

# FINAL BILL REPORT

## E2SHB 1220

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### PARTIAL VETO

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Synopsis as Enacted

**Brief Description:** Supporting emergency shelters and housing through local planning and development regulations.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Peterson, Macri, Bateman, Ryu, Lekanoff, Fitzgibbon, Kloba, Davis, Lovick, Santos, Ortiz-Self, Simmons, Berg, Hackney, Chopp, Tharinger and Frame).

**House Committee on Local Government**

**House Committee on Appropriations**

**Senate Committee on Housing & Local Government**

**Senate Committee on Ways & Means**

### **Background:**

#### Growth Management Act.

The Growth Management Act (GMA) is the state's comprehensive land use planning framework for counties and cities. The GMA establishes land use designation and environmental protection requirements for all Washington counties and cities, and a significantly wider array of planning duties for counties and the cities within that are obligated by population-based criteria or choice to satisfy all planning requirements of the GMA.

Counties that fully plan under the GMA are required to designate urban growth areas (UGAs) within their boundaries sufficient to accommodate a planned 20-year population projection range provided by the Office of Financial Management. Each city located within a planning county must be included within a UGA. Urban growth must be encouraged within the UGAs, and only growth that is not urban in nature can occur outside of the UGAs. Each UGA must permit urban densities and include greenbelt and open space areas.

#### Comprehensive Plans.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Jurisdictions that fully plan under the GMA must adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must include specific planning elements, each of which is a subset of a comprehensive plan, and must be implemented through locally adopted development regulations that conform to the plan.

The GMA also establishes 14 goals in a non-prioritized list to guide the development of comprehensive plans and development regulations of counties and cities that plan under the GMA. Examples include urban growth, housing, and economic development goals.

#### Mandatory Housing Element.

Comprehensive plans must include a housing element that ensures the vitality and character of established residential neighborhoods. The housing element must include the following:

- an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth;
- a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single family residences;
- identification of sufficient land for housing that includes government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and
- adequate provisions for existing and projected needs of all economic segments of the community.

#### Adopted Moratoria and Interim Official Controls.

Growth Management Act jurisdictions that adopt a moratorium or interim zoning map, ordinance, or other official control without holding a public hearing on the proposed moratorium or interim official control must hold a public hearing on the proposed moratorium or interim official control with 60 days of adoption, regardless of any received recommendations from the planning commission or the Department of Commerce (Commerce). Any moratorium or interim official control adopted is effective for no more than six months, or up to one year if a certain work plan is developed, but may be renewed for one or more six-month periods if a public hearing is held and findings of fact are made before renewal. Designations for critical areas, agricultural lands, forestlands, and mineral resource lands before such actions are taken in a comprehensive plan with development regulations adopted are exempt from such requirements if a public hearing is held on such proposed actions.

#### Local Planning for Accessory Dwelling Units.

Certain units of local government, including counties planning under the GMA, counties with a population over 125,000, and cities with a population over 20,000, are required to adopt ordinances encouraging the development of accessory dwelling units (ADUs) in single-family zones. The ordinances must incorporate in their development regulations, zoning regulations, or official controls model ordinance recommendations prepared by

Commerce. The recommendations include standards and criteria regarding size, parking, design, and quantity of ADUs.

By July 1, 2021, any city within a county planning under the GMA that has not adopted or substantively amended its ADU regulations within the previous four years must adopt or amend ordinances, regulations, or other official controls that do not require the provision of off-street parking for ADUs within 0.25 mile of a major transit stop, with exceptions.

### **Summary:**

The housing goal guiding the development of comprehensive plans and development regulations for GMA jurisdictions is updated to provide that jurisdictions plan for and accommodate, rather than encourage the availability of, affordable housing.

Commerce is required to provide the inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth as required in the housing element of the comprehensive plan, including units for moderate, low, very low, and extremely low-income households as well as emergency housing, emergency shelters, and permanent supportive housing.

The housing element of the comprehensive plan is updated to require jurisdictions to do the following:

- include, within the UGA boundary, moderate density housing options in addition to single-family residences in the housing element statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing;
- identify sufficient land and zoning capacities for housing including moderate, low, very low, and extremely low-income households; emergency housing, emergency shelters, and permanent supportive housing; and within the UGA boundary, consideration of duplexes, triplexes, and townhomes;
- when making adequate provisions for existing and projected needs of all economic segments of the community:
  - incorporate special consideration for low, very low, extremely low, and moderate-income households;
  - document programs and actions needed to achieve housing availability, including gaps in local funding, barriers such as development regulations, and other limitations;
  - consider housing locations in relation to employment location; and
  - consider the role of accessory dwelling units in meeting housing needs;
- identify local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing;
- identify and implement policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing;
- identify areas at higher risk of displacement from market forces that occur with

- changes to zoning development regulations and capital investments; and
- establish anti-displacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

Cities may not prohibit transitional housing or permanent supportive housing in any zones where residential dwelling units or hotels are allowed. Beginning September 30, 2021, cities may not prohibit indoor emergency shelters and indoor emergency housing in any zones where hotels are allowed, except for cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a 1-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters for public health and safety purposes, but such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, or indoor emergency housing or shelters necessary to accommodate the need for such housing and shelter as provided by Commerce under comprehensive plan housing element requirements.

Any city ordinances or development regulations prohibiting building permit applications for or the construction of transitional housing or permanent supportive housing in any zones where residential dwelling units or hotels are allowed, or prohibiting such applications for or the construction of indoor emergency shelters and housing in any zones where hotels are allowed, are exempt from public hearing and other requirements applicable to adopted moratoria or interim zoning controls under the GMA.

Cities and counties must consider policies encouraging the construction of ADUs as a way to meet affordable housing goals. Policies may include:

- prohibiting owner-occupancy requirements;
- requiring the owner not to use the ADU for short-term rentals;
- prohibiting counting of ADU residents toward the number of unrelated residents on the lot;
- prohibiting minimum gross floor area requirements exceeding building codes;
- prohibiting maximum gross floor area requirements of certain dimensions;
- requiring the same ADU allowances regarding roof decks, balconies, and porches as for the principal unit;
- requiring certain abutting lot setbacks;
- requiring an amnesty program for owners with unpermitted ADUs to obtain permits;
- authorizing detached ADUs, ADUs on lots meeting minimum lot size, and ADUs on lots with nonconforming principal units, if the ADU would not increase the nonconformity;

- authorizing ADUs to be converted from existing structures even if in violation of current setback or lot coverage requirements;
- prohibiting public street improvements as a requisite to permitting ADUs; and
- authorizing new or separate utility connection requirements between the ADU and utility when necessary to be consistent with certain requirements, plans, or policies.

**Votes on Final Passage:**

House	57	39	
Senate	25	24	(Senate amended)
House	57	40	(House concurred)

**Effective:** July 25, 2021

**Partial Veto Summary:** The Governor vetoed the section that directs cities and counties to consider policies encouraging the construction of accessory dwelling units as a way to meet affordable housing goals and which provides examples of such policies.