

HOUSE BILL REPORT

ESHB 1232

As Passed House:

March 8, 2021

Title: An act relating to planning for affordable housing under the growth management act.

Brief Description: Planning for affordable housing under the growth management act.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Barkis, Griffey, Eslick, Robertson and Young).

Brief History:

Committee Activity:

Local Government: 2/9/21, 2/12/21, 2/15/21 [DPS].

Floor Activity:

Passed House: 3/8/21, 77-21.

Brief Summary of Engrossed Substitute Bill

- Requires cities and counties planning under the Growth Management Act to consider single-family residences such as detached dwellings, duplexes, triplexes, and townhomes in urban growth areas (UGAs) in the housing element of the comprehensive plan.
- Requires that cities and counties that do not plan for each specified housing type, including single-family residences such as detached dwellings, duplexes, triplexes, and townhomes in a UGA, to explain how the county as a whole and the cities within the county will meet existing and projected housing needs.
- Allows counties and cities outside of Clark, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties to exempt themselves from requirements related to considering and planning for duplexes, triplexes, and townhomes within a UGA if the county or city adopts findings showing that the infrastructure within the UGA cannot support such development or that infrastructure to support the development is unlikely

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to be built within the two-year planning period.

- Requires consideration of housing locations in relation to employment locations in the housing element of the comprehensive plan.
- Requires countywide planning policies to be updated at least 14 months before the deadline to update a comprehensive plan, and to address how counties and cities will jointly meet the land use element requirements.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg, Robertson and Senn.

Staff: Kellen Wright (786-7134).

Background:

The Growth Management Act (GMA) requires that certain counties, and the cities within those counties, engage in planning for future population growth. Currently, 18 counties are required to plan, 10 have chosen to plan, and 11 are not subject to the full GMA planning requirements. The central part of the planning process is the comprehensive plan, which is a generalized, coordinated land use policy statement. The Legislature has established 13 goals that should act as the basis for all comprehensive plans. Examples of goals include reducing sprawl, providing for affordable housing, and protecting property rights. The comprehensive plan addresses these goals, and sets out the policies and standards that are meant to guide the city or county's actions and decisions in the future. These plans are required to be updated every eight years and must contain certain elements, such as a transportation element, a rural development element, and a capital facilities plan. These elements must satisfy the requirements for each element while fitting within the overall comprehensive plan.

One element required in the comprehensive plan is the land use element. This requires the designation of the proposed general distribution, location, and uses of land. It must include population densities, building intensities, and estimates of future growth. The land use element is required to provide for the protection of the quality and quantity of groundwater used for public water supplies. When possible, the land use element should consider planning approaches that promote physical activity. In counties and cities in which it is applicable, the land use element must also review drainage, stormwater, and flooding, and provide guidance on taking corrective actions to mitigate or cleanse these discharges that pollute the waters of the state.

Another element of a comprehensive plan is the housing element. This element is meant to ensure the vitality and character of established neighborhoods. It must include the identification of the number of housing units required based on existing and projected growth. The housing element must include a statement of goals and policies for the preservation, improvement, and development of housing, including single-family housing. It is also required to make provisions for the existing and future needs of all economic segments of the population, and to identify sufficient land for housing, including government assisted or low-income housing, manufactured housing, and multifamily or group home housing.

Counties, together with cities within the county, are required to develop a countywide planning policy to provide a framework in which the county and the cities can develop consistent comprehensive plans. Within 14 months of a county initially becoming subject to the GMA's requirements, the county must adopt a countywide planning policy in consultation with the cities within the county. The policy must address urban growth areas (UGAs); policies to promote orderly development; policies for siting state or countywide capital facilities; policies and strategies for countywide transportation; policies considering the need for affordable housing; policies for countywide economic development; and the fiscal impact of these policies. Failure to adopt a countywide planning policy can subject the county and cities therein to sanctions from the Governor, including the withholding of certain tax revenue. Countywide planning policies may be appealed by cities or the Governor to the Growth Management Hearings Board for 60 days after their adoption.

Summary of Engrossed Substitute Bill:

The housing element of the comprehensive plan must include provisions for the preservation, improvement, and development of housing, including, in UGAs, single-family residences such as detached dwellings, duplexes, triplexes, and townhomes. The housing element must also identify sufficient land for housing, including, in a UGA, single-family residences such as detached dwellings, duplexes, triplexes, and townhomes. The housing element is required to make adequate provisions for all economic needs of the community, including the consideration of housing in relation to employment locations.

The housing element must link the housing goals of the planning jurisdiction to those of the overall county goals to ensure that the goals of the housing element are met. If a county or city does not include all housing types in its plans, including, in a UGA, single-family residences such as detached dwellings, duplexes, triplexes, and townhomes, then the countywide planning policies must explain how the county as a whole will meet all the existing and projected housing needs of all economic segments of the community during the planning period.

Countywide planning policies must be updated at least 14 months prior to the deadline for the county to revise its comprehensive plan. These policies must include policies that

consider the need for affordable housing, and address how the county and cities will meet the requirements to consider all required housing types, including, in a UGA, single-family residences such as detached dwellings, duplexes, triplexes, and townhomes. The policies must specify how the county and cities will ensure the housing element requirements are met. The countywide planning policies must also address how the county and cities will jointly satisfy the requirements of the land use element.

Counties and cities outside of Clark, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties are not required to comply with requirements related to consideration of and planning for duplexes, triplexes, and townhomes within a UGA if the city or county adopts findings and provides evidence that either the current infrastructure within the UGA will not support such development, or that it is unlikely that such infrastructure will be built to support such development within the 20-year planning period.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill helps close the current gaps in the housing element of the comprehensive plan. It is time to add teeth to the housing element and to talk about the housing that should be allowed within our communities. There needs to be an explanation for why certain types of growth and housing are not allowed in communities. There needs to be a balanced market and housing for all elements of the community. The idea of single-family residences should be expanded. When the free market in housing is not functioning properly, it puts additional pressure on the subsidized market. Limiting this bill to UGAs would make planning easier. The bill and amendment would not tell local governments how to plan UGAs.

(Opposed) There are two major concerns with this bill: for nonurban counties it is not possible to construct all of the types of housing included in the bill, and new mandates to update countywide planning policies are not reimbursed by the state. The counties are already required to plan for all economic sectors of the community, and the additional requirement to plan for all housing types is unnecessary. It would be appropriate to limit the requirement to UGAs, but the infrastructure in those areas is sometimes insufficient to support new development. Some of the changes in the bill are good, such as requiring consideration of missing middle housing types, but the focus should be on housing needs rather than types of housing. The GMA already requires consideration of housing for all economic sectors. The primary concern is the new regional planning work that will be required if all housing types are not authorized. Housing needs can be better met some

other way.

Persons Testifying: (In support) Representative Barkis, prime sponsor; Bryce Yadon, Futurewise; and Jan Himebaugh, Building Industry Association of Washington.

(Opposed) Paul Jewell, Washington State Association of Counties; and Carl Schroeder, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.