

HOUSE BILL REPORT

ESHB 1741

As Passed House:
February 11, 2004

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

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

Sponsors: By House Committee on Local Government (originally sponsored by Representatives Romero, Lantz, Mielke, O'Brien, Edwards, Chase and Schindler).

Brief History:

Committee Activity:

Local Government: 3/3/03, 3/5/03 [DPS].

Floor Activity:

Passed House: 2/11/04, 86-7.

Brief Summary of Engrossed Substitute Bill

- 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 home.
- Requires that homes built to HUD 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.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Romero, Chair; Upthegrove, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Berkey, Clibborn, Mielke and Moeller.

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

Staff: Amy Wood (786-7127).

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.

Summary of Engrossed Substitute 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;
- consistent with specified design standards if it is to be located in an historic neighborhood;
- 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 town with a population of at least one hundred 35,000 residents may designate its building official as being the person responsible for the issuance of various permits relating to the alteration, remodeling or expansion of a manufactured home.

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

Appropriation: None.**Fiscal Note:** Not Requested.**Effective Date:** The bill takes effect on July 1, 2005.

Testimony For: The question is whether cities should be allowed to take away a consumer's choices where Congress has said that manufactured housing meets federal code standards. Requiring additional design standards is fine, manufactured housing can meet these standards. However, site-built homes must also meet these standards.

We receive calls all the time from property owners who have purchased property but are prohibited from purchasing and placing a manufactured home on the property. This is discrimination based on ignorance. Manufactured housing should be held to the same standards as site built homes. We would be happy to build to any standard as long as it is consistent with site-built standards.

Testimony Against: This issue has been around for a long time. It is a question of local choice and local circumstance. All cities allow manufactured homes in certain designated areas. The placement of manufactured housing has historically been a local matter. There is nothing more germane to local government jurisdiction as residential zoning and neighborhood character. Nothing rises to the level that should require intervention by the Legislature. We respectfully request that these decisions be left to local governments.

Testified: Mike Ryherd and Joan Brown, Washington Manufactured Housing Association.

(Against) Dave Williams, Association of Washington Cities; Mark Brown, City of Vancouver; and Doug Levy, Cities of Kent, Everett, and Federal Way.