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**SENATE BILL 5221**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senators Gildon, Lias, Darneille, Das, Kuderer, Nguyen, Nobles, Short, and Warnick

Read first time 01/14/21. Referred to Committee on Housing & Local Government.

1 AN ACT Relating to regulation of accessory dwelling units located  
2 outside of urban growth areas; amending RCW 36.70A.697; and creating  
3 a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that in 2020, the  
6 legislature enacted ESSB 6617 (sections 1 through 5, chapter 217,  
7 Laws of 2020), to encourage the construction of accessory dwelling  
8 units in cities. In passing this law, the legislature found that  
9 "Washington state is experiencing a housing affordability crisis.  
10 Many communities across the state are in need of more housing for  
11 renters, across the income spectrum. Accessory dwelling units are  
12 frequently rented at below market rate, providing additional  
13 affordable housing options for renters," and that "accessory dwelling  
14 units are often occupied by tenants who pay no rent at all; among  
15 these tenants are grandparents, adult children, family members with  
16 disabilities, friends going through life transitions, and community  
17 members in need. Accessory dwelling units meet the needs of these  
18 people who might otherwise require scarce subsidized housing space  
19 and resources." The legislature further intended "to promote and  
20 encourage the creation of accessory dwelling units as a means to  
21 address the need for additional affordable housing options."

1 The legislature finds that these legislative findings also apply  
2 to the need for accessory dwelling units in rural areas, and that  
3 specific limitations are necessary to balance creating additional  
4 housing supply with preserving rural character.

5 **Sec. 2.** RCW 36.70A.697 and 2020 c 217 s 3 are each amended to  
6 read as follows:

7 (1) Cities must adopt or amend by ordinance, and incorporate into  
8 their development regulations, zoning regulations, and other official  
9 controls the requirements of RCW 36.70A.698 to take effect by July 1,  
10 2021.

11 (2) Beginning July 1, 2021, the requirements of RCW 36.70A.698:

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

15 (b) Supersede, preempt, and invalidate any local development  
16 regulations that conflict with RCW 36.70A.698.

17 (3) Detached accessory dwelling units located outside of urban  
18 growth areas will not be included in the calculation of housing  
19 density in that area, if such detached accessory dwelling units are  
20 subject to local development regulations that impose the following  
21 limitations:

22 (a) No parcel shall have more than one detached accessory  
23 dwelling unit;

24 (b) The location, size, and appearance of detached accessory  
25 dwelling units shall be consistent with rural character and shall not  
26 interfere with any agricultural or other natural resource use of the  
27 property;

28 (c) Detached accessory dwelling units shall be located in close  
29 proximity to the primary dwelling unit; and

30 (d) The square footage of a detached accessory dwelling unit  
31 shall not exceed 50 percent of the square footage of the primary  
32 dwelling unit.

33 (4) This act does not apply to detached accessory dwelling units  
34 in existence as of the effective date of this section.

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