
SUBSTITUTE HOUSE BILL 1298

State of Washington

67th Legislature

2021 Regular Session

By House Local Government (originally sponsored by Representatives Vick, Springer, Robertson, Chapman, Chambers, Barkis, and Shewmake)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to regulation of accessory dwelling units located
2 outside of urban growth areas; amending RCW 36.70A.697; and creating
3 a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that in 2020, the
6 legislature enacted ESSB 6617 (sections 1 through 5, chapter 217,
7 Laws of 2020), to encourage the construction of accessory dwelling
8 units in cities. In passing this law, the legislature found that
9 "Washington state is experiencing a housing affordability crisis.
10 Many communities across the state are in need of more housing for
11 renters, across the income spectrum. Accessory dwelling units are
12 frequently rented at below market rate, providing additional
13 affordable housing options for renters," and that "accessory dwelling
14 units are often occupied by tenants who pay no rent at all; among
15 these tenants are grandparents, adult children, family members with
16 disabilities, friends going through life transitions, and community
17 members in need. Accessory dwelling units meet the needs of these
18 people who might otherwise require scarce subsidized housing space
19 and resources." The legislature further intended "to promote and
20 encourage the creation of accessory dwelling units as a means to
21 address the need for additional affordable housing options."

1 The legislature finds that these legislative findings also apply
2 to the need for accessory dwelling units in rural areas, and that
3 specific limitations are necessary to balance creating additional
4 housing supply with preserving rural character.

5 Consistent with the legislative findings that accessory dwelling
6 units should address the need for additional affordable housing
7 options, it is the intent of the legislature that local jurisdictions
8 may restrict accessory dwelling units or the primary residence
9 associated with such accessory dwelling units from being offered for
10 short-term rental in order to increase the supply of affordable
11 housing. The legislature further intends that local jurisdictions may
12 add other requirements for accessory dwelling units in addition to
13 the requirements of this act.

14 **Sec. 2.** RCW 36.70A.697 and 2020 c 217 s 3 are each amended to
15 read as follows:

16 (1) Cities must adopt or amend by ordinance, and incorporate into
17 their development regulations, zoning regulations, and other official
18 controls the requirements of RCW 36.70A.698 to take effect by July 1,
19 2021.

20 (2) Beginning July 1, 2021, the requirements of RCW 36.70A.698:

21 (a) Apply and take effect in any city that has not adopted or
22 amended ordinances, regulations, or other official controls as
23 required under this section; and

24 (b) Supersede, preempt, and invalidate any local development
25 regulations that conflict with RCW 36.70A.698.

26 (3) Detached accessory dwelling units located outside of urban
27 growth areas will not be included in the calculation of housing
28 density in that area, if such detached accessory dwelling units are
29 subject to local development regulations that impose the following
30 limitations:

31 (a) No parcel shall have more than one detached accessory
32 dwelling unit;

33 (b) The location, size, and appearance of detached accessory
34 dwelling units shall be consistent with rural character and shall not
35 interfere with any agricultural or other natural resource use of the
36 property;

37 (c) Detached accessory dwelling units shall be located in close
38 proximity to the primary dwelling unit; and

1 (d) The square footage of a detached accessory dwelling unit
2 shall not exceed 50 percent of the square footage of the primary
3 dwelling unit.

4 (4) Accessory dwelling units located outside urban growth areas
5 pursuant to subsection (3) of this section are excluded from the
6 calculation of housing density solely for purposes of determining if
7 an area is rural. The accessory dwelling units and their residents
8 shall be included for all other planning purposes including traffic,
9 stormwater, public safety, and other services.

10 (5) Jurisdictions that authorize accessory dwelling units outside
11 of urban growth areas pursuant to subsection (3) of this section must
12 meter water utilized from any private well or source other than a
13 public water system for those accessory dwelling units and report the
14 water use data to the county. Jurisdictions must make the water use
15 data available upon request to the department of ecology, the
16 department of fish and wildlife, and any tribe with reserved rights
17 relating to the watershed in which the accessory dwelling unit is
18 located, and must utilize such data in land use, growth management,
19 critical areas, and watershed planning.

20 (6) This act does not apply to detached accessory dwelling units
21 in existence as of the effective date of this section.

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