

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5383

66th Legislature
2019 Regular Session

Passed by the Senate April 22, 2019
Yeas 41 Nays 1

President of the Senate

Passed by the House April 10, 2019
Yeas 95 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5383** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5383

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By Senate Housing Stability & Affordability (originally sponsored by Senators Zeiger, Palumbo, Nguyen, Short, Van De Wege, Wilson, C., and Wilson, L.)

READ FIRST TIME 02/14/19.

1 AN ACT Relating to tiny houses; amending RCW 58.17.040,
2 35.21.684, 43.22.450, 19.27.035, and 35.21.278; adding a new section
3 to chapter 35.21 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** Tiny houses have become a trend across the
6 nation to address the shortage of affordable housing. As tiny houses
7 become more acceptable, the legislature finds that it is important to
8 create space in the code for the regulation of tiny house siting.
9 Individual cities and counties may allow tiny houses with wheels to
10 be collected together as tiny house villages using the binding site
11 plan method articulated in chapter 58.17 RCW.

12 The legislature recognizes that the International Code Council in
13 2018 has issued tiny house building code standards in Appendix Q of
14 the International Residential Code, which can provide a basis for the
15 standards requested within this act.

16 **Sec. 2.** RCW 58.17.040 and 2004 c 239 s 1 are each amended to
17 read as follows:

18 The provisions of this chapter shall not apply to:

19 (1) Cemeteries and other burial plots while used for that
20 purpose;

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 as defined in section 5 of this act, or travel trailers are
21 permitted to be placed upon the land when the city, town, or county
22 has approved a binding site plan for the use of the land in
23 accordance with local regulations;

24 (6) A division made for the purpose of alteration by adjusting
25 boundary lines, between platted or unplatted lots or both, which does
26 not create any additional lot, tract, parcel, site, or division nor
27 create any lot, tract, parcel, site, or division which contains
28 insufficient area and dimension to meet minimum requirements for
29 width and area for a building site;

30 (7) Divisions of land into lots or tracts if: (a) Such division
31 is the result of subjecting a portion of a parcel or tract of land to
32 either chapter 64.32 or 64.34 RCW subsequent to the recording of a
33 binding site plan for all such land; (b) the improvements constructed
34 or to be constructed thereon are required by the provisions of the
35 binding site plan to be included in one or more condominiums or owned
36 by an association or other legal entity in which the owners of units
37 therein or their owners' associations have a membership or other
38 legal or beneficial interest; (c) a city, town, or county has
39 approved the binding site plan for all such land; (d) such approved
40 binding site plan is recorded in the county or counties in which such

1 land is located; and (e) the binding site plan contains thereon the
2 following statement: "All development and use of the land described
3 herein shall be in accordance with this binding site plan, as it may
4 be amended with the approval of the city, town, or county having
5 jurisdiction over the development of such land, and in accordance
6 with such other governmental permits, approvals, regulations,
7 requirements, and restrictions that may be imposed upon such land and
8 the development and use thereof. Upon completion, the improvements on
9 the land shall be included in one or more condominiums or owned by an
10 association or other legal entity in which the owners of units
11 therein or their owners' associations have a membership or other
12 legal or beneficial interest. This binding site plan shall be binding
13 upon all now or hereafter having any interest in the land described
14 herein." The binding site plan may, but need not, depict or describe
15 the boundaries of the lots or tracts resulting from subjecting a
16 portion of the land to either chapter 64.32 or 64.34 RCW. A site plan
17 shall be deemed to have been approved if the site plan was approved
18 by a city, town, or county: (i) In connection with the final approval
19 of a subdivision plat or planned unit development with respect to all
20 of such land; or (ii) in connection with the issuance of building
21 permits or final certificates of occupancy with respect to all of
22 such land; or (iii) if not approved pursuant to (i) and (ii) of this
23 subsection (7)(e), then pursuant to such other procedures as such
24 city, town, or county may have established for the approval of a
25 binding site plan;

26 (8) A division for the purpose of leasing land for facilities
27 providing personal wireless services while used for that purpose.
28 "Personal wireless services" means any federally licensed personal
29 wireless service. "Facilities" means unstaffed facilities that are
30 used for the transmission or reception, or both, of wireless
31 communication services including, but not necessarily limited to,
32 antenna arrays, transmission cables, equipment shelters, and support
33 structures; and

34 (9) A division of land into lots or tracts of less than three
35 acres that is recorded in accordance with chapter 58.09 RCW and is
36 used or to be used for the purpose of establishing a site for
37 construction and operation of consumer-owned or investor-owned
38 electric utility facilities. For purposes of this subsection,
39 "electric utility facilities" means unstaffed facilities, except for
40 the presence of security personnel, that are used for or in

1 connection with or to facilitate the transmission, distribution,
2 sale, or furnishing of electricity including, but not limited to,
3 electric power substations. This subsection does not exempt a
4 division of land from the zoning and permitting laws and regulations
5 of cities, towns, counties, and municipal corporations. Furthermore,
6 this subsection only applies to electric utility facilities that will
7 be placed into service to meet the electrical needs of a utility's
8 existing and new customers. New customers are defined as electric
9 service locations not already in existence as of the date that
10 electric utility facilities subject to the provisions of this
11 subsection are planned and constructed.

12 **Sec. 3.** RCW 35.21.684 and 2009 c 79 s 1 are each amended to read
13 as follows:

14 (1) A city or town may not adopt an ordinance that has the
15 effect, directly or indirectly, of discriminating against consumers'
16 choices in the placement or use of a home in such a manner that is
17 not equally applicable to all homes. Homes built to 42 U.S.C. Sec.
18 5401-5403 standards (as amended in 2000) must be regulated for the
19 purposes of siting in the same manner as site built homes, factory
20 built homes, or homes built to any other state construction or local
21 design standard. However, except as provided in subsection (2) of
22 this section, any city or town may require that:

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

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

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

31 (d) The home is thermally equivalent to the state energy code;
32 and

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

35 A city with a population of one hundred thirty-five thousand or
36 more may choose to designate its building official as the person
37 responsible for issuing all permits, including department of labor
38 and industries permits issued under chapter 43.22 RCW in accordance
39 with an interlocal agreement under chapter 39.34 RCW, for

1 alterations, remodeling, or expansion of manufactured housing located
2 within the city limits under this section.

3 (2) A city or town may not adopt an ordinance that has the
4 effect, directly or indirectly, of restricting the location of
5 manufactured/mobile homes in manufactured/mobile home communities
6 that were legally in existence before June 12, 2008, based
7 exclusively on the age or dimensions of the manufactured/mobile home.
8 This does not preclude a city or town from restricting the location
9 of a manufactured/mobile home in manufactured/mobile home communities
10 for any other reason including, but not limited to, failure to comply
11 with fire, safety, or other local ordinances or state laws related to
12 manufactured/mobile homes.

13 (3) Except as provided under subsection (4) of this section, a
14 city or town may not adopt an ordinance that has the effect, directly
15 or indirectly, of preventing the entry or requiring the removal of a
16 recreational vehicle or tiny house with wheels as defined in section
17 5 of this act used as a primary residence in manufactured/mobile home
18 communities.

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

21 (a) Imposes fire, safety, or other regulations related to
22 recreational vehicles;

23 (b) Requires utility hookups in manufactured/mobile home
24 communities to meet state or federal building code standards for
25 manufactured/mobile home communities; or

26 (c) Includes both of the following provisions:

27 (i) A recreational vehicle or tiny house with wheels as defined
28 in section 5 of this act must contain at least one internal toilet
29 and at least one internal shower; and

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

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

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

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

1 **Sec. 4.** RCW 43.22.450 and 2001 c 335 s 8 are each amended to
2 read as follows:

3 Whenever used in RCW 43.22.450 through 43.22.490:

4 (1) "Department" means the Washington state department of labor
5 and industries;

6 (2) "Approved" means approved by the department;

7 (3) "Factory built housing" means any structure, including a
8 factory built tiny house with or without a chassis (wheels), designed
9 primarily for human occupancy other than a manufactured or mobile
10 home the structure or any room of which is either entirely or
11 substantially prefabricated or assembled at a place other than a
12 building site;

13 (4) "Install" means the assembly of factory built housing or
14 factory built commercial structures at a building site;

15 (5) "Building site" means any tract, parcel or subdivision of
16 land upon which factory built housing or a factory built commercial
17 structure is installed or is to be installed;

18 (6) "Local enforcement agency" means any agency of the governing
19 body of any city or county which enforces laws or ordinances
20 governing the construction of buildings;

21 (7) "Commercial structure" means a structure designed or used for
22 human habitation, or human occupancy for industrial, educational,
23 assembly, professional or commercial purposes.

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.21
25 RCW to read as follows:

26 (1) A city or town may adopt an ordinance to regulate the
27 creation of tiny house communities.

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

32 (3) Tenants of tiny house communities are entitled to all rights
33 and subject to all duties and penalties required under chapter 59.20
34 RCW.

35 (4) For purposes of this section:

36 (a) "Tiny house" and "tiny house with wheels" means a dwelling to
37 be used as permanent housing with permanent provisions for living,
38 sleeping, eating, cooking, and sanitation built in accordance with
39 the state building code.

1 (b) "Tiny house communities" means real property rented or held
2 out for rent to others for the placement of tiny houses with wheels
3 or tiny houses utilizing the binding site plan process in RCW
4 58.17.035.

5 **Sec. 6.** RCW 19.27.035 and 2018 c 207 s 2 are each amended to
6 read as follows:

7 The building code council shall:

8 (1) (a) By July 1, 2019, adopt a revised process for the review of
9 proposed statewide amendments to the codes enumerated in RCW
10 19.27.031; and

11 ~~((2))~~ (b) Adopt a process for the review of proposed or enacted
12 local amendments to the codes enumerated in RCW 19.27.031 as amended
13 and adopted by the state building code council.

14 (2) By December 31, 2019, adopt building code standards specific
15 for tiny houses.

16 **Sec. 7.** RCW 35.21.278 and 2012 c 218 s 1 are each amended to
17 read as follows:

18 (1) Without regard to competitive bidding laws for public works,
19 a county, city, town, school district, metropolitan park district,
20 park and recreation district, port district, or park and recreation
21 service area may contract with a chamber of commerce, a service
22 organization, a community, youth, or athletic association, or other
23 similar association located and providing service in the immediate
24 neighborhood, for drawing design plans, making improvements to a
25 park, school playground, public square, or port habitat site,
26 installing equipment or artworks, or providing maintenance services
27 for a facility or facilities as a community or neighborhood project,
28 or environmental stewardship project, and may reimburse the
29 contracting association its expense. The contracting association may
30 use volunteers in the project and provide the volunteers with
31 clothing or tools; meals or refreshments; accident/injury insurance
32 coverage; and reimbursement of their expenses. The consideration to
33 be received by the public entity through the value of the
34 improvements, artworks, equipment, or maintenance shall have a value
35 at least equal to three times that of the payment to the contracting
36 association. All payments made by a public entity under the authority
37 of this section for all such contracts in any one year shall not

1 exceed twenty-five thousand dollars or two dollars per resident
2 within the boundaries of the public entity, whichever is greater.

3 (2) A county, city, town, school district, metropolitan park
4 district, park and recreation district, or park and recreation
5 service area may ratify an agreement, which qualifies under
6 subsection (1) of this section and was made before June 9, 1988.

7 (3) Without regard to competitive bidding laws for public works,
8 a school district, institution of higher education, or other
9 governmental entity that includes training programs for students may
10 contract with a community service organization, nonprofit
11 organization, or other similar entity, to build tiny houses for low-
12 income housing, if the students participating in the building of the
13 tiny houses are in:

14 (a) Training in a community and technical college construction or
15 construction management program;

16 (b) A career and technical education program;

17 (c) A state recognized apprenticeship preparation program; or

18 (d) Training under a construction career exploration program for
19 high school students administered by a nonprofit organization.

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