

2SHB 2570 - H AMD 1427

By Representative Fey

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature makes the following
4 findings:

5 (a) The growth management act directs certain cities within urban
6 growth areas to allow accessory dwelling units. However, excessive
7 regulatory and design barriers often limit production in many cities
8 where accessory dwelling units are allowed.

9 (b) Accessory dwelling units provide environmental benefits. They
10 promote energy efficiency compared with average size single-detached
11 houses, and incentivize adaptive reuse of existing homes and
12 materials.

13 (c) Siting accessory dwelling units near transit hubs and near
14 public amenities can help to reduce greenhouse gas emissions by
15 increasing walkability, shortening household commutes, and limiting
16 sprawl.

17 (d) Accessory dwelling units can meet the needs of Washington's
18 growing senior population, making it possible for this population to
19 age in their communities by offering senior-friendly housing, which
20 prioritizes physical accessibility, in walkable communities near
21 amenities essential to successful aging in place, including transit
22 and grocery stores, without requiring costly renovations of existing
23 housing stock.

24 (e) Washington state is experiencing a housing affordability
25 crisis. Many communities across the state are in need of more housing
26 for renters, across the income spectrum.

27 (f) Many cities dedicate the majority of residentially zoned land
28 to single-detached houses that are increasingly financially out of
29 reach for many households. Due to their smaller size, accessory
30 dwelling units can provide a more affordable housing option in those
31 single-family zones.

32 (g) Accessory dwelling units are frequently rented below market
33 rate, providing additional affordable housing options for renters.

1 (h) Accessory dwelling units are often occupied by tenants who
2 pay no rent at all; among these tenants are grandparents, adult
3 children, family members with disabilities, friends going through
4 life transitions, and community members in need. Accessory dwelling
5 units meet the needs of these people who might otherwise require
6 subsidized housing space and resources needed by other households.

7 (i) Homeowners who add an accessory dwelling unit to her or his
8 property may benefit from added income and an increased sense of
9 security.

10 (j) Removing certain regulatory barriers to the construction of
11 accessory dwelling units may substantially reduce construction costs,
12 thereby enabling more homeowners to add accessory dwelling units to
13 their properties. The increased availability of accessory dwelling
14 units will provide benefits to homeowners, renters, the community,
15 and the environment.

16 (2) The legislature intends to promote and encourage the creation
17 of accessory dwelling units as a means to address the need for
18 additional affordable housing options. The legislature encourages
19 local governments to increase the availability of affordable housing
20 by subsidizing accessory dwelling units with local sales tax revenue,
21 as authorized by chapter 338, Laws of 2019.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A
23 RCW to read as follows:

24 The definitions in this section apply throughout sections 3 and 4
25 of this act unless the context clearly requires otherwise.

26 (1) "Accessory dwelling unit" means a dwelling unit located on
27 the same lot as a single-family housing unit, duplex, triplex,
28 townhome, or other housing unit.

29 (2) "Attached accessory dwelling unit" means an accessory
30 dwelling unit located within or attached to a single-family housing
31 unit, duplex, triplex, townhome, or other housing unit.

32 (3) "Covered cities" means all cities, code cities, and towns
33 located in a county planning under RCW 36.70A.040 and that had a
34 population of at least five thousand, as determined by the office of
35 financial management.

36 (4) "Covered counties" means all counties planning under RCW
37 36.70A.040 that have a population of at least fifty thousand, as
38 determined by the office of financial management.

1 (5) "Detached accessory dwelling unit" means an accessory
2 dwelling unit that consists partly or entirely of a building that is
3 separate and detached from a single-family housing unit, duplex,
4 triplex, townhome, or other housing unit.

5 (6) "Dwelling unit" means a residential living unit that provides
6 complete independent living facilities for one or more persons and
7 that includes permanent provisions for living, sleeping, eating,
8 cooking, and sanitation.

9 (7) "Gross floor area" means the interior habitable area of a
10 dwelling unit including basements and attics but not including a
11 garage or accessory structure.

12 (8) "Major transit stop" means:

13 (a) A stop on a high capacity transportation service funded or
14 expanded under the provisions of chapter 81.104 RCW;

15 (b) Commuter rail stops;

16 (c) Stops on rail or fixed guideway systems, including
17 transitways;

18 (d) Stops on bus rapid transit routes or routes that run on high
19 occupancy vehicle lanes; or

20 (e) Stops for a bus or other transit mode providing fixed route
21 service at intervals of at least fifteen minutes during the peak
22 hours of operation.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
24 RCW to read as follows:

25 (1) Ordinances, development regulations, and other official
26 controls adopted or amended pursuant to this section are only
27 required to apply in the portions of towns, cities, and counties that
28 are within urban growth areas designated under this chapter.

29 (2) Attached or detached accessory dwelling units may not be
30 considered as contributing to the overall underlying density within
31 the urban growth area boundary of a county for purposes of compliance
32 with this chapter.

33 (3) (a) Any action taken by a covered city or covered county to
34 comply with the requirements of this section, or to implement the
35 options specified in section 4 of this act within its urban growth
36 area boundary is not subject to legal challenge under this chapter or
37 chapter 43.21C RCW.

1 (b) A covered city or covered county that does not comply with
2 the requirements of this section is subject to legal challenge under
3 this chapter.

4 (4) Nothing in this section or section 4 of this act requires or
5 authorizes a city or county to authorize the construction of an
6 accessory dwelling unit in a location where development is restricted
7 under other laws, rules, or ordinances as a result of physical
8 proximity to on-site sewage system infrastructure, critical areas, or
9 other unsuitable physical characteristics of a property.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
11 RCW to read as follows:

12 Cities and counties are encouraged, but not required, to adopt
13 ordinances, development regulations, and other official controls
14 that:

15 (1) Do not require impact fees under chapter 82.02 RCW for
16 accessory dwelling units;

17 (2) Do not establish tree retention requirements for accessory
18 dwelling units that are in addition to any tree retention
19 requirements for single-family housing units;

20 (3) Do not prohibit the sale or other conveyance of a condominium
21 unit solely on the grounds that the unit was originally built as an
22 accessory dwelling unit;

23 (4) Require an accessory dwelling unit to be accessible to fire
24 department apparatus by way of a public street or approved fire
25 apparatus access;

26 (5) Do not establish a minimum gross floor area requirement for
27 accessory dwelling units that is greater than two hundred square
28 feet;

29 (6) Do not establish a limit for the percent of the rear yard
30 that an accessory dwelling unit may cover that is less than sixty
31 percent of the rear yard;

32 (7) Do not establish setback regulations that are more
33 restrictive than for single-family housing units;

34 (8) Do not require that the exterior design or appearance of an
35 accessory dwelling unit be similar to the exterior design or
36 appearance of the principal housing unit, including through
37 regulations that require an accessory dwelling unit to have similar
38 roof pitch, siding, or windows as the primary housing unit;

1 (9) Do not count the gross floor area of an accessory dwelling
2 unit against any floor area ratio limitations that apply to single-
3 family or other primary housing units;

4 (10) Allow detached accessory dwelling units to be sited within
5 five feet of a lot line if there is written approval from the
6 property owner with whom the lot line is shared on file in the
7 jurisdiction in which the detached accessory dwelling unit is
8 located;

9 (11) Do not regulate the location of the entry doors of accessory
10 dwelling units;

11 (12) Allow at least two accessory dwelling units on all lots on
12 which there is a single-family housing unit, duplex, triplex,
13 fourplex, rowhouse, townhome, or apartment building, regardless of
14 zoning district; the two accessory dwelling units may be in any of
15 the following configurations:

16 (a) One attached accessory dwelling unit and one detached
17 accessory dwelling unit;

18 (b) Two attached accessory dwelling units; or

19 (c) Two detached accessory dwelling units, which may be comprised
20 of either one or two detached structures;

21 (13) Do not establish a maximum gross floor area requirement for
22 accessory dwelling units that is less than one thousand square feet;

23 (14) Do not establish a roof height limitation on accessory
24 dwelling units of less than twenty-four feet;

25 (15) Adopt model accessory dwelling unit architectural plans that
26 are preapproved for public use under some or all local building and
27 environmental permitting requirements;

28 (16) Allow detached accessory dwelling units to be sited at the
29 lot line of the rear yard if the rear yard is adjacent to an alley;

30 (17) Are identical to all or some of the model ordinances
31 developed by the department of commerce under RCW 43.63A.215 after
32 July 1, 2022;

33 (18) Allow at least one accessory dwelling unit on all lots that
34 are located in all zoning districts that allow for single-family
35 homes. The accessory dwelling units allowed under this subsection
36 (18) may be either attached accessory dwelling units or detached
37 accessory dwelling units. If the unit is a detached accessory
38 dwelling unit, the lot may be at least three thousand five hundred
39 square feet;

1 (19) (a) Do not establish a requirement for the provision of off-
2 street parking for accessory dwelling units; and

3 (b) Require one additional parking spot on lots with accessory
4 dwelling units located only on properties located no closer than one-
5 quarter mile to a major transit stop;

6 (20) Do not require a period of continuous ownership before
7 permitting construction of an accessory dwelling unit on a lot; and

8 (21) Only authorize utility charges that:

9 (a) Are proportionate to the burden of the proposed accessory
10 dwelling unit, based on its size or number of plumbing fixtures, upon
11 the water or sewer system;

12 (b) Do not exceed the reasonable cost of providing the service;
13 and

14 (c) Are not inconsistent with water availability requirements,
15 water system plans, small water system management plans, or
16 established policies adopted by the water or sewer utility provider.

17 **Sec. 5.** RCW 43.21C.495 and 2019 c 348 s 4 are each amended to
18 read as follows:

19 (1) If adopted by April 1, 2021, amendments to development
20 regulations and other nonproject actions taken by a city to implement
21 RCW 36.70A.600 (1) or (4), with the exception of the action specified
22 in RCW 36.70A.600(1)(f), are not subject to administrative or
23 judicial appeals under this chapter.

24 (2) Amendments to development regulations and other nonproject
25 actions taken by any county that apply within an urban growth area
26 designated under chapter 36.70A RCW or by any city are not subject to
27 administrative or judicial appeals under this chapter if the
28 amendments:

29 (a) Are consistent with the requirements of section 3 of this
30 act, regardless of whether the city or county is a covered city or
31 county; or

32 (b) Achieve the options encouraged in section 4 of this act.

33 **Sec. 6.** RCW 35.63.210 and 1993 c 478 s 8 are each amended to
34 read as follows:

35 Any (~~local government~~) covered city or covered county, as
36 defined in (~~RCW 43.63A.215~~) section 2 of this act, that is planning
37 under this chapter shall comply with RCW 43.63A.215(~~(+3)~~).

1 **Sec. 7.** RCW 35A.63.230 and 1993 c 478 s 9 are each amended to
2 read as follows:

3 Any (~~local government~~) covered city or covered county, as
4 defined in (~~RCW 43.63A.215~~) section 2 of this act, that is planning
5 under this chapter shall comply with RCW 43.63A.215(~~(+3)~~).

6 **Sec. 8.** RCW 36.70A.400 and 1993 c 478 s 11 are each amended to
7 read as follows:

8 Any (~~local government~~) covered city or county, as defined in
9 (~~RCW 43.63A.215~~) section 2 of this act, that is planning under this
10 chapter shall comply with RCW 43.63A.215(~~(+3)~~).

11 **Sec. 9.** RCW 43.63A.215 and 1993 c 478 s 7 are each amended to
12 read as follows:

13 (1) The department shall, in consultation with the affordable
14 housing advisory board created in RCW 43.185B.020, report to the
15 legislature on the development and placement of accessory apartments.
16 The department shall produce a written report by December 15, 1993,
17 which:

18 (a) Identifies local governments that allow the siting of
19 accessory apartments in areas zoned for single-family residential
20 use; and

21 (b) Makes recommendations to the legislature designed to
22 encourage the development and placement of accessory apartments in
23 areas zoned for single-family residential use.

24 (2) The recommendations made under subsection (1) of this section
25 shall not take effect before ninety days following adjournment of the
26 1994 regular legislative session.

27 (3) (~~Unless provided otherwise by the legislature, by December~~
28 ~~31, 1994, local~~) Local governments shall incorporate in their
29 development regulations, zoning regulations, or official controls the
30 recommendations contained in subsection (1) of this section. The
31 accessory apartment provisions shall be part of the local
32 government's development regulation, zoning regulation, or official
33 control. To allow local flexibility, the recommendations shall be
34 subject to such regulations, conditions, procedures, and limitations
35 as determined by the local legislative authority.

36 (4) By December 15, 2021, the department of commerce must update
37 the model accessory dwelling unit ordinance recommendations required
38 under this section and published in January 1994. The updated model

1 ordinance recommendations supersede the recommendations published in
2 January 1994, for purposes of subsection (3) of this section. The
3 recommendations made under this subsection shall not take effect
4 before May 1, 2022.

5 (5) As used in this section, "local government" means ((÷

6 ~~(a) A city or code city with a population that exceeds twenty~~
7 ~~thousand;~~

8 ~~(b) A county that is required to or has elected to plan under the~~
9 ~~state growth management act; and~~

10 ~~(c) A county with a population that exceeds one hundred twenty-~~
11 ~~five thousand)) a covered city or covered county as defined in~~
12 section 2 of this act.

13 **Sec. 10.** RCW 36.70.677 and 1993 c 478 s 10 are each amended to
14 read as follows:

15 Any local government, as defined in RCW 43.63A.215, that is
16 planning under this chapter shall comply with RCW 43.63A.215 (3) and
17 (4).

18 NEW SECTION. **Sec. 11.** A new section is added to chapter 36.70A
19 RCW to read as follows:

20 Nothing in this act modifies or limits any rights or interests
21 legally recorded in the governing documents of associations subject
22 to chapter 64.32, 64.34, 64.38, or 64.90 RCW."

23 Correct the title.

EFFECT: Eliminates requirements that covered cities and counties
adopt any specific policies with respect to Accessory Dwelling Units
(ADUs), and instead establishes that the following additional
policies are encouraged, including through an exemption from appeal
under the State Environmental Policy Act, to be adopted by cities and
counties:

- (1) Requirements that ADUs be allowed in all zoning districts
that allow for single-family homes;
- (2) Off-street parking requirements for ADUs;
- (3) Limits on requirements for a period of continuous ownership
prior to permitting the construction of an ADU; and
- (4) Limits on utility charges associated with ADUs.

--- END ---