

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1783

62nd Legislature
2011 Regular Session

Passed by the House April 14, 2011
Yeas 65 Nays 32

Speaker of the House of Representatives

Passed by the Senate April 7, 2011
Yeas 47 Nays 2

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1783** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1783

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

State of Washington

62nd Legislature

2011 Regular Session

By House Local Government (originally sponsored by Representatives Pedersen, Upthegrove, Takko, Blake, Rodne, Smith, Carlyle, Fitzgibbon, Springer, Angel, and Kenney)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to houseboats and houseboat moorages; amending RCW
2 90.58.270; and creating a new section.

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

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

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

16 (1) Nothing in this statute shall constitute authority for
17 requiring or ordering the removal of any structures, improvements,
18 docks, fills, or developments placed in navigable waters prior to

1 December 4, 1969, and the consent and authorization of the state of
2 Washington to the impairment of public rights of navigation, and
3 corollary rights incidental thereto, caused by the retention and
4 maintenance of said structures, improvements, docks, fills or
5 developments are hereby granted: PROVIDED, That the consent herein
6 given shall not relate to any structures, improvements, docks, fills,
7 or developments placed on tidelands, shorelands, or beds underlying
8 said waters which are in trespass or in violation of state statutes.

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

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

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

20 (5)(a) A floating home permitted or legally established prior to
21 January 1, 2011, must be classified as a conforming preferred use.

22 (b) For the purposes of this subsection:

23 (i) "Conforming preferred use" means that applicable development
24 and shoreline master program regulations may only impose reasonable
25 conditions and mitigation that will not effectively preclude
26 maintenance, repair, replacement, and remodeling of existing floating
27 homes and floating home moorages by rendering these actions
28 impracticable.

29 (ii) "Floating home" means a single-family dwelling unit
30 constructed on a float, that is moored, anchored, or otherwise secured
31 in waters, and is not a vessel, even though it may be capable of being
32 towed.

--- END ---