

SENATE BILL REPORT

SB 6536

As Reported by Senate Committee On:
Housing Stability & Affordability, February 5, 2020

Title: An act relating to creating more housing options in traditionally single-family zones.

Brief Description: Creating more housing options in traditionally single-family zones.

Sponsors: Senators Das, Wilson, C. and Kuderer.

Brief History:

Committee Activity: Housing Stability & Affordability: 1/29/20, 2/05/20 [DPS, DNP].

Brief Summary of First Substitute Bill

- Requires counties planning under the Growth Management Act (GMA) and cities with a population of 15,000 or more within such counties to provide for the development of duplexes, triplexes, quadplexes, townhouses, and courtyard apartments in areas zoned for detached single-family residences and within one-half mile of a major transit stop.
- Requires counties planning under the GMA and cities with a population of 10,000 or more within such counties to provide for the development of duplexes in areas zoned for detached single-family residences.
- Clarifies that single-family residences may still be permitted under new zoning requirements.

SENATE COMMITTEE ON HOUSING STABILITY & AFFORDABILITY

Majority Report: That Substitute Senate Bill No. 6536 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kuderer, Chair; Das, Vice Chair; Darneille and Saldaña.

Minority Report: Do not pass.

Signed by Senators Zeiger, Ranking Member; Warnick.

Staff: Brandon Popovac (786-7465)

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.

Background: Growth Management Act. GMA is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous planning requirements for counties and cities obligated by mandate or choice to fully plan under the GMA, and a reduced number of directives for all other counties and cities. Twenty-eight of Washington's 39 counties, and the cities within those counties, are planning jurisdictions.

Urban Growth Areas. Counties fully planning under the GMA must designate urban growth areas (UGAs), within which urban growth must be encouraged, and outside of which growth may occur only if it is not urban in nature. Planning jurisdictions must include within their UGAs sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period.

Single-family Zoning. In 2019, the Legislature encouraged fully planning cities to take an array of specified planning actions to increase residential building capacity. Specified planning actions relating to areas zoned for single-family residences include:

- authorizing at least one duplex, triplex, or courtyard apartment on each parcel in one or more zoning districts that permit single-family residences;
- authorizing cluster zoning or lot size averaging in all zoning districts that permit single-family residences;
- authorizing attached accessory dwelling units on all parcels containing single-family homes and permit both attached and detached accessory dwelling units on all parcels containing single-family homes, within certain lot restrictions;
- adopting a form-based code in one or more zoning districts that permit residential uses; and
- authorizing a duplex on each corner lot within all zoning districts that permit single-family residences.

Summary of Bill (First Substitute): Counties planning under the GMA and cities with a population of 15,000 or more, on or after July 1, 2020, within such counties must provide by ordinance and incorporate into local development and zoning regulations and other official controls for the development of duplexes, triplexes, quadplexes, sixplexes, stacked flats, townhouses, and courtyard apartments in areas zoned for detached single-family residential use and within one-half mile of a transit stop. Transit stop is defined by reference as a stop on a high capacity transportation service; commuter rail stop; stop on rail or fixed guideway system, including transitway; stop on a bus rapid transit route that runs on high occupancy vehicle lanes; or stop for a bus or other transit mode providing fixed route service at intervals of at least 30 minutes during the peak hours of operation.

Counties planning under the GMA and cities with a population of 10,000 or more, on or after July 1, 2020, within such counties must provide by ordinance and incorporate into local development and zoning regulations and other official controls for the development of duplexes in areas zoned for detached single-family residential use.

Counties planning under the GMA and cities within such counties may not regulate the siting, design, parking, or other aspects of duplexes, triplexes, quadplexes, sixplexes, stacked flats, townhouses, or courtyard apartments in a way to discourage the development of higher-density housing options through unreasonable costs, fees, or delays.

Courtyard apartments are defined as five to twelve attached apartment units arranged in two or three sides of a central courtyard or lawn area.

Counties planning under the GMA and cities within such counties may continue to permit single-family residences.

The new zoning ordinance requirements:

- apply only in portions of cities and counties within UGAs;
- must apply and take effect July 1, 2021, for all counties fully planning under the GMA and cities with a population of at least 10,000 in such counties as of July 1, 2020, or 12 months after the Office of Financial Management (OFM) determines that a city in such county has reached a population of 15,000 or more, whichever is later; and
- supersede, preempt, and invalidate any conflicting development regulations of counties planning under the GMA and cities within such counties as of July 1, 2021, or 12 months after OFM determines that a city in such county has reached a population of 15,000 or more, whichever is later.

EFFECT OF CHANGES MADE BY HOUSING STABILITY & AFFORDABILITY COMMITTEE (First Substitute):

- Requires counties planning under the GMA and cities over 15,000 within such counties to provide by ordinance regulations that authorize the development of duplexes, triplexes, sixplexes, stacked flats, townhomes, and courtyard apartments in areas zoned for detached single-family residential use and within 0.5 miles of a major transit stop.
- Removes requirement for such counties and cities to provide by ordinance regulations that authorized the development of a triplex on each lot or parcel zoned for detached single-family residences.
- Requires counties planning under the GMA and cities over 10,000 within such counties to provide by ordinance regulations that authorize the development of duplexes in areas zoned for detached single-family residential use.
- Removes requirement that cities with a population of fewer than 15,000 within GMA planning counties to provide by ordinance regulations that authorize the development of a duplex on each lot or parcel zoned for detached single-family residential use, and the authority of such cities to provide for certain higher density housing options.
- Clarifies that the new zoning requirements apply within the urban growth areas of cities and counties.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Washington is experiencing a housing crisis across the state with our neighbors finding themselves without a place to live in large part due to the lack of available housing stock. The time to act is now to create more housing options in traditionally single-family zones. The exclusion of missing middle housing is rooted in inequity as a way to keep some families out of certain neighborhoods. The bill is also environmentally pragmatic by addressing rising carbon emissions as people are forced to drive further and further to both work and home. Missing middle housing types are more affordable than detached single-family dwelling homes because land costs can be shared equitably across several households.

Local control of housing development is not working and the simple evidence is our worsening statewide housing crisis. Other states are stepping up in similar fashion like Oregon this past year and numerous other states all recently passing or considering changing state laws setting new standards for housing. This bill would strike a balance between state and local control giving state guidelines for missing middle housing but also giving local governments lots of control through building height and setback requirements. Higher density for housing will improve public transit options and lower the carbon footprint. This bill will help create transit-ready neighborhoods and will help transform our high carbon neighborhoods. The range of missing middle housing types are compatible with existing neighborhoods and can be put into historic districts as infill without demolishing existing buildings. It is really important part the equity discussion that we not continue the redlining that has been happening in our communities for so many years. All four caucuses and the Governor have put affordable housing and access to housing as a priority that we can all work on together. Single-family housing alone, as well as building giant apartment complexes of 500 units alone, will not solve the problem.

The bill should only apply within cities and counties within the UGA boundary not just solely cities within the UGA. Clarification is needed if the bill applies to any underlying density or exemptions from density requirements; otherwise, there will be population projection problems. Current population thresholds are inconsistent since some cities in urban areas would be still be exempt from certain provisions.

CON: There are issues around population allocation density problems. Although the bill presents a simple fix, the planning regulations in place make this type of fix complicated. Solutions are to remove the UGA boundary completely and keep development in the cities, to exempt actions taken under the bill from consideration by the growth management hearings board as adding to the underlying density within a zone, or to provide a safe harbor clause for counties from GMA appeals, including actions taken in the future for later updates to comprehensive plans. Cities are going full speed on missing middle housing. Seventeen cities have just received grants from the state to pursue these same policies within the last couple of months. All that work would be superseded and tossed aside Approximately 57 cities already allow some form of missing middle housing in single family zones. Because development could increase by six times on a single-family lot some affordability requirements should be added to the bill. Most cities want to bring in a mix of housing but the bill does not provide much flexibility. Missing middle housing does not target those individuals who could not afford rents at \$1,000 per month. Some cities have already adopted new regulations that support multifamily housing after seeking local input from

affected neighborhoods. State mandates are strongly opposed since it cuts out the feedback and input from the local community.

Persons Testifying: PRO: Senator Mona Das, Prime Sponsor; Alex Hur, Master Builders Association of King and Snohomish Counties; Calvin Jones, President, Tech 4 Housing; Laura Loe Bernstein, citizen; Bryce Yadon, Futurewise; Holly Davies, citizen; Dani Madrone, citizen; Brian Wilcock, citizen; Chris Van Daalen, citizen; Alice Lockhart, 350 Seattle; Dan Bertolet, Sightline Institute.

CON: Doug Levy, Cities of Renton, Lake Stevens, Fife; Linda Thompson, Spokane Valley City Councilmember; Phyllis Booth, citizen; Carl Schroeder, Association of Washington Cities; Paul Jewell, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: No one.