
ENGROSSED SUBSTITUTE HOUSE BILL 1207

State of Washington

66th Legislature

2019 Regular Session

By House Housing, Community Development & Veterans (originally sponsored by Representatives Ryu, Jenkin, Dolan, and Pollet)

READ FIRST TIME 02/07/19.

1 AN ACT Relating to manufactured housing communities; amending RCW
2 35.21.684, 35A.21.312, and 36.01.225; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that manufactured
5 housing communities provide significant opportunity for affordable
6 housing, but at the same time, vacancy rates in established
7 communities are very low. Siting a replacement manufactured home on a
8 manufactured housing community lot is basic to a landlord's right to
9 continue in business and to provide opportunity for housing that is
10 needed. From the time of establishment of a manufactured housing
11 community, the lot sizes and setback and separation distances within
12 should remain intact for any subsequent replacement of manufactured
13 homes on particular lots. Imposing undue burdens and new restrictions
14 for the siting of replacement manufactured homes may deem lots
15 unusable as home sites thus, exacerbating the low vacancy rates and
16 reducing affordable housing opportunities. The legislature intends to
17 provide protection for manufactured housing communities by
18 authorizing the siting of replacement homes on existing lots within
19 established manufactured housing communities abiding by those lot
20 sizes, setback and separation distances, and other requirements that

1 were in place at the time the manufactured housing communities were
2 established.

3 **Sec. 2.** RCW 35.21.684 and 2009 c 79 s 1 are each amended to read
4 as follows:

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

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

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

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

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

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

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

33 (2) (a) A city or town may not adopt an ordinance that has the
34 effect, directly or indirectly, of restricting the location of
35 manufactured/mobile homes in manufactured/mobile home communities
36 that were legally in existence before June 12, 2008, based
37 exclusively on the age or dimensions of the manufactured/mobile home.
38 (~~This does not preclude~~)

1 (b) A city or town may not prohibit the siting of a manufactured/
2 mobile home on an existing lot based solely on lack of compliance
3 with existing separation and setback requirements that regulate the
4 distance between homes.

5 (c) A city or town is not precluded by (a) or (b) of this
6 subsection from restricting the location of a manufactured/mobile
7 home in manufactured/mobile home communities for any other reason
8 including, but not limited to, failure to comply with fire, safety,
9 or other local ordinances or state laws related to manufactured/
10 mobile homes.

11 (3) Except as provided under subsection (4) of this section, a
12 city or town may not adopt an ordinance that has the effect, directly
13 or indirectly, of preventing the entry or requiring the removal of a
14 recreational vehicle used as a primary residence in manufactured/
15 mobile home communities.

16 (4) Subsection (3) of this section does not apply to any local
17 ordinance or state law that:

18 (a) Imposes fire, safety, or other regulations related to
19 recreational vehicles;

20 (b) Requires utility hookups in manufactured/mobile home
21 communities to meet state or federal building code standards for
22 manufactured/mobile home communities; or

23 (c) Includes both of the following provisions:

24 (i) A recreational vehicle must contain at least one internal
25 toilet and at least one internal shower; and

26 (ii) If the requirement in (c)(i) of this subsection is not met,
27 a manufactured/mobile home community must provide toilets and
28 showers.

29 (5) For the purposes of this section, "manufactured/mobile home
30 community" has the same meaning as in RCW 59.20.030.

31 (6) This section does not override any legally recorded covenants
32 or deed restrictions of record.

33 (7) This section does not affect the authority granted under
34 chapter 43.22 RCW.

35 **Sec. 3.** RCW 35A.21.312 and 2009 c 79 s 2 are each amended to
36 read as follows:

37 (1) A code city may not adopt an ordinance that has the effect,
38 directly or indirectly, of discriminating against consumers' choices
39 in the placement or use of a home in such a manner that is not

1 equally applicable to all homes. Homes built to 42 U.S.C. Sec.
2 5401-5403 standards (as amended in 2000) must be regulated for the
3 purposes of siting in the same manner as site built homes, factory
4 built homes, or homes built to any other state construction or local
5 design standard. However, except as provided in subsection (2) of
6 this section, any code city may require that:

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

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

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

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

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

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

26 (2) (a) A code city may not adopt an ordinance that has the
27 effect, directly or indirectly, of restricting the location of
28 manufactured/mobile homes in manufactured/mobile home communities
29 that were legally in existence before June 12, 2008, based
30 exclusively on the age or dimensions of the manufactured/mobile home.
31 (~~This does not preclude~~)

32 (b) A code city may not prohibit the siting of a manufactured/
33 mobile home on an existing lot based solely on lack of compliance
34 with existing separation and setback requirements that regulate the
35 distance between homes.

36 (c) A code city is not precluded by (a) or (b) of this subsection
37 from restricting the location of a manufactured/mobile home in
38 manufactured/mobile home communities for any other reason including,
39 but not limited to, failure to comply with fire, safety, or other
40 local ordinances or state laws related to manufactured/mobile homes.

1 (3) Except as provided under subsection (4) of this section, a
2 code city may not adopt an ordinance that has the effect, directly or
3 indirectly, of preventing the entry or requiring the removal of a
4 recreational vehicle used as a primary residence in manufactured/
5 mobile home communities.

6 (4) Subsection (3) of this section does not apply to any local
7 ordinance or state law that:

8 (a) Imposes fire, safety, or other regulations related to
9 recreational vehicles;

10 (b) Requires utility hookups in manufactured/mobile home
11 communities to meet state or federal building code standards for
12 manufactured/mobile home communities or recreational vehicle parks;
13 or

14 (c) Includes both of the following provisions:

15 (i) A recreational vehicle must contain at least one internal
16 toilet and at least one internal shower; and

17 (ii) If the requirement in (c)(i) of this subsection is not met,
18 a manufactured/mobile home community must provide toilets and
19 showers.

20 (5) For the purposes of this section, "manufactured/mobile home
21 community" has the same meaning as in RCW 59.20.030.

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

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

26 **Sec. 4.** RCW 36.01.225 and 2009 c 79 s 3 are each amended to read
27 as follows:

28 (1) A county may not adopt an ordinance that has the effect,
29 directly or indirectly, of discriminating against consumers' choices
30 in the placement or use of a home in such a manner that is not
31 equally applicable to all homes. Homes built to 42 U.S.C. Sec.
32 5401-5403 standards (as amended in 2000) must be regulated for the
33 purposes of siting in the same manner as site built homes, factory
34 built homes, or homes built to any other state construction or local
35 design standard. However, except as provided in subsection (2) of
36 this section, any county may require that:

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

38 (b) The manufactured home be set upon a permanent foundation, as
39 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
2 concrete 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;
7 and

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

10 (2) (a) A county may not adopt an ordinance that has the effect,
11 directly or indirectly, of restricting the location of manufactured/
12 mobile homes in manufactured/mobile home communities, as defined in
13 RCW 59.20.030, which were legally in existence before June 12, 2008,
14 based exclusively on the age or dimensions of the manufactured/mobile
15 home. (~~This does not preclude~~)

16 (b) A county may not prohibit the siting of a manufactured/mobile
17 home on an existing lot based solely on lack of compliance with
18 existing separation and setback requirements that regulate the
19 distance between homes.

20 (c) A county is not precluded by (a) or (b) of this subsection
21 from restricting the location of a manufactured/mobile home in
22 manufactured/mobile home communities for any other reason including,
23 but not limited to, failure to comply with fire, safety, or other
24 local ordinances or state laws related to manufactured/mobile homes.

25 (3) A county may not adopt an ordinance that has the effect,
26 directly or indirectly, of preventing the entry or requiring the
27 removal of a recreational vehicle used as a primary residence in
28 manufactured/mobile home communities, as defined in RCW 59.20.030,
29 unless the recreational vehicle fails to comply with the fire,
30 safety, or other local ordinances or state laws related to
31 recreational vehicles.

32 (4) This section does not override any legally recorded covenants
33 or deed restrictions of record.

34 (5) This section does not affect the authority granted under
35 chapter 43.22 RCW.

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