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HOUSE BILL 2323

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State of Washington

59th Legislature

2005 Regular Session

By Representatives B. Sullivan, DeBolt, Simpson, Springer, Holmquist, McCune, O'Brien, Sells, Pettigrew, Ahern, Jarrett, Miloscia, Ormsby, Dunn, Priest, Roach, Dunshee, Woods, Ericks and Hunter

Read first time 04/14/2005. Referred to Committee on Local Government.

1 AN ACT Relating to increasing affordable rental housing through  
2 accessory dwelling units; amending RCW 36.70A.400, 35.63.210,  
3 35A.63.230, and 36.70.677; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that there is a  
6 large, unmet need for affordable housing in the cities and counties of  
7 Washington that is increasing every year. The legislature further  
8 finds that at the same time households in many single-family  
9 residential areas are shrinking in size as people are living longer,  
10 staying single longer, and having fewer children, resulting in a  
11 considerable amount of underutilized space within single-family houses  
12 and on single-family lots. More household budgets are stretched thin,  
13 and many older property owners have increasing difficulty in paying for  
14 health care services, home maintenance, and other costs. The  
15 legislature further finds that the growth management act requires  
16 increased densities in single-family areas, and the rising costs of  
17 public facilities to accommodate growth coupled with insufficient  
18 revenues available for such facilities make infill within existing  
19 developed areas an economic necessity. The legislature concludes that

1 the expanded creation of accessory dwelling units within urban growth  
2 areas has significant potential to provide much-needed affordable  
3 rental housing while also providing resources to existing property  
4 owners and their communities.

5 (2) The legislature declares that it is the purpose of this act to:

6 (a) Increase the supply of affordable housing without government  
7 subsidies or the provision of additional public facilities; (b)  
8 encourage moderately priced rental housing in single-family  
9 neighborhoods and increase housing opportunities for people in a  
10 variety of life cycle stages; and (c) provide homeowners with options  
11 to use their property to provide extra income to meet rising costs,  
12 close proximity of family members or caregivers, and increased security  
13 and companionship.

14 (3) The legislature further declares that it is the policy of this  
15 state to promote and encourage the creation of accessory dwelling units  
16 in a manner that is effective in meeting needs of its citizens for  
17 affordable housing while protecting and enhancing residential  
18 neighborhoods.

19 **Sec. 2.** RCW 36.70A.400 and 1993 c 478 s 11 are each amended to  
20 read as follows:

21 ~~((Any local government, as defined in RCW 43.63A.215, that is  
22 planning under this chapter shall comply with RCW 43.63A.215(3).))~~

23 (1) It is the policy of this state to promote and encourage the  
24 creation of accessory dwelling units in a manner that is effective in  
25 meeting the needs of its citizens for affordable housing while  
26 protecting and enhancing residential neighborhoods.

27 (2) The following definitions apply in this section:

28 (a) "Accessory dwelling unit" means a dwelling unit that has been  
29 created: (i) Within a single-family housing unit or in its garage or  
30 other accessory building such as an accessory apartment; or (ii) as a  
31 separate structure on the same lot as a single-family housing unit,  
32 either detached from or attached to the principal housing unit such as  
33 an accessory cottage.

34 (b) "Dwelling unit" means a residential living unit that provides  
35 complete independent living facilities for one or more persons and that  
36 includes permanent provisions for living, sleeping, eating, cooking,  
37 and sanitation.

1 (c) "Living area" means the interior habitable area of a dwelling  
2 unit, including basements and attics, but does not include a garage or  
3 any accessory structure.

4 (3) All cities, towns, and counties planning under RCW 36.70A.040  
5 shall adopt or amend by ordinance and incorporate into their  
6 development regulations, zoning regulation, or other official control  
7 an authorization for the creation of accessory dwelling units that is  
8 consistent with this section. Any other city, town, or county may  
9 adopt an ordinance authorizing accessory dwelling units consistent with  
10 this section. The legislative body of a city, town, or county may  
11 adopt or amend an ordinance authorizing the creation of accessory  
12 dwelling units only after the legislative body has adopted or amended  
13 the housing element of its comprehensive plan, if necessary, to include  
14 a policy for accessory dwelling units that is consistent with this  
15 section.

16 (4) All accessory dwelling unit ordinances adopted or amended as  
17 required by this section:

18 (a) Shall allow accessory dwelling units as provided for in the  
19 ordinance in all single-family residential zoning districts;

20 (b) Shall provide for accessory dwelling units that are contained  
21 within, attached to, or detached from the principal residence on the  
22 property; that is, shall provide for both accessory apartments and  
23 accessory cottages;

24 (c) Shall not include restrictions on the type of occupant living  
25 in an accessory dwelling unit nor require a relationship to the  
26 occupant of the principal residence on the property, but may include a  
27 restriction on the maximum number of occupants of an accessory dwelling  
28 unit;

29 (d) May set a reasonable range of floor area to be allowed for  
30 accessory dwelling units, in square feet or ratio to the principal  
31 residence on the property, or both, provided that written findings be  
32 included indicating that the range of floor area reasonably  
33 approximates the size range of one-bedroom apartments within or nearby  
34 the city, town, or county;

35 (e) May include a requirement for the provision of off-street  
36 parking for the accessory dwelling unit, up to a maximum of one space,  
37 and may include a procedure for waiver of this requirement;

1       (f) Shall provide that applications for the creation of accessory  
2 dwelling units are processed, including review and decision, solely  
3 through administrative procedures subject to clearly defined standards;

4       (g) Shall require that the applicable department within the  
5 jurisdiction prepare and publish clear procedures and standards not  
6 inconsistent with this section that shall apply to the review of and  
7 decisions on applications for accessory dwelling units;

8       (h) May include provisions for the registration of accessory  
9 dwelling units within the jurisdiction that were created before any  
10 authorizing ordinance or were otherwise not permitted as accessory  
11 dwelling units by the applicable jurisdiction;

12       (i) Shall require that a registration or other form of statement  
13 concerning each permitted accessory dwelling unit be filed with the  
14 applicable county department of records and elections for the real  
15 estate records on the subject property; and

16       (j) Shall require that the building, planning, or other official of  
17 the city, town, or county report annually to the legislative body  
18 regarding the permitting and registration of accessory dwelling units.

19       (5) All accessory dwelling units authorized by ordinances adopted  
20 or amended pursuant to this section shall conform to all applicable  
21 standards in the building, electrical, plumbing, mechanical, fire,  
22 health, and other applicable codes in the subject jurisdiction. Any  
23 city, town, or county may adopt alternate standards, or modify or waive  
24 any existing code standards, to apply to accessory dwelling units for  
25 the purpose of facilitating development of such units. However, no  
26 city, town, or county may adopt, amend, or interpret other codes or  
27 regulations, including but not limited to building and related codes or  
28 special taxing district provisions, in a manner that interferes with  
29 the intent or implementation of this section or any ordinance adopted  
30 or amended thereunder.

31       (6) The department of community, trade, and economic development  
32 shall within one year after the effective date of this act prepare and  
33 distribute to cities, towns, and counties that are subject to this  
34 section a model accessory dwelling unit ordinance that is consistent  
35 with this section. Each city, town, and county shall submit a copy of  
36 its accessory dwelling unit ordinance adopted or amended pursuant to  
37 this section to the department within thirty days after adoption or  
38 amendment. The department shall maintain copies of the submitted

1 ordinances and shall report to the legislature each biennial session  
2 concerning the cities, towns, and counties that have adopted or amended  
3 such ordinances.

4 **Sec. 3.** RCW 35.63.210 and 1993 c 478 s 8 are each amended to read  
5 as follows:

6 Any local government, as defined in RCW 43.63A.215, that is  
7 planning under this chapter shall comply with RCW 43.63A.215(3). Any  
8 city, town, or county that is subject to RCW 36.70A.400 and is planning  
9 under this chapter shall comply with RCW 36.70A.400.

10 **Sec. 4.** RCW 35A.63.230 and 1993 c 478 s 9 are each amended to read  
11 as follows:

12 Any local government, as defined in RCW 43.63A.215, that is  
13 planning under this chapter shall comply with RCW 43.63A.215(3). Any  
14 city, town, or county that is subject to RCW 36.70A.400 and is planning  
15 under this chapter shall comply with RCW 36.70A.400.

16 **Sec. 5.** RCW 36.70.677 and 1993 c 478 s 10 are each amended to read  
17 as follows:

18 Any local government, as defined in RCW 43.63A.215, that is  
19 planning under this chapter shall comply with RCW 43.63A.215(3). Any  
20 city, town, or county that is subject to RCW 36.70A.400 and is planning  
21 under this chapter shall comply with RCW 36.70A.400.

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