

CERTIFICATION OF ENROLLMENT  
ENGROSSED SUBSTITUTE SENATE BILL 6450

63rd Legislature  
2014 Regular Session

Passed by the Senate February 13, 2014  
YEAS 49 NAYS 0

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**President of the Senate**

Passed by the House March 5, 2014  
YEAS 88 NAYS 10

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6450** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 6450**

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Passed Legislature - 2014 Regular Session

**State of Washington                      63rd Legislature                      2014 Regular Session**

**By** Senate Natural Resources & Parks (originally sponsored by Senators Pedersen, Kohl-Welles, Pearson, Liias, Ericksen, and Kline)

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 current, floating on-water residential uses; establish

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

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

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

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

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

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

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

31 (b) For the purposes of this subsection:

32 (i) "Conforming preferred use" means that applicable development  
33 and shoreline master program regulations may only impose reasonable  
34 conditions and mitigation that will not effectively preclude  
35 maintenance, repair, replacement, and remodeling of existing floating  
36 homes and floating home moorages by rendering these actions  
37 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 an  
17 ownership interest in space in a marina, or has held a lease or  
18 sublease to use space in a marina, since a 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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