

**2SHB 1167 - H AMD 216**

By Representative Duerr

**ADOPTED 03/05/2023**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A  
4 RCW to read as follows:

5 (1) The department shall develop and administer a grant program  
6 to provide direct financial assistance to counties and cities for the  
7 adoption of preapproved accessory dwelling unit plans.

8 (2) When a preapproved plan is submitted to a county or city  
9 during the process of seeking permit approval for the development of  
10 an accessory dwelling unit, the county's or city's review of the  
11 preapproved plan may not be more than administrative.

12 (3) For the purpose of this section, "preapproved accessory  
13 dwelling unit plans" means a selection of architectural plans for  
14 accessory dwelling units that have been reviewed by county or city  
15 code officials and approved for compliance with applicable building  
16 codes within the county or city.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.27  
18 RCW to read as follows:

19 (1)(a) The state building code council shall convene a work group  
20 for the purpose of simplifying the production of middle housing by  
21 recommending a mechanism in the international residential code that  
22 adopts by reference the provisions for multiplex housing in the  
23 international building code. The mechanism must include those  
24 sections from the international building code necessary to ensure  
25 public health, safety, and general welfare in multiplex housing, and  
26 may not reduce any requirements for multiplex housing contained in  
27 the international building code.

28 (b) The work group shall provide its recommendations to the  
29 council in time for the council to adopt or amend rules or codes as  
30 necessary for implementation in the 2024 international residential  
31 code. The council shall take action to adopt additions and amendments

1 to rules or codes as necessary to apply the new reference mechanism  
2 in the international residential code to multiplex housing by July 1,  
3 2026.

4 (c) For purposes of this subsection, "multiplex housing" means a  
5 building with at least three but no more than six dwelling units in a  
6 single structure with common walls and floors and a functional  
7 primary street entrance, with no more than three stories above grade  
8 plane.

9 (2)(a) The state building code council shall convene a work group  
10 for the purpose of recommending modifications and limitations to the  
11 international building code that would allow a single exit stairway  
12 to serve multifamily residential structures up to six stories above  
13 grade plane. The recommendations must include considerations for  
14 water supply, the presence of a professional fire department, and any  
15 other provisions necessary to ensure public health, safety, and  
16 general welfare.

17 (b) The work group shall provide its recommendations to the  
18 council in time for the council to adopt or amend rules or codes as  
19 necessary for implementation in the 2024 international building code.  
20 The council shall take action to adopt additions and amendments to  
21 rules or codes as necessary by July 1, 2026.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A  
23 RCW to read as follows:

24 (1) Cities planning under RCW 36.70A.040 must adopt or amend by  
25 ordinance and incorporate into their development regulations, zoning  
26 regulations, and other official controls the requirements of  
27 subsection (3) of this section, to take effect six months after the  
28 jurisdiction's next periodic comprehensive plan update required under  
29 RCW 36.70A.130, within urban growth areas designated according to RCW  
30 36.70A.110.

31 (2) The requirements of subsection (3) of this section:

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

35 (b) Supersede, preempt, and invalidate any local development  
36 regulations that conflict with this section.

37 (3) Within residential zones that allow for middle housing,  
38 cities shall not require through development regulations any  
39 standards for middle housing that are more restrictive than those

1 required for detached single-family residences, unless otherwise  
2 required by state law including, but not limited to, shoreline  
3 regulations under chapter 90.58 RCW, building codes under chapter  
4 19.27 RCW, energy codes under chapter 19.27A RCW, electrical codes  
5 under chapter 19.28 RCW, or critical areas protection, but may apply  
6 any objective development regulations that are required for detached  
7 single-family residences, including setback and tree canopy and  
8 retention requirements.

9 (4) Beginning July 1, 2026, cities may not require more than a  
10 single stairway in residential buildings of six or fewer stories if  
11 the conditions in the international building code are met.

12 (5) For the purposes of this section:

13 (a) "Cottage housing" means residential units on a lot with a  
14 common open space that either: (i) Is owned in common; or (ii) has  
15 units owned as condominium units with property owned in common and a  
16 minimum of 20 percent of the lot size as open space.

17 (b) "Courtyard apartments" means up to four attached dwelling  
18 units arranged on two or three sides of a yard or court.

19 (c) "Middle housing" means buildings that are compatible in  
20 scale, form, and character with single-family homes and contain two  
21 or more attached, stacked, or clustered homes, duplexes, triplexes,  
22 fourplexes, fiveplexes, sixplexes, cottage housing, stacked flats,  
23 townhouses, or courtyard apartments.

24 (d) "Stacked flat" means dwelling units in a residential building  
25 of no more than three stories on a residential zoned lot in which  
26 each floor may be separately rented or owned.

27 (e) "Townhouses" means buildings that contain three or more  
28 attached single-family dwelling units that extend from foundation to  
29 roof and that have a yard or public way on not less than two sides.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A  
31 RCW to read as follows:

32 All cities and counties may adopt development regulations that  
33 create a simple, low cost, expedited permit process for development  
34 of single-family, duplex, triplex, or accessory dwelling housing  
35 units with less than 1,801 square feet per unit for property situated  
36 within cities or urban growth areas in locations designated for  
37 residential housing. This process should make it easy for an  
38 applicant to submit and receive approval for all permits required to  
39 build housing units. The expedited process should lower costs and

1 simplify the building of housing units tailored to be priced for  
2 extremely low-income, low-income, or moderate-income households.

3 **Sec. 5.** RCW 36.70B.020 and 1995 c 347 s 402 are each amended to  
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in  
6 this section apply throughout this chapter.

7 (1) "Closed record appeal" means an administrative appeal on the  
8 record to a local government body or officer, including the  
9 legislative body, following an open record hearing on a project  
10 permit application when the appeal is on the record with no or  
11 limited new evidence or information allowed to be submitted and only  
12 appeal argument allowed.

13 (2) "Local government" means a county, city, or town.

14 (3) "Open record hearing" means a hearing, conducted by a single  
15 hearing body or officer authorized by the local government to conduct  
16 such hearings, that creates the local government's record through  
17 testimony and submission of evidence and information, under  
18 procedures prescribed by the local government by ordinance or  
19 resolution. An open record hearing may be held prior to a local  
20 government's decision on a project permit to be known as an "open  
21 record predecision hearing." An open record hearing may be held on an  
22 appeal, to be known as an "open record appeal hearing," if no open  
23 record predecision hearing has been held on the project permit.

24 (4) "Project permit" or "project permit application" means any  
25 land use or environmental permit or license required from a local  
26 government for a project action, including but not limited to  
27 building permits, subdivisions, binding site plans, planned unit  
28 developments, conditional uses, shoreline substantial development  
29 permits, site plan review, permits or approvals required by critical  
30 area ordinances, site-specific rezones authorized by a comprehensive  
31 plan or subarea plan, but excluding the adoption or amendment of a  
32 comprehensive plan, subarea plan, or development regulations except  
33 as otherwise specifically included in this subsection.

34 (5) "Public meeting" means an informal meeting, hearing,  
35 workshop, or other public gathering of people to obtain comments from  
36 the public or other agencies on a proposed project permit prior to  
37 the local government's decision. A public meeting may include, but is  
38 not limited to, (~~a design review or~~) an architectural control board  
39 meeting, a special review district or community council meeting, or a

1 scoping meeting on a draft environmental impact statement. A public  
2 meeting does not include an open record hearing. The proceedings at a  
3 public meeting may be recorded and a report or recommendation may be  
4 included in the local government's project permit application file.

5 **Sec. 6.** RCW 36.70B.120 and 1995 c 347 s 416 are each amended to  
6 read as follows:

7 (1) Each local government planning under RCW 36.70A.040 shall  
8 establish a permit review process that provides for the integrated  
9 and consolidated review and decision on two or more project permits  
10 relating to a proposed project action, including a single application  
11 review and approval process covering all project permits requested by  
12 an applicant for all or part of a project action and a designated  
13 permit coordinator. If an applicant elects the consolidated permit  
14 review process, the determination of completeness, notice of  
15 application, and notice of final decision must include all project  
16 permits being reviewed through the consolidated permit review  
17 process.

18 (2) Consolidated permit review may provide different procedures  
19 for different categories of project permits, but if a project action  
20 requires project permits from more than one category, the local  
21 government shall provide for consolidated permit review with a single  
22 open record hearing and no more than one closed record appeal as  
23 provided in RCW 36.70B.060. Each local government shall determine  
24 which project permits are subject to an open record hearing and a  
25 closed record appeal. Examples of categories of project permits  
26 include but are not limited to:

27 (a) Proposals that are categorically exempt from chapter 43.21C  
28 RCW, such as construction permits, that do not require environmental  
29 review or public notice;

30 (b) Permits that require environmental review, but no open record  
31 predecision hearing; and

32 (c) Permits that require a threshold determination and an open  
33 record predecision hearing and may provide for a closed record appeal  
34 to a hearing body or officer or to the local government legislative  
35 body.

36 (3) A local government may provide by ordinance or resolution for  
37 the same or a different decision maker or hearing body or officer for  
38 different categories of project permits. In the case of consolidated  
39 project permit review, the local government shall specify which

1 decision makers shall make the decision or recommendation, conduct  
2 the hearing, or decide the appeal to ensure that consolidated permit  
3 review occurs as provided in this section. The consolidated permit  
4 review may combine an open record predecision hearing on one or more  
5 permits with an open record appeal hearing on other permits. In such  
6 cases, the local government by ordinance or resolution shall specify  
7 which project permits, if any, shall be subject to a closed record  
8 appeal.

9 (4) (a) When reviewing a housing development permit application, a  
10 local government planning under RCW 36.70A.040 may only require  
11 administrative design review to determine compliance with any  
12 applicable design standards.

13 (b) For the purposes of this subsection (4):

14 (i) "Administrative design review" means a development permit  
15 process whereby an application is reviewed, approved, or denied by  
16 the planning director or the planning director's designee based  
17 solely on objective design and development standards without a public  
18 meeting or hearing, unless such review is otherwise required by state  
19 or federal law, or the structure is a designated landmark or historic  
20 district established under a local preservation ordinance.

21 (ii) "Housing development" means a proposed or existing structure  
22 that is used as a home, residence, or place to sleep by one or more  
23 persons including, but not limited to, single-family residences,  
24 manufactured homes, multifamily housing, group homes, and foster care  
25 facilities.

26 (5) A local government planning under RCW 36.70A.040 must comply  
27 with the requirements of subsection (4) of this section beginning six  
28 months after its next periodic comprehensive plan update required  
29 under RCW 36.70A.130.

30 NEW SECTION. Sec. 7. The office of regulatory innovation and  
31 assistance shall contract with a qualified external consultant or  
32 entity to develop a standard plan set demonstrating a prescriptive  
33 compliance pathway that will meet or exceed all energy code  
34 regulations for residential housing in the state subject to the  
35 international residential code. The standard plan set may be used,  
36 but is not required, by local governments and building industries. In  
37 developing the standard plan set, the consultant shall, at a minimum,  
38 seek feedback from cities, counties, building industries, and

1 building officials. The standard plan set must be completed by June  
2 30, 2024.

3 NEW SECTION. **Sec. 8.** If specific funding for the purposes of  
4 this act, referencing this act by bill or chapter number, is not  
5 provided by June 30, 2023, in the omnibus appropriations act, this  
6 act is null and void."

7 Correct the title.

EFFECT: (1) Removes the requirement for counties to adopt regulations for middle housing.

(2) Clarifies the date by which cities must adopt the required regulations for middle housing as six months after a jurisdiction's next comprehensive plan update.

(3) Removes the term and definition of "community core location."

(4) Specifies that all cities and counties may adopt regulations that create a simple, low-cost, expedited permit process for development of single-family, duplex, triplex, or accessory dwelling housing units with less than 1,801 square feet per unit in locations within an urban growth area designated for residential housing.

(5) Requires a city or county to conduct any design review of housing development permit applications administratively, beginning six months after the jurisdiction's next comprehensive plan update. Defines "administrative design review" as a review by a planning director or a designee, based solely on objective design and development standards without a public meeting or hearing, unless such review is required by state or federal law or the structure is a designated landmark or historic district established under a local preservation ordinance.

(6) Removes the categorical exemption under the state environmental policy act for infill development within a quarter mile of a community core location.

--- END ---