local
18 standards which differ from the designated manufactured home or new
19 manufactured home as described in this section, except that the
20 term "designated manufactured home" and "new manufactured home"
21 shall not be used except as defined in subsections (1) and (2) of
22 this section.

23 NEW SECTION. Sec. 6. This act takes effect July 1, 2005."

EFFECT: 1)Allows a county, city, or town to require that a
manufactured home be set upon a permanent foundation, as
specified by the manufacturer, and that the space from the
bottom of the home to the ground be enclosed by concrete or an
approved concrete product which can be either load bearing or
decorative,; 2)allows a county, city, or town to require that
the manufactured home comply with all local design standards
applicable to other homes within the neighborhood in which the
manufactured home is to be located; 3) allows a city or code
city with a population of at least one hundred thirty-five
thousand residents to designate its building official as being
the person responsible for the issuance of various permits
relating to the alteration of a manufactured home; 4) Exempts
from the coverage of the act any legally recorded covenants,
or deed restrictions of record.