

HOUSE BILL REPORT

SB 6476

As Passed House:

March 3, 2004

Title: An act relating to designating manufactured housing communities as nonconforming uses.

Brief Description: Designating manufactured housing communities as nonconforming uses.

Sponsors: By Senators Mulliken and T. Sheldon.

Brief History:

Committee Activity:

Local Government: 2/25/04, 2/26/04 [DP].

Floor Activity:

Passed House: 3/3/04, 96-0.

Brief Summary of Bill

- Prohibits a local government from removing or eliminating an existing manufactured housing community based upon its designation as a "nonconforming use."

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 10 members: Representatives Romero, Chair; D. Simpson, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Clibborn, Ericksen, Mielke, Moeller and Upthegrove.

Staff: Thamas Osborn (786-7129).

Background:

Residential zoning regulations are promulgated by counties, cities and towns (local governments) to encourage patterns of residential development that serve community goals with respect to population density, neighborhood development, environmental quality, transportation, land use, utility systems, etc. Such zoning regulations, typically, have rules specific to manufactured homes and manufactured housing communities pertaining to location, design, lot size, foundation construction and other requirements.

It is common for local governments to impose zoning requirements on manufactured homes and manufactured housing communities that are more restrictive than those imposed upon site-built homes and developments.

Under the zoning regulations adopted by many local governments, certain types of prohibited land uses are categorized as a "nonconforming use." This term is defined by each local government pursuant to its own zoning ordinances. For example, in its Unified Development Code, the City of Olympia defines "nonconforming use" as follows: "An activity in a structure or on a tract of land that was legally established, but because of the application of this title no longer conforms to the use regulations of the district in which it is located." [Title 18, City of Olympia Unified Development Code, section 18.02] There is no statutory definition of the term under state law.

Summary of Bill:

Cities and counties are prohibited from removing or eliminating an *existing* manufactured housing community based upon its designation as a "nonconforming use."

Cities and counties are permitted to designate a *new* manufactured housing community as a nonconforming use.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill passed the Senate without opposition. It is intended to preserve existing manufactured housing communities, notwithstanding changes in zoning ordinances that cause such communities to be deemed "nonconforming uses." However, the bill would allow newly created developments to be fully regulated by local governments. The bill will help preserve affordable housing in many communities.

Testimony Against: None.

Persons Testifying: Senator Mulliken, prime sponsor; and John Woodring and Ken Spencor, Manufactured Housing Communities of Washington.

Persons Signed In To Testify But Not Testifying: None.