
Local Government Committee

HB 2323

Brief Description: Encouraging affordable rental housing.

Sponsors: Representatives B. Sullivan, DeBolt, Simpson, Springer, Holmquist, McCune, O'Brien, Sells, Pettigrew, Ahern, Jarrett, Miloscia, Ormsby, Dunn, Priest, Roach, Dunshee, Woods, Ericks and Hunter.

Brief Summary of Bill

- Declares that it is state policy to promote and encourage the creation of accessory dwelling units (ADUs) in a manner that is effective in meeting citizen's needs for affordable housing while protecting and enhancing residential neighborhoods.
- Requires jurisdictions fully planning under the Growth Management Act to adopt authorizations for the creation of ADUs.
- Specifies that a local government legislative body may only adopt or amend ordinances authorizing the creation of ADUs after adopting or amending its housing element, if necessary, to include a policy for ADUs.
- Includes mandatory and optional provisions for ADU ordinances.
- Requires the Department of Community, Trade, and Economic Development (DCTED) to prepare and distribute a model ADU ordinance to affected jurisdictions.
- Requires jurisdictions to submit adopted ADU ordinances to the DCTED.

Hearing Date: 1/12/06

Staff: Ethan Moreno (786-7386).

Background:

Growth Management Act

Enacted in 1990 and 1991, the Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. The GMA specifies numerous provisions for jurisdictions fully planning under the Act (planning jurisdictions) and establishes a reduced number of compliance requirements for all local governments. The

Department of Community, Trade, and Economic Development (DCTED) is charged with providing technical and financial assistance to jurisdictions implementing the GMA.

Among other requirements, planning jurisdictions must adopt internally consistent comprehensive land use plans, which are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must satisfy requirements for specified "elements," each of which is a subset of a comprehensive plan. Planning jurisdictions must also adopt development regulations that are consistent with and implement the comprehensive plan.

The housing element of a comprehensive plan must ensure the vitality and character of established residential neighborhoods and must include a statement of goals, policies, and provisions for the preservation, improvement, and development of housing. The housing element also must include data collection and analysis provisions and must fulfill requirements pertaining to existing and projected housing needs for all economic segments of the community.

Qualifying planning jurisdictions must have accessory apartment provisions incorporated within their development regulations, zoning regulations, or official controls. The accessory apartment provisions must be consistent with a 1993 report of the DCTED that:

- identified local governments that allowed the siting of accessory apartments in areas zoned for single-family residential use; and
- made recommendations to the legislature designed to encourage the development and placement of accessory apartments in areas zoned for single-family residential use.

For the purposes of these accessory apartment provisions, "qualifying planning jurisdictions" includes all counties fully planning under the GMA, cities fully planning under the Act with a population that exceeds 20,000, and cities with a population that exceeds 20,000 that do not plan under the Act.

State Building Code

The State Building Code Council is responsible for the adoption and maintenance of the building, residential, mechanical, fire, energy, and plumbing model codes that comprise the state building code (SBC). The SBC, which includes provisions describing the powers and duties of fire code officials and building officials, must be enforced by counties and cities. However, local governments may amend the SBC as it applies within their jurisdiction, subject to limitations prescribed in law.

Summary of Bill:

Accessory Dwelling Units - State Policy and Local Provisions

A new policy pertaining to ADUs is declared as follows: it is the policy of the state to promote and encourage the creation of accessory dwelling units in a manner that is effective in meeting the needs of its citizens for affordable housing while protecting and enhancing residential neighborhoods.

"Accessory dwelling unit" is defined as a dwelling unit that has been created:

- within a single-family housing unit or in its garage or other accessory building such as an accessory apartment; or
- as a separate structure on the same lot as the single-family housing unit, either detached from or attached to the principal housing unit such as an accessory cottage.

Jurisdictions fully planning under the GMA must, by ordinance, adopt or amend their development regulations, zoning regulations, or official controls to include an authorization for the creation of ADUs. Jurisdictions not fully planning under the GMA may adopt ordinances authorizing ADUs. The authorizing ordinances may only be adopted after the applicable legislative body has adopted or amended its comprehensive plan housing element, if necessary, to include specific ADU provisions.

ADU ordinances must satisfy prescribed minimum requirements, and must, in part, include provisions:

- specifying that qualifying ADUs are to be allowed in single-family residential zones;
- providing for ADUs that are contained within, attached to, or detached from the principal residence on the property;
- requiring the development and publication of procedures and standards that apply to the review of ADU applications;
- requiring that a city, town, or county official report annually to the applicable legislative body regarding the permitting and registration of ADUs.

Additionally, ADU ordinances may not include restrictions on the type of occupant living in an ADU nor require a relationship to the occupant of the principal residence of the property. Restrictions on the maximum number of occupants in an ADU, however, may be imposed.

ADU ordinances may contain certain optional provisions. Examples include provisions permitting the establishment of:

- a reasonable range of ADU floor area;
- off-street parking requirements; and
- ADU registration requirements.

Authorized ADUs must conform to all applicable standards in the building, electrical, plumbing, mechanical, fire, health, and other pertinent codes of the jurisdiction. Local governments are granted new discretionary authority to modify, waive, or adopt alternate standards for ADUs to facilitate the development of such units. Local governments, however, may not adopt, amend, or interpret other codes or regulations in a manner that interferes with specified ADU creation and procedural requirements.

Adopted or amended ADU ordinances must be submitted to the DCTED within 30-days after adoption or amendment.

Agency Requirements

New ADU ordinance-related requirements are established for the DCTED. The DCTED must prepare a model ADU ordinance satisfying specified requirements. The department must distribute the model ordinance to affected local governments within one year of the effective date of the act and must maintain copies of the adopted and amended ordinances. Each biennial session the DCTED must report to the Legislature about jurisdictions that have adopted or amended ADU ordinances.

Definitions

Other definitions pertaining to ADUs are specified. "Dwelling unit" is defined as a residential living unit that provides complete independent living facilities for one or more persons and that

includes permanent provisions for living, sleeping, eating, cooking, and sanitation. "Living area" is defined as the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

Appropriation: None.

Fiscal Note: Requested on January 5, 2006.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.