S-1151.1

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**SUBSTITUTE SENATE BILL 5364**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senate Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Frame, Gildon, Liias, Nguyen, Saldaña, Shewmake, Torres, Van De Wege, and C. Wilson)

AN ACT Relating to increasing housing options through lot splitting; adding a new section to chapter 36.70A RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that allowing an existing residential lot to be split into two lots can offer many advantages to both the existing homeowner and to prospective homebuyers. Lot splitting can provide current owners the opportunity to maintain homeownership in changing life circumstances, while also providing new homebuyers with a more affordable ownership opportunity. Additionally, lot splitting will provide additional opportunities for sales to affordable housing providers or homeownership facilitators that may be exempt from state real estate excise tax under chapter 82.45 RCW. Therefore, it is the intent of the legislature to ease restrictions on, and expand opportunities for, lot splitting in cities planning under chapter 36.70A RCW, the growth management act.

NEW SECTION. **Sec.**  A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) Cities planning under this chapter must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (2) of this section by July 1, 2024, to apply within the city's urban growth area.

(b) Beginning July 1, 2024, the requirements of subsection (2) of this section apply and take effect in any city that has not adopted or amended ordinances, regulations, or other official controls as required under this section and supersede, preempt, and invalidate any conflicting local development regulations.

(2) Through ordinances, development regulations, zoning regulations, and other official controls as required under subsection (1) of this section, cities may not:

(a) Prohibit, within a residential zone that allows for the development of detached single-family residences, the splitting of a single residential lot into two residential lots if the following conditions are met:

(i) The resulting lots are at least 1,500 square feet;

(ii) The resulting lots are at least 40 percent of the size of the original lot;

(iii) The resulting lots are consistent with the minimum review standards under chapter 58.17 RCW;

(iv) The original lot was not created through the splitting of a single residential lot authorized by this section; and

(v) The lot split would not require demolition or alteration of any housing that is rent restricted, rent subsidized, or that has been occupied by a tenant paying market-rate rent within the preceding 12 months;

(b) Impose regulations on a residential lot that is the result of a lot split that:

(i) Require more than one off-street parking space per lot;

(ii) Require more than 20 feet of frontage width per lot;

(iii) Require easement widths of more than four feet for access to rear lots unless site-specific conditions, such as access to utilities, require wider easements;

(iv) Impose permitting requirements, design standards, or impacts fees on construction on a lot resulting from a lot split that are greater than those imposed on new residential construction generally within the same zone; or

(v) Impose requirements for dedications of rights-of-way or for the construction of off-site improvements unless site-specific conditions require otherwise.

(3) Any construction on the resulting lots is subject to all existing state and local laws except for the provisions specified in subsection (2) of this section.

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