
ENGROSSED SUBSTITUTE SENATE BILL 5235

State of Washington

67th Legislature

2021 Regular Session

By Senate Housing & Local Government (originally sponsored by Senators Lias, Das, Nguyen, Nobles, Saldaña, and Wilson, C.)

READ FIRST TIME 02/05/21.

1 AN ACT Relating to increasing housing unit inventory by removing
2 arbitrary limits on housing options; amending RCW 36.70A.696,
3 36.70A.697, and 36.70A.698; adding a new section to chapter 35.21
4 RCW; adding a new section to chapter 35A.21 RCW; adding a new section
5 to chapter 36.01 RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that housing
8 disparities and insecurity exist in the state of Washington and local
9 zoning laws have often exacerbated the ability for every
10 Washingtonian to obtain an affordable and safe place to live. The
11 legislature recognizes that these arbitrary limits disproportionately
12 impact historically and currently marginalized communities, and have
13 contributed to widespread discrimination in the housing market. The
14 legislature finds that it is necessary to remove these barriers to
15 better reflect and meet the needs of Washingtonians and the housing
16 market, so that all Washingtonians can attain housing stability and
17 security. It is the intent of the legislature with this act to remove
18 barriers and limitations on both the use and occupancy of accessory
19 dwelling units and the number of unrelated occupants living together.

1 **Sec. 2.** RCW 36.70A.696 and 2020 c 217 s 2 are each amended to
2 read as follows:

3 The definitions in this section apply throughout RCW 36.70A.697
4 and 36.70A.698 unless the context clearly requires otherwise.

5 (1) "Accessory dwelling unit" means a dwelling unit located on
6 the same lot as a single-family housing unit, duplex, triplex,
7 townhome, or other housing unit.

8 (2) "Attached accessory dwelling unit" means an accessory
9 dwelling unit located within or attached to a single-family housing
10 unit, duplex, triplex, townhome, or other housing unit.

11 (3) "City" means any city, code city, and town located in a
12 county planning under RCW 36.70A.040.

13 (4) "County" means any county planning under RCW 36.70A.040.

14 (5) "Detached accessory dwelling unit" means an accessory
15 dwelling unit that consists partly or entirely of a building that is
16 separate and detached from a single-family housing unit, duplex,
17 triplex, townhome, or other housing unit.

18 (~~(5)~~) (6) "Dwelling unit" means a residential living unit that
19 provides complete independent living facilities for one or more
20 persons and that includes permanent provisions for living, sleeping,
21 eating, cooking, and sanitation.

22 (~~(6)~~) (7) "Major transit stop" means:

23 (a) A stop on a high capacity transportation system funded or
24 expanded under the provisions of chapter 81.104 RCW;

25 (b) Commuter rail stops;

26 (c) Stops on rail or fixed guideway systems, including
27 transitways;

28 (d) Stops on bus rapid transit routes or routes that run on high
29 occupancy vehicle lanes; or

30 (e) Stops for a bus or other transit mode providing fixed route
31 service at intervals of at least fifteen minutes during the peak
32 hours of operation.

33 (8) "Nonprofit entity" means any entity that is exempt from
34 income tax under section 501(c) of the federal internal revenue code.

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

37 (1) (a) Cities must adopt or amend by ordinance, and incorporate
38 into their development regulations, zoning regulations, and other

1 official controls the requirements of RCW 36.70A.698(1) to take
2 effect by July 1, 2021.

3 (b) (i) For any housing subdivision permitted after the effective
4 date of this section, cities and counties must adopt or amend by
5 ordinance, and incorporate into their development regulations, zoning
6 regulations, and other official controls the requirements of RCW
7 36.70A.698(2) to take effect by July 1, 2022.

8 (ii) For any housing subdivision subject to owner-occupancy
9 regulations in existence as of the effective date of this section or
10 any new construction within a housing subdivision in existence as of
11 the effective date of this section, cities and counties must adopt or
12 amend by ordinance, and incorporate into their development
13 regulations, zoning regulations, and other official controls the
14 requirements of RCW 36.70A.698(2) to take effect by July 1, 2024.

15 (iii) For any housing subdivision within a residential zoning
16 designation of R-8 or higher and subject to owner-occupancy
17 regulations in existence as of the effective date of this section,
18 cities and counties must adopt or amend by ordinance, and incorporate
19 into their development regulations, zoning regulations, and other
20 official controls the requirements of RCW 36.70A.698(2) to take
21 effect by July 1, 2025.

22 (2) (a) Beginning July 1, 2021, the requirements of RCW
23 36.70A.698(1):

24 (~~(a)~~) (i) Apply and take effect in any city that has not
25 adopted or amended ordinances, regulations, or other official
26 controls as required under this section; and

27 (~~(b)~~) (ii) Supersede, preempt, and invalidate any local
28 development regulations that conflict with RCW 36.70A.698(1).

29 (b) Pursuant to and in accordance with the applicable deadlines
30 under subsection (1)(b) of this section, the requirements of RCW
31 36.70A.698(2):

32 (i) Apply and take effect in any city or county that has not
33 adopted or amended ordinances, regulations, or other official
34 controls as required under this section; and

35 (ii) Supersede, preempt, and invalidate any local development
36 regulations that conflict with RCW 36.70A.698(2).

37 **Sec. 4.** RCW 36.70A.698 and 2020 c 217 s 4 are each amended to
38 read as follows:

1 (1) (a) Except as provided in (~~(subsection[s] (2) and (3) of this~~
2 ~~section))~~ (b) and (c) of this subsection, through ordinances,
3 development regulations, zoning regulations, and other official
4 controls as required under RCW 36.70A.697 (1) (a), cities may not
5 require the provision of off-street parking for accessory dwelling
6 units within one-quarter mile of a major transit stop.

7 (~~(2)~~) (b) A city may require the provision of off-street
8 parking for an accessory dwelling unit located within one-quarter
9 mile of a major transit stop if the city has determined that the
10 accessory dwelling unit is in an area with a lack of access to street
11 parking capacity, physical space impediments, or other reasons
12 supported by evidence that would make on-street parking infeasible
13 for the accessory dwelling unit.

14 (~~(3)~~) (c) A city that has adopted or substantively amended
15 accessory dwelling unit regulations within the four years previous to
16 June 11, 2020, is not subject to the requirements of this section.

17 (2) Through ordinances, development regulations, and other
18 official controls adopted or amended as required under RCW
19 36.70A.697(1) (b), cities and counties may not prohibit any housing
20 unit on the same lot as an accessory dwelling unit from being
21 primarily renter occupied unless the owner of the lot owns more than
22 five accessory dwelling units within the same city or county. This
23 exception for an owner who owns more than five accessory dwelling
24 units within the same city or county does not apply to accessory
25 dwelling units owned by a nonprofit entity.

26 NEW SECTION. Sec. 5. A new section is added to chapter 35.21
27 RCW to read as follows:

28 Except for occupant limits on group living arrangements regulated
29 under state law or on short-term rentals as defined in RCW 64.37.010
30 and any lawful limits on occupant load per square foot as established
31 by applicable building code or city ordinance, a city or town may not
32 regulate or limit the number of unrelated persons that may occupy a
33 household or dwelling unit.

34 NEW SECTION. Sec. 6. A new section is added to chapter 35A.21
35 RCW to read as follows:

36 Except for occupant limits on group living arrangements regulated
37 under state law or on short-term rentals as defined in RCW 64.37.010
38 and any lawful limits on occupant load per square foot as established

1 by applicable building code or city ordinance, a code city may not
2 regulate or limit the number of unrelated persons that may occupy a
3 household or dwelling unit.

4 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.01
5 RCW to read as follows:

6 Except for occupant limits on group living arrangements regulated
7 under state law or on short-term rentals as defined in RCW 64.37.010
8 and any lawful limits on occupant load per square foot as established
9 by applicable building code or county ordinance, a county may not
10 regulate or limit the number of unrelated persons that may occupy a
11 household or dwelling unit.

--- END ---