

SHB 2279 - H AMD

By Representative Darneille

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** It is the public policy of the state to  
4 assist in making affordable housing available throughout the state.  
5 The legislature recognizes that despite ongoing efforts there is still  
6 a lack of affordable housing in many areas. The legislature also  
7 recognizes that some local governments have imposed development  
8 requirements on affordable housing developments that are not generally  
9 imposed on other housing developments. The intent of this legislature  
10 is to prohibit discrimination against affordable housing developments.

11 NEW SECTION. **Sec. 2.** The definitions in this section apply  
12 throughout this chapter unless the context clearly requires otherwise.

13 (1) "Affordable housing development" means a housing development in  
14 which at least twenty-five percent of the dwelling units within the  
15 development are set aside for low-income households under an agreement  
16 with or a financing commitment from a federal, state, or local  
17 government housing program.

18 (2) "Dwelling unit" means that part of a housing development that  
19 is used as a home, residence, or place to sleep by one person or two or  
20 more persons maintaining a common household.

21 (3) "Housing development" means a proposed or existing structure  
22 that is used as a home, residence, or place to sleep by one or more  
23 persons including, but not limited to, single-family residences,  
24 manufactured homes, multifamily housing, transitional housing, group  
25 homes, and foster care facilities, but not including hotels as defined  
26 in RCW 19.48.010.

27 (4) "Low-income household" means a single person, family, or  
28 unrelated persons living together whose adjusted income is less than

1 eighty percent of the median family income, adjusted for household  
2 size, for the county where the affordable housing development is  
3 located.

4 NEW SECTION. **Sec. 3.** (1) A city, county, or other local  
5 governmental entity or agency may not impose or enforce requirements on  
6 an affordable housing development that are different than the  
7 requirements that would be imposed under the same circumstances and at  
8 the same location on an otherwise identical housing development that is  
9 not an affordable housing development, except as permitted in this  
10 section.

11 (2) This section does not prohibit any city, county, or other local  
12 governmental entity or agency from extending preferential treatment to  
13 affordable housing developments intended for occupancy by homeless  
14 persons, farmworkers, or low-income households. Preferential treatment  
15 may include, but is not limited to: A reduction or waiver of fees or  
16 changes in applicable requirements including, without limitation,  
17 architectural requirements, site development requirements, property  
18 line requirements, building setback requirements, or vehicle parking  
19 requirements; or other treatment that reduces or is likely to reduce  
20 the development or operating costs of an affordable housing  
21 development.

22 (3) A city, county, or other local governmental entity or agency  
23 may impose and enforce requirements on affordable housing developments  
24 as conditions of loans, grants, financial support, tax benefits,  
25 subsidy funds, or sale or lease of public property, or as conditions to  
26 eligibility for any affordable housing incentive program under RCW  
27 36.70A.540 or any other program involving bonus density, transfer of  
28 development rights, waiver of development regulations or fees, or other  
29 development incentives.

30 NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act constitute a  
31 new chapter in Title 43 RCW."

EFFECT: Specifies that municipalities may not impose or enforce

requirements different than those that would be imposed under the same circumstances and at the same location on a nonaffordable housing development that is otherwise identical (instead of stating that municipalities may not impose requirements for affordable housing developments that are different than those imposed on housing developments in general).

Allows a municipality to impose and enforce requirements on affordable housing developments as conditions of financial support, the sale or lease of public property, or the participation in incentive programs related to the Growth Management Act.

Clarifies that hotels are not considered "housing developments" and changes the definition of affordable housing to be housing set aside for low-income households pursuant to an agreement with or financing from a government program.

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