

CERTIFICATION OF ENROLLMENT

SENATE BILL 6593

Chapter 256, Laws of 2004

58th Legislature
2004 Regular Session

HOUSING--CONSUMER CHOICE

EFFECTIVE DATE: 7/1/05

Passed by the Senate March 10, 2004
YEAS 41 NAYS 8

BRAD OWEN

President of the Senate

Passed by the House March 3, 2004
YEAS 85 NAYS 11

FRANK CHOPP

Speaker of the House of Representatives

Approved March 31, 2004.

GARY F. LOCKE
Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SENATE BILL 6593 as passed by the
Senate and the House of
Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

March 31, 2004 - 3:03 p.m.

**Secretary of State
State of Washington**

SENATE BILL 6593

AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Senators Prentice, Carlson, Keiser, T. Sheldon and Winsley

Read first time 01/26/2004. Referred to Committee on Financial Services, Insurance & Housing.

1 AN ACT Relating to prohibiting discrimination against consumers'
2 choices in housing; amending RCW 35.63.160; adding a new section to
3 chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding
4 a new section to chapter 36.01 RCW; creating a new section; and
5 providing an effective date.

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

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

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

3 (1) A city or town may not enact any statute or ordinance that has
4 the effect, directly or indirectly, of discriminating against
5 consumers' choices in the placement or use of a home in such a manner
6 that is not equally applicable to all homes. Homes built to 42 U.S.C.
7 Sec. 5401-5403 standards (as amended in 2000) must be regulated for the
8 purposes of siting in the same manner as site built homes, factory
9 built homes, or homes built to any other state construction or local
10 design standard. However, any city or town may require that (a) a
11 manufactured home be a new manufactured home; (b) the manufactured home
12 be set upon a permanent foundation, as specified by the manufacturer,
13 and that the space from the bottom of the home to the ground be
14 enclosed by concrete or an approved concrete product which can be
15 either load bearing or decorative; (c) the manufactured home comply
16 with all local design standards applicable to all other homes within
17 the neighborhood in which the manufactured home is to be located; (d)
18 the home is thermally equivalent to the state energy code; and (e) the
19 manufactured home otherwise meets all other requirements for a
20 designated manufactured home as defined in RCW 35.63.160. A city with
21 a population of one hundred thirty-five thousand or more may choose to
22 designate its building official as the person responsible for issuing
23 all permits, including department of labor and industries permits
24 issued under chapter 43.22 RCW in accordance with an interlocal
25 agreement under chapter 39.34 RCW, for alterations, remodeling, or
26 expansion of manufactured housing located within the city limits under
27 this section.

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

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

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

34 (1) A code city may not enact any statute or ordinance that has the
35 effect, directly or indirectly, of discriminating against consumers'
36 choices in the placement or use of a home in such a manner that is not
37 equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-

1 5403 standards (as amended in 2000) must be regulated for the purposes
2 of siting in the same manner as site built homes, factory built homes,
3 or homes built to any other state construction or local design
4 standard. However, any code city may require that (a) a manufactured
5 home be a new manufactured home; (b) the manufactured home be set upon
6 a permanent foundation, as specified by the manufacturer, and that the
7 space from the bottom of the home to the ground be enclosed by concrete
8 or an approved concrete product which can be either load bearing or
9 decorative; (c) the manufactured home comply with all local design
10 standards applicable to all other homes within the neighborhood in
11 which the manufactured home is to be located; (d) the home is thermally
12 equivalent to the state energy code; and (e) the manufactured home
13 otherwise meets all other requirements for a designated manufactured
14 home as defined in RCW 35.63.160. A code city with a population of one
15 hundred thirty-five thousand or more may choose to designate its
16 building official as the person responsible for issuing all permits,
17 including department of labor and industries permits issued under
18 chapter 43.22 RCW in accordance with an interlocal agreement under
19 chapter 39.34 RCW, for alterations, remodeling, or expansion of
20 manufactured housing located within the city limits under this section.

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

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

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

27 (1) A county may not enact any statute or ordinance that has the
28 effect, directly or indirectly, of discriminating against consumers'
29 choices in the placement or use of a home in such a manner that is not
30 equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-
31 5403 standards (as amended in 2000) must be regulated for the purposes
32 of siting in the same manner as site built homes, factory built homes,
33 or homes built to any other state construction or local design
34 standard. However, any county may require that (a) a manufactured home
35 be a new manufactured home; (b) the manufactured home be set upon a
36 permanent foundation, as specified by the manufacturer, and that the
37 space from the bottom of the home to the ground be enclosed by concrete

1 or an approved concrete product which can be either load bearing or
2 decorative; (c) the manufactured home comply with all local design
3 standards applicable to all other homes within the neighborhood in
4 which the manufactured home is to be located; (d) the home is thermally
5 equivalent to the state energy code; and (e) the manufactured home
6 otherwise meets all other requirements for a designated manufactured
7 home as defined in RCW 35.63.160.

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

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

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

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

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

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

31 (2) "New manufactured home" means any manufactured home required to
32 be titled under Title 46 RCW, which has not been previously titled to
33 a retail purchaser, and is not a "used mobile home" as defined in RCW
34 82.45.032(2).

35 (3) Nothing in this section precludes cities from allowing any
36 manufactured home from being sited on individual lots through local
37 standards which differ from the designated manufactured home or new

1 manufactured home as described in this section, except that the term
2 "designated manufactured home" and "new manufactured home" shall not be
3 used except as defined in subsections (1) and (2) of this section.

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

Passed by the Senate March 10, 2004.

Passed by the House March 3, 2004.

Approved by the Governor March 31, 2004.

Filed in Office of Secretary of State March 31, 2004.