

# HOUSE BILL REPORT

## SB 6593

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### As Reported by House Committee On:

Local Government

**Title:** An act relating to prohibiting discrimination against consumers' choices in housing.

**Brief Description:** Prohibiting discrimination against consumers' choices in housing.

**Sponsors:** Senators Prentice, Carlson, Keiser, T. Sheldon and Winsley.

### Brief History:

#### Committee Activity:

Local Government: 2/19/04, 2/26/04 [DPA].

#### Brief Summary of Bill (As Amended by House Committee)

- Prohibits local governments from enacting any local statute or ordinance that has the effect of discriminating against consumers' choices in the placement or use of a manufactured home.
- Requires that manufactured homes built to federal regulatory standards be regulated in the same manner as site-built homes, factory-built homes, or homes built to any other state construction standard.
- Grants authority to local governments to enact a limited range of regulations specific to manufactured homes with respect to siting, installation, and design.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass as amended. Signed by 9 members: Representatives Romero, Chair; D. Simpson, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Clibborn, Mielke, Moeller and Upthegrove.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Ericksen.

**Staff:** Thamas Osborn (786-7129).

### Background:

All cities, code cities, towns, and counties (local governments) have general authority to adopt comprehensive plans and zoning ordinances. Local governments required or choosing to plan under the state's Growth Management Act (GMA) have specific requirements to adopt comprehensive plans containing certain elements consistent with GMA requirements and to enact implementing development regulations, including zoning provisions.

A "designated manufactured home" is defined as a manufactured home constructed after June 15, 1976, in accordance with federal construction standards, that meets certain minimum size and roof pitch requirements, and has exterior siding material similar to materials commonly used in conventional site-built homes.

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### **Summary of Amended Bill:**

Local governments are prohibited from enacting any statute or ordinance that has the effect, either directly or indirectly, of discriminating against consumers' choices in the placement or use of a home. Homes built consistent with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Sec. 5401 *et. seq.*, must be regulated in the same manner as site-built homes, factory-built homes, or homes built to any other state construction standard.

However, counties, cities, and towns are granted limited authority to enact regulations specific to manufactured homes with respect to siting, installation, and design. This regulatory authority is limited to regulations that require a manufactured home be:

- a "new" manufactured home;
- set upon a permanent foundation that meets specified design standards;
- compliant with all local design standards applicable to other homes within the neighborhood in which the manufactured home is to be located;
- consistent with the thermal standards set forth in the state energy code; and
- otherwise consistent with the standards for manufactured homes as set forth in RCW 35.63.160.

A city or code city with a population of at least 135,000 residents may designate its building official as being the person responsible for the issuance of various permits relating to the alteration of a manufactured home.

Legally recorded covenants, or deed restrictions of record, are not subject to the provisions of the act.

RCW 35.63.160 is amended to delete an obsolete provision and to include a definition of the term "new manufactured home."

## **Amended Bill Compared to Original Bill:**

The amendment makes the following changes to the bill:

- A local government may 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;
- A local government may require that a manufactured home comply with all local design standards applicable to other homes within the neighborhood in which the manufactured home is to be located;
- A city or code city with a population of at least 135,000 residents may designate its building official as being the person responsible for the issuance of various permits relating to the alteration of a manufactured home; and
- Exempts from the coverage of the act any legally recorded covenants, or deed restrictions of record.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** The bill takes effect on July 1, 2005.

**Testimony For:** The zoning restrictions placed on manufactured homes are unnecessary and are based on myths regarding the quality and appearance of such homes. Manufactured homes can be of high quality and can be designed and constructed so as to be compatible with the homes in established neighborhoods. Such homes can have two stories, porches, and permanent foundations. The lower cost of building such homes enables the use of higher quality roofing materials, window coverings, and amenities such as porches. Furthermore, manufactured homes provide an affordable alternative for families who would otherwise be unable to own a home. Such homes are typically 10 to 15 percent cheaper than site-built homes. Low-income persons will thus benefit from the easing of zoning restrictions on manufactured homes. Twenty-two percent of housing starts are manufactured homes. There are three companies in this state that build them, though most come from companies in Oregon.

(Concerns) All cities allow for the siting of manufactured homes somewhere within the community. This bill goes too far in restricting the ability of a community to determine where it is appropriate to site such homes. Also, the bill does not do enough to address the issue of allowing for design consistency in older, established neighborhoods. Many

newer neighborhoods and developments have restrictive covenants that can be used to enforce design standards, and this bill would not affect the enforceability of these covenants. Older neighborhoods often do not have such restrictive covenants, thus the bill would allow manufactured homes to be sited in them without regard to the character of the homes in the area. The language of the bill should be expanded to allow such neighborhoods to have enforceable design standards that can be imposed on manufactured homes as well as site-built homes. Also, the provision regarding foundations should be changed so as to allow a city to require foundations for manufactured homes that are similar to those required for site-built homes.

**Testimony Against:** The bill is flawed in several respects. First, it preempts the ability of a local government to make zoning decisions that serve the best interests of the community. Zoning should continue to be a matter of local control and there is no need for the state to intervene with respect to manufactured homes. Furthermore, a community should be allowed to impose design standards for new homes of all types, including manufactured homes; thus, the language of the bill should be expanded to allow for the imposition of design standards for the siting of manufactured homes in established neighborhoods. Finally, the provisions regarding foundations need to be amended so as to allow for the imposition of higher standards.

**Persons Testifying:** (In support) Tony To, Home Sight; Bob Mitchell, City of Kennewick; and Mike Ryherd, Washington Manufactured Housing Association.

(Concerns) Dave Williams, Association of Washington Cities.

(Opposed) Mark Brown, City of Vancouver.

**Persons Signed In To Testify But Not Testifying:** None.