

ESSB 6617 - H COMM AMD

By Committee on Environment & Energy

NOT ADOPTED 03/06/2020

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature makes the following
4 findings:

5 (a) Washington state is experiencing a housing affordability
6 crisis. Many communities across the state are in need of more housing
7 for renters, across the income spectrum. Accessory dwelling units are
8 frequently rented at below market rate, providing additional
9 affordable housing options for renters.

10 (b) Accessory dwelling units are often occupied by tenants who
11 pay no rent at all; among these tenants are grandparents, adult
12 children, family members with disabilities, friends going through
13 life transitions, and community members in need. Accessory dwelling
14 units meet the needs of these people who might otherwise require
15 scarce subsidized housing space and resources.

16 (c) Accessory dwelling units can meet the needs of Washington's
17 growing senior population, making it possible for this population to
18 age in their communities by offering senior-friendly housing, which
19 prioritizes physical accessibility, in walkable communities near
20 amenities essential to successful aging in place, including transit
21 and grocery stores, without requiring costly renovations of existing
22 housing stock.

23 (d) Homeowners who add an accessory dwelling unit may benefit
24 from added income and an increased sense of security.

25 (e) Siting accessory dwelling units near transit hubs and near
26 public amenities can help to reduce greenhouse gas emissions by
27 increasing walkability, shortening household commutes, and limiting
28 sprawl.

29 (2) The legislature intends to promote and encourage the creation
30 of accessory dwelling units as a means to address the need for
31 additional affordable housing options.

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

3 The definitions in this section apply throughout sections 3 and 4
4 of this act unless the context clearly requires otherwise.

5 (1) "Accessory dwelling unit" means a dwelling unit located on
6 the same lot as a single-family housing unit, duplex, triplex,
7 townhome, or other housing unit.

8 (2) "Attached accessory dwelling unit" means an accessory
9 dwelling unit located within or attached to a single-family housing
10 unit, duplex, triplex, townhome, or other housing unit.

11 (3) "City" means any city, code city, and town located in a
12 county planning under RCW 36.70A.040.

13 (4) "Detached accessory dwelling unit" means an accessory
14 dwelling unit that consists partly or entirely of a building that is
15 separate and detached from a single-family housing unit, duplex,
16 triplex, townhome, or other housing unit.

17 (5) "Dwelling unit" means a residential living unit that provides
18 complete independent living facilities for one or more persons and
19 that includes permanent provisions for living, sleeping, eating,
20 cooking, and sanitation.

21 (6) "Major transit stop" means:

22 (a) A stop on a high capacity transportation system funded or
23 expanded under the provisions of chapter 81.104 RCW;

24 (b) Commuter rail stops;

25 (c) Stops on rail or fixed guideway systems, including
26 transitways;

27 (d) Stops on bus rapid transit routes or routes that run on high
28 occupancy vehicle lanes; or

29 (e) Stops for a bus or other transit mode providing fixed route
30 service at intervals of at least fifteen minutes during the peak
31 hours of operation.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
33 RCW to read as follows:

34 (1)(a) Cities must adopt or amend by ordinance, and incorporate
35 into their development regulations, zoning regulations, and other
36 official controls the requirements of section 4(2) of this act to
37 take effect by July 1, 2021.

38 (b) Beginning July 1, 2021, the requirements of section 4(2) of
39 this act:

1 (i) Apply and take effect in any city that has not adopted or
2 amended ordinances, regulations, or other official controls as
3 required under this section; and

4 (ii) Supersede, preempt, and invalidate any local development
5 regulations that conflict with section 4(2) of this act.

6 (2) Any action taken by a city that is authorized or required
7 under section 4 of this act is not subject to legal challenge under
8 this chapter or chapter 43.21C RCW, except that ordinances,
9 regulations, and other official controls are subject to legal
10 challenge if authorization is provided for the siting of accessory
11 dwelling units on properties zoned such that single-family housing
12 units are a nonconforming use.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
14 RCW to read as follows:

15 (1) Through the adoption or amendment of ordinances, development
16 regulations, zoning regulations, and other official controls, cities:

17 (a) May allow up to two accessory dwelling units on all lots on
18 which there is a single-family housing unit, duplex, triplex,
19 fourplex, rowhouse, townhome, or apartment building, regardless of
20 zoning district; the accessory dwelling units allowed under this
21 subsection may be either attached accessory dwelling units or
22 detached accessory dwelling units.

23 (b) May remove any requirement that the owner of a lot on which
24 there is an accessory dwelling unit reside in or occupy the accessory
25 dwelling unit or another housing unit on the same lot.

26 (2)(a) Except as provided in (b) of this subsection, through
27 ordinances, development regulations, zoning regulations, and other
28 official controls as required under section 3 of this act, cities may
29 not require the provision of off-street parking for accessory
30 dwelling units within one-quarter mile of a major transit stop.

31 (b) A city may require the provision of off-street parking for an
32 accessory dwelling unit located within one-quarter mile of a major
33 transit stop if the city has determined that the accessory dwelling
34 unit is in an area with a lack of access to street parking capacity,
35 physical space impediments, or other reasons supported by evidence
36 that would make on-street parking infeasible for the accessory
37 dwelling unit.

1 **Sec. 5.** RCW 43.21C.495 and 2019 c 348 s 4 are each amended to
2 read as follows:

3 (1) If adopted by April 1, 2021, amendments to development
4 regulations and other nonproject actions taken by a city to implement
5 RCW 36.70A.600 (1) or (4), with the exception of the action specified
6 in RCW 36.70A.600(1)(f), are not subject to administrative or
7 judicial appeals under this chapter.

8 (2) Amendments to development regulations and other nonproject
9 actions taken by a city consistent with sections 3 and 4 of this act
10 are not subject to administrative or judicial appeals under this
11 chapter."

12 Correct the title.

EFFECT: The striking amendment makes the following changes to the
Engrossed Substitute Senate Bill:

(1) Limits the scope of the bill to cities, and provides that
accessory dwelling unit (ADU) requirements and the State
Environmental Policy Act appeal exemption do not apply to counties;

(2) Amends the areas in which cities may require off-street
parking associated with the development of ADUs to include areas that
are at least one-quarter of a mile away from a major transit stop,
rather than one-half of a mile away from a major transit stop;

(3) Limits the types of bus and other fixed route service stops
that qualify as major transit stops to those that are served every 15
minutes during peak hours of operation;

(4) Makes technical corrections to clarify that the only ADU
policies that are mandatory for cities is the prohibition on
requiring parking associated with ADUs near major transit stops;

(5) Provides that local ordinances and development regulations
are not subject to the exemption from appeal under the Growth
Management Act or the State Environmental Policy Act if authorization
is provided for the siting of accessory dwelling units on properties
zoned such that single-family housing units are a nonconforming use;
and

(6) Authorizes cities to require parking associated with an
accessory dwelling unit (ADU) located within one quarter of a mile
from a major transit stop if the city has determined that the ADU is
in an area with a lack of access to street parking capacity, physical
space impediments, or other reasons supported by evidence that would
make on-street parking infeasible.

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