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**SENATE BILL 5138**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Fortunato, J. Wilson, and L. Wilson

Prefiled 01/04/23. Read first time 01/09/23. Referred to Committee on Housing.

1 AN ACT Relating to providing that vehicles illegally parked on  
2 public property or in a public right-of-way are not homesteads under  
3 chapter 6.13 RCW; amending RCW 6.13.010; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the  
6 characterization of illegally parked vehicles as homesteads in *City*  
7 *of Seattle v. Long*, 198 Wn.2d 136 (2021), has incentivized more  
8 people to live in vehicles on the streets and unfortunately  
9 exacerbated Washington's homelessness crisis. Therefore, to address  
10 unsafe and unsanitary living situations, the legislature intends to  
11 establish that vehicles illegally parked in public places do not  
12 qualify as homesteads under chapter 6.13 RCW.

13 **Sec. 2.** RCW 6.13.010 and 2021 c 290 s 2 are each amended to read  
14 as follows:

15 (1) The homestead consists of real or personal property that the  
16 owner or a dependent of the owner uses as a residence.

17 (a) In the case of a dwelling house or mobile home, the homestead  
18 consists of the dwelling house or the mobile home in which the owner  
19 resides or intends to reside, with appurtenant buildings, and the  
20 land on which the same are situated and by which the same are

1 surrounded, or improved or unimproved land, regardless of area, owned  
2 with the intention of placing a house or mobile home thereon and  
3 residing thereon. A mobile home may be exempted under this chapter  
4 whether or not it is permanently affixed to the underlying land and  
5 whether or not the mobile home is placed upon a lot owned by the  
6 mobile home owner or a dependent of the owner. Property included in  
7 the homestead must be actually intended or used as the principal home  
8 for the owner.

9 (b) A vehicle that is illegally parked on public property or in a  
10 public right-of-way is not a homestead for the purposes of this  
11 chapter.

12 (2) As used in this chapter:

13 (a) "Owner" includes but is not limited to a purchaser under a  
14 deed of trust, mortgage, or real estate contract.

15 (b) "Net value" means market value less all liens and  
16 encumbrances senior to the judgment being executed upon and not  
17 including the judgment being executed upon.

18 (c) "Forced sale" includes any sale of homestead property in a  
19 bankruptcy proceeding under Title 11 of the United States Code. The  
20 reinvestment provisions of RCW 6.13.070 do not apply to the proceeds.

21 (d) "Dependent" has the meaning given in Title 11 U.S.C. Sec.  
22 522(a)(1), as it existed on the effective date of this section.

23 (e) "Vehicle" means a device capable of being moved upon a public  
24 highway, and in, upon, or by which any persons or property is or may  
25 be transported or drawn upon a public highway, and includes a vehicle  
26 that is inoperative.

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