
Housing Committee

HB 2279

Brief Description: Prohibiting discrimination against affordable housing developments.

Sponsors: Representatives Darneille, Springer, Pettigrew, O'Brien, Hasegawa and Santos.

Brief Summary of Bill
<ul style="list-style-type: none">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.

Hearing Date: 2/26/07

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.

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.

- 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 Bill:

A city, county, or other local governmental entity or agency may not place requirements on affordable housing developments which are more burdensome than requirements imposed on other housing developments. Furthermore, such local governments may not impose requirements on affordable housing developments which are unclear, subjective, or that discourage housing for low-income or special needs households through unreasonable costs or delays, or by otherwise discriminating against such housing.

A local government can not prohibit or regulate an affordable housing development for any of the following reasons:

- development financing source;
- characteristics of the intended occupants;
- existence of supportive services on or off site; or
- characteristics of the development entity.

Adverse treatment and discrimination of affordable housing developments includes:

- the denial or conditioning of an affordable housing development;
- the disproportionate impact of a requirement; or
- the failure to make a decision in a timely manner or the failure to take action.

Developers or low-income households eligible for residency in a development who are injured by a violation of this act may pursue a civil action to recover actual damages sustained.

Appropriation: None.

Fiscal Note: Not requested.

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