

RCW 36.70A.636 Department technical assistance—Approval of alternative action. (1)(a) The department is directed to provide technical assistance to cities as they implement the requirements under RCW 36.70A.635.

(b) The department shall prioritize such technical assistance to cities demonstrating the greatest need.

(2)(a) The department shall publish model middle housing ordinances no later than six months following July 23, 2023.

(b) In any city subject to RCW 36.70A.635 that has not passed ordinances, regulations, or other official controls within the time frames provided under RCW 36.70A.635(11), the model ordinance supersedes, preempts, and invalidates local development regulations until the city takes all actions necessary to implement RCW 36.70A.635.

(3)(a) The department is directed to establish a process by which cities implementing the requirements of RCW 36.70A.635 may seek approval of alternative local action necessary to meet the requirements of chapter 332, Laws of 2023.

(b) The department may approve actions under this section for cities that have, by January 1, 2023, adopted a comprehensive plan that is substantially similar to the requirements of chapter 332, Laws of 2023 and have adopted, or within one year of July 23, 2023, adopts, permanent development regulations that are substantially similar to the requirements of chapter 332, Laws of 2023. In determining whether a city's adopted comprehensive plan and permanent development regulations are substantially similar, the department must find as substantially similar plans and regulations that:

(i) Result in an overall increase in housing units allowed in single-family zones that is at least 75 percent of the increase in housing units allowed in single-family zones if the specific provisions of chapter 332, Laws of 2023 were adopted;

(ii) Allow for middle housing throughout the city, rather than just in targeted locations; and

(iii) Allow for additional density near major transit stops, and for projects that incorporate dedicated affordable housing.

(c) The department may also approve actions under this section for cities that have, by January 1, 2023, adopted a comprehensive plan or development regulations that have significantly reduced or eliminated residentially zoned areas that are predominantly single family. The department must find that a city's actions are substantially similar to the requirements of chapter 332, Laws of 2023 if they have adopted, or within one year of July 23, 2023, adopts, permanent development regulations that:

(i) Result in an overall increase in housing units allowed in single-family zones that is at least 75 percent of the increase in housing units allowed in single-family zones if the specific provisions of chapter 332, Laws of 2023 were adopted;

(ii) Allow for middle housing throughout the city, rather than just in targeted locations; and

(iii) Allow for additional density near major transit stops, and for projects that incorporate dedicated affordable housing.

(d) The department may determine that a comprehensive plan and development regulations that do not meet these criteria are otherwise substantially similar to the requirements of chapter 332, Laws of 2023 if the city can clearly demonstrate that the regulations adopted will allow for a greater increase in middle housing production within

single family zones than would be allowed through implementation of RCW 36.70A.635.

(e) Any local actions approved by the department pursuant to (a) of this subsection to implement the requirements under RCW 36.70A.635 are exempt from appeals under this chapter and chapter 43.21C RCW.

(f) The department's final decision to approve or reject actions by cities implementing RCW 36.70A.635 may be appealed to the growth management hearings board by filing a petition as provided in RCW 36.70A.290.

(4) The department may issue guidance for local jurisdictions to ensure that the levels of middle housing zoning under chapter 332, Laws of 2023 can be integrated with the methods used by cities to calculate zoning densities and intensities in local zoning and development regulations. [2023 c 332 § 4.]

Finding—2023 c 332: See note following RCW 36.70A.635.