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**HOUSE BILL 1987**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives McBride, Macri, Robinson, Stanford, Slatter, Senn, Santos, Chapman, Ortiz-Self, and Jinkins

AN ACT Relating to allowing affordable housing development on religious organization property; and amending RCW 35.63.080, 35A.63.100, 36.43.010, and 36.70.750.

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

**Sec.**  RCW 35.63.080 and 1979 ex.s. c 170 s 4 are each amended to read as follows:

(1) The council or board may provide for the preparation by its commission and the adoption and enforcement of coordinated plans for the physical development of the municipality. For this purpose the council or board, in such measure as is deemed reasonably necessary or requisite in the interest of health, safety, morals and the general welfare, upon recommendation by its commission, by general ordinances of the city or general resolution of the board, may:

(a) Regulate and restrict:

(i) Except as provided in subsection (2) of this section, the location and the use of buildings, structures, and land for residence, trade, industrial, and other purposes;

(ii) The height, number of stories, size, construction, and design of buildings and other structures;

(iii) The size of yards, courts, and other open spaces on the lot or tract;

(iv) The density of population;

(v) The set-back of buildings along highways, parks, or public water frontages; and

(vi) The subdivision and development of land; and ((~~may~~))

(b) Encourage and protect access to direct sunlight for solar energy systems. ((~~A~~))

(2)(a) The council of a city or board may not restrict any affordable housing development of single-family or multifamily residences located on real property owned or controlled by a religious organization, provided that:

(i) The affordable housing development is set aside for or occupied exclusively by low-income households;

(ii) The affordable housing development is part of a lease or other binding obligation that requires the development to be used exclusively for affordable housing purposes for at least forty years, even if the religious organization no longer owns the property;

(iii) The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.); and

(iv) The council or board may regulate the height, number of stories, and density for construction and use of such affordable housing development to the extent that such development does not exceed two times the maximum height requirement and five times the density requirement for other single-family or multifamily residences within the same neighborhood, or within the city if no other single-family or multifamily residences exist within the same neighborhood.

(b) For purposes of this section:

(i) "Affordable housing development" means a proposed or existing structure in which one hundred percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that is considered affordable by a federal, state, or local government housing program;

(ii) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the affordable housing development is located; and

(iii) "Religious organization" has the same meaning as in RCW 35A.21.360.

(3) The council of a city where ((~~such~~)) ordinances adopted in accordance with this section are in effect((~~,~~)) may, on the recommendation of its commission, provide for the appointment of a board of adjustment((~~,~~)) to make, in appropriate cases and subject to appropriate conditions and safeguards established by ordinance, special exceptions in harmony with the general purposes and intent and in accordance with general or specific rules therein contained.

**Sec.**  RCW 35A.63.100 and 1979 ex.s. c 170 s 8 are each amended to read as follows:

After approval of the comprehensive plan((~~, as set forth above~~)) in accordance with the provisions of this chapter, the legislative body, in developing the municipality and in regulating the use of land, may implement or give effect to the comprehensive plan or parts thereof by ordinance or other action to such extent as the legislative body deems necessary or appropriate. Such ordinances or other action may provide for:

(1) Adoption of an official map and regulations relating thereto designating locations and requirements for one or more of the following: Streets, parks, public buildings, and other public facilities, and protecting such sites against encroachment by buildings and other physical structures.

(2)(a) Dividing the municipality, or portions thereof, into appropriate zones within which specific standards, requirements, and conditions may be provided for regulating: The use of public and private land, buildings, and structures((~~, and~~)) except as provided in (b) of this subsection, the location, height, bulk, number of stories, and size of buildings and structures((~~,~~)); size of yards, courts, and open spaces((~~,~~)); density of population((~~,~~)); ratio of land area to the area of buildings and structures((~~,~~)); setbacks((~~,~~)); area required for off-street parking((~~,~~)); protection of access to direct sunlight for solar energy systems((~~,~~)); and such other standards, requirements, regulations, and procedures as are appropriately related thereto.

(b)(i) The legislative body may not restrict any affordable housing development of single-family or multifamily residences located on real property owned or controlled by a religious organization, provided that:

(A) The affordable housing development is set aside for or occupied exclusively by low-income households;

(B) The affordable housing development is part of a lease or other binding obligation that requires the development to be used exclusively for affordable housing purposes for at least forty years, even if the religious organization no longer owns the property;

(C) The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.); and

(D) The legislative body may regulate the height, number of stories, and density for construction and use of such affordable housing development to the extent that such development does not exceed two times the maximum height requirement and five times the density requirement for other single-family or multifamily residences within the same neighborhood, or within the city if no other single-family or multifamily residences exist within the same neighborhood.

(ii) For purposes of this section:

(A) "Affordable housing development" means a proposed or existing structure in which one hundred percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that is considered affordable by a federal, state, or local government housing program;

(B) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the affordable housing development is located; and

(C) "Religious organization" has the same meaning as in RCW 35A.21.360.

(c) The ordinance encompassing the matters of this subsection (2) is hereinafter called the "zoning ordinance." No zoning ordinance, or amendment thereto, shall be enacted by the legislative body without at least one public hearing, notice of which shall be given as set forth in RCW 35A.63.070. Such hearing may be held before the planning agency or the board of adjustment or such other body as the legislative body shall designate.

(3) Adoption of design standards, requirements, regulations, and procedures for the subdivision of land into two or more parcels, including, but not limited to, the approval of plats, dedications, acquisitions, improvements, and reservation of sites for public use.

(4) Scheduling public improvements on the basis of recommended priorities over a period of years, subject to periodic review.

(5) Such other matters as may be otherwise authorized by law or as the legislative body deems necessary or appropriate to effectuate the goals and objectives of the comprehensive plan or parts thereof and the purposes of this chapter.

**Sec.**  RCW 36.43.010 and 1963 c 4 s 36.43.010 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the boards of county commissioners may adopt standard building codes and standard fire regulations to be applied within their respective jurisdictions.

(2)(a) The boards of county commissioners may not restrict any affordable housing development of single-family or multifamily residences located on real property owned or controlled by a religious organization, provided that:

(i) The affordable housing development is set aside for or occupied exclusively by low-income households;

(ii) The affordable housing development is part of a lease or other binding obligation that requires the development to be used exclusively for affordable housing purposes for at least forty years, even if the religious organization no longer owns the property;

(iii) The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.); and

(iv) The board may regulate the height, number of stories, and density for construction and use of such affordable housing development to the extent that such development does not exceed two times the maximum height requirement and five times the density requirement for other single-family or multifamily residences within the same neighborhood, or within the city if no other single-family or multifamily residences exist within the same neighborhood.

(b) For purposes of this section:

(i) "Affordable housing development" means a proposed or existing structure in which one hundred percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that is considered affordable by a federal, state, or local government housing program;

(ii) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the affordable housing development is located; and

(iii) "Religious organization" has the same meaning as in RCW 35A.21.360.

**Sec.**  RCW 36.70.750 and 1963 c 4 s 36.70.750 are each amended to read as follows:

(1) Any board, by ordinance, may establish classifications, within each of which, specific controls are identified, and which will((~~:~~

~~(1)~~)) regulate:

(a) The use of buildings, structures, and land as between agriculture, industry, business, residence, and other purposes; and

((~~(2) Regulate~~)) (b) Except as provided in subsection (2) of this section, the location, height, bulk, number of stories, and size of buildings and structures; the size of yards, courts, and other open spaces; the density of population; the percentage of a lot which may be occupied by buildings and structures; and the area required to provide off-street facilities for the parking of motor vehicles.

(2)(a) The boards of county commissioners may not restrict any affordable housing development of single-family or multifamily residences located on real property owned or controlled by a religious organization, provided that:

(i) The affordable housing development is set aside for or occupied exclusively by low-income households;

(ii) The affordable housing development is part of a lease or other binding obligation that requires the development to be used exclusively for affordable housing purposes for at least forty years, even if the religious organization no longer owns the property;

(iii) The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household, based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.); and

(iv) The council or board may regulate the height, number of stories, and density for construction and use of such affordable housing development to the extent that such development does not exceed two times the maximum height requirement and five times the density requirement for other single-family or multifamily residences within the same neighborhood, or within the city if no other single-family or multifamily residences exist within the same neighborhood.

(b) For purposes of this section:

(i) "Affordable housing development" means a proposed or existing structure in which one hundred percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that is considered affordable by a federal, state, or local government housing program;

(ii) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the affordable housing development is located; and

(iii) "Religious organization" has the same meaning as in RCW 35A.21.360.

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