
HOUSE BILL 3213

State of Washington 60th Legislature 2008 Regular Session

By Representatives Springer and Kenney

Read first time 01/24/08. Referred to Committee on Local Government.

1 AN ACT Relating to affordable housing incentive programs; and
2 amending RCW 36.70A.540.

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

4 **Sec. 1.** RCW 36.70A.540 and 2006 c 149 s 2 are each amended to read
5 as follows:

6 (1)(a) Any city or county planning under RCW 36.70A.040 may enact
7 or expand affordable housing incentive programs providing for the
8 development of low-income housing units through development
9 regulations. An affordable housing incentive program may include, but
10 is not limited to:

- 11 (i) Density bonuses within the urban growth area;
- 12 (ii) Height and bulk bonuses;
- 13 (iii) Fee waivers or exemptions;
- 14 (iv) Parking reductions;
- 15 (v) Expedited permitting, conditioned on provision of low-income
16 housing units; or
- 17 (vi) Mixed use projects.

18 (b) The city or county may enact or expand such programs whether or
19 not the programs may impose a tax, fee, or charge on the development or

1 construction of property. The city or town may collect a reasonable
2 fee from affordable housing incentive program applicants to cover
3 administrative costs associated with the program.

4 (c) If a developer chooses not to participate in an optional
5 affordable housing incentive program adopted and authorized under this
6 section, a city, county, or town may not condition, deny, or delay the
7 issuance of a permit or development approval that is consistent with
8 zoning and development standards on the subject property absent
9 incentive provisions of this program.

10 (2) Affordable housing incentive programs enacted or expanded under
11 this section shall comply with the following:

12 (a) The incentives or bonuses shall provide for the construction of
13 low-income housing units;

14 (b) Jurisdictions shall establish standards for low-income renter
15 or owner occupancy housing, including income guidelines consistent with
16 local housing needs, to assist low-income households that cannot afford
17 market-rate housing. Low-income households are defined for renter and
18 owner occupancy program purposes as follows:

19 (i) Rental housing units to be developed shall be affordable to and
20 occupied by households with an income of fifty percent or less of the
21 county median family income, adjusted for family size; and

22 (ii) Owner occupancy housing units shall be affordable to and
23 occupied by households with an income of eighty percent or less of the
24 county median family income, adjusted for family size. The legislative
25 authority of a jurisdiction, after holding a public hearing, may
26 establish lower income levels. The legislative authority of a
27 jurisdiction, after holding a public hearing, may also establish higher
28 income levels for rental housing or for owner occupancy housing upon
29 finding that higher income levels are needed to address local housing
30 market conditions. The higher income level for rental housing may not
31 exceed eighty percent of the county area median family income. The
32 higher income level for owner occupancy housing may not exceed one
33 hundred percent of the county area median family income. These
34 established higher income levels (~~must be~~) are considered
35 "low-income" for the purposes of this section;

36 (c) The jurisdiction shall establish a maximum rent level or sales
37 price for each low-income housing unit developed under the terms of a
38 program and may adjust these levels or prices based on the average size

1 of the household expected to occupy the unit. For renter-occupied
2 housing units, the total housing costs, including basic utilities as
3 determined by the jurisdiction, may not exceed thirty percent of the
4 income limit for the low-income housing unit;

5 (d) Low-income housing units shall be provided in a range of sizes
6 comparable to ~~((those))~~ other units ~~((that are available to other
7 residents))~~ in the housing development for which a bonus or incentive
8 is provided. To the extent practicable, the number of bedrooms in
9 low-income units must be in the same proportion as the number of
10 bedrooms in units within the entire building. The low-income units
11 shall generally be distributed throughout the building~~((, except that
12 units may be provided in an adjacent building))~~ or buildings. The
13 low-income units shall have substantially the same functionality as the
14 other units in the building or buildings;

15 (e) Low-income housing units developed under an affordable housing
16 incentive program shall be committed to continuing affordability for at
17 least fifty years. A local government, however, may accept payments in
18 lieu of continuing affordability. The program shall include measures
19 to enforce continuing affordability and income standards applicable to
20 low-income units constructed under this section that may include, but
21 are not limited to, covenants, options, or other agreements to be
22 executed and recorded by owners and developers;

23 (f) Programs authorized under subsection (1) of this section may
24 apply to part or all of a jurisdiction and different standards may be
25 applied to different areas within a jurisdiction. Programs authorized
26 under this section may be modified to meet local needs and may include
27 provisions not expressly provided in this section or RCW 82.02.020; and

28 (g) Low-income housing units developed under an affordable housing
29 incentive program are encouraged to be provided within market-rate
30 housing developments for which a bonus or incentive is provided.
31 However, programs may allow units to be provided in ~~((an adjacent))~~ a
32 building ~~((and))~~ located in the same geographic area as the housing
33 development for which a bonus or incentive is provided. Affordable
34 housing incentive programs may allow payments of money or property in
35 lieu of low-income housing units if the payment ~~((equals))~~ does not
36 exceed the approximate cost of developing the same number and quality
37 of housing units that would otherwise be developed. Any city or county
38 shall use these funds or property to support the purchase or

1 development of low-income housing(~~(, including)~~). Any city or county
2 may also use these funds or property to support (~~provided through~~)
3 loans or grants to low-income home buyers, and public or private owners
4 or developers of housing.

5 (3) Affordable housing incentive programs enacted or expanded under
6 this section may be applied within the jurisdiction to address the need
7 for increased residential development, consistent with local growth
8 management and housing policies, as follows:

9 (a) The jurisdiction shall identify certain land use designations
10 within a geographic area where increased residential development will
11 assist in achieving local growth management and housing policies;

12 (b) The jurisdiction shall provide increased residential
13 development capacity through zoning changes, bonus densities, height
14 and bulk increases, parking reductions, or other regulatory changes or
15 other incentives;

16 (c) The jurisdiction shall determine that increased residential
17 development capacity or other incentives can be achieved within the
18 identified area, subject to consideration of other regulatory controls
19 on development; and

20 (d) The jurisdiction may establish a minimum amount of affordable
21 housing that must be provided by all residential developments being
22 built under the revised regulations, consistent with the requirements
23 of this section.

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