

SENATE BILL REPORT

SB 5648

As of January 25, 2022

Title: An act relating to accessory dwelling units.

Brief Description: Concerning accessory dwelling units.

Sponsors: Senators Liias, Gildon, Das, Kuderer, Nguyen, Saldaña and Stanford.

Brief History:

Committee Activity: Housing & Local Government: 1/25/22.

Brief Summary of Bill

- Prohibits local jurisdictions from imposing an owner-occupancy requirement on lots with an accessory dwelling unit unless the accessory dwelling unit is being used for short-term rental.

SENATE COMMITTEE ON HOUSING & LOCAL GOVERNMENT

Staff: Brandon Popovac (786-7465)

Background: Any county fully planning under the Growth Management Act (GMA) or with a population of over 125,000, and any city with a population of over 20,000, must have accessory dwelling unit (ADU) provisions incorporated in their development regulations, zoning regulations, or official controls. These provisions must be consistent with a 1993 report from the Department of Community, Trade, and Economic Development that provided recommendations to encourage the development and placement of ADUs in areas zoned for single-family residential use. Local communities have some flexibility to adapt these recommendations to local needs and preferences.

As of July 1, 2021, fully planning cities under the GMA may not require the provision of off-street parking for ADUs within a quarter mile of a major transit stop, such as a high capacity transportation system stop, a rail stop, or certain bus stops, unless the city

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determines that on-street parking is infeasible for the ADU.

An 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 home, duplex, triplex, townhome, or other housing unit. 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.

Summary of Bill: As of July 1, 2024, any fully planning county or city under the GMA may not impose or enforce an owner-occupancy requirement on any housing unit on a lot containing an ADU, unless the ADU is being offered for short-term rental. If such a county or city amended or updated its comprehensive plan regulations relating to ADUs after July 1, 2021, the deadline is extended to the county or city's next comprehensive plan update. After the applicable deadline has passed, the prohibition on imposing an owner-occupancy requirement on lots with ADUs takes effect in any city or county that has failed to take action as required.

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: PRO: The bill advances policies from similar ADU legislation that was vetoed last session, specifically eliminating arbitrary rules on ADUs across the state. ADUs are an efficient method to get housing on the ground as quickly as possible. ADUs offer a necessary housing option for all owner types of all incomes. ADUs feature in many non-profit housing provider projects. ADUs also address the racial homeownership gap. Removing ADU restrictions can improve housing affordability by offering a wider range of choices. An owner-occupancy requirement with ADUs is unnecessary. The implementation timeline of the bill's ADU policy lines up with current comprehensive plan updates, which will save on local costs.

OTHER: ADU owner-occupancy provisions already exist in other cities, but some impose additional conditions, waivers, and exceptions, including waiver of certain impact and hookup fees or requiring an affordability component. Similar amendments adopted last session should also be included. The bill would increase density outside of the urban core, and could result in higher vehicle-centric density. There is no documented significant addition of housing in cities with ADU policies. Instead, zoning policies should be changed to allow more multifamily housing, especially near transit. The bill should be amended requiring the ADU and main home on the lot to be rented at affordable rates. An alternative implementation date is needed for cities in counties that are updating comprehensive plans

by 2024. The definition of short-term rental should be more flexible or left to local control.

Persons Testifying: PRO: Senator Marko Liias, Prime Sponsor; Ryan Donohue, Habitat for Humanity Seattle-King & Kittitas Counties; Bryce Yadon, Futurewise.

OTHER: Doug Levy, Outcomes By Levy, LLC-City of Renton; Mary Lou Pauly, Mayor, City of Issaquah; Briahna Murray, Contract Lobbyist for Cities of Redmond and Bellevue.

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