

HOUSE BILL REPORT

SHB 2279

As Passed Legislature

Title: An act relating to prohibiting discrimination against affordable housing developments.

Brief Description: Prohibiting discrimination against affordable housing developments.

Sponsors: By House Committee on Housing (originally sponsored by Representatives Darneille, Springer, Pettigrew, O'Brien, Hasegawa and Santos).

Brief History:

Committee Activity:

Housing: 2/26/07, 2/27/07 [DPS].

Floor Activity:

Passed House: 1/18/08, 97-0.

Senate Amended.

Passed Senate: 3/7/08, 49-0.

House Refused to Concur.

Senate Amended.

Passed Senate: 3/13/08, 49-0.

House Concurred.

Passed House: 3/13/08, 96-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Prohibits cities, counties, and other local governmental entities and agencies from imposing requirements on affordable housing developments more burdensome than those imposed on other housing developments, unless the requirements are conditions of financing or other incentives.

HOUSE COMMITTEE ON HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Miloscia, Chair; Springer, Vice Chair; Kelley, McCune, Ormsby and Schindler.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 1 member: Representative Dunn, Ranking Minority Member.

Staff: Robyn Dupuis (786-7166).

Background:

There are statutory permitting requirements contained within the Growth Management Act (GMA), the Shoreline Management Act (SMA), and the State Environmental Policy Act (SEPA). However, although they provide general permitting standards and regulatory framework, specific permitting requirements are the domain of the local governments themselves.

Stakeholders cite examples of Washington local governments attempting to discriminate against affordable housing developments based on source of financing, intended occupancy of the developments, and the availability of social services as a component of the housing.

Statutory Language Regarding Treatment of Different Types of Developments.

- Cities, code cities, towns, and counties may not enact any statute or ordinance that has the effect, directly or indirectly, of discriminating against consumers' choices in the placement or use of a home in a manner that is not equally applicable to all homes (RCWs 35.21.684, 36.01.225, and 35A.21.312). The intent of these statutes is to enable manufactured homes to site within communities.
- A local government may not prohibit the condominium form of ownership or impose any requirement on a condominium development which it would not impose on developments for other forms of ownership (RCW 46.34.050).

Summary of Substitute Bill:

In general, a city, county, or other local governmental entity or agency may not place requirements on affordable housing developments which are different than requirements imposed on other housing developments. However, local governments are not prohibited from extending preferential treatment to such developments intended for including but not limited to, occupancy by homeless persons, farm workers, persons with disabilities, senior citizens, or low income households.

Local governments or agencies may impose more requirements on affordable housing developments than those imposed on market rate housing if such requirements are conditions of the financing or other incentives.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support of original bill) Local governments place special barriers to affordable housing developments and this bill would prohibit this practice. Affordable housing developments have to comply with local ordinances just as any other housing development and they are happy to do so, but some jurisdictions impose different procedural and development requirements on affordable housing, particularly if there is neighborhood opposition. Additional hearings are often scheduled and additional design requirements are imposed. The majority of affordable housing is managed by community boards which have a real stake in their community. They have to comply not only with local ordinances but also with requirements for quality imposed by other project contributors. Perhaps local governments should concentrate on regulating the operations of housing developments rather than negatively stereotyping low-income developments at the onset of a project. In doing so, local governments would see that well-managed community affordable housing developments are not the problem and are not a drain on community resources; rather, often problems germinate from poorly managed and regulated private rental properties that do not have the same kind of community investment and oversight. This bill does not include any new requirements or costs, it simply provides for a level playing field for affordable housing developments.

(With concerns on original bill) The language in the bill might have unintended consequences which could actually hamper a city's ability to work with affordable housing developers.

(Opposed) None.

Persons Testifying: (In support of original bill) Representative Darneille, prime sponsor; Nick Federicci, Washington Low-Income Housing Alliance; and Brian Thane, Washington Farmworker Housing Trust.

(With concerns on original bill) Rose Feliciano, City of Seattle; and Dave Williams, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.