

2SHB 1923 - H AMD 421

By Representative Fitzgibbon

ADOPTED AS AMENDED 03/13/2019

1 Strike everything after the enacting clause and insert the  
2 following:

3

4 "NEW SECTION. **Sec. 1.** A new section is added to chapter  
5 36.70A RCW to read as follows:

6 (1) A city planning pursuant to RCW 36.70A.040 with a population  
7 greater than ten thousand is encouraged to take two or more of the  
8 following actions in order to increase its residential building  
9 capacity:

10 (a) Authorize development of an average of at least fifty  
11 residential units per acre in one or more areas of not fewer than  
12 five hundred acres that include one or more train stations served by  
13 commuter rail or light rail;

14 (b) Authorize development of an average of at least twenty-five  
15 residential units per acre in one or more areas of not fewer than  
16 five hundred acres that include one or more bus stops served by  
17 scheduled bus service of at least four times per hour for twelve or  
18 more hours per day;

19 (c) Authorize at least one duplex, triplex, or courtyard  
20 apartment on each parcel in one or more zoning districts that permit  
21 single-family residences unless a city documents a specific  
22 infrastructure of physical constraint that would make this  
23 requirement unfeasible for a particular parcel;

24 (d) Authorize cluster zoning or lot size averaging in all zoning  
25 districts that permit single-family residences;

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1 (e) Require no more than one on-site parking space per two  
2 bedrooms in multifamily zones that are located within one-half mile  
3 of a fixed guideway transit station;

4 (f) Authorize accessory dwelling units on all lots located in  
5 zoning districts that permit single-family residences, except that a  
6 city choosing this option may restrict the use of such units as  
7 short-term rentals, may impose a minimum lot size requirement of two  
8 thousand five hundred square feet, may restrict accessory dwelling  
9 units on lots that do not meet this minimum size requirement, and  
10 may not be required to permit an unattached accessory dwelling unit  
11 to be added to lots smaller than three thousand two hundred square  
12 feet;

13 (g) Adopt a planned action pursuant to RCW 43.21C.420;

14 (h) Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii),  
15 except that an environmental impact statement pursuant to RCW  
16 43.21C.030 is not required for such an action;

17 (i) Adopt increases in categorical exemptions pursuant to RCW  
18 43.21C.229 for residential or mixed-use development;

19 (j) Adopt a form-based code in one or more zoning districts that  
20 permit residential uses. "Form-based code" means a land development  
21 regulation that uses physical form, rather than separation of use,  
22 as the organizing principle for the code; and

23 (k) Authorize a duplex on each corner lot within all zoning  
24 districts that permit single-family residences.

25 (2) A city planning pursuant to RCW 36.70A.040 with a population  
26 greater than ten thousand is encouraged to take one or more of the  
27 following actions in order to increase housing affordability:

28 (a) Adopt an inclusionary zoning program, in which ten percent  
29 of the new housing capacity directed by this act consists of  
30 affordable housing;

31 (b) Provide surplus property to be used for affordable housing  
32 pursuant to RCW 39.33.015;

33 (c) Enact an affordable housing levy pursuant to RCW 84.52.105;

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1 (d) Form or join existing subregional partnerships with  
2 neighboring jurisdictions to implement and promote affordable  
3 housing programs;

4 (e) Adopt a renters' commission to advise on issues of  
5 displacement; or

6 (f) Adopt a relocation assistance program.

7 (3) Amendments to development regulations and other nonproject  
8 actions taken by a city to implement subsections (1) and (2) of this  
9 section are categorically exempt from the requirements of chapter  
10 43.21C RCW.

11 (4) In implementing this act, cities are encouraged to utilize  
12 strategies that distribute housing growth equitably across their  
13 jurisdictions.

14 (5) In implementing this act, cities are encouraged to  
15 prioritize the creation of affordable, inclusive neighborhoods and  
16 to consider the risk of residential displacement, particularly in  
17 neighborhoods with communities at high risk of displacement.

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19 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A  
20 RCW to read as follows:

21 (1) In addition to the requirements set forth in RCW 36.70A.  
22 070(2) for the housing element of a comprehensive plan, a city  
23 planning pursuant to RCW 36.70A.040 with a population greater than  
24 ten thousand is encouraged to update the housing element of its  
25 comprehensive plan as described in subsection (2) of this section.

26 (2) The housing element should:

27 (a) Quantify existing and projected housing needs for all income  
28 levels, including extremely low-income households, with  
29 documentation of housing and household characteristics, and  
30 cost-burdened households;

31 (b) Include policies, regulations, and programs to conserve and  
32 preserve existing private market and subsidized affordable housing  
33 and existing manufactured home parks;

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1 (c) In cities with populations of more than eighty thousand,  
2 include policies, regulations, and programs to minimize displacement;

3 (d) If the analysis in (a) of this subsection demonstrates a  
4 lack of sufficient sites to accommodate housing needs for extremely  
5 low-income, very low-income, and low-income households, include a  
6 program to make sufficient development capacity available at  
7 multifamily densities available for development;

8 (e) Analyze population and employment trends, with documentation  
9 of projections;

10 (f) Include an eight-year schedule of programs and actions to  
11 implement the policies of the housing element and to accommodate the  
12 planned affordable housing units, including incentives and funding  
13 for affordable housing; and

14 (g) Review and evaluate the previous housing element, including  
15 an evaluation of success in attaining planned housing types and  
16 units, achievement of goals and policies, and implementation of the  
17 schedule of programs and actions.

18 (3) The housing element update described in subsection (2) of  
19 this section should be incorporated into the housing element of a  
20 city's comprehensive plan by the next regularly scheduled  
21 comprehensive plan update as provided in RCW 36.70A.130.

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23 **Sec. 3.** RCW 43.21C.450 and 2012 1st sp.s. c 1 s 307 are each  
24 amended to read as follows:

25 The following nonproject actions are categorically exempt from  
26 the requirements of this chapter:

27 (1) Amendments to development regulations that are required to  
28 ensure consistency with an adopted comprehensive plan pursuant to  
29 RCW 36.70A.040, where the comprehensive plan was previously  
30 subjected to environmental review pursuant to this chapter and the  
31 impacts associated with the proposed regulation were specifically  
32 addressed in the prior environmental review;

33 (2) Amendments to development regulations that are required to  
34 ensure consistency with a shoreline master program approved pursuant

1 to RCW 90.58.090, where the shoreline master program was previously  
2 subjected to environmental review pursuant to this chapter and the  
3 impacts associated with the proposed regulation were specifically  
4 addressed in the prior environmental review;

5 (3) Amendments to development regulations that, upon  
6 implementation of a project action, will provide increased  
7 environmental protection, limited to the following:

8 (a) Increased protections for critical areas, such as enhanced  
9 buffers or setbacks;

10 (b) Increased vegetation retention or decreased impervious  
11 surface areas in shoreline jurisdiction; and

12 (c) Increased vegetation retention or decreased impervious  
13 surface areas in critical areas;

14 (4) Amendments to technical codes adopted by a county, city, or  
15 town to ensure consistency with minimum standards contained in state  
16 law, including the following:

17 (a) Building codes required by chapter 19.27 RCW;

18 (b) Energy codes required by chapter 19.27A RCW; and

19 (c) Electrical codes required by chapter 19.28 RCW;

20 (5) Amendments to development regulations in order to implement  
21 section 1 of this act.

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23 NEW SECTION. Sec. 4. A new section is added to chapter 43.21C  
24 RCW to read as follows:

25 (1) A project action evaluated under this chapter by a city,  
26 town, or county planning under RCW 36.70A.040 is exempt from appeals  
27 under this chapter on the basis of the evaluation of or impacts to  
28 transportation elements of the environment, so long as the project  
29 does not present significant adverse impacts to the state-owned  
30 transportation system as determined by the department of  
31 transportation and the project is:

32 (a)(i) Consistent with a locally adopted transportation plan; or

33 (ii) Consistent with the transportation element of a

34 comprehensive plan; and

1 (b)(i) A project for which traffic or parking impact fees are  
2 imposed pursuant to RCW 82.02.050 through 82.02.090; or

3 (ii) A project for which traffic or parking impacts are  
4 expressly mitigated by an ordinance, or ordinances, of general  
5 application adopted by the city, town, or county.

6 (2) For purposes of this section, "impacts to transportation  
7 elements of the environment" include impacts to transportation  
8 systems; vehicular traffic; waterborne, rail, and air traffic;  
9 parking; movement or circulation of people or goods; and traffic  
10 hazards.

11  
12 NEW SECTION. **Sec. 5.** If specific funding for the purposes of  
13 sections 1 and 2 of this act, referencing sections 1 and 2 of this  
14 act by bill or chapter number and section number, is not provided by  
15 June 30, 2019, in the omnibus appropriations act, sections 1 and 2  
16 of this act are null and void."

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18 Correct the title.

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EFFECT:

(1) Makes increased residential building capacity and increased housing affordability elements of the act optional, rather than mandatory.

(2) Makes the updated housing element of the act optional, rather than mandatory.

(3) Removes sections related to: definitions; Department of Commerce certification of updated housing elements of comprehensive plans; minimum parking requirements; subarea plans under the State Environmental Policy Act; expanded uses for funds in the Growth Management Planning and Environmental Review Fund; siting of permanent supportive housing; and impact fees.

(4) Removes \$100,000 planning grants.

(5) Removes ineligibility for funding from certain fund sources for cities that do not take certain actions under the act.

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