

SHB 1783 - S COMM AMD

By Committee on Natural Resources & Marine Waters

NOT ADOPTED 04/07/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that our state's
4 existing houseboat communities are an important cultural amenity and an
5 element of our maritime history. These surviving communities are a
6 linkage to the past, when our waterways were the focus of commerce,
7 transport, and development. In order to preserve the long-term
8 survival of these communities, consistent with the legislature's goal
9 of allowing their continued use, improvement, and replacement without
10 undue burden, the legislature finds that it is necessary to clarify
11 their legal status.

12 **Sec. 2.** RCW 90.58.270 and 1971 ex.s. c 286 s 27 are each amended
13 to read as follows:

14 (1) Nothing in this statute shall constitute authority for
15 requiring or ordering the removal of any structures, improvements,
16 docks, fills, or developments placed in navigable waters prior to
17 December 4, 1969, and the consent and authorization of the state of
18 Washington to the impairment of public rights of navigation, and
19 corollary rights incidental thereto, caused by the retention and
20 maintenance of said structures, improvements, docks, fills or
21 developments are hereby granted: PROVIDED, That the consent herein
22 given shall not relate to any structures, improvements, docks, fills,
23 or developments placed on tidelands, shorelands, or beds underlying
24 said waters which are in trespass or in violation of state statutes.

25 (2) Nothing in this section shall be construed as altering or
26 abridging any private right of action, other than a private right which
27 is based upon the impairment of public rights consented to in
28 subsection (1) hereof.

1 (3) Nothing in this section shall be construed as altering or
2 abridging the authority of the state or local governments to suppress
3 or abate nuisances or to abate pollution.

4 (4) Subsection (1) of this section shall apply to any case pending
5 in the courts of this state on June 1, 1971, relating to the removal of
6 structures, improvements, docks, fills, or developments based on the
7 impairment of public navigational rights.

8 (5) A floating home legally established prior to January 1, 2011,
9 shall be classified as conforming preferred uses. "Floating home"
10 means a structure designed as a dwelling unit constructed on a float
11 that is moored, anchored, or otherwise secured in waters, and is not a
12 vessel, even though it may be capable of being towed. A conforming
13 floating home is allowed to be maintained, repaired, expanded, and
14 replaced consistent with the shoreline master program."

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15 On page 1, line 1 of the title, after "moorages;" strike the
16 remainder of the title and insert "amending RCW 90.58.270; and creating
17 a new section."

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