
SUBSTITUTE HOUSE BILL 1797

State of Washington

66th Legislature

2019 Regular Session

By House Local Government (originally sponsored by Representatives Gregerson, Barkis, Ryu, Peterson, Orwall, Stokesbary, Doglio, Macri, Davis, Jinkins, Lekanoff, Fitzgibbon, Young, Frame, and Goodman)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to local governments planning and zoning for
2 accessory dwelling units; amending RCW 35.63.210, 35A.63.230,
3 36.70.677, and 36.70A.400; adding a new section to chapter 19.27 RCW;
4 adding a new chapter to Title 36 RCW; and repealing RCW 43.63A.215.

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

6 NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The legislature
7 makes the following findings:

8 (a) Washington state is experiencing a housing affordability
9 crisis. Many communities across the state are in need of more housing
10 options for renters.

11 (b) Accessory dwelling units typically rent below market rate,
12 providing additional affordable housing options for renters.

13 (c) Accessory dwelling units also help to provide housing for
14 very low-income households. More than ten percent of accessory
15 dwelling units in some areas are occupied by tenants who pay no rent
16 at all; among these tenants are grandparents, adult children, family
17 members with disabilities, and friends going through life
18 transitions. Accessory dwelling units meet the needs of these people
19 who might otherwise require subsidized housing space and resources
20 needed by other households.

1 (d) Homeowners who add an accessory dwelling unit to her or his
2 property may benefit from added income and an increased sense of
3 security.

4 (e) Accessory dwelling units can also benefit neighborhoods by
5 expanding rental options near public amenities such as schools,
6 parks, and transit without changing the look and feel of existing
7 neighborhoods.

8 (f) Accessory dwelling units may reduce economic displacement in
9 existing communities by expanding the range of available housing
10 options and prices.

11 (g) Accessory dwelling units are a housing choice that provides
12 environmental benefits. They promote energy conservation compared
13 with average size single-family homes. In addition, the siting of
14 additional accessory dwelling units near transit hubs can help to
15 reduce greenhouse gas emissions.

16 (h) Removing certain regulatory barriers to the construction of
17 accessory dwelling units, such as inflexible design standards and
18 siting restrictions, may substantially reduce construction costs,
19 thereby enabling more homeowners to add accessory dwelling units to
20 their properties. The increased availability of accessory dwelling
21 units will provide benefits to homeowners, renters, the community,
22 and the environment.

23 (2) The legislature intends to promote and encourage the creation
24 of accessory dwelling units as a means to address the need for
25 additional affordable housing options. The legislature encourages
26 local governments to increase the availability of affordable housing
27 by subsidizing accessory dwelling units with local sales tax revenue,
28 as authorized by House Bill No. 1406.

29 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
30 section apply throughout this chapter unless the context clearly
31 requires otherwise.

32 (1) "Accessory dwelling unit" means a dwelling unit located on
33 the same lot as a single-family housing unit.

34 (2) "Attached accessory dwelling unit" means an accessory
35 dwelling unit located within or attached to a single-family housing
36 unit.

37 (3) "Detached accessory dwelling unit" means an accessory
38 dwelling unit that consists partly or entirely of a building that is
39 separate and detached from a single-family housing unit.

1 (4) " Dwelling unit " means a residential living unit that provides
2 complete independent living facilities for one or more persons and
3 that includes permanent provisions for living, sleeping, eating,
4 cooking, and sanitation.

5 (5) " Cities " means all cities, code cities, and towns with a
6 population of ten thousand or more, and cities with a population of
7 two thousand five hundred or more in which any portion of the city
8 lies within a transit service district.

9 (6) " Counties " means all counties with a population of fifteen
10 thousand or more.

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

14 NEW SECTION. **Sec. 3.** ACCESSORY DWELLING UNIT REGULATIONS
15 REQUIRED. (1) Cities and counties may adopt or amend by ordinance and
16 incorporate into their development regulations, zoning regulations,
17 and other official controls, an authorization for the creation of
18 accessory dwelling units.

19 (2) Ordinances, development regulations, and other official
20 controls adopted or amended pursuant to this chapter may only apply
21 in the portions of counties that are within designated urban growth
22 areas.

23 (3) Counties will be held harmless from growth management act and
24 state environmental policy act related appeals when taking action
25 necessary to meet the requirements of this act.

26 NEW SECTION. **Sec. 4.** GENERAL REGULATORY REQUIREMENTS.
27 Ordinances, development regulations, and other official controls
28 adopted or amended as required by this chapter:

29 (1) May allow, on all lots on which there is a single-family
30 housing unit, the first of either an attached accessory dwelling unit
31 and one detached accessory dwelling unit. To allow local flexibility,
32 this requirement shall be subject to such regulations, conditions,
33 procedures, and limitations as determined by the local legislative
34 authority except as provided in this section;

35 (2) May only require installation of a new or separate utility
36 connection between an attached accessory dwelling unit and a utility
37 after finding that site-specific technical, environmental, or

1 financial considerations warrant separation of utility connections
2 for accessory dwellings from preexisting structures;

3 (3) Are encouraged not to consider attached accessory dwelling
4 units to be new residential uses for the purpose of calculating
5 connection fees or capacity charges for utilities. Any connection
6 fees or system development charges must: (a) Be proportionate to the
7 burden of the proposed accessory dwelling unit upon the water or
8 sewer system; and (b) not exceed the reasonable cost of providing the
9 service;

10 (4) May require a new or separate utility connection directly
11 between a detached accessory dwelling unit and a utility and may
12 subject the connection to a connection fee or capacity charge that
13 must: (a) Be proportionate to the burden of the proposed accessory
14 dwelling unit upon the water or sewer system; and (b) not exceed the
15 reasonable cost of providing the service;

16 (5) Are encouraged not to count residents of accessory dwelling
17 units against any limits on the number of unrelated residents on a
18 single-family lot;

19 (6) Are encouraged not to count the gross floor area of an
20 accessory dwelling unit against any floor area ratio limitations that
21 apply to single-family housing units;

22 (7) Cities with a population of one hundred thousand or more, are
23 encouraged not to require the owner of a lot on which there is an
24 accessory dwelling unit to reside in or occupy the accessory dwelling
25 unit or another housing unit on the same lot; and

26 (8) May require an accessory dwelling unit to be accessible to
27 fire department apparatus by way of a public street or approved fire
28 apparatus access.

29 NEW SECTION. **Sec. 5.** DEVELOPMENT STANDARDS. Ordinances,
30 development regulations, and other official controls adopted or
31 amended as required by this chapter should look to minimize the
32 impact of these regulations on the construction cost of an accessory
33 dwelling unit, and without adopted findings:

34 (1) Should not establish a root height limitation on detached
35 accessory dwelling units that is less than twenty-four feet;

36 (2) Should not establish a wall height limitation on detached
37 accessory dwelling units that is less than seventeen feet;

38 (3) Should not establish a maximum gross floor area for accessory
39 dwelling units that is less than one thousand square feet;

1 (4) Should not establish a minimum gross floor area for accessory
2 dwelling units that is greater than one hundred forty square feet;

3 (5) Should not establish setback regulations for accessory
4 dwelling units that are more restrictive than regulations for single-
5 family housing units;

6 (6) The legislature encourages cities to allow detached accessory
7 dwelling units to be sited at the lot line of the rear yard if the
8 rear yard is adjacent to an alley;

9 (7) Should not establish a requirement for the provision of off-
10 street parking for accessory dwelling units within one-half mile of a
11 fixed guideway transit stop;

12 (8)(a) Local ordinances may establish a requirement for the
13 provision of one parking space per accessory dwelling unit for any
14 accessory dwelling unit that will be used as a short-term rental.

15 (b)(i) For the purposes of this section, "short-term rental"
16 means a lodging use, that is not a hotel or motel or bed and
17 breakfast, in which a dwelling unit, or portion thereof, is offered
18 or provided to a guest by a short-term rental operator for a fee for
19 fewer than thirty consecutive nights.

20 (ii) "Short-term rental" does not include any of the following:

21 (A) A dwelling unit that is occupied by the owner for at least
22 six months during the calendar year and in which fewer than three
23 rooms are rented at any time;

24 (B) A dwelling unit, or portion thereof, that is used by the same
25 person for thirty or more consecutive nights; or

26 (C) A dwelling unit, or portion thereof, that is operated by an
27 organization or government entity that is registered as a charitable
28 organization with the secretary of state, state of Washington, or
29 classified by the federal internal revenue service as a public
30 charity or a private foundation, and provides temporary housing to
31 individuals who are being treated for trauma, injury, or disease, or
32 their family members;

33 (9) May exempt designated historical districts that have been
34 recognized as such under local ordinance.

35 NEW SECTION. **Sec. 6.** A new section is added to chapter 19.27
36 RCW to read as follows:

37 By April 1, 2020, the building code council shall adopt rules
38 pertaining to accessory dwelling units that are consistent with the

1 definitions and standards in chapter 36.--- RCW (the new chapter
2 created in section 12 of this act).

3 **Sec. 7.** RCW 35.63.210 and 1993 c 478 s 8 are each amended to
4 read as follows:

5 Any (~~local government~~) city or county, as defined in ((RCW
6 ~~43.63A.215~~)) section 2 of this act, that is planning under this
7 chapter shall comply with ((RCW ~~43.63A.215(3)~~)) chapter 36.--- RCW
8 (the new chapter created in section 12 of this act).

9 **Sec. 8.** RCW 35A.63.230 and 1993 c 478 s 9 are each amended to
10 read as follows:

11 Any (~~local government~~) city or county, as defined in ((RCW
12 ~~43.63A.215~~)) section 2 of this act, that is planning under this
13 chapter shall comply with ((RCW ~~43.63A.215(3)~~)) chapter 36.--- RCW
14 (the new chapter created in section 12 of this act).

15 **Sec. 9.** RCW 36.70.677 and 1993 c 478 s 10 are each amended to
16 read as follows:

17 Any (~~local government~~) city or county, as defined in ((RCW
18 ~~43.63A.215~~)) section 2 of this act, that is planning under this
19 chapter shall comply with ((RCW ~~43.63A.215(3)~~)) chapter 36.--- RCW
20 (the new chapter created in section 12 of this act).

21 **Sec. 10.** RCW 36.70A.400 and 1993 c 478 s 11 are each amended to
22 read as follows:

23 Any (~~local government~~) city or county, as defined in ((RCW
24 ~~43.63A.215~~)) section 2 of this act, that is planning under this
25 chapter shall comply with ((RCW ~~43.63A.215(3)~~)) chapter 36.--- RCW
26 (the new chapter created in section 12 of this act).

27 NEW SECTION. **Sec. 11.** RCW 43.63A.215 (Accessory apartments—
28 Development and placement—Local governments) and 1993 c 478 s 7 are
29 each repealed.

30 NEW SECTION. **Sec. 12.** Sections 1 through 5 of this act
31 constitute a new chapter in Title 36 RCW.

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