

ESSB 6617 - H AMD 2038

By Representative Fitzgibbon

ADOPTED 03/06/2020

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) Washington state is experiencing a housing affordability
6 crisis. Many communities across the state are in need of more housing
7 for renters, across the income spectrum. Accessory dwelling units are
8 frequently rented at below market rate, providing additional
9 affordable housing options for renters.

10 (b) Accessory dwelling units are often occupied by tenants who
11 pay no rent at all; among these tenants are grandparents, adult
12 children, family members with disabilities, friends going through
13 life transitions, and community members in need. Accessory dwelling
14 units meet the needs of these people who might otherwise require
15 scarce subsidized housing space and resources.

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

23 (d) Homeowners who add an accessory dwelling unit may benefit
24 from added income and an increased sense of security.

25 (e) Siting accessory dwelling units near transit hubs and near
26 public amenities can help to reduce greenhouse gas emissions by
27 increasing walkability, shortening household commutes, and limiting
28 sprawl.

29 (2) The legislature intends to promote and encourage the creation
30 of accessory dwelling units as a means to address the need for
31 additional affordable housing options.

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

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

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

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

11 (3) "City" means any city, code city, and town located in a
12 county planning under RCW 36.70A.040.

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

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

21 (6) "Major transit stop" means:

22 (a) A stop on a high capacity transportation system funded or
23 expanded under the provisions of chapter 81.104 RCW;

24 (b) Commuter rail stops;

25 (c) Stops on rail or fixed guideway systems, including
26 transitways;

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

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

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

34 (1) Cities must adopt or amend by ordinance, and incorporate into
35 their development regulations, zoning regulations, and other official
36 controls the requirements of section 4 of this act to take effect by
37 July 1, 2021.

38 (2) Beginning July 1, 2021, the requirements of section 4 of this
39 act:

1 (a) Apply and take effect in any city that has not adopted or
2 amended ordinances, regulations, or other official controls as
3 required under this section; and

4 (b) Supersede, preempt, and invalidate any local development
5 regulations that conflict with section 4 of this act.

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

8 (1) Except as provided in subsection (2) and (3) of this section,
9 through ordinances, development regulations, zoning regulations, and
10 other official controls as required under section 3 of this act,
11 cities may not require the provision of off-street parking for
12 accessory dwelling units within one-quarter mile of a major transit
13 stop.

14 (2) A city may require the provision of off-street parking for an
15 accessory dwelling unit located within one-quarter mile of a major
16 transit stop if the city has determined that the accessory dwelling
17 unit is in an area with a lack of access to street parking capacity,
18 physical space impediments, or other reasons supported by evidence
19 that would make on-street parking infeasible for the accessory
20 dwelling unit.

21 (3) A city that has adopted or substantively amended accessory
22 dwelling unit regulations within the four years previous to the
23 effective date of this section is not subject to the requirements of
24 this section.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A
26 RCW to read as follows:

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

30 Correct the title.

EFFECT: The striking amendment makes the following changes to the
Engrossed Substitute Senate Bill:

(1) Limits the scope of the bill to GMA-planning cities, and
provides that accessory dwelling unit (ADU) requirements do not apply
to counties;

(2) Limits the scope of ADU policies addressed by the bill to
parking-related policies, and amends the areas in which cities may
require off-street parking associated with the development of ADUs to
include areas that are at least one-quarter of a mile away from a

major transit stop, rather than one-half of a mile away from a major transit stop;

(3) Limits the types of bus and other fixed route service stops that qualify as major transit stops to those that are served every 15 minutes during peak hours of operation;

(4) Authorizes cities to require parking associated with an ADU located within one-quarter of a mile from a major transit stop if the city has determined that the ADU is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible;

(5) Eliminates the exemption from appeal under the State Environmental Policy Act (SEPA) for the adoption of specified ADU policies;

(6) Eliminates requirements for the adoption of ADU policies by cities that have adopted or substantively amended ADU policies within the previous four years; and

(7) Declares that nothing in the act modifies or limits any rights or interests legally recorded in the governing documents of condominium, homeowner, or common interest ownership associations.

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