
HOUSE BILL 2464

State of Washington

68th Legislature

2024 Regular Session

By Representatives Connors and Peterson

1 AN ACT Relating to increasing affordable homeownership
2 opportunities by allowing the development of manufactured/mobile home
3 communities outside of urban growth areas and allowing the siting of
4 manufactured/mobile homes within manufactured/mobile home
5 communities; amending RCW 36.70A.350, 36.70A.110, 36.70A.067,
6 35A.21.312, and 36.01.225; reenacting and amending RCW 35.21.684; and
7 creating a new section.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

10 (a) It is the policy of this state to encourage affordable
11 homeownership, including manufactured/mobile home community living.

12 (b) Manufactured/mobile home communities provide a significant
13 source of homeownership opportunities for Washington residents.
14 However, the increasing closure and conversion of manufactured/mobile
15 home communities to other uses, combined with increasing
16 manufactured/mobile home lot rents, low vacancy rates in existing
17 manufactured/mobile home communities, and the extremely high cost of
18 moving homes when manufactured/mobile home communities close,
19 increasingly justifies incentives to make manufactured/mobile home
20 community living more secure for tenants of manufactured/mobile home
21 lots.

1 (c) Many tenants who reside in manufactured/mobile home
2 communities are part of low-income households and senior citizens and
3 are, therefore, those residents most in need of reasonable security
4 in the siting of their manufactured/mobile homes because such tenants
5 experience adverse impacts on their health, safety, and welfare when
6 forced to move due to closure, change of use, or discontinuance of
7 manufactured/mobile home communities.

8 (2) The legislature finds that a state of emergency exists within
9 Washington state with regard to a shortage of housing in many parts
10 of the state. As a result, it is the intent of the legislature to
11 establish a pilot program to authorize counties to allow new
12 manufactured/mobile home communities in areas outside of urban growth
13 areas, for the purpose of providing affordable housing, if the areas
14 are currently served by utilities sufficient to allow the communities
15 to function without additional utility resources.

16 **Sec. 2.** RCW 36.70A.350 and 1991 sp.s. c 32 s 16 are each amended
17 to read as follows:

18 A county required or choosing to plan under RCW 36.70A.040 may
19 establish a process as part of its urban growth areas, that are
20 designated under RCW 36.70A.110, for reviewing proposals to authorize
21 new fully contained communities or manufactured/mobile home
22 communities located outside of the initially designated urban growth
23 areas.

24 (1) A new fully contained community or manufactured/mobile home
25 community may be approved in a county planning under this chapter if
26 criteria including but not limited to the following are met:

27 (a) New infrastructure is provided for and impact fees are
28 established consistent with the requirements of RCW 82.02.050;

29 (b) Transit-oriented site planning and traffic demand management
30 programs are implemented;

31 (c) Buffers are provided between the new (~~fully-contained~~)
32 communities and adjacent urban development;

33 (d) A mix of uses is provided to offer jobs, housing, and
34 services to the residents of the new community;

35 (e) Affordable housing is provided within the new community for a
36 broad range of income levels;

37 (f) Environmental protection has been addressed and provided for;

38 (g) Development regulations are established to ensure urban
39 growth will not occur in adjacent nonurban areas;

1 (h) Provision is made to mitigate impacts on designated
2 agricultural lands, forestlands, and mineral resource lands;

3 (i) The plan for the new (~~fully contained~~) community is
4 consistent with the development regulations established for the
5 protection of critical areas by the county pursuant to RCW
6 36.70A.170.

7 (2) (a) New fully contained communities may be approved outside
8 established urban growth areas only if a county reserves a portion of
9 the twenty-year population projection and offsets the urban growth
10 area accordingly for allocation to new fully contained communities
11 that meet the requirements of this chapter. Any county electing to
12 establish a new community reserve shall do so no more often than once
13 every five years as a part of the designation or review of urban
14 growth areas required by this chapter. The new community reserve
15 shall be allocated on a project-by-project basis, only after specific
16 project approval procedures have been adopted pursuant to this
17 chapter as a development regulation. When a new community reserve is
18 established, urban growth areas designated pursuant to this chapter
19 shall accommodate the unreserved portion of the twenty-year
20 population projection. This subsection (2)(a) does not apply to
21 proposals for new manufactured/mobile home communities under this
22 section.

23 (b) Final approval of an application for a new fully contained
24 community or manufactured/mobile home community shall be considered
25 an adopted amendment to the comprehensive plan prepared pursuant to
26 RCW 36.70A.070 designating the new fully contained community or
27 manufactured/mobile home community as an urban growth area.

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

30 **Sec. 3.** RCW 36.70A.110 and 2022 c 252 s 4 are each amended to
31 read as follows:

32 (1) Each county that is required or chooses to plan under RCW
33 36.70A.040 shall designate an urban growth area or areas within which
34 urban growth shall be encouraged and outside of which growth can
35 occur only if it is not urban in nature. Each city that is located in
36 such a county shall be included within an urban growth area. An urban
37 growth area may include more than a single city. An urban growth area
38 may include territory that is located outside of a city only if such
39 territory already is characterized by urban growth whether or not the

1 urban growth area includes a city, or is adjacent to territory
2 already characterized by urban growth, or is a designated new fully
3 contained community or manufactured/mobile home community as defined
4 by RCW 36.70A.350. When a federally recognized Indian tribe whose
5 reservation or ceded lands lie within the county or city has
6 voluntarily chosen to participate in the planning process pursuant to
7 RCW 36.70A.040, the county or city and the tribe shall coordinate
8 their planning efforts for any areas planned for urban growth
9 consistent with the terms outlined in the memorandum of agreement
10 provided for in RCW 36.70A.040(8).

11 (2) Based upon the growth management population projection made
12 for the county by the office of financial management, the county and
13 each city within the county shall include areas and densities
14 sufficient to permit the urban growth that is projected to occur in
15 the county or city for the succeeding twenty-year period, except for
16 those urban growth areas contained totally within a national
17 historical reserve. As part of this planning process, each city
18 within the county must include areas sufficient to accommodate the
19 broad range of needs and uses that will accompany the projected urban
20 growth including, as appropriate, medical, governmental,
21 institutional, commercial, service, retail, and other nonresidential
22 uses.

23 Each urban growth area shall permit urban densities and shall
24 include greenbelt and open space areas. In the case of urban growth
25 areas contained totally within a national historical reserve, the
26 city may restrict densities, intensities, and forms of urban growth
27 as determined to be necessary and appropriate to protect the
28 physical, cultural, or historic integrity of the reserve. An urban
29 growth area determination may include a reasonable land market supply
30 factor and shall permit a range of urban densities and uses. In
31 determining this market factor, cities and counties may consider
32 local circumstances. Cities and counties have discretion in their
33 comprehensive plans to make many choices about accommodating growth.

34 Within one year of July 1, 1990, each county that as of June 1,
35 1991, was required or chose to plan under RCW 36.70A.040, shall begin
36 consulting with each city located within its boundaries and each city
37 shall propose the location of an urban growth area. Within sixty days
38 of the date the county legislative authority of a county adopts its
39 resolution of intention or of certification by the office of
40 financial management, all other counties that are required or choose

1 to plan under RCW 36.70A.040 shall begin this consultation with each
2 city located within its boundaries. The county shall attempt to reach
3 agreement with each city on the location of an urban growth area
4 within which the city is located. If such an agreement is not reached
5 with each city located within the urban growth area, the county shall
6 justify in writing why it so designated the area an urban growth
7 area. A city may object formally with the department over the
8 designation of the urban growth area within which it is located.
9 Where appropriate, the department shall attempt to resolve the
10 conflicts, including the use of mediation services.

11 (3) Urban growth should be located first in areas already
12 characterized by urban growth that have adequate existing public
13 facility and service capacities to serve such development, second in
14 areas already characterized by urban growth that will be served
15 adequately by a combination of both existing public facilities and
16 services and any additional needed public facilities and services
17 that are provided by either public or private sources, and third in
18 the remaining portions of the urban growth areas. Urban growth may
19 also be located in designated new fully contained communities or
20 manufactured/mobile home communities as defined by RCW 36.70A.350.

21 (4) In general, cities are the units of local government most
22 appropriate to provide urban governmental services. In general, it is
23 not appropriate that urban governmental services be extended to or
24 expanded in rural areas except in those limited circumstances shown
25 to be necessary to protect basic public health and safety and the
26 environment and when such services are financially supportable at
27 rural densities and do not permit urban development.

28 (5) On or before October 1, 1993, each county that was initially
29 required to plan under RCW 36.70A.040(1) shall adopt development
30 regulations designating interim urban growth areas under this
31 chapter. Within three years and three months of the date the county
32 legislative authority of a county adopts its resolution of intention
33 or of certification by the office of financial management, all other
34 counties that are required or choose to plan under RCW 36.70A.040
35 shall adopt development regulations designating interim urban growth
36 areas under this chapter. Adoption of the interim urban growth areas
37 may only occur after public notice; public hearing; and compliance
38 with the state environmental policy act, chapter 43.21C RCW, and
39 under this section. Such action may be appealed to the growth
40 management hearings board under RCW 36.70A.280. Final urban growth

1 areas shall be adopted at the time of comprehensive plan adoption
2 under this chapter.

3 (6) Each county shall include designations of urban growth areas
4 in its comprehensive plan.

5 (7) An urban growth area designated in accordance with this
6 section may include within its boundaries urban service areas or
7 potential annexation areas designated for specific cities or towns
8 within the county.

9 (8) (a) Except as provided in (b) of this subsection, the
10 expansion of an urban growth area is prohibited into the one hundred
11 year floodplain of any river or river segment that: (i) Is located
12 west of the crest of the Cascade mountains; and (ii) has a mean
13 annual flow of one thousand or more cubic feet per second as
14 determined by the department of ecology.

15 (b) Subsection (8) (a) of this section does not apply to:

16 (i) Urban growth areas that are fully contained within a
17 floodplain and lack adjacent buildable areas outside the floodplain;

18 (ii) Urban growth areas where expansions are precluded outside
19 floodplains because:

20 (A) Urban governmental services cannot be physically provided to
21 serve areas outside the floodplain; or

22 (B) Expansions outside the floodplain would require a river or
23 estuary crossing to access the expansion; or

24 (iii) Urban growth area expansions where:

25 (A) Public facilities already exist within the floodplain and the
26 expansion of an existing public facility is only possible on the land
27 to be included in the urban growth area and located within the
28 floodplain; or

29 (B) Urban development already exists within a floodplain as of
30 July 26, 2009, and is adjacent to, but outside of, the urban growth
31 area, and the expansion of the urban growth area is necessary to
32 include such urban development within the urban growth area; or

33 (C) The land is owned by a jurisdiction planning under this
34 chapter or the rights to the development of the land have been
35 permanently extinguished, and the following criteria are met:

36 (I) The permissible use of the land is limited to one of the
37 following: Outdoor recreation; environmentally beneficial projects,
38 including but not limited to habitat enhancement or environmental
39 restoration; stormwater facilities; flood control facilities; or
40 underground conveyances; and

1 (II) The development and use of such facilities or projects will
2 not decrease flood storage, increase stormwater runoff, discharge
3 pollutants to fresh or salt waters during normal operations or
4 floods, or increase hazards to people and property.

5 (c) For the purposes of this subsection (8), "one hundred year
6 floodplain" means the same as "special flood hazard area" as set
7 forth in WAC 173-158-040 as it exists on July 26, 2009.

8 (9) If a county, city, or utility has adopted a capital facility
9 plan or utilities element to provide sewer service within the urban
10 growth areas during the twenty-year planning period, nothing in this
11 chapter obligates counties, cities, or utilities to install sanitary
12 sewer systems to properties within urban growth areas designated
13 under subsection (2) of this section by the end of the twenty-year
14 planning period when those properties:

15 (a)(i) Have existing, functioning, nonpolluting on-site sewage
16 systems;

17 (ii) Have a periodic inspection program by a public agency to
18 verify the on-site sewage systems function properly and do not
19 pollute surface or groundwater; and

20 (iii) Have no redevelopment capacity; or

21 (b) Do not require sewer service because development densities
22 are limited due to wetlands, floodplains, fish and wildlife habitats,
23 or geological hazards.

24 **Sec. 4.** RCW 36.70A.067 and 2022 c 218 s 2 are each amended to
25 read as follows:

26 The initial effective date of an action that expands an urban
27 growth area designated under RCW 36.70A.110, removes the designation
28 of agricultural, forest, or mineral resource lands designated under
29 RCW 36.70A.170, creates or expands a limited area of more intensive
30 rural development designated under RCW 36.70A.070(5)(d), establishes
31 a new fully contained community or manufactured/mobile home community
32 under RCW 36.70A.350, or creates or expands a master planned resort
33 designated under RCW 36.70A.360, is after the latest of the following
34 dates:

35 (1) 60 days after the date of publication of notice of adoption
36 of the comprehensive plan, development regulation, or amendment to
37 the plan or regulation, implementing the action, as provided in RCW
38 36.70A.290(2); or

1 (2) If a petition for review to the growth management hearings
2 board is timely filed, upon issuance of the board's final order.

3 **Sec. 5.** RCW 35A.21.312 and 2019 c 390 s 15 are each amended to
4 read as follows:

5 (1) A code city may not adopt an ordinance that has the effect,
6 directly or indirectly, of discriminating against consumers' choices
7 in the placement or use of a home in such a manner that is not
8 equally applicable to all homes. Homes built to 42 U.S.C. Sec.
9 5401-5403 standards (as amended in 2000) must be regulated for the
10 purposes of siting in the same manner as site built homes, factory
11 built homes, or homes built to any other state construction or local
12 design standard. However, except as provided in subsection (2) of
13 this section, any code city may require that:

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

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

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

22 (d) The home is thermally equivalent to the state energy code;
23 and

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

26 A code city with a population of one hundred thirty-five thousand
27 or more may choose to designate its building official as the person
28 responsible for issuing all permits, including department of labor
29 and industries permits issued under chapter 43.22 RCW in accordance
30 with an interlocal agreement under chapter 39.34 RCW, for
31 alterations, remodeling, or expansion of manufactured housing located
32 within the city limits under this section.

33 (2)(a) A code city may not adopt an ordinance that has the
34 effect, directly or indirectly, of restricting the location of
35 manufactured/mobile homes in manufactured/mobile home communities
36 that were legally in existence before June 12, 2008, based
37 exclusively on the age or dimensions of the manufactured/mobile home.

38 (b) A code city may not prohibit the siting of a manufactured/
39 mobile home on an existing lot based solely on lack of compliance

1 with existing separation and setback requirements that regulate the
2 distance between homes.

3 (c) A code city is not precluded by (a) or (b) of this subsection
4 from restricting the location of a manufactured/mobile home in
5 manufactured/mobile home communities for any other reason including,
6 but not limited to, failure to comply with fire, safety, or other
7 local ordinances or state laws related to manufactured/mobile homes.

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

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

15 (a) Imposes fire, safety, or other regulations related to
16 recreational vehicles;

17 (b) Requires utility hookups in manufactured/mobile home
18 communities to meet state or federal building code standards for
19 manufactured/mobile home communities or recreational vehicle parks;
20 or

21 (c) Includes both of the following provisions:

22 (i) A recreational vehicle must contain at least one internal
23 toilet and at least one internal shower; and

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

27 (5) A code city must act in good faith to approve the addition of
28 manufactured/mobile homes or park models within manufactured/mobile
29 home communities. Except as expressly preempted by any state agency's
30 requirements related to the siting of manufactured/mobile homes or
31 park models, the siting of a new or used manufactured/mobile home or
32 park model of any size and its appurtenances must be authorized on a
33 manufactured/mobile home lot within a manufactured/mobile home
34 community unless the siting of the manufactured/mobile home or park
35 model expressly violates health and safety standards.

36 (6) For the purposes of this section, "manufactured/mobile home
37 community" (~~has~~) and "park model" have the same meanings as in RCW
38 59.20.030.

39 ((+6)) (7) This section does not override any legally recorded
40 covenants or deed restrictions of record.

1 (~~(7)~~) (8) This section does not affect the authority granted
2 under chapter 43.22 RCW.

3 **Sec. 6.** RCW 35.21.684 and 2019 c 390 s 14 and 2019 c 352 s 3 are
4 each reenacted and amended to read as follows:

5 (1) A city or town may not adopt an ordinance that has the
6 effect, directly or indirectly, of discriminating against consumers'
7 choices in the placement or use of a home in such a manner that is
8 not equally applicable to all homes. Homes built to 42 U.S.C. Sec.
9 5401-5403 standards (as amended in 2000) must be regulated for the
10 purposes of siting in the same manner as site built homes, factory
11 built homes, or homes built to any other state construction or local
12 design standard. However, except as provided in subsection (2) of
13 this section, any city or town may require that:

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

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

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

22 (d) The home is thermally equivalent to the state energy code;
23 and

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

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

33 (2)(a) A city or town may not adopt an ordinance that has the
34 effect, directly or indirectly, of restricting the location of
35 manufactured/mobile homes in manufactured/mobile home communities
36 that were legally in existence before June 12, 2008, based
37 exclusively on the age or dimensions of the manufactured/mobile home.

38 (b) A city or town may not prohibit the siting of a manufactured/
39 mobile home on an existing lot based solely on lack of compliance

1 with existing separation and setback requirements that regulate the
2 distance between homes.

3 (c) A city or town is not precluded by (a) or (b) of this
4 subsection from restricting the location of a manufactured/mobile
5 home in manufactured/mobile home communities for any other reason
6 including, but not limited to, failure to comply with fire, safety,
7 or other local ordinances or state laws related to manufactured/
8 mobile homes.

9 (3) Except as provided under subsection (4) of this section, a
10 city or town may not adopt an ordinance that has the effect, directly
11 or indirectly, of preventing the entry or requiring the removal of a
12 recreational vehicle or tiny house with wheels as defined in RCW
13 35.21.686 used as a primary residence in manufactured/mobile home
14 communities.

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

17 (a) Imposes fire, safety, or other regulations related to
18 recreational vehicles;

19 (b) Requires utility hookups in manufactured/mobile home
20 communities to meet state or federal building code standards for
21 manufactured/mobile home communities; or

22 (c) Includes both of the following provisions:

23 (i) A recreational vehicle or tiny house with wheels as defined
24 in RCW 35.21.686 must contain at least one internal toilet and at
25 least one internal shower; and

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

29 (5) A city or town must act in good faith to approve the addition
30 of manufactured/mobile homes or park models within manufactured/
31 mobile home communities. Except as expressly preempted by any state
32 agency's requirements related to the siting of manufactured/mobile
33 homes or park models, the siting of a new or used manufactured/mobile
34 home or park model of any size and its appurtenances must be
35 authorized on a manufactured/mobile home lot within a manufactured/
36 mobile home community unless the siting of the manufactured/mobile
37 home or park model expressly violates health and safety standards.

38 (6) For the purposes of this section, "manufactured/mobile home
39 community" (~~has~~) and "park model" have the same meanings as in RCW
40 59.20.030.

1 (~~(6)~~) (7) This section does not override any legally recorded
2 covenants or deed restrictions of record.

3 (~~(7)~~) (8) This section does not affect the authority granted
4 under chapter 43.22 RCW.

5 **Sec. 7.** RCW 36.01.225 and 2019 c 390 s 16 are each amended to
6 read as follows:

7 (1) A county may not adopt an ordinance that has the effect,
8 directly or indirectly, of discriminating against consumers' choices
9 in the placement or use of a home in such a manner that is not
10 equally applicable to all homes. Homes built to 42 U.S.C. Sec.
11 5401-5403 standards (as amended in 2000) must be regulated for the
12 purposes of siting in the same manner as site built homes, factory
13 built homes, or homes built to any other state construction or local
14 design standard. However, except as provided in subsection (2) of
15 this section, any county may require that:

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

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

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

24 (d) The home is thermally equivalent to the state energy code;
25 and

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

28 (2)(a) A county may not adopt an ordinance that has the effect,
29 directly or indirectly, of restricting the location of manufactured/
30 mobile homes in manufactured/mobile home communities, as defined in
31 RCW 59.20.030, which were legally in existence before June 12, 2008,
32 based exclusively on the age or dimensions of the manufactured/mobile
33 home.

34 (b) A county may not prohibit the siting of a manufactured/mobile
35 home on an existing lot based solely on lack of compliance with
36 existing separation and setback requirements that regulate the
37 distance between homes.

38 (c) A county is not precluded by (a) or (b) of this subsection
39 from restricting the location of a manufactured/mobile home in

1 manufactured/mobile home communities for any other reason including,
2 but not limited to, failure to comply with fire, safety, or other
3 local ordinances or state laws related to manufactured/mobile homes.

4 (3) A county may not adopt an ordinance that has the effect,
5 directly or indirectly, of preventing the entry or requiring the
6 removal of a recreational vehicle used as a primary residence in
7 manufactured/mobile home communities, as defined in RCW 59.20.030,
8 unless the recreational vehicle fails to comply with the fire,
9 safety, or other local ordinances or state laws related to
10 recreational vehicles.

11 (4) A county must act in good faith to approve the addition of
12 manufactured/mobile homes or park models within manufactured/mobile
13 home communities. Except as expressly preempted by any state agency's
14 requirements related to the siting of manufactured/mobile homes or
15 park models, the siting of a new or used manufactured/mobile home or
16 park model of any size and its appurtenances must be authorized on a
17 manufactured/mobile home lot within a manufactured/mobile home
18 community unless the siting of the manufactured/mobile home or park
19 model expressly violates health and safety standards.

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

22 ((+5)) (6) This section does not affect the authority granted
23 under chapter 43.22 RCW.

24 (7) For the purposes of this section, "manufactured/mobile home
25 community" and "park model" have the same meanings as in RCW
26 59.20.030.

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