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**SENATE BILL 5481**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senators Prentice, Winsley, Gardner, Hale, Rasmussen, T. Sheldon, Goings and Costa

Read first time 01/25/1999. Referred to Committee on Commerce, Trade, Housing & Financial Institutions.

1 AN ACT Relating to manufactured housing; amending RCW 35.63.110,  
2 35.63.160, 35A.63.100, 35A.63.145, and 36.70.750; adding a new section  
3 to chapter 36.70A RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that limiting  
6 competition for housing types, manufacturing methods, and housing  
7 designs stifles housing choices, arbitrarily reduces competition, and  
8 increases costs which in turn reduces housing affordability. These  
9 restrictions on the siting of manufactured housing go beyond  
10 regulations needed to adequately protect the life and safety of the  
11 citizens of the state. The legislature further finds that manufactured  
12 housing built to federal standards should not be prohibited or  
13 restrained beyond restraints or prohibitions placed on site-built  
14 single-family residences, either through personal or public  
15 restrictions, and that any such restrictions are contrary to the public  
16 policy of the state that encourages housing affordability and consumer  
17 choice absent restraint of trade by private or public entities.

18 The legislature recognizes that federal standards for manufactured  
19 housing supersedes state and local building and energy codes and that

1 compliance with state or local building or energy codes as a  
2 requirement for issuing a permit for siting a manufactured housing unit  
3 may not be required as a condition for allowing manufactured homes in  
4 the state.

5 **Sec. 2.** RCW 35.63.110 and 1965 c 7 s 35.63.110 are each amended to  
6 read as follows:

7 For any or all of such purposes the council or board, on  
8 recommendation of its commission, may divide the municipality or any  
9 portion thereof into districts of such size, shape and area, or may  
10 establish such official maps, or development plans for the whole or any  
11 portion of the municipality as may be deemed best suited to carry out  
12 the purposes of this chapter and within such districts it may regulate  
13 and restrict the erection, construction, reconstruction, alteration,  
14 repair or use of buildings, structures, or land.

15 However, in any zoning district for single-family residences,  
16 single-family designated manufactured homes, as defined in RCW  
17 35.63.160, that are thermally equivalent to the state energy code,  
18 shall be sited on individual lots subject only to land use regulations  
19 applicable to all other single-family residences on individual lots in  
20 such districts. This section does not prevent the adoption of home  
21 design regulations to assure neighborhood compatibility provided such  
22 regulations apply equally to homes regulated under the state building  
23 code and designated manufactured homes as defined in RCW 35.63.160.

24 **Sec. 3.** RCW 35.63.160 and 1988 c 239 s 1 are each amended to read  
25 as follows:

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

30 ~~(2) For the purpose of providing an optional reference for cities~~  
31 ~~which choose to allow manufactured homes on individual lots,)) A~~  
32 "designated manufactured home" is a manufactured home constructed after  
33 June 15, 1976, in accordance with state and federal requirements for  
34 manufactured homes, which:

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

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

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

7 (~~(3)~~) (2) Nothing in this section precludes cities from allowing  
8 any manufactured home from being sited on individual lots through local  
9 standards which differ from the designated manufactured home as  
10 described in this section, except that the term "designated  
11 manufactured home" shall not be used except as defined in subsection  
12 (~~(2)~~) (1) of this section.

13 **Sec. 4.** RCW 35A.63.100 and 1979 ex.s. c 170 s 8 are each amended  
14 to read as follows:

15 After approval of the comprehensive plan, as set forth above, the  
16 legislative body, in developing the municipality and in regulating the  
17 use of land, may implement or give effect to the comprehensive plan or  
18 parts thereof by ordinance or other action to such extent as the  
19 legislative body deems necessary or appropriate. Such ordinances or  
20 other action may provide for:

21 (1) Adoption of an official map and regulations relating thereto  
22 designating locations and requirements for one or more of the  
23 following: Streets, parks, public buildings, and other public  
24 facilities, and protecting such sites against encroachment by buildings  
25 and other physical structures.

26 (2) Dividing the municipality, or portions thereof, into  
27 appropriate zones within which specific standards, requirements, and  
28 conditions may be provided for regulating the use of public and private  
29 land, buildings, and structures, and the location, height, bulk, number  
30 of stories, and size of buildings and structures, size of yards,  
31 courts, open spaces, density of population, ratio of land area to the  
32 area of buildings and structures, setbacks, area required for off-  
33 street parking, protection of access to direct sunlight for solar  
34 energy systems, and such other standards, requirements, regulations,  
35 and procedures as are appropriately related thereto. The ordinance  
36 encompassing the matters of this subsection is hereinafter called the  
37 "zoning ordinance". No zoning ordinance, or amendment thereto, shall  
38 be enacted by the legislative body without at least one public hearing,

1 notice of which shall be given as set forth in RCW 35A.63.070. Such  
2 hearing may be held before the planning agency or the board of  
3 adjustment or such other body as the legislative body shall designate.

4 However, in any zoning district for single-family residences,  
5 single-family designated manufactured homes, as defined in RCW  
6 35A.63.145, that are thermally equivalent to the state energy code,  
7 shall be sited on individual lots subject only to land use regulations  
8 applicable to all other single-family residences on individual lots in  
9 such districts. This section does not prevent the adoption of home  
10 design regulations to assure neighborhood compatibility provided such  
11 regulations apply equally to homes regulated under the state building  
12 code and designated manufactured homes as defined in RCW 35A.63.145.

13 (3) Adoption of design standards, requirements, regulations, and  
14 procedures for the subdivision of land into two or more parcels,  
15 including, but not limited to, the approval of plats, dedications,  
16 acquisitions, improvements, and reservation of sites for public use.

17 (4) Scheduling public improvements on the basis of recommended  
18 priorities over a period of years, subject to periodic review.

19 (5) Such other matters as may be otherwise authorized by law or as  
20 the legislative body deems necessary or appropriate to effectuate the  
21 goals and objectives of the comprehensive plan or parts thereof and the  
22 purposes of this chapter.

23 **Sec. 5.** RCW 35A.63.145 and 1988 c 239 s 2 are each amended to read  
24 as follows:

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

29 ~~(2) For the purpose of providing an optional reference for cities~~  
30 ~~which choose to allow manufactured homes on individual lots,)) A~~  
31 "designated manufactured home" is a manufactured home constructed after  
32 June 15, 1976, in accordance with state and federal requirements for  
33 manufactured homes, which:

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

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

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

4 (~~(3)~~) (2) Nothing in this section precludes cities from allowing  
5 any manufactured home from being sited on individual lots through local  
6 standards which differ from the designated manufactured home as  
7 described in this section, except that the term "designated  
8 manufactured home" shall not be used except as defined in subsection  
9 (~~(2)~~) (1) of this section.

10 **Sec. 6.** RCW 36.70.750 and 1963 c 4 s 36.70.750 are each amended to  
11 read as follows:

12 Any board, by ordinance, may establish classifications, within each  
13 of which, specific controls are identified, and which will:

14 (1) Regulate the use of buildings, structures, and land as between  
15 agriculture, industry, business, residence, and other purposes.

16 However, in any zoning district for single-family residences,  
17 single-family designated manufactured homes, as defined in RCW  
18 35.63.160, that are thermally equivalent to the state energy code,  
19 shall be sited on individual lots subject only to land use regulations  
20 applicable to all other single-family residences on individual lots in  
21 such districts. This subsection does not prevent the adoption of home  
22 design regulations to assure neighborhood compatibility provided such  
23 regulations apply equally to homes regulated under the state building  
24 code and designated manufactured homes as defined in RCW 35.63.160;

25 (2) Regulate location, height, bulk, number of stories and size of  
26 buildings and structures; the size of yards, courts, and other open  
27 spaces; the density of population; the percentage of a lot which may be  
28 occupied by buildings and structures; and the area required to provide  
29 off-street facilities for the parking of motor vehicles.

30 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.70A RCW  
31 to read as follows:

32 Any city or county that plans or elects to plan under this chapter  
33 must allow in any zoning district for single-family residences, single-  
34 family designated manufactured homes as defined in RCW 43.63B.010,  
35 35.63.160, or 35A.63.145 that are thermally equivalent to the state  
36 energy code, to be sited on individual lots subject only to land use  
37 regulations applicable to all other single-family residences on

1 individual lots in such districts. This section does not prevent the  
2 adoption of home design regulations to assure neighborhood  
3 compatibility provided such regulations apply equally to homes  
4 regulated under the state building code and designated manufactured  
5 homes as defined in RCW 43.63B.010, 35.63.160, or 35A.63.145.

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