

# HOUSE BILL REPORT

## ESSB 5810

---

*As Reported By House Committee on:  
Housing*

**Title:** An act relating to the creation of state-wide affordable housing.

**Brief Description:** Creating state-wide affordable housing.

**Sponsor(s):** Senate Committee on Governmental Operations (originally sponsored by Senators Rasmussen, McCaslin and L. Smith).

**Brief History:**

Reported by House Committee on:  
Housing, February 28, 1992, DPA.

---

**HOUSE COMMITTEE ON  
HOUSING**

**Majority Report:** *Do pass as amended.* Signed by 6 members: Representatives Nelson, Chair; Franklin, Vice Chair; Winsley, Assistant Ranking Minority Member; Leonard; Ogden; and Wineberry.

**Minority Report:** *Without recommendation.* Signed by 1 member: Representative Mitchell, Ranking Minority Member.

**Staff:** Bill Lynch (786-7092).

**Background:**

Residential apartments within a single family residential structure or separate residences constructed on a lot zoned for single family residences are generally not permitted under local governmental zoning ordinances. Variances or special or conditional use permits may be granted by cities or counties to allow such uses.

Proponents feel that cities and counties should be encouraged to allow the creation of apartment units or separate second residences in neighborhoods presently zoned for single-family residences in order to provide additional economical housing without requiring the expansion of roads, utilities and other basic services.

**Summary of Amended Bill:**

Cities and counties may issue zoning variances or special or conditional use permits to allow a dwelling unit within or attached to an existing single-family residence or to permit the construction of a second dwelling on a single-family lot.

Cities and counties may enact ordinances which provide for the creation of second units in single-family and multifamily zones. Such ordinances may designate specific areas for such second units and take into consideration the adequacy of water and sewer services and traffic flow.

If a city with a population of at least 20,000 or a county with a population of at least 125,000 does not enact such an ordinance by July 1, 1994, or within 120 days of receiving an application for a conditional use permit for such use after July 1, 1994, the city or county shall grant a special or conditional use permit for a second residential unit if:

1. The lot is zoned for single or multi-family use and there is an existing dwelling;
2. The unit is either attached to the existing dwelling and located within its living area, or is detached from the existing dwelling and is located on the same lot as the existing dwelling;
3. The unit is not intended to be sold and meets all building, health and other structural regulations and ordinances; and
4. Other zoning and building code requirements are met, and approval of any private sewage disposal system is obtained.

A city or county is not required to grant permits siting secondary units if it can establish that adopted or proposed amendments to the building codes, regulations, or other ordinances have the intended effect of enhancing affordable housing. Siting is also not required if the city or county has a plan or effective mechanisms established to enhance affordable housing.

Cities with a population of 20,000 or more and counties with a population of 125,000 or more must give neighborhood groups an opportunity to submit a plan for mitigating impacts of secondary units.

***Amended Bill Compared to Engrossed Substitute Bill:*** The effective date for when local governments must have areas designated for siting secondary units is moved back from July 1, 1992 to July 1, 1994. The specific requirements

concerning floor space and age of occupants are removed. The requirement for cities and counties to designate areas for secondary units applies only to cities with a population of 20,000 or more and counties with a population of 125,000 or more. Neighborhood groups in such cities and counties must be given an opportunity to submit an impact mitigation plan. Cities and counties may be exempted if they can establish that they are taking steps to enhance affordable housing. Language is deleted which: provided that local governments could not use additional standards to evaluate the siting of secondary units, stated that no changes in zoning ordinances was necessary, and provided that secondary units could not be considered in the allowable density for the lot.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This helps to keep people in their homes. Older parents, or single-parent teenagers can live nearby with some privacy. This helps promote in-filling. This helps assure that those units that are being built meet local health and safety standards.

**Testimony Against:** Many local governments already allow this. The state should not preempt local governments on local issues. Progress is being made in this area.

**Witnesses:** Arnold Livingston, Senior Lobby (in favor); Dave Williams, Association of Washington Cities (opposed); Mike Doubleday, City of Seattle (opposed); Mary Murphy, League of Women Voters (in favor); and Kent Kammerer, Seattle Neighborhood Coalition (neutral).