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Senate Republican Caucus

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1 AN ACT Relating to tiny houses; and amending RCW 58.17.040,
2 35.21.684, 43.22.335, and 19.27.031 and creating a new section in RCW
3 35.21.

4

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

6 Tiny houses have become a trend across the nation to address the
7 shortage of affordable housing. As tiny houses become more acceptable,
8 the legislature finds that it is important to create space in the code
9 for the regulation of tiny house siting. Individual cities and
10 counties may allow tiny houses with wheels to be collected together as
11 tiny house villages using the binding site plan method articulated in
12 RCW 58.17.

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14 **Sec. 1.** RCW 58.17.040 and 2004 c 239 s 1 are each amended to
15 read as follows:

16 The provisions of this chapter shall not apply to:

17 (1) Cemeteries and other burial plots while used for that
18 purpose;

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1 (2) Divisions of land into lots or tracts each of which is one-
2 one hundred twenty-eighth of a section of land or larger, or five
3 acres or larger if the land is not capable of description as a
4 fraction of a section of land, unless the governing authority of the
5 city, town, or county in which the land is situated shall have
6 adopted a subdivision ordinance requiring plat approval of such
7 divisions: PROVIDED, That for purposes of computing the size of any
8 lot under this item which borders on a street or road, the lot size
9 shall be expanded to include that area which would be bounded by the
10 center line of the road or street and the side lot lines of the lot
11 running perpendicular to such center line;

12 (3) Divisions made by testamentary provisions, or the laws of
13 descent;

14 (4) Divisions of land into lots or tracts classified for
15 industrial or commercial use when the city, town, or county has
16 approved a binding site plan for the use of the land in accordance
17 with local regulations;

18 (5) A division for the purpose of lease when no residential
19 structure other than mobile homes, tiny houses or tiny houses with
20 wheels, or travel trailers are permitted to be placed upon the land
21 when the city, town, or county has approved a binding site plan for
22 the use of the land in accordance with local regulations;

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

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

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

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

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

9 (d) The home is thermally equivalent to the state energy code;
10 and

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

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

20 (2) A city or town may not adopt an ordinance that has the
21 effect, directly or indirectly, of restricting the location of
22 manufactured/mobile homes in manufactured/mobile home communities
23 that were legally in existence before June 12, 2008, based
24 exclusively on the age or dimensions of the manufactured/mobile
25 home. This does not preclude a city or town from restricting the
26 location of a manufactured/mobile home in manufactured/mobile home
27 communities for any other reason including, but not limited to,
28 failure to comply with fire, safety, or other local ordinances or
29 state laws related to manufactured/mobile homes.

30 (3) Except as provided under subsection (4) of this section, a
31 city or town may not adopt an ordinance that has the effect,
32 directly or indirectly, of preventing the entry or requiring the
33 removal of a recreational vehicle or tiny house with wheels used as
34 a primary residence in manufactured/mobile home communities.

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

3 (a) Imposes fire, safety, or other regulations related to
4 recreational vehicles;

5 (b) Requires utility hookups in manufactured/mobile home
6 communities to meet state or federal building code standards for
7 manufactured/mobile home communities; or

8 (c) Includes both of the following provisions:

9 (i) A recreational vehicle or tiny house with wheels must
10 contain at least one internal toilet and at least one internal
11 shower; and

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

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

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

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

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22 **Sec. 3.** RCW 43.22.335 and 2016 c 167 s 3 are each amended to
23 read as follows:

24 Unless the context clearly requires otherwise, the definitions
25 in this section apply throughout RCW 43.22.340 through 43.22.434,
26 43.22.442, and 43.22.495.

27 (1) "Conversion vending units" means a motor vehicle or
28 recreational vehicle that has been converted or built for the
29 purpose of being used for commercial sales at temporary locations.
30 The units must be less than eight feet six inches wide in the set-up
31 position and the inside working area must be less than forty feet in
32 length.

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1 (2) "Indigent" means a person receiving an annual income, after
2 taxes, of one hundred twenty-five percent or less of the current
3 federally established poverty level.

4 (3) "Manufactured home" means a single-family dwelling required
5 to be built in accordance with regulations adopted under the
6 national manufactured housing construction and safety standards act
7 of 1974 (42 U.S.C. 5401 et seq.).

8 (4) "Medical unit" means a self-propelled unit used to provide
9 medical examinations, treatments, and medical and dental services or
10 procedures, not including emergency response vehicles.

11 (5) "Mobile home" means a factory-built dwelling built before
12 June 15, 1976, to standards other than the national manufactured
13 housing construction and safety standards act of 1974 (42 U.S.C.
14 5401 et seq.), and acceptable under applicable state codes in effect
15 at the time of construction or introduction of the home into this
16 state.

17 (6) "Park trailer" means a park trailer as defined in the
18 American national standards institute A119.5 standard for park
19 trailers.

20 (7) "Recreational vehicle" means a vehicular-type unit primarily
21 designed for recreational camping or travel use that has its own
22 motive power or is mounted on or towed by another vehicle. The units
23 include travel trailers, fifth-wheel trailers, folding camping
24 trailers, truck campers, and motor homes.

25 (8) "Tiny house with wheels" means a dwelling to be used as
26 permanent housing with permanent provisions for living, sleeping,
27 eating, cooking and sanitation that meets the certification
28 requirements of ANSI119.2, 119.5 or that is self-certified under RCW
29 43.22.355.

30 (9) "Tiny house" means a dwelling to be used as permanent
31 housing with permanent provisions for living, sleeping, eating,
32 cooking and sanitation built in accordance with the 2018
33 International Resident Code Appendix Q.

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Sec. 4. RCW 19.27.031 and 2018 c 189 s 1 are each amended to read as follows:

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall consist of the following codes which are hereby adopted by reference:

(1) (a) The International Building Code, published by the International Code Council, Inc.;

(b) The International Residential Code, published by the International Code Council, Inc. including Appendix Q of the 2018 International Residential Code;

(2) The International Mechanical Code, published by the International Code Council, Inc., except that the standards for liquefied petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code);

(3) The International Fire Code, published by the International Code Council, Inc., including those standards of the National Fire Protection Association specifically referenced in the International Fire Code: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying handheld candles;

(4) Portions of the International Wildland Urban Interface Code, published by the International Code Council Inc., as set forth in RCW 19.27.560;

(5) Except as provided in RCW 19.27.170, the Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That any provisions of such code affecting sewers or fuel gas piping are not adopted;

(6) The rules adopted by the council establishing standards for making buildings and facilities accessible to and usable by

1 individuals with disabilities or elderly persons as provided in RCW
2 70.92.100 through 70.92.160; and

3 (7) The state's climate zones for building purposes are
4 designated in RCW 19.27A.020(3) and may not be changed through the
5 adoption of a model code or rule.

6 In case of conflict among the codes enumerated in subsections
7 (1), (2), (3), (4), and (5) of this section, the first named code
8 shall govern over those following.

9 The codes enumerated in this section shall be adopted by the
10 council as provided in RCW 19.27.074. The council shall solicit
11 input from first responders to ensure that firefighter safety issues
12 are addressed during the code adoption process.

13 The council may issue opinions relating to the codes at the
14 request of a local official charged with the duty to enforce the
15 enumerated codes.

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17 NEW SECTION. Sec. 5. A new section is added to chapter 35.21 RCW
18 to read as follows:

19 (1) A city or town may adopt an ordinance for the regulation of the
20 creation of tiny house communities

21 (a) "Tiny house communities" means real property rented or held
22 out for rent to others for the placement of tiny houses with wheels
23 or tiny houses as defined in RCW 43.22.335 utilizing the binding
24 site plan process in RCW 58.17.035.

25 (b)The owner of the land upon which the community is built shall
26 make reasonable accommodation for utility hookups for the provision
27 of water, power, and sewerage services and comply with all other
28 duties in RCW 59.20.

29 (c) Tenants of tiny house communities shall be entitled to all
30 rights and subject to all duties and penalties required under RCW
31 59.20.

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