

SHB 1998 - H AMD 807

By Representatives Barkis, Gregerson

ADOPTED 02/07/2024

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature makes the following
4 findings:

5 (a) Washington state is experiencing a housing affordability
6 crisis;

7 (b) Co-living housing is a type of housing that can provide
8 rental homes affordable to people with moderate to low incomes
9 without requiring any public funding, and rents in newly constructed,
10 market-rate co-living housing in the Puget Sound region can be
11 affordable to people with incomes as low as 50 percent of area median
12 income;

13 (c) Co-living housing is a residential development with sleeping
14 units that are independently rented and provide living and sleeping
15 space, in which residents share kitchen facilities with residents of
16 other units in the building;

17 (d) Co-living housing historically provided a healthy inventory
18 of rental homes on the lowest rung of the private housing market,
19 comprising up to 10 percent of housing in some cities;

20 (e) Starting in the mid-20th century, local governments began
21 adopting restrictive zoning and other rules that increasingly
22 prohibited co-living housing, or made it impractical to build or
23 operate, and its numbers plummeted;

24 (f) Today, many cities and counties outright prohibit co-living
25 housing on most of their residential land, or they enforce any number
26 of restrictions that make it effectively impossible to build new co-
27 living housing or to convert existing buildings into co-living
28 housing;

29 (g) Co-living housing provides options for people who:

30 (i) Wish to lower their housing expenses by paying less for a
31 smaller home;

1 (ii) Prefer a living arrangement with shared community spaces
2 that facilitate social connections;

3 (iii) Wish to trade off location for space and, by living in a
4 small home, also get to live in a high opportunity neighborhood they
5 could not otherwise afford; or

6 (iv) Want a low-cost, more private alternative to having a
7 roommate in a traditional rental;

8 (h) Many communities throughout Washington face a severe shortage
9 of workforce housing, and co-living housing provides housing
10 affordable to that income range and below, without public funding;

11 (i) Co-living housing reduces pressure on the limited amount of
12 publicly funded affordable housing by providing housing that is
13 affordable to lower income residents who might otherwise wait years
14 for subsidized housing;

15 (j) Co-living housing works best for single-person households,
16 but the housing for singles that it provides reduces demand for
17 family-sized rentals from singles who would otherwise group together
18 to rent large homes;

19 (k) Co-living housing provides a good option for seniors,
20 especially those who want to downsize, or those who desire a living
21 arrangement that is more social than a standard apartment. When
22 located in walkable neighborhoods, co-living housing gives mobility
23 options to seniors who can no longer drive;

24 (l) Co-living housing is well-suited for the conversion of office
25 buildings to housing, because it typically requires less plumbing and
26 fixtures for kitchens and bathrooms;

27 (m) Co-living housing is well-suited for very low-income people,
28 supportive and recovery housing, and "housing first" homes for the
29 formerly homeless;

30 (n) State building codes have established minimum sizes and other
31 standards to ensure that co-living housing meets modern health and
32 safety standards;

33 (o) Creating co-living housing near transit hubs, employment
34 centers, and public amenities can help the state achieve its
35 greenhouse gas reduction goals by increasing walkability, shortening
36 household commutes, curtailing sprawl, and reducing the pressure to
37 develop natural and working lands; and

38 (p) Co-living housing, because the units are small, is inherently
39 more energy efficient than standard apartments, both saving residents
40 money and reducing the state's energy demand.

1 (2) Therefore, the legislature intends to allow the creation of
2 co-living housing as a means to address the need for additional
3 affordable housing options for a diversity of Washington residents.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A
5 RCW to read as follows:

6 (1) Cities and counties planning under this chapter must allow
7 co-living housing as a permitted use on any lot located within an
8 urban growth area that allows at least six multifamily residential
9 units, including on a lot zoned for mixed use development.

10 (2) A city or county subject to the provisions of this section
11 may not require co-living housing to:

12 (a) Contain room dimensional standards larger than that required
13 by the state building code, including dwelling unit size, sleeping
14 unit size, room area, and habitable space;

15 (b) Provide a mix of unit sizes or number of bedrooms; or

16 (c) Include other uses.

17 (3)(a) A city or county subject to the provisions of this section
18 also may not require co-living housing to:

19 (i) Provide off-street parking within one-half mile walking
20 distance of a major transit stop; or

21 (ii) Provide more than 0.25 off-street parking spaces per
22 sleeping unit.

23 (b) The provisions of (a) of this subsection do not apply:

24 (i) If a city or county submits to the department an empirical
25 study prepared by a credentialed transportation or land use planning
26 expert that clearly demonstrates, and the department finds and
27 certifies, that the application of the parking limitations of (a) of
28 this subsection will be significantly less safe for vehicle drivers
29 or passengers, pedestrians, or bicyclists than if the jurisdiction's
30 parking requirements were applied to the same location. The
31 department must develop guidance to assist cities and counties on
32 items to include in the study; or

33 (ii) To portions of cities within a one-mile radius of a
34 commercial airport in Washington with at least 9,000,000 annual
35 enplanements.

36 (4) A city or county may not require through development
37 regulations any standards for co-living housing that are more
38 restrictive than those that are required for other types of
39 multifamily residential uses in the same zone.

1 (5) A city or county may only require a review, notice, or public
2 meeting for co-living housing that is required for other types of
3 residential uses in the same location, unless otherwise required by
4 state law including, but not limited to, shoreline regulations under
5 chapter 90.58 RCW.

6 (6) A city or county may not exclude co-living housing from
7 participating in affordable housing incentive programs under RCW
8 36.70A.540.

9 (7) A city or county may not treat a sleeping unit in co-living
10 housing as more than one-quarter of a dwelling unit for purposes of
11 calculating dwelling unit density.

12 (8) A city or county may not treat a sleeping unit in co-living
13 housing as more than one-half of a dwelling unit for purposes of
14 calculating fees for utility connections.

15 (9)(a) A city or county subject to the requirements of this
16 section must adopt or amend by ordinance and incorporate into their
17 development regulations, zoning regulations, and other official
18 controls the requirements of this section to take effect no later
19 than December 31, 2025.

20 (b) In any city or county that has not adopted or amended
21 ordinances, regulations, or other official controls as required under
22 this section, the requirements of this section supersede, preempt,
23 and invalidate any conflicting local development regulations.

24 (10) Any action taken by a city or county to comply with the
25 requirements of this section is not subject to legal challenge under
26 this chapter or chapter 43.21C RCW.

27 (11) For the purposes of this section, the following definitions
28 apply:

29 (a) "Co-living housing" means a residential development with
30 sleeping units that are independently rented and lockable and provide
31 living and sleeping space, and residents share kitchen facilities
32 with other sleeping units in the building. Local governments may use
33 other names to refer to co-living housing including, but not limited
34 to, congregate living facilities, single room occupancy, rooming
35 house, boarding house, lodging house, and residential suites.

36 (b) "Major transit stop" means:

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

39 (ii) Commuter rail stops;

1 (iii) Stops on rail or fixed guideway systems, including
2 transitways;

3 (iv) Stops on bus rapid transit routes or routes that run on high
4 occupancy vehicle lanes; or

5 (v) Stops for a bus or other transit mode providing actual fixed
6 route service at intervals of at least 15 minutes for at least five
7 hours during the peak hours of operation on weekdays."

8 Correct the title.

EFFECT: (1) Requires cities and counties to allow co-living housing on any lot located within an urban growth area (UGA) that allows at least six multifamily residential units, rather than any zone within a UGA that allows multifamily residential uses.

(2) Specifies that the off-street parking limitations for co-living housing do not apply to portions of cities within a one-mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.

(3) Modifies the calculations for density and fees by prohibiting a city or county from treating a sleeping unit in co-living housing as more than one-quarter of a dwelling unit for purposes of calculating dwelling unit density and as more than one-half of a dwelling unit for purposes of calculating fees for utility connections.

(4) Requires a fully planning city or county to allow co-living housing no later than December 31, 2025, instead of six months after its next comprehensive plan update.

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