

Recreation and Other Vehicles Used as Residences

SUMMARY

For decades people have lived in recreational vehicles (RVs), often in RV parks or other areas equipped with proper sanitation, water, and garbage service amenities. As the housing affordability crisis grows, more people are using RVs and regular passenger vehicles as their primary residence, parking them in places not designed for the purpose, like public streets and parking lots.

In 2021, the Supreme Court of Washington held that people who live in vehicles have “homestead rights” under state law. This means that vehicles used as residences are protected from being sold to satisfy debts, such as impound fees. The court also held that towing and impoundment costs were subject to the excessive fines analysis under the 8th Amendment of the U.S. Constitution, which means that vehicle owners may not be forced to pay fines or fees that are considered excessive in relation to their income.

BACKGROUND

The Washington case that established homestead rights in vehicles is City of Seattle v. Long. Steven Long lived in his truck; he also kept his personal belongings and the tools he used to work as a general tradesman there. His truck became inoperable while parked on a gravel parking lot owned by the City of Seattle. The City eventually gave him a \$44 ticket for parking in the same spot for more than 72 hours. Mr. Long could not get his truck running, and it was towed several days later. Mr. Long testified that while his truck was impounded, he lived outside. The initial impound costs were \$946.61, but this was reduced to \$547.12 and the ticket was waived. Mr. Long agreed to a payment plan for the impound fee with the City and got his truck back from the towing company. Entering into a payment plan was the only way he could

get his truck back. Mr. Long then contested the impound, claiming that it violated his homestead rights in his truck and that the fines were excessive under the 8th Amendment.

The Homestead Act is a law that protect certain qualifying homes (up to a specific dollar amount) from being sold to pay off debt. To qualify, the home must be a primary residence. The court held that because the truck served as Mr. Long’s residence and was under the dollar-value threshold, it qualified for protection under the Homestead Act. Therefore, the City of Seattle (or towing company) could not threaten Mr. Long with selling his truck to get the fines and fees paid.

The court also added a new element into whether a fine was “excessive” under the 8th Amendment — whether the fine is proportional to the seriousness of the offense *and* to the ability to pay.

CURRENT STATUS

Local governments do have the ability to ticket, tow, and impound vehicles that violate municipal regulations on parking. However, they cannot ticket, tow, or impound any vehicle that is being used as the owner’s primary residence without creating a financial and legal liability for the agency. More importantly, doing so creates an unconstitutional burden on people who are forced to live in their vehicles. If their vehicle is towed they are left with nowhere to go and no access to their belongings.

The risk of depriving someone of their only home, as well as the potential inability to recoup fines and costs, creates a disincentive for the local government to tow and impound vehicles except in very clear circumstances. For much the same reasons, private companies are unwilling to tow a vehicle when there is any evidence of someone living in it because of the inability to charge for the service and storage, as well as the lack of secure locations large enough to store multiple vehicles, especially RVs.

Local governments can still address issues such as accumulations of garbage around a vehicle that is being used as a residence, unsanitary conditions such as dumping human waste, or causing pest infestations. However, that does not mean the vehicle will be removed.

THE FACTS

- A vehicle automatically becomes a homestead when the owner uses the vehicle as their primary residence.
- Vehicles that qualify as homesteads cannot be sold by a towing company to recover impound fees.
- Local governments can still ticket and impound vehicles but may not be able to collect any fees or fines that accumulate.
- Impounding vehicles could mean that the local government would be taking the vehicle away from the owner and storing it for free, while leaving the owner with no place to sleep or store their belongings.
- Local governments must now consider whether the fine is comparable to the seriousness of the violation and the ability to pay.
- Law enforcement or code enforcement may be able intervene if there are accumulations of garbage, unsanitary conditions, or other hazards, but that does not guarantee removal of the vehicle.

SOURCES – CASE LAW

[MRSC- City of Seattle v. Long: Vehicle Homestead Rights and Excessive Fines](#)

[MRSC – Living in Vehicles: How Homestead Right Affect Municipal Impounds](#)

[RCW 6.13.030 – Homestead exemption amount](#)

[RCW 6.13.040 – Automatic homestead exemption – conditions – Declaration of homestead – Declaration of abandonment](#)

[RCW 46.55.140 -Operator’s lien, deficiency claim, liability](#)

Please also refer to the City’s other Fact Sheets related to this topic.