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**SUBSTITUTE HOUSE BILL 1298**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** House Local Government (originally sponsored by Representatives Vick, Springer, Robertson, Chapman, Chambers, Barkis, and Shewmake)

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

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

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

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

Consistent with the legislative findings that accessory dwelling units should address the need for additional affordable housing options, it is the intent of the legislature that local jurisdictions may restrict accessory dwelling units or the primary residence associated with such accessory dwelling units from being offered for short-term rental in order to increase the supply of affordable housing. The legislature further intends that local jurisdictions may add other requirements for accessory dwelling units in addition to the requirements of this act.

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

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

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

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

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

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

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

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

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

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

(4) Accessory dwelling units located outside urban growth areas pursuant to subsection (3) of this section are excluded from the calculation of housing density solely for purposes of determining if an area is rural. The accessory dwelling units and their residents shall be included for all other planning purposes including traffic, stormwater, public safety, and other services.

(5) Jurisdictions that authorize accessory dwelling units outside of urban growth areas pursuant to subsection (3) of this section must meter water utilized from any private well or source other than a public water system for those accessory dwelling units and report the water use data to the county. Jurisdictions must make the water use data available upon request to the department of ecology, the department of fish and wildlife, and any tribe with reserved rights relating to the watershed in which the accessory dwelling unit is located, and must utilize such data in land use, growth management, critical areas, and watershed planning.

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

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