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HOUSE BILL 1971

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Quall, Carlson, Basich, Schoesler, Jacobsen, Goldsmith, Mitchell, Ogden and Huff

Read first time 02/20/95. Referred to Committee on Trade & Economic Development.

1 AN ACT Relating to manufactured housing in single-family residence  
2 zones; amending RCW 35.63.110, 35A.63.100, and 36.70.750; adding a new  
3 section to chapter 36.70A RCW; creating new sections; and declaring an  
4 emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that manufactured  
7 housing provides a source of safe, sanitary, moderate, and low-cost  
8 housing in this state.

9 The legislature further finds that local planning and zoning  
10 activities have unreasonably prohibited placement of manufactured  
11 housing in single-family residence districts where it would be  
12 comparative with, and comparable in quality to, existing or developing  
13 housing, and that this practice has significantly limited the  
14 development and utilization of this housing resource to the detriment  
15 of the health and welfare of the citizens of this state.

16 The legislature recognizes and respects the fact that the United  
17 States department of housing and urban development has notified many  
18 cities and counties individually that they are without authority to  
19 allow modular homes regulated under the state building code on

1 individual lots and not allow manufactured homes as defined under RCW  
2 43.63B.010 under the same conditions. Therefore, in order to avoid  
3 Washington state residents having to appeal to the United States  
4 department of housing and urban development individually for each city  
5 and county in the state, the legislature declares that it is the intent  
6 of the state to adopt this federal preemption as a part of this state's  
7 efforts to promote access to affordable housing.

8 **Sec. 2.** RCW 35.63.110 and 1965 c 7 s 35.63.110 are each amended to  
9 read as follows:

10 For any or all of such purposes the council or board, on  
11 recommendation of its commission, may divide the municipality or any  
12 portion thereof into districts of such size, shape and area, or may  
13 establish such official maps, or development plans for the whole or any  
14 portion of the municipality as may be deemed best suited to carry out  
15 the purposes of this chapter and within such districts it may regulate  
16 and restrict the erection, construction, reconstruction, alteration,  
17 repair or use of buildings, structures, or land.

18 However, in any zoning district for single-family residences,  
19 single-family manufactured homes as defined in RCW 43.63B.010 shall be  
20 sited on individual lots subject only to land use regulations  
21 applicable to all other single-family residences on individual lots in  
22 such district. This provision shall not prevent the adoption of home  
23 design regulations to assure neighborhood compatibility provided such  
24 regulations apply equally to homes regulated under the state building  
25 code and manufactured homes as defined in RCW 43.63B.010.

26 **Sec. 3.** RCW 35A.63.100 and 1979 ex.s. c 170 s 8 are each amended  
27 to read as follows:

28 After approval of the comprehensive plan, as set forth above, the  
29 legislative body, in developing the municipality and in regulating the  
30 use of land, may implement or give effect to the comprehensive plan or  
31 parts thereof by ordinance or other action to such extent as the  
32 legislative body deems necessary or appropriate. Such ordinances or  
33 other action may provide for:

34 (1) Adoption of an official map and regulations relating thereto  
35 designating locations and requirements for one or more of the  
36 following: Streets, parks, public buildings, and other public

1 facilities, and protecting such sites against encroachment by buildings  
2 and other physical structures.

3 (2) Dividing the municipality, or portions thereof, into  
4 appropriate zones within which specific standards, requirements, and  
5 conditions may be provided for regulating the use of public and private  
6 land, buildings, and structures, and the location, height, bulk, number  
7 of stories, and size of buildings and structures, size of yards,  
8 courts, open spaces, density of population, ratio of land area to the  
9 area of buildings and structures, setbacks, area required for off-  
10 street parking, protection of access to direct sunlight for solar  
11 energy systems, and such other standards, requirements, regulations,  
12 and procedures as are appropriately related thereto. The ordinance  
13 encompassing the matters of this subsection is hereinafter called the  
14 "zoning ordinance". No zoning ordinance, or amendment thereto, shall  
15 be enacted by the legislative body without at least one public hearing,  
16 notice of which shall be given as set forth in RCW 35A.63.070. Such  
17 hearing may be held before the planning agency or the board of  
18 adjustment or such other body as the legislative body shall designate.

19 However, in any zoning district for single-family residences,  
20 single-family manufactured homes as defined in RCW 43.63B.010 shall be  
21 sited on individual lots subject only to land use regulations  
22 applicable to all other single-family residences on individual lots in  
23 such district. This provision shall not prevent the adoption of home  
24 design regulations to assure neighborhood compatibility provided such  
25 regulations apply equally to homes regulated under the state building  
26 code and manufactured homes as defined in RCW 43.63B.010.

27 (3) Adoption of design standards, requirements, regulations, and  
28 procedures for the subdivision of land into two or more parcels,  
29 including, but not limited to, the approval of plats, dedications,  
30 acquisitions, improvements, and reservation of sites for public use.

31 (4) Scheduling public improvements on the basis of recommended  
32 priorities over a period of years, subject to periodic review.

33 (5) Such other matters as may be otherwise authorized by law or as  
34 the legislative body deems necessary or appropriate to effectuate the  
35 goals and objectives of the comprehensive plan or parts thereof and the  
36 purposes of this chapter.

37 **Sec. 4.** RCW 36.70.750 and 1963 c 4 s 36.70.750 are each amended to  
38 read as follows:

1 Any board, by ordinance, may establish classifications, within each  
2 of which, specific controls are identified, and which will:

3 (1) Regulate the use of buildings, structures, and land as between  
4 agriculture, industry, business, residence, and other purposes.

5 However, in any zoning district for single-family residences,  
6 single-family manufactured homes as defined in RCW 43.63B.010 shall be  
7 sited on individual lots subject only to land use regulations  
8 applicable to all other single-family residences on individual lots in  
9 such district. This provision shall not prevent the adoption of home  
10 design regulations to assure neighborhood compatibility provided such  
11 regulations apply equally to homes regulated under the state building  
12 code and manufactured homes as defined in RCW 43.63B.010;

13 (2) Regulate location, height, bulk, number of stories and size of  
14 buildings and structures; the size of yards, courts, and other open  
15 spaces; the density of population; the percentage of a lot which may be  
16 occupied by buildings and structures; and the area required to provide  
17 off-street facilities for the parking of motor vehicles.

18 NEW SECTION. Sec. 5. A new section is added to chapter 36.70A RCW  
19 to read as follows:

20 Any city or county that plans or elects to plan under this chapter  
21 must allow in any zoning district for single-family residences, single-  
22 family manufactured homes as defined in RCW 43.63B.010 to be sited on  
23 individual lots subject only to land use regulations applicable to all  
24 other single-family residences on individual lots in such district.  
25 Nothing in this section prohibits the adoption of home design  
26 regulations to assure neighborhood compatibility provided such  
27 regulations apply equally to homes regulated under the state building  
28 code and manufactured homes as defined in RCW 43.63B.010.

29 NEW SECTION. Sec. 6. Any local government subject to the terms of  
30 this act shall have until January 1, 1996, to bring applicable local  
31 codes into conformance with this act, but this delay shall not affect  
32 the immediate application of this act.

33 NEW SECTION. Sec. 7. If any provision of this act or its  
34 application to any person or circumstance is held invalid, the  
35 remainder of the act or the application of the provision to other  
36 persons or circumstances is not affected.

1        NEW SECTION.    **Sec. 8.**    This act is necessary for the immediate  
2    preservation of the public peace, health, or safety, or support of the  
3    state government and its existing public institutions, and shall take  
4    effect immediately.

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