

**HB 2126 - H AMD 1082**

By Representative Pollet

**NOT CONSIDERED 03/07/2024**

1 On page 3, after line 29, insert the following:

2 "(5) A county that authorizes the development of detached  
3 accessory dwelling units in rural areas must limit the number or  
4 percentage of detached accessory dwelling units that are offered for  
5 short-term rental."  
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7 On page 17, after line 22, insert the following:

8 "**Sec. 7.** A new section is added to chapter 36.70A RCW to read  
9 as follows:

10 (1) Prior to taking any action under section 2 of this act, each  
11 county must conduct and publish a study evaluating the impact of  
12 authorizing the development of detached accessory dwelling units on  
13 housing affordability. The study must:

14 (a) Document the percentage of potential detached accessory  
15 dwelling units that will be available as long-term housing; and

16 (b) Evaluate whether the detached accessory dwelling units will  
17 have a net positive effect on housing affordability in subareas that  
18 are subject to the county's comprehensive plan.

19 (2) After taking final action to adopt an ordinance authorizing  
20 the development of detached accessory dwelling units, a county must  
21 apply for a determination of compliance.

22 (a) A county must submit its application to the department  
23 within 10 days of taking final action.

24 (b) An application must include, at a minimum, the following:

25 (i) A cover letter from the county requesting a determination of  
26 compliance;

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1 (ii) A copy of the adopted ordinance taking the legislative  
2 action required to authorize the development of detached accessory  
3 dwelling units;

4 (iii) A statement explaining how the ordinance complies with the  
5 laws and regulations identified in section 2 of this act; and

6 (iv) A copy of the record developed by the county at any public  
7 meetings or public hearings at which action was taken on the  
8 ordinance.

9 (c) For purposes of this subsection, "action" and "meeting" have  
10 the same definitions as in RCW 42.30.020.

11 (3) Review procedures. (a) Within 180 days of the date of  
12 receipt of an application, the department shall issue a final  
13 decision determining whether the ordinance complies with the laws  
14 and regulations identified in section 2 of this act.

15 (b) The department must issue its final decision in the form of  
16 a written statement, including findings of fact and conclusions, and  
17 noting the date of the issuance of its decision. The department's  
18 issued decision must conspicuously and plainly state that it is the  
19 department's final decision.

20 (c) The department shall promptly publish its final decision as  
21 follows:

22 (i) Notify the county in writing of its decision;

23 (ii) Publish a notice of action in the Washington State Register;

24 (iii) Post a notice of its decision on the agency website; and

25 (iv) Notify other relevant state agencies regarding the decision.

26 (4) The final decision of the county under section 2 of this act  
27 or the department under subsection (3)(b) of this section may be  
28 appealed as a land use decision under chapter 36.70C RCW by the  
29 county, an applicant for a detached accessory dwelling unit, or any  
30 other person with standing under RCW 36.70C.060."

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EFFECT: Makes the following changes to a county authorizing  
the development of detached accessory dwelling units:

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- Requires a county to limit the number or percentage of detached accessory dwelling units offered for short-term rental.
- Requires a county to study the impact of authorizing the development of detached accessory dwelling units on housing affordability.
- Requires the study to document the percentage of detached accessory dwelling units that will be long-term housing and evaluate whether the units will have a net positive effect on housing affordability.
- Requires a county to apply to the Department of Commerce for a determination of compliance within 10 days of adopting an ordinance authorizing the development of detached accessory dwelling units.
- Specifies the application requirements for the Department of Commerce's review for the determination of compliance.
- Requires the Department of Commerce to issue a final decision regarding a determination of compliance within 180 days of receiving a county's application.
- Permits a county's ordinance, the Department of Commerce's determination of compliance, and an applicant for a detached accessory dwelling unit to appeal under the Land Use Petition Act, RCW 36.70C.

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