

SB 6593 - H AMD 1104

By Representative Romero

ADOPTED 03/03/2004

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

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

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

18 (1) A city or town 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 manner
21 that is not equally applicable to all homes. Homes built to 42 U.S.C.
22 Sec. 5401-5403 standards (as amended in 2000) must be regulated for the
23 purposes of siting in the same manner as site built homes, factory
24 built homes, or homes built to any other state construction or local
25 design standard. However, any city or town may require that (a) a
26 manufactured home be a new manufactured home; (b) the manufactured home
27 be set upon a permanent foundation, as specified by the manufacturer,
28 and that the space from the bottom of the home to the ground be
29 enclosed by concrete or an approved concrete product which can be

1 either load bearing or decorative; (c) the manufactured home comply
2 with all local design standards applicable to all other homes within
3 the neighborhood in which the manufactured home is to be located; (d)
4 the home is thermally equivalent to the state energy code; and (e) the
5 manufactured home otherwise meets all other requirements for a
6 designated manufactured home as defined in RCW 35.63.160. A city with
7 a population of one hundred thirty-five thousand or more may choose to
8 designate its building official as the person responsible for issuing
9 all permits, including department of labor and industries permits
10 issued under chapter 43.22 RCW in accordance with an interlocal
11 agreement under chapter 39.34 RCW, for alterations, remodeling, or
12 expansion of manufactured housing located within the city limits under
13 this section.

14 (2) This section does not override any legally recorded covenants
15 or deed restrictions of record.

16 (3) This section does not affect the authority granted under
17 chapter 43.22 RCW.

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

20 (1) A code city may not enact any statute or ordinance that has the
21 effect, directly or indirectly, of discriminating against consumers'
22 choices in the placement or use of a home in such a manner that is not
23 equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-
24 5403 standards (as amended in 2000) must be regulated for the purposes
25 of siting in the same manner as site built homes, factory built homes,
26 or homes built to any other state construction or local design
27 standard. However, any code city may require that (a) a manufactured
28 home be a new manufactured home; (b) the manufactured home be set upon
29 a permanent foundation, as specified by the manufacturer, and that the
30 space from the bottom of the home to the ground be enclosed by concrete
31 or an approved concrete product which can be either load bearing or
32 decorative; (c) the manufactured home comply with all local design
33 standards applicable to all other homes within the neighborhood in
34 which the manufactured home is to be located; (d) the home is thermally
35 equivalent to the state energy code; and (e) the manufactured home
36 otherwise meets all other requirements for a designated manufactured

1 home as defined in RCW 35.63.160. A code city with a population of one
2 hundred thirty-five thousand or more may choose to designate its
3 building official as the person responsible for issuing all permits,
4 including department of labor and industries permits issued under
5 chapter 43.22 RCW in accordance with an interlocal agreement under
6 chapter 39.34 RCW, for alterations, remodeling, or expansion of
7 manufactured housing located within the city limits under this section.

8 (2) This section does not override any legally recorded covenants
9 or deed restrictions of record.

10 (3) This section does not affect the authority granted under
11 chapter 43.22 RCW.

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

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

32 (2) This section does not override any legally recorded covenants
33 or deed restrictions of record.

34 (3) This section does not affect the authority granted under
35 chapter 43.22 RCW.

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

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

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

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

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

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

20 (2) "New manufactured home" means any manufactured home required to
21 be titled under Title 46 RCW, which has not been previously titled to
22 a retail purchaser, and is not a "used mobile home" as defined in RCW
23 82.45.032(2).

24 (3) Nothing in this section precludes cities from allowing any
25 manufactured home from being sited on individual lots through local
26 standards which differ from the designated manufactured home or new
27 manufactured home as described in this section, except that the term
28 "designated manufactured home" and "new manufactured home" shall not be
29 used except as defined in subsections (1) and (2) of this section.

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

ADOPTED 03/03/2004

1 On page 1, line 2 of the title, after "housing;" strike the
2 remainder of the title and insert "amending RCW 35.63.160; adding a new
3 section to chapter 35.21 RCW; adding a new section to chapter 35A.21
4 RCW; adding a new section to chapter 36.01 RCW; creating a new section;
5 and providing an effective date."

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.

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