

# HOUSE BILL REPORT

## HB 1711

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**As Reported by House Committee On:**  
Local Government

**Title:** An act relating to accessory dwelling units.

**Brief Description:** Concerning accessory dwelling units.

**Sponsors:** Representatives Pollet, Shewmake, Ryu, Taylor, Bateman, Duerr, Wicks, Valdez, Goodman, Ramel, Bergquist and Kloba.

**Brief History:**

**Committee Activity:**

Local Government: 1/12/22, 1/21/22 [DP].

**Brief Summary of Bill**

- Allows cities and counties to offer incentives for the development of accessory dwelling units, including the waiver of fees, deferral of taxes, or waiver of regulations, as long as the accessory dwelling units are subject to binding commitments that they will not regularly be offered for short term rental and there is a program to audit compliance with the commitments.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass. Signed by 4 members: Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

**Minority Report:** Without recommendation. Signed by 3 members: Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Robertson.

**Staff:** Kellen Wright (786-7134).

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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.*

**Background:**

An accessory dwelling unit (ADU) is a residential living unit providing independent living facilities and permanent provisions for sleeping, cooking, sanitation, and living on the same lot as a single-family house or other housing unit. As of July 1, 2021, cities are prohibited from requiring the provision of off-street parking for ADUs within a quarter mile of a high capacity transportation system stop, a rail stop, or certain bus stops, unless the city updated its regulations related to ADUs between June 1, 2016, and June 11, 2020, or the city determines that on-street parking is infeasible for the ADU.

Cities with more than 20,000 people and counties with more than 125,000 people, or that are required to plan under the Growth Management Act, are required to incorporate in their development and zoning regulations recommendations made by the then Department of Community, Trade, and Economic Development for encouraging the development of accessory apartments in 1993. These recommendations may be subject to regulations, conditions, and limitations as determined by the local government.

The ADUs may be subject to various local development regulations, potentially including, among other things, maximum floor space limits, lot setback requirements, and roof height limits.

Impact fees are assessed by a local government on a new development to help pay for the increased services that will be required because of that development. Other fees on development may include permit fees and plan review fees.

A short-term rental is a lodging use, outside of a hotel, motel, or bed and breakfast, in which a room is offered for a fee for fewer than 30 consecutive nights.

Real property subject to property taxes includes the land itself, as well as all structures on the land.

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**Summary of Bill:**

Cities and counties may offer incentives for the development or construction of ADUs, including by waiving or deferring fees, including impact fees, deferring the payment of taxes, or waiving specific regulations. Such incentives may only be offered if the ADUs are subject to binding commitments that the units will not regularly be offered for short term rental and the local government has a program to audit compliance with the commitments.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The permissive nature of the bill is appreciated, as it allows local governments to make their own decisions. This bill offers flexibility in the way that accessory dwelling unit construction is supported. There aren't many tools for counties to address this issue, so the abilities offered in this bill would be appreciated. There should be clarification that accessory dwelling units don't add to density in underlying zones. Communities have already worked to develop regulations tailored to the community, and tools rather than requirements are appreciated. The incentive-based approach is a good one, but lawmakers should be sure that this isn't just giving local governments authority they already have.

(Opposed) None.

(Other) The biggest barrier to housing is the cost of housing. People at the lower end of the income spectrum can't afford to spend so much of their income on housing. Accessory dwelling units can be provided more cheaply, and can be a way for some to enter into home ownership. Often, accessory dwelling units are more acceptable in neighborhoods than other increased density options. The Legislature should develop a single accessory dwelling unit bill. This bill should provide support for cities to adopt regulations and disincentives for use of accessory dwelling units as short-term rentals.

**Persons Testifying:** (In support) Representative Gerry Pollet, prime sponsor; Paul Jewell, Washington State Association of Counties; and Carl Schroeder, Association of Washington Cities.

(Other) Cynthia Stewart, League of Women Voters of Washington.

**Persons Signed In To Testify But Not Testifying:** None.