

HOUSE BILL REPORT

ESSB 5383

As Passed House - Amended:

April 10, 2019

Title: An act relating to tiny houses.

Brief Description: Concerning tiny houses.

Sponsors: Senate Committee on Housing Stability & Affordability (originally sponsored by Senators Zeiger, Palumbo, Nguyen, Short, Van De Wege, Wilson, C. and Wilson, L.).

Brief History:

Committee Activity:

Local Government: 3/19/19, 4/2/19 [DPA].

Floor Activity:

Passed House - Amended: 4/10/19, 95-0.

**Brief Summary of Engrossed Substitute Bill
(As Amended by House)**

- Authorizes cities and towns to adopt ordinances regulating the creation of tiny house communities, including through use of the binding site plan method.
- Prohibits cities and towns from adopting ordinances that prevent entry or require removal of a tiny house with wheels used as a primary residence in a manufactured/mobile home community.
- Applies all rights and subjects all duties and penalties under the Manufactured/Mobile Home Landlord-Tenant Act to tenants of tiny house communities.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 7 members: Representatives Pollet, Chair; Peterson, Vice Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Appleton, Goehner and Senn.

Staff: Robbi Kesler (786-7153).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Binding Site Plan.

The state subdivision law governs the manner in which cities and counties administer the division of land into parcels for the purpose of sale, lease, or other transfers of ownership. The subdivision law is intended to prevent overcrowding of land, reduce congestion on streets and highways, and provide adequate water, sewerage, and other infrastructure to property, among other objectives.

A city, town, or county may adopt by ordinance procedures for the divisions of land by use of a binding site plan as an alternative to the state subdivision law. The use of a binding site plan ordinance is limited to only a few circumstances, including divisions of property by lease where no residential structures other than mobile homes or trailers will be placed on the land. The ordinance must provide for the alteration or vacation of the binding site plan, and may provide for the administrative approval of the binding site plan.

Local Regulation of Recreational Vehicles.

Cities and towns are prohibited from adopting local ordinances that prevent the entry or require the removal of a recreational vehicle used as a primary residence in a manufactured/mobile home community. However, local ordinances may require that, in such communities, the recreational vehicle must contain at least one internal toilet and at least one internal shower or the community must provide for the toilets and showers.

Tiny House Building Codes.

The International Resident Code (Code) Appendix Q applies to tiny houses used as single dwelling units and modifies various requirements in the Code as it applies to houses that are 400 square feet in area or less, with specific provisions addressing compact stairs, including handrails and headroom, ladders, reduced ceiling heights in lofts, and guard and emergency escapes with certain rescue opening requirements.

Factory-Built Housing.

The Department of Labor and Industries (L&I) regulates factory-assembled structures, which include manufactured and mobile homes, recreational vehicles, and factory-built housing and commercial structures. Factory-built housing is a structure designed primarily for human occupancy, other than a manufactured or mobile home, that is substantially or entirely prefabricated or assembled at a place other than a building site. Factory-built housing may not be installed in the state unless it is approved by and bears an insignia of approval from the L&I.

Manufactured/Mobile Home Landlord-Tenant Act.

The Manufactured/Mobile Home Landlord-Tenant Act (MHLTA) governs the legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a lot within a mobile home park or manufactured housing community where the tenant has no ownership interest in the property or in the association which owns the property.

Summary of Amended Bill:

Cities and towns may adopt ordinances regulating the creation of tiny house communities, including through use of the binding site plan method.

Cities and towns may not adopt ordinances that prevent entry or require removal of a tiny house with wheels used as a primary residence in a manufactured/mobile home community, with the exception that ordinances may require that tiny houses with wheels contain at least one internal toilet and one internal shower unless the community provides showers and toilets.

The owner of land on which a tiny house community is located must make reasonable accommodation for utility hookups for water, power, and sewer services in compliance with the MHLTA. Tenants of tiny house communities are entitled to all rights and subject to all duties and penalties under the MHLTA.

"Tiny house community" is defined as real property rented or held out for rent to others for the placement of tiny houses with wheels, or tiny houses using the binding site plan method. "Tiny house" and "tiny house with wheels" is defined as a dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with the State Building Code. Tiny houses and tiny houses with wheels are subject to factory-built housing standards and rules administered by the L&I.

The State Building Code Council must adopt building code standards specific to tiny house by December 31, 2019.

Schools and training programs for students may contract with community service and nonprofit organizations to build tiny houses for low-income housing, without regard to competitive bidding laws, if the students participating in the building of the tiny houses are in: (1) training in a community and technical college construction or construction management program; (2) a career and technical education program; (3) an apprenticeship preparation program; or (4) training under a construction career exploration program for high school students administered by a nonprofit organization.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill creates a new option for the need the state has for more housing in the community. Thousands of people are homeless in Washington and tiny houses are a solution for affordable housing and for people who may be homeless or in transition. This bill will not only provide homes and homeownership but will also help many people of today's generation who cannot afford homes.

In addition, this bill opens up a market for people who want to build tiny homes in the state. In Washington most tiny homes are classified as a camper trailer, however, camper trailers are meant for camping. The problem is that the statute does not authorize cities to allow for them. This bill will create some clarification for local governments.

It took a long time to get Appendix Q in the Code. The hope is that this bill will give a clear definition of what Appendix Q means and will make tiny homes a legal product in Washington. The intent for use of park model recreational vehicles (RVs) is to recreate, which means they are built to recreational standards which are not living standards. Tiny homes are not sheds with four walls. They are homes built to national fire, electrical, and ventilation standards that may or may not be built on wheels. Tiny home manufacturers have learned how to build homes efficiently, affordably, and at smaller dimensions.

Tiny home communities are low impact on the resources that they use. It would help if the state could remove some of the mystique around tiny homes as a viable living option. A grandfathering clarification should also be included in the codes.

Tiny homes have often been used for people displaced due to fires over the years. Tiny homes on wheels are an important necessity as a method of emergency management and disaster relief.

(Opposed) None.

(Other) There are concerns around the bill as written but there is no intent to impede its progress. The concern is around the section referencing a tiny house with wheels which states that they must be built in accordance with the IRC Appendix Q. The problem is by directly adopting Appendix Q in the statute, which changes every three years, is that it is not an all-encompassing section and it just modifies the IRC. You cannot build a tiny home on wheels in accordance with Appendix Q because it also has to meet the other requirements of the Code such as needing a foundation and being anchored for seismic forces.

There are two sections in the L&I codes relating to RVs and park trailers that provide guidance about tiny homes on wheels, but those codes are for seasonal housing and recreation and not full-time living. It is suggested that modifying the L&I's park model standards to make it align with the Washington Residential Code might be a better way to address this issue.

Persons Testifying: (In support) Senator Zeiger, prime sponsor; Todd Mic Kel Lips and Hannah Crabtree, Washington Tiny House Association; Lisa Evans; Cosme Hernandez, Tiny House Cribs; and Jen Moon.

(Other) Amy Brackenbury, Washington Association of Building Officials; Craig Sedlacek and Tammy Fellin, Department of Labor Department of Labor and Industries.

Persons Signed In To Testify But Not Testifying: None.