

SENATE BILL REPORT

SB 5440

As of February 12, 2019

Title: An act relating to the housing element of comprehensive plans required under the growth management act.

Brief Description: Concerning the housing element of comprehensive plans required under the growth management act.

Sponsors: Senators Palumbo, Nguyen, Lias and Saldaña.

Brief History:

Committee Activity: Local Government: 2/05/19.

Brief Summary of Bill

- Adds additional requirements to the housing element of comprehensive plans under the Growth Management Act.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Staff: Greg Vogel (786-7413)

Background: Growth Management Act. The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The GMA sets forth three broad planning obligations for those counties and cities who plan fully under the GMA: the county legislative authority must adopt a countywide planning policy; the county, and the cities within the county, must designate critical areas, agricultural lands, forestlands, and mineral resource lands, and adopt development regulations accordingly; and the county must designate and take other actions related to urban growth areas.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. The implementation of comprehensive plans occurs through locally adopted development regulations.

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Comprehensive plans must include a housing element, which provides (1) an inventory and analysis of existing and projected housing needs; (2) a statement of policies for preserving, improving, and developing housing; (3) identifying sufficient land for housing; and (4) adequate provisions for the existing and projected needs of all the communities' economic segments.

Summary of Bill: In addition to existing requirements, the housing element of comprehensive plans under the GMA must also do the following:

- quantify existing and projected housing needs for all income levels, including extremely low-income households, with documentation of housing and household characteristics, including housing stock condition, overcrowding, and comparison of level of payment with ability to pay as part of the inventory and analysis of existing and projected housing needs;
- if the inventory and analysis of existing and projected housing needs demonstrates a lack of sufficient sites to accommodate housing needs for extremely low-income, very low-income, and low-income households, include a program to make sufficient sites available at multifamily densities available for development;
- include policies and programs to conserve and preserve existing market rate and subsidized affordable housing and existing manufactured home parks;
- for cities with populations of more than 80,000, include policies, regulations, and programs to minimize displacement;
- analyze population and employment trends, with documentation of projections;
- provide a zone where emergency shelters are permitted without a discretionary review process;
- include an eight year schedule of programs and actions to implement the policies of the housing element and to accommodate planned housing units, including incentives and funding for affordable housing; and
- review and evaluate the previous housing element, including an evaluation of success in attaining planned housing units, achievement of goals and policies, and implementation of the schedule of programs and actions.

The Department of Commerce must review, and if compliant with statutory requirements, approve the housing element of GMA planning jurisdictions after each periodic comprehensive plan update.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is a change in how housing elements are formed—a wish list. It is critical to put some teeth into housing elements. This bill includes planning for different income levels and an eight-year cycle to make sure areas have housing for the different low income AMI levels. The lookback feature is also important. It means that if a jurisdiction gets through its eight-year process, it must look back at whether

plans and actions were implemented to meet the policies. The Commerce approval is similar to Oregon and California. This bill will go a long way towards fixing the housing problem.

This bill is viewed as an opportunity for local jurisdictions to start understanding where the gaps in their affordable housing needs are and understanding what kind of development is available and how to address that. Some further analysis around income in the housing element is commendable. One concern is that a lot of the required analysis may be beyond the capacity of planning departments, in terms of technical capability and manpower. There is also no funding included in the bill, a promise of the GMA that has not been kept.

CON: The city of Everett appreciates the intention to make changes to laws that result in a greater supply of affordable housing. However, this bill mandates requirements without recognizing that outcomes do not happen by amending comprehensive plans. There are downtown areas zoned for high density, but still mostly consisting of single residential housing.

There is an opportunity to be more specific within the housing element, but fundamentally without new and expanded tools, the premise of the legislation will not be successful. There are no means to accomplish it. There should be a conversation around putting teeth in the housing element and setting the table for growth and development. Being held accountable is challenging. There are other programs to invest in these goals, but this is not the sort of challenge that the housing element can fix.

OTHER: There is concern about the language on housing elements and agreement that it is the weakest element of comprehensive plans. However, this bill as written will not take the state where it wants to go. It is appreciated that the language on population analysis includes characteristics of the community, but there may be other ways of attaining this information. There is a new housing guidebook that Commerce has done, which goes into a lot of detail about looking at aging housing plans, affordable housing plans at the federal level, and matching those with current housing plans. Communities need to be given the opportunity to find data to do this sort of work and use the guidebook and other bills to get jurisdictions where they need to be.

Persons Testifying: PRO: Senator Guy Palumbo, Prime Sponsor; Bryce Yadon, Futurewise; Paul Jewell, Washington State Association of Counties.

CON: Lyset Cadena, City of Everett; Carl Schroeder, Association of Washington Cities.

OTHER: Jeanette McKague, Washington REALTORS.

Persons Signed In To Testify But Not Testifying: No one.