

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5524

Chapter 117, Laws of 2008

60th Legislature
2008 Regular Session

MOBILE AND MANUFACTURED HOME LOCATIONS

EFFECTIVE DATE: 06/12/08

Passed by the Senate February 1, 2008
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 4, 2008
YEAS 95 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 21, 2008, 2:05 p.m.

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5524** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 24, 2008

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5524

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Berkey, Schoesler, Fairley and Roach)

READ FIRST TIME 02/22/07.

1 AN ACT Relating to the restriction of mobile home or manufactured
2 home locations in mobile home parks or manufactured housing
3 communities; and amending RCW 35.21.684, 35A.21.312, and 36.01.225.

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

5 **Sec. 1.** RCW 35.21.684 and 2004 c 256 s 2 are each amended to read
6 as follows:

7 (1) A city or town may not (~~enact any statute or~~) adopt an
8 ordinance that has the effect, directly or indirectly, of
9 discriminating against consumers' choices in the placement or use of a
10 home in such a manner that is not equally applicable to all homes.
11 Homes built to 42 U.S.C. Sec. 5401-5403 standards (as amended in 2000)
12 must be regulated for the purposes of siting in the same manner as site
13 built homes, factory built homes, or homes built to any other state
14 construction or local design standard. However, except as provided in
15 subsection (2) of this section, any city or town may require that:

16 (a) A manufactured home be a new manufactured home;

17 (b) The manufactured home be set upon a permanent foundation, as
18 specified by the manufacturer, and that the space from the bottom of

1 the home to the ground be enclosed by concrete or an approved concrete
2 product which can be either load bearing or decorative;

3 (c) The manufactured home comply with all local design standards
4 applicable to all other homes within the neighborhood in which the
5 manufactured home is to be located;

6 (d) The home is thermally equivalent to the state energy code; and

7 (e) The manufactured home otherwise meets all other requirements
8 for a designated manufactured home as defined in RCW 35.63.160.

9 A city with a population of one hundred thirty-five thousand or
10 more may choose to designate its building official as the person
11 responsible for issuing all permits, including department of labor and
12 industries permits issued under chapter 43.22 RCW in accordance with an
13 interlocal agreement under chapter 39.34 RCW, for alterations,
14 remodeling, or expansion of manufactured housing located within the
15 city limits under this section.

16 (2) A city or town may not adopt an ordinance that has the effect,
17 directly or indirectly, of restricting the location of mobile homes or
18 manufactured homes in mobile home parks or manufactured housing
19 communities, as defined in RCW 59.20.030, which were legally in
20 existence before the effective date of this section, based exclusively
21 on the age or dimensions of the mobile home or manufactured home. This
22 does not preclude a city or town from restricting the location of a
23 mobile home or manufactured home in mobile home parks or manufactured
24 housing communities for any other reason including, but not limited to,
25 failure to comply with fire, safety, or other local ordinances or state
26 laws related to mobile homes and manufactured homes.

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

29 ((+3)) (4) This section does not affect the authority granted
30 under chapter 43.22 RCW.

31 **Sec. 2.** RCW 35A.21.312 and 2004 c 256 s 3 are each amended to read
32 as follows:

33 (1) A code city may not ~~((enact any statute or))~~ adopt an ordinance
34 that has the effect, directly or indirectly, of discriminating against
35 consumers' choices in the placement or use of a home in such a manner
36 that is not equally applicable to all homes. Homes built to 42 U.S.C.
37 Sec. 5401-5403 standards (as amended in 2000) must be regulated for the

1 purposes of siting in the same manner as site built homes, factory
2 built homes, or homes built to any other state construction or local
3 design standard. However, except as provided in subsection (2) of this
4 section, any code city may require that:

5 (a) A manufactured home be a new manufactured home;

6 (b) The manufactured home be set upon a permanent foundation, as
7 specified by the manufacturer, and that the space from the bottom of
8 the home to the ground be enclosed by concrete or an approved concrete
9 product which can be either load bearing or decorative;

10 (c) The manufactured home comply with all local design standards
11 applicable to all other homes within the neighborhood in which the
12 manufactured home is to be located;

13 (d) The home is thermally equivalent to the state energy code; and

14 (e) The manufactured home otherwise meets all other requirements
15 for a designated manufactured home as defined in RCW 35.63.160.

16 A code city with a population of one hundred thirty-five thousand
17 or more may choose to designate its building official as the person
18 responsible for issuing all permits, including department of labor and
19 industries permits issued under chapter 43.22 RCW in accordance with an
20 interlocal agreement under chapter 39.34 RCW, for alterations,
21 remodeling, or expansion of manufactured housing located within the
22 city limits under this section.

23 (2) A code city may not adopt an ordinance that has the effect,
24 directly or indirectly, of restricting the location of mobile homes or
25 manufactured homes in mobile home parks or manufactured housing
26 communities, as defined in RCW 59.20.030, which were legally in
27 existence before the effective date of this section, based exclusively
28 on the age or dimensions of the mobile home or manufactured home. This
29 does not preclude a code city from restricting the location of a mobile
30 home or manufactured home in mobile home parks or manufactured housing
31 communities for any other reason including, but not limited to, failure
32 to comply with fire, safety, or other local ordinances or state laws
33 related to mobile homes and manufactured homes.

34 (3) This section does not override any legally recorded covenants
35 or deed restrictions of record.

36 ((+3)) (4) This section does not affect the authority granted
37 under chapter 43.22 RCW.

1 **Sec. 3.** RCW 36.01.225 and 2004 c 256 s 4 are each amended to read
2 as follows:

3 (1) A county may not (~~enact any statute or~~) adopt an ordinance
4 that has 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, except as provided in subsection (2) of this
11 section, any county may require that:

12 (a) A manufactured home be a new manufactured home;

13 (b) The manufactured home be set upon a permanent foundation, as
14 specified by the manufacturer, and that the space from the bottom of
15 the home to the ground be enclosed by concrete or an approved concrete
16 product which can be either load bearing or decorative;

17 (c) The manufactured home comply with all local design standards
18 applicable to all other homes within the neighborhood in which the
19 manufactured home is to be located;

20 (d) The home is thermally equivalent to the state energy code; and

21 (e) The manufactured home otherwise meets all other requirements
22 for a designated manufactured home as defined in RCW 35.63.160.

23 (2) A county may not adopt an ordinance that has the effect,
24 directly or indirectly, of restricting the location of mobile homes or
25 manufactured homes in mobile home parks or manufactured housing
26 communities, as defined in RCW 59.20.030, which were legally in
27 existence before the effective date of this section, based exclusively
28 on the age or dimensions of the mobile home or manufactured home. This
29 does not preclude a county from restricting the location of a mobile
30 home or manufactured home in mobile home parks or manufactured housing
31 communities for any other reason including, but not limited to, failure
32 to comply with fire, safety, or other local ordinances or state laws
33 related to mobile homes and manufactured homes.

34 (3) This section does not override any legally recorded covenants
35 or deed restrictions of record.

36 (~~(3)~~) (4) This section does not affect the authority granted

1 under chapter 43.22 RCW.

Passed by the Senate February 1, 2008.

Passed by the House March 4, 2008.

Approved by the Governor March 21, 2008.

Filed in Office of Secretary of State March 24, 2008.