RCW 35A.21.312 Authority to regulate placement or use of homes—
Regulation of manufactured homes—Issuance of permits—Restrictions on
location of manufactured/mobile homes and entry or removal of
recreational vehicles used as primary residences. (1) A code city may
not adopt an ordinance that has the effect, directly or indirectly, of
discriminating against consumers' choices in the placement or use of a
home in such a manner that is not equally applicable to all homes.
Homes built to 42 U.S.C. Sec. 5401-5403 standards (as amended in 2000)
must be regulated for the purposes of siting in the same manner as
site built homes, factory built homes, or homes built to any other
state construction or local design standard. However, except as
provided in subsection (2) of this section, any code city may require
that:

(a) A manufactured home be a new manufactured home;
(b) The manufactured home be set upon a permanent foundation, as
specified by the manufacturer, and that the space from the bottom of
the home to the ground be enclosed by concrete or an approved concrete
product which can be either load bearing or decorative;
(c) The manufactured home comply with all local design standards
applicable to all other homes within the neighborhood in which the
manufactured home is to be located;
(d) The home is thermally equivalent to the state energy code;
and
(e) The manufactured home otherwise meets all other requirements
for a designated manufactured home as defined in RCW 35.63.160.
A code city with a population of one hundred thirty-five thousand
or more may choose to designate its building official as the person
responsible for issuing all permits, including department of labor and
industries permits issued under chapter 43.22 RCW in accordance with
an interlocal agreement under chapter 39.34 RCW, for alterations,
remodeling, or expansion of manufactured housing located within the
city limits under this section.

(2)(a) A code city may not adopt an ordinance that has the
effect, directly or indirectly, of restricting the location of
manufactured/mobile homes in manufactured/mobile home communities that
were legally in existence before June 12, 2008, based exclusively on
the age or dimensions of the manufactured/mobile home.
(b) A code city may not prohibit the siting of a manufactured/
mobile home on an existing lot based solely on lack of compliance with
existing separation and setback requirements that regulate the
distance between homes.
(c) A code city is not precluded by (a) or (b) of this subsection
from restricting the location of a manufactured/mobile home in
manufactured/mobile home communities for any other reason including,
but not limited to, failure to comply with fire, safety, or other
local ordinances or state laws related to manufactured/mobile homes.

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

(4) Subsection (3) of this section does not apply to any local
ordinance or state law that:
(a) Imposes fire, safety, or other regulations related to
recreational vehicles;
(b) Requires utility hookups in manufactured/mobile home communities to meet state or federal building code standards for manufactured/mobile home communities or recreational vehicle parks; or

(c) Includes both of the following provisions:
   (i) A recreational vehicle must contain at least one internal toilet and at least one internal shower; and
   (ii) If the requirement in (c)(i) of this subsection is not met, a manufactured/mobile home community must provide toilets and showers.

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

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

(7) This section does not affect the authority granted under chapter 43.22 RCW. [2019 c 390 § 15; 2009 c 79 § 2; 2008 c 117 § 2; 2004 c 256 § 3.]


Tax preference performance statement and expiration—2019 c 390: See note following RCW 84.36.560.