

**2SHB 1110 - H AMD 261**

By Representative Bateman

**ADOPTED AS AMENDED 03/06/2023**

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that Washington is  
4 facing an unprecedented housing shortage for its current population  
5 and without significant action will not meet its goal of creating  
6 1,000,000 homes by 2044.

7 Increasing housing options that are more affordable to various  
8 income levels is critical to achieving the state's housing goals,  
9 including those codified by the legislature under chapter 254, Laws  
10 of 2021.

11 There is continued need for the development of housing at all  
12 income levels, including middle housing that will provide a wider  
13 variety of housing options and configurations to allow Washingtonians  
14 to live near where they work.

15 To unlock opportunity for Washingtonians it is necessary to lift  
16 bans on the development of modest home choices in cities near job  
17 centers, transit, and amenity-rich neighborhoods.

18 Homes developed at higher densities and gentle density housing  
19 types are more affordable by design for Washington residents both in  
20 their construction and reduced household energy and transportation  
21 costs.

22 While creating more housing options, it is essential for cities  
23 to identify areas at higher risk of displacement and establish  
24 antidisplacement policies as required in Engrossed Second Substitute  
25 House Bill No. 1220 (chapter 254, Laws of 2021).

26 The state has made historic investments in subsidized affordable  
27 housing through the housing trust fund, yet even with these historic  
28 investments, the magnitude of the housing shortage requires both  
29 public and private investment.

30 In addition to addressing the housing shortage, allowing more  
31 housing options in areas already served by urban infrastructure will  
32 reduce the pressure to develop natural and working lands, support key

1 strategies for climate change, food security, and Puget Sound  
2 recovery, and save taxpayers and ratepayers money.

3 **Sec. 2.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to  
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in  
6 this section apply throughout this chapter.

7 (1) "Administrative design review" means a development permit  
8 process whereby an application is reviewed, approved, or denied by  
9 the planning director or the planning director's designee based  
10 solely on objective design and development standards without a public  
11 meeting or hearing, unless such review is otherwise required by state  
12 or federal law, or the structure is a designated landmark or historic  
13 district established under a local preservation ordinance.

14 (2) "Adopt a comprehensive land use plan" means to enact a new  
15 comprehensive land use plan or to update an existing comprehensive  
16 land use plan.

17 (~~(2)~~) (3) "Affordable housing" means, unless the context  
18 clearly indicates otherwise, residential housing whose monthly costs,  
19 including utilities other than telephone, do not exceed thirty  
20 percent of the monthly income of a household whose income is:

21 (a) For rental housing, sixty percent of the median household  
22 income adjusted for household size, for the county where the  
23 household is located, as reported by the United States department of  
24 housing and urban development; or

25 (b) For owner-occupied housing, eighty percent of the median  
26 household income adjusted for household size, for the county where  
27 the household is located, as reported by the United States department  
28 of housing and urban development.

29 (~~(3)~~) (4) "Agricultural land" means land primarily devoted to  
30 the commercial production of horticultural, viticultural,  
31 floricultural, dairy, apiary, vegetable, or animal products or of  
32 berries, grain, hay, straw, turf, seed, Christmas trees not subject  
33 to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish  
34 in upland hatcheries, or livestock, and that has long-term commercial  
35 significance for agricultural production.

36 (~~(4)~~) (5) "City" means any city or town, including a code city.

37 (~~(5)~~) (6) "Community amenity" means:

38 (a) A public school as defined in RCW 28A.150.010 or a common  
39 school as defined in RCW 28A.150.020; or

1 (b) A designated entrance or pedestrian access point to a  
2 community park operated by the state or a local government for the  
3 use of the general public.

4 (7) "Comprehensive land use plan," "comprehensive plan," or  
5 "plan" means a generalized coordinated land use policy statement of  
6 the governing body of a county or city that is adopted pursuant to  
7 this chapter.

8 ~~((+6))~~ (8) "Cottage housing" means residential units on a lot  
9 with a common open space that either: (a) Is owned in common; or (b)  
10 has units owned as condominium units with property owned in common  
11 and a minimum of 20 percent of the lot size as open space.

12 (9) "Courtyard apartments" means up to four attached dwelling  
13 units arranged on two or three sides of a yard or court.

14 (10) "Critical areas" include the following areas and ecosystems:  
15 (a) Wetlands; (b) areas with a critical recharging effect on aquifers  
16 used for potable water; (c) fish and wildlife habitat conservation  
17 areas; (d) frequently flooded areas; and (e) geologically hazardous  
18 areas. "Fish and wildlife habitat conservation areas" does not  
19 include such artificial features or constructs as irrigation delivery  
20 systems, irrigation infrastructure, irrigation canals, or drainage  
21 ditches that lie within the boundaries of and are maintained by a  
22 port district or an irrigation district or company.

23 ~~((+7))~~ (11) "Department" means the department of commerce.

24 ~~((+8))~~ (12) "Development regulations" or "regulation" means the  
25 controls placed on development or land use activities by a county or  
26 city, including, but not limited to, zoning ordinances, critical  
27 areas ordinances, shoreline master programs, official controls,  
28 planned unit development ordinances, subdivision ordinances, and  
29 binding site plan ordinances together with any amendments thereto. A  
30 development regulation does not include a decision to approve a  
31 project permit application, as defined in RCW 36.70B.020, even though  
32 the decision may be expressed in a resolution or ordinance of the  
33 legislative body of the county or city.

34 ~~((+9))~~ (13) "Emergency housing" means temporary indoor  
35 accommodations for individuals or families who are homeless or at  
36 imminent risk of becoming homeless that is intended to address the  
37 basic health, food, clothing, and personal hygiene needs of  
38 individuals or families. Emergency housing may or may not require  
39 occupants to enter into a lease or an occupancy agreement.

1       (~~(10)~~) (14) "Emergency shelter" means a facility that provides  
2 a temporary shelter for individuals or families who are currently  
3 homeless. Emergency shelter may not require occupants to enter into a  
4 lease or an occupancy agreement. Emergency shelter facilities may  
5 include day and warming centers that do not provide overnight  
6 accommodations.

7       (~~(11)~~) (15) "Extremely low-income household" means a single  
8 person, family, or unrelated persons living together whose adjusted  
9 income is at or below thirty percent of the median household income  
10 adjusted for household size, for the county where the household is  
11 located, as reported by the United States department of housing and  
12 urban development.

13       (~~(12)~~) (16) "Forestland" means land primarily devoted to  
14 growing trees for long-term commercial timber production on land that  
15 can be economically and practically managed for such production,  
16 including Christmas trees subject to the excise tax imposed under RCW  
17 84.33.100 through 84.33.140, and that has long-term commercial  
18 significance. In determining whether forestland is primarily devoted  
19 to growing trees for long-term commercial timber production on land  
20 that can be economically and practically managed for such production,  
21 the following factors shall be considered: (a) The proximity of the  
22 land to urban, suburban, and rural settlements; (b) surrounding  
23 parcel size and the compatibility and intensity of adjacent and  
24 nearby land uses; (c) long-term local economic conditions that affect  
25 the ability to manage for timber production; and (d) the availability  
26 of public facilities and services conducive to conversion of  
27 forestland to other uses.

28       (~~(13)~~) (17) "Freight rail dependent uses" means buildings and  
29 other infrastructure that are used in the fabrication, processing,  
30 storage, and transport of goods where the use is dependent on and  
31 makes use of an adjacent short line railroad. Such facilities are  
32 both urban and rural development for purposes of this chapter.  
33 "Freight rail dependent uses" does not include buildings and other  
34 infrastructure that are used in the fabrication, processing, storage,  
35 and transport of coal, liquefied natural gas, or "crude oil" as  
36 defined in RCW 90.56.010.

37       (~~(14)~~) (18) "Geologically hazardous areas" means areas that  
38 because of their susceptibility to erosion, sliding, earthquake, or  
39 other geological events, are not suited to the siting of commercial,

1 residential, or industrial development consistent with public health  
2 or safety concerns.

3 ~~((15))~~ (19) "Long-term commercial significance" includes the  
4 growing capacity, productivity, and soil composition of the land for  
5 long-term commercial production, in consideration with the land's  
6 proximity to population areas, and the possibility of more intense  
7 uses of the land.

8 ~~((16))~~ (20) "Low-income household" means a single person,  
9 family, or unrelated persons living together whose adjusted income is  
10 at or below eighty percent of the median household income adjusted  
11 for household size, for the county where the household is located, as  
12 reported by the United States department of housing and urban  
13 development.

14 ~~((17))~~ (21) "Major transit stop" means:

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

17 (b) Commuter rail stops;

18 (c) Stops on rail or fixed guideway systems, including  
19 transitways; or

20 (d) Stops on bus rapid transit routes.

21 (22) "Middle housing" means buildings that are compatible in  
22 scale, form, and character with single-family houses and contain two  
23 or more attached, stacked, or clustered homes including duplexes,  
24 triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked  
25 flats, courtyard apartments, and cottage housing.

26 (23) "Minerals" include gravel, sand, and valuable metallic  
27 substances.

28 ~~((18))~~ (24) "Moderate-income household" means a single person,  
29 family, or unrelated persons living together whose adjusted income is  
30 at or below 120 percent of the median household income adjusted for  
31 household size, for the county where the household is located, as  
32 reported by the United States department of housing and urban  
33 development.

34 ~~((19))~~ (25) "Permanent supportive housing" is subsidized,  
35 leased housing with no limit on length of stay that prioritizes  
36 people who need comprehensive support services to retain tenancy and  
37 utilizes admissions practices designed to use lower barriers to entry  
38 than would be typical for other subsidized or unsubsidized rental  
39 housing, especially related to rental history, criminal history, and  
40 personal behaviors. Permanent supportive housing is paired with on-

1 site or off-site voluntary services designed to support a person  
2 living with a complex and disabling behavioral health or physical  
3 health condition who was experiencing homelessness or was at imminent  
4 risk of homelessness prior to moving into housing to retain their  
5 housing and be a successful tenant in a housing arrangement, improve  
6 the resident's health status, and connect the resident of the housing  
7 with community-based health care, treatment, or employment services.  
8 Permanent supportive housing is subject to all of the rights and  
9 responsibilities defined in chapter 59.18 RCW.

10 ~~((20))~~ (26) "Public facilities" include streets, roads,  
11 highways, sidewalks, street and road lighting systems, traffic  
12 signals, domestic water systems, storm and sanitary sewer systems,  
13 parks and recreational facilities, and schools.

14 ~~((21))~~ (27) "Public services" include fire protection and  
15 suppression, law enforcement, public health, education, recreation,  
16 environmental protection, and other governmental services.

17 ~~((22))~~ (28) "Recreational land" means land so designated under  
18 RCW 36.70A.1701 and that, immediately prior to this designation, was  
19 designated as agricultural land of long-term commercial significance  
20 under RCW 36.70A.170. Recreational land must have playing fields and  
21 supporting facilities existing before July 1, 2004, for sports played  
22 on grass playing fields.

23 ~~((23))~~ (29) "Rural character" refers to the patterns of land  
24 use and development established by a county in the rural element of  
25 its comprehensive plan:

26 (a) In which open space, the natural landscape, and vegetation  
27 predominate over the built environment;

28 (b) That foster traditional rural lifestyles, rural-based  
29 economies, and opportunities to both live and work in rural areas;

30 (c) That provide visual landscapes that are traditionally found  
31 in rural areas and communities;

32 (d) That are compatible with the use of the land by wildlife and  
33 for fish and wildlife habitat;

34 (e) That reduce the inappropriate conversion of undeveloped land  
35 into sprawling, low-density development;

36 (f) That generally do not require the extension of urban  
37 governmental services; and

38 (g) That are consistent with the protection of natural surface  
39 water flows and groundwater and surface water recharge and discharge  
40 areas.

1        ~~((24))~~ (30) "Rural development" refers to development outside  
2 the urban growth area and outside agricultural, forest, and mineral  
3 resource lands designated pursuant to RCW 36.70A.170. Rural  
4 development can consist of a variety of uses and residential  
5 densities, including clustered residential development, at levels  
6 that are consistent with the preservation of rural character and the  
7 requirements of the rural element. Rural development does not refer  
8 to agriculture or forestry activities that may be conducted in rural  
9 areas.

10        ~~((25))~~ (31) "Rural governmental services" or "rural services"  
11 include those public services and public facilities historically and  
12 typically delivered at an intensity usually found in rural areas, and  
13 may include domestic water systems(~~(7)~~) and fire and police  
14 protection services(~~(, transportation and public transit services,~~  
15 ~~and other public utilities)~~) associated with rural development and  
16 normally not associated with urban areas. Rural services do not  
17 include storm or sanitary sewers, except as otherwise authorized by  
18 RCW 36.70A.110(4).

19        ~~((26))~~ (32) "Short line railroad" means those railroad lines  
20 designated class II or class III by the United States surface  
21 transportation board.

22        ~~((27))~~ (33) "Stacked flat" means dwelling units in a  
23 residential building of no more than three stories on a residential  
24 zoned lot in which each floor may be separately rented or owned.

25        (34) "Townhouses" means buildings that contain three or more  
26 attached single-family dwelling units that extend from foundation to  
27 roof and that have a yard or public way on not less than two sides.

28        (35) "Urban governmental services" or "urban services" include  
29 those public services and public facilities at an intensity  
30 historically and typically provided in cities, specifically including  
31 storm and sanitary sewer systems, domestic water systems, street  
32 cleaning services, fire and police protection services, public  
33 transit services, and other public utilities associated with urban  
34 areas and normally not associated with rural areas.

35        ~~((28))~~ (36) "Urban growth" refers to growth that makes  
36 intensive use of land for the location of buildings, structures, and  
37 impermeable surfaces to such a degree as to be incompatible with the  
38 primary use of land for the production of food, other agricultural  
39 products, or fiber, or the extraction of mineral resources, rural  
40 uses, rural development, and natural resource lands designated

1 pursuant to RCW 36.70A.170. A pattern of more intensive rural  
2 development, as provided in RCW 36.70A.070(5)(d), is not urban  
3 growth. When allowed to spread over wide areas, urban growth  
4 typically requires urban governmental services. "Characterized by  
5 urban growth" refers to land having urban growth located on it, or to  
6 land located in relationship to an area with urban growth on it as to  
7 be appropriate for urban growth.

8 ~~((29))~~ (37) "Urban growth areas" means those areas designated  
9 by a county pursuant to RCW 36.70A.110.

10 ~~((30))~~ (38) "Very low-income household" means a single person,  
11 family, or unrelated persons living together whose adjusted income is  
12 at or below fifty percent of the median household income adjusted for  
13 household size, for the county where the household is located, as  
14 reported by the United States department of housing and urban  
15 development.

16 ~~((31))~~ (39) "Wetland" or "wetlands" means areas that are  
17 inundated or saturated by surface water or groundwater at a frequency  
18 and duration sufficient to support, and that under normal  
19 circumstances do support, a prevalence of vegetation typically  
20 adapted for life in saturated soil conditions. Wetlands generally  
21 include swamps, marshes, bogs, and similar areas. Wetlands do not  
22 include those artificial wetlands intentionally created from  
23 nonwetland sites, including, but not limited to, irrigation and  
24 drainage ditches, grass-lined swales, canals, detention facilities,  
25 wastewater treatment facilities, farm ponds, and landscape amenities,  
26 or those wetlands created after July 1, 1990, that were  
27 unintentionally created as a result of the construction of a road,  
28 street, or highway. Wetlands may include those artificial wetlands  
29 intentionally created from nonwetland areas created to mitigate  
30 conversion of wetlands.

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

33 (1) Except as provided in section 4 of this act, any city that is  
34 required or chooses to plan under RCW 36.70A.040 must provide by  
35 ordinance and incorporate into its development regulations, zoning  
36 regulations, and other official controls, authorization for the  
37 following:

38 (a) For cities with a population of at least 25,000 but less than  
39 75,000 based on office of financial management population estimates:



1 (i) The development of at least two units per lot on all lots  
2 zoned predominantly for residential use;

3 (ii) The development of at least four units per lot on all lots  
4 zoned predominantly for residential use within one-half mile walking  
5 distance of a major transit stop or community amenity; and

6 (iii) The development of at least four units per lot on all lots  
7 zoned predominantly for residential use if at least one unit is  
8 affordable housing.

9 (b) For cities with a population of at least 75,000, or any city  
10 within a contiguous urban growth area with the largest city in a  
11 county with a population of more than 275,000, based on office of  
12 financial management population estimates:

13 (i) The development of at least four units per lot on all lots  
14 zoned predominantly for residential use;

15 (ii) The development of at least six units per lot on all lots  
16 zoned predominantly for residential use within one-quarter mile  
17 walking distance of a major transit stop or community amenity; and

18 (iii) The development of at least six units per lot on all lots  
19 zoned predominantly for residential use if at least two units are  
20 affordable housing.

21 (2)(a) To qualify for the additional units allowed under  
22 subsection (1) of this section, the applicant must commit to renting  
23 or selling the required number of units as affordable housing. The  
24 units must be maintained as affordable for a term of at least 50  
25 years, and the property must satisfy that commitment and all required  
26 affordability and income eligibility conditions adopted by the local  
27 government under this chapter. A city must require the applicant to  
28 record a covenant or deed restriction that ensures the continuing  
29 rental of units subject to these affordability requirements  
30 consistent with the conditions in chapter 84.14 RCW for a period of  
31 no less than 50 years. The covenant or deed restriction must also  
32 address criteria and policies to maintain public benefit if the  
33 property is converted to a use other than which continues to provide  
34 for permanently affordable housing.

35 (b) The units dedicated as affordable must be provided in a range  
36 of sizes comparable to other units in the development. To the extent  
37 practicable, the number of bedrooms in affordable units must be in  
38 the same proportion as the number of bedrooms in units within the  
39 entire development. The affordable units must generally be

1 distributed throughout the development and have substantially the  
2 same functionality as the other units in the development.

3 (c) If a city has enacted a program under RCW 36.70A.540, the  
4 terms of that program govern to the extent they vary from the  
5 requirements of this subsection.

6 (3) If a city has enacted a program under RCW 36.70A.540,  
7 subsection (1) of this section does not preclude the city from  
8 requiring any development, including development described in  
9 subsection (1) of this section, to provide affordable housing, either  
10 on-site or through an in-lieu payment, nor limit the city's ability  
11 to expand such a program or modify its requirements.

12 (4) A city must allow at least six of the eight types of middle  
13 housing to achieve the unit density required in subsection (1) of  
14 this section. A city must also allow zero lot line short or long  
15 subdivisions where the number of lots created is equal to the unit  
16 density required in subsection (1) of this section.

17 (5) Any city subject to the requirements of this section:

18 (a) May only adopt objective development and design standards on  
19 the development of middle housing;

20 (b) May only apply administrative design review;

21 (c) Except as provided in (a) of this subsection, shall not  
22 require through development regulations any standards for middle  
23 housing that are more restrictive than those required for detached  
24 single-family residences, but may apply any objective development  
25 regulations that are required for detached single-family residences,  
26 including set-back and tree canopy and retention requirements;

27 (d) Shall apply to middle housing the same development permit and  
28 environmental review processes that apply to detached single-family  
29 residences, unless otherwise required by state law including, but not  
30 limited to, shoreline regulations under chapter 90.58 RCW, building  
31 codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW,  
32 or electrical codes under chapter 19.28 RCW;

33 (e) Shall not require off-street parking as a condition of  
34 permitting development of middle housing within one-half mile walking  
35 distance of a major transit stop;

36 (f) Shall not require more than one off-street parking space per  
37 unit as a condition of permitting development of middle housing on  
38 lots smaller than 6,000 square feet;

1 (g) Shall not require more than two off-street parking spaces per  
2 unit as a condition of permitting development of middle housing on  
3 lots greater than 6,000 square feet; and

4 (h) May impose a limit of two units on a residential lot of 2,000  
5 square feet or less created through a lot split pursuant to RCW  
6 36.70A.--- (section 2, chapter . . . (ESSB 1245), Laws of 2023).

7 (6) The provisions of subsection (5)(e) through (g) of this  
8 section do not apply:

9 (a) If a local government submits to the department an empirical  
10 study prepared by a credentialed transportation or land use planning  
11 expert that clearly demonstrates, and the department finds and  
12 certifies, that the application of the parking limitations of  
13 subsection (5)(e) through (g) of this section for middle housing will  
14 be significantly less safe for vehicle drivers or passengers,  
15 pedestrians, or bicyclists than if the jurisdiction's parking  
16 requirements were applied to the same location for the same number of  
17 detached houses. The department must develop guidance to assist  
18 cities on items to include in the study; or

19 (b) To portions of cities within a one-mile radius of a  
20 commercial airport in Washington with at least 9,000,000 annual  
21 enplanements.

22 (7) The provisions of this section do not apply to lots  
23 designated with critical areas or their buffers as designated in RCW  
24 36.70A.060, or to a watershed serving a reservoir for potable water  
25 if that watershed is or was listed, as of the effective date of this  
26 section, as impaired or threatened under section 303(d) of the  
27 federal clean water act (33 U.S.C. Sec. 1313(d)).

28 (8) Nothing in this section prohibits a city from permitting  
29 detached single-family residences.

30 (9) A city must comply with the requirements of this section or  
31 section 4 of this act on the latter of:

32 (a) Six months after its next periodic comprehensive plan update  
33 required under RCW 36.70A.130; or

34 (b) 12 months after a determination by the office of financial  
35 management that the city has reached a population threshold  
36 established under this section.

37 (10) Except for specific areas granted an implementation timeline  
38 extension under section 9 of this act, the capital facilities plan  
39 element required by RCW 36.70A.070(3) is not required to be updated  
40 to accommodate the increased housing and population capacity required

1 by this act until the periodic comprehensive plan update required for  
2 the city under RCW 36.70A.130(5) that occurs on or after June 30,  
3 2034.

4 (11) Any city that adopts development regulations consistent with  
5 the requirements of section 3 of this act shall be considered in  
6 compliance with RCW 36.70A.070(2)(f) until June 30, 2032.

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

9 (1) As an alternative to the density requirements in section 3(1)  
10 of this act, a city may implement the density requirements in section  
11 3(1) of this act for at least 75 percent of lots in the city that are  
12 primarily dedicated to single-family detached housing units.

13 (2) The 25 percent of lots for which the requirements of section  
14 3(1) of this act are not implemented must include:

15 (a) Any areas within the city for which the department has  
16 certified an extension of the implementation timelines under section  
17 7 of this act due to the risk of displacement;

18 (b) Any areas within the city for which the department has  
19 certified an extension of the implementation timelines under section  
20 9 of this act due to a lack of infrastructure capacity;

21 (c) Any lots designated with critical areas or their buffers that  
22 are exempt from the density requirements as provided in section 3(7)  
23 of this act;

24 (d) Any portion of a city within a one-mile radius of a  
25 commercial airport with at least 9,000,000 annual enplanements that  
26 is exempt from the parking requirements under section 3(6)(b) of this  
27 act; and

28 (e) Any areas subject to sea level rise, increased flooding, or  
29 geological hazards over the next 100 years.

30 (3) The 25 percent of lots for which the requirements of section  
31 3(1) of this act are not implemented may not include:

32 (a) Any areas for which the exclusion would further racially  
33 disparate impacts or result in zoning with a discriminatory effect;

34 (b) Any areas within one-half mile walking distance of a major  
35 transit stop or community amenity;

36 (c) Any areas historically covered by a covenant or deed  
37 restriction excluding racial minorities from owning property or  
38 living in the area;

1 (d) Any areas within one-half mile walking distance of an  
2 institution of higher learning, including a public college or  
3 university; or

4 (e) Any areas within one-half mile walking distance of a  
5 building, shopping center, or business area containing at least  
6 100,000 square feet of retail space.

7 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A  
8 RCW to read as follows:

9 Population associated with permits for middle housing units are  
10 exempt from the threshold of an office of financial management  
11 population projection to a county or a county population allocation  
12 to a city.

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A  
14 RCW to read as follows:

15 (1) (a) The department is directed to provide technical assistance  
16 to cities as they implement the requirements under section 3 or 4 of  
17 this act.

18 (b) The department shall prioritize such technical assistance to  
19 cities demonstrating the greatest need.

20 (2) (a) The department shall publish model middle housing  
21 ordinances no later than six months following the effective date of  
22 this section.

23 (b) In any city subject to section 3 of this act that has not  
24 passed ordinances, regulations, or other official controls within the  
25 time frames provided under section 3(9) of this act, the model  
26 ordinance supersedes, preempts, and invalidates local development  
27 regulations until the city takes all actions necessary to implement  
28 section 3 or 4 of this act.

29 (3) (a) The department is directed to establish a process by which  
30 cities implementing the requirements of section 3 of this act may  
31 seek approval of alternative local action necessary to meet the  
32 requirements of this act.

33 (b) The department may approve actions under this section for  
34 cities that have, by January 1, 2023, adopted a comprehensive plan  
35 that is substantially similar to the requirements of this act and,  
36 within one year of the effective date of this section, adopts  
37 permanent development regulations that are substantially similar to  
38 the requirements of this act. In determining whether a city's adopted

1 comprehensive plan and permanent development regulations are  
2 substantially similar, the department must find as substantially  
3 similar plans and regulations that:

4 (i) Result in an overall increase in housing units allowed in  
5 single-family zones that is at least 75 percent of the increase in  
6 housing units allowed in single-family zones if the specific  
7 provisions of this act were adopted;

8 (ii) Allow for middle housing throughout the city, rather than  
9 just in targeted locations; and

10 (iii) Allow for additional density near major transit stops and  
11 community amenities, and for projects that incorporate dedicated  
12 affordable housing.

13 (c) The department may determine that a comprehensive plan and  
14 development regulations that do not meet these criteria are otherwise  
15 substantially similar to the requirements of this act if the city can  
16 clearly demonstrate that the regulations adopted will result in a  
17 greater increase in middle housing production within single family  
18 zones than would be allowed through implementation of section 3 of  
19 this act.

20 (d) Any local actions approved by the department pursuant to (a)  
21 of this subsection to implement the requirements under section 3 of  
22 this act are exempt from appeals under this chapter and chapter  
23 43.21C RCW.

24 (e) The department's final decision to approve or reject actions  
25 by cities implementing section 3 of this act may be appealed to the  
26 growth management hearings board by filing a petition as provided in  
27 RCW 36.70A.290.

28 (4) For the purpose of this section, "single-family zones" means  
29 those zones where single-family detached housing is the predominant  
30 land use.

31 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.70A  
32 RCW to read as follows:

33 Any city choosing the alternative density requirements in section  
34 4 of this act may apply to the department for, and the department may  
35 certify, an extension for areas at risk of displacement as determined  
36 by the antidisplacement analysis that a jurisdiction is required to  
37 complete under RCW 36.70A.070(2). The city must create a plan for  
38 implementing antidisplacement policies by their next implementation  
39 progress report required by RCW 36.70A.130(9).

1       **Sec. 8.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to  
2 read as follows:

3       (1) The growth management hearings board shall hear and determine  
4 only those petitions alleging either:

5       (a) That, except as provided otherwise by this subsection, a  
6 state agency, county, or city planning under this chapter is not in  
7 compliance with the requirements of this chapter, chapter 90.58 RCW  
8 as it relates to the adoption of shoreline master programs or  
9 amendments thereto, or chapter 43.21C RCW as it relates to plans,  
10 development regulations, or amendments, adopted under RCW 36.70A.040  
11 or chapter 90.58 RCW. Nothing in this subsection authorizes the board  
12 to hear petitions alleging noncompliance with RCW 36.70A.5801;

13       (b) That the twenty-year growth management planning population  
14 projections adopted by the office of financial management pursuant to  
15 RCW 43.62.035 should be adjusted;

16       (c) That the approval of a work plan adopted under RCW  
17 36.70A.735(1)(a) is not in compliance with the requirements of the  
18 program established under RCW 36.70A.710;

19       (d) That regulations adopted under RCW 36.70A.735(1)(b) are not  
20 regionally applicable and cannot be adopted, wholly or partially, by  
21 another jurisdiction; ((~~or~~))

22       (e) That a department certification under RCW 36.70A.735(1)(c) is  
23 erroneous; or

24       (f) That the department's final decision to approve or reject  
25 actions by a city implementing section 3 of this act is clearly  
26 erroneous.

27       (2) A petition may be filed only by: (a) The state, or a county  
28 or city that plans under this chapter; (b) a person who has  
29 participated orally or in writing before the county or city regarding  
30 the matter on which a review is being requested; (c) a person who is  
31 certified by the governor within sixty days of filing the request  
32 with the board; or (d) a person qualified pursuant to RCW 34.05.530.

33       (3) For purposes of this section "person" means any individual,  
34 partnership, corporation, association, state agency, governmental  
35 subdivision or unit thereof, or public or private organization or  
36 entity of any character.

37       (4) To establish participation standing under subsection (2)(b)  
38 of this section, a person must show that his or her participation  
39 before the county or city was reasonably related to the person's  
40 issue as presented to the board.

1 (5) When considering a possible adjustment to a growth management  
2 planning population projection prepared by the office of financial  
3 management, the board shall consider the implications of any such  
4 adjustment to the population forecast for the entire state.

5 The rationale for any adjustment that is adopted by the board  
6 must be documented and filed with the office of financial management  
7 within ten working days after adoption.

8 If adjusted by the board, a county growth management planning  
9 population projection shall only be used for the planning purposes  
10 set forth in this chapter and shall be known as the "board adjusted  
11 population projection." None of these changes shall affect the  
12 official state and county population forecasts prepared by the office  
13 of financial management, which shall continue to be used for state  
14 budget and planning purposes.

15 NEW SECTION. **Sec. 9.** A new section is added to chapter 36.70A  
16 RCW to read as follows:

17 (1) Any city choosing the alternative density requirements in  
18 section 4 of this act may apply to the department for, and the  
19 department may certify, an extension of the implementation timelines  
20 established under section 3(9) of this act.

21 (2) An extension certified under this section may be applied only  
22 to specific areas where a city can demonstrate that water, sewer,  
23 stormwater, or fire protection services lack capacity to accommodate  
24 the density required in section 3 of this act, and the city has:

25 (a) Included one or more improvements, as needed, within its  
26 capital facilities plan to adequately increase capacity; or

27 (b) Identified which special district is responsible for  
28 providing the necessary infrastructure if the infrastructure is  
29 provided by a special purpose district.

30 (3) An extension granted under this section remains in effect  
31 until the earliest of:

32 (a) The infrastructure is improved to accommodate the capacity;

33 (b) The city's deadline to complete its next periodic  
34 comprehensive plan update under RCW 36.70A.130; or

35 (c) The city's deadline to complete its implementation progress  
36 report to the department as required under RCW 36.70A.130(9).

37 (4) A city that has received an extension under this section may  
38 reapply for any needed extension with its next periodic comprehensive  
39 plan update under RCW 36.70A.130 or its implementation progress



1 report to the department under RCW 36.70A.130(9). The application for  
2 an additional extension must include a list of infrastructure  
3 improvements necessary to meet the capacity required in section 3 of  
4 this act. Such additional extension must only be to address  
5 infrastructure deficiency that a city is not reasonably able to  
6 address within the first extension.

7 (5) The department may establish by rule any standards or  
8 procedures necessary to implement this section.

9 (6) The department must provide the legislature with a list of  
10 projects identified in a city's capital facilities plan that were the  
11 basis for the extension under this section, including planning level  
12 estimates. Additionally, the city must contact special purpose  
13 districts to identify additional projects associated with extensions  
14 under this section.

15 (7) A city granted an extension for a specific area must allow  
16 development as provided under section 3 of this act if the developer  
17 commits to providing the necessary water, sewer, or stormwater  
18 infrastructure.

19 (8) No city shall approve a building permit for housing required  
20 by section 3 or 4 of this act unless the city or other water provider  
21 has sufficient water rights to supply water to serve the building.

22 **Sec. 10.** RCW 43.21C.495 and 2022 c 246 s 3 are each amended to  
23 read as follows:

24 (1) Adoption of ordinances, development regulations and  
25 amendments to such regulations, and other nonproject actions taken by  
26 a city to implement: The actions specified in section 2, chapter 246,  
27 Laws of 2022 unless the adoption of such ordinances, development  
28 regulations and amendments to such regulations, or other nonproject  
29 actions has a probable significant adverse impact on fish habitat;  
30 and the increased residential building capacity actions identified in  
31 RCW 36.70A.600(1), with the exception of the action specified in RCW  
32 36.70A.600(1)(f), are not subject to administrative or judicial  
33 appeals under this chapter.

34 (2) Amendments to development regulations and other nonproject  
35 actions taken by a city to implement the requirements under section 3  
36 of this act pursuant to section 6(3)(b) of this act are not subject  
37 to administrative or judicial appeals under this chapter.

1       **Sec. 11.** RCW 43.21C.450 and 2012 1st sp.s. c 1 s 307 are each  
2 amended to read as follows:

3       The following nonproject actions are categorically exempt from  
4 the requirements of this chapter:

5       (1) Amendments to development regulations that are required to  
6 ensure consistency with an adopted comprehensive plan pursuant to RCW  
7 36.70A.040, where the comprehensive plan was previously subjected to  
8 environmental review pursuant to this chapter and the impacts  
9 associated with the proposed regulation were specifically addressed  
10 in the prior environmental review;

11       (2) Amendments to development regulations that are required to  
12 ensure consistency with a shoreline master program approved pursuant  
13 to RCW 90.58.090, where the shoreline master program was previously  
14 subjected to environmental review pursuant to this chapter and the  
15 impacts associated with the proposed regulation were specifically  
16 addressed in the prior environmental review;

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

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

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

24       (c) Increased vegetation retention or decreased impervious  
25 surface areas in critical areas;

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

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

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

31       (c) Electrical codes required by chapter 19.28 RCW.

32       (5) Amendments to development regulations to remove requirements  
33 for parking from development proposed to fill in an urban growth area  
34 designated according to RCW 36.70A.110.

35       NEW SECTION.   **Sec. 12.** A new section is added to chapter 36.70A  
36 RCW to read as follows:

37       A city that adopts development regulations that are consistent  
38 with and implement this act and RCW 35A.21.430 or 35.21.683 shall be

1 deemed in compliance with the requirements of RCW 36.70A.070(2)(d)  
2 until June 30, 2032.

3 NEW SECTION. **Sec. 13.** A new section is added to chapter 64.34  
4 RCW to read as follows:

5 A declaration created after the effective date of this section  
6 and applicable to an area within a city subject to the middle housing  
7 requirements in section 3 of this act may not actively or effectively  
8 prohibit the construction, development, or use of additional housing  
9 units as required in section 3 of this act.

10 NEW SECTION. **Sec. 14.** A new section is added to chapter 64.32  
11 RCW to read as follows:

12 A declaration created after the effective date of this section  
13 and applicable to an association of apartment owners located within  
14 an area of a city subject to the middle housing requirements in  
15 section 3 of this act may not actively or effectively prohibit the  
16 construction, development, or use of additional housing units as  
17 required in section 3 of this act.

18 NEW SECTION. **Sec. 15.** A new section is added to chapter 64.38  
19 RCW to read as follows:

20 Governing documents of associations within cities subject to the  
21 middle housing requirements in section 3 of this act that are created  
22 after the effective date of this section may not actively or  
23 effectively prohibit the construction, development, or use of  
24 additional housing units as required in section 3 of this act.

25 NEW SECTION. **Sec. 16.** A new section is added to chapter 64.90  
26 RCW to read as follows:

27 Declarations and governing documents of a common interest  
28 community within cities subject to the middle housing requirements in  
29 section 3 of this act that are created after the effective date of  
30 this section may not actively or effectively prohibit the  
31 construction, development, or use of additional housing units as  
32 required in section 3 of this act.

33 NEW SECTION. **Sec. 17.** A new section is added to chapter 64.90  
34 RCW to read as follows:

1 The department of commerce may establish by rule any standards or  
2 procedures necessary to implement this act.

3 NEW SECTION. **Sec. 18.** If specific funding for the purposes of  
4 this act, referencing this act by bill or chapter number, is not  
5 provided by June 30, 2023, in the omnibus appropriations act, this  
6 act is null and void."

7 Correct the title.

EFFECT: (1) Modifies several definitions, including:

Clarifying that the exception in the definition of "administrative design review" for local historic districts is limited to a structure that is a designated landmark or historic district under a local preservation ordinance; and

Removing the alternative definition of "major transit stop" for counties and cities subject to multicounty planning policies.

(2) Requires any city within a contiguous urban growth area (UGA) with the largest city in a county with a population of more than 275,000 to comply with the same density requirements as cities with a population of at least 75,000, instead of imposing the requirement on any city within a contiguous UGA with a city with a population above 200,000.

(3) Requires a city to allow zero lot line short or long subdivisions where the number of lots created is equal to the unit density required in the bill.

(4) Allows a city to impose a limit of two units on a residential lot of 2,000 square feet or less created through a lot split.

(5) Specifies that the capital facilities plan element required under the growth management act is not required to be updated to accommodate the increased housing and population capacity required by the bill until the periodic comprehensive plan update required for the city that occurs on or after June 30, 2034.

(6) Specifies that any city adopting development regulations to fully implement the density requirements in the bill shall be considered in compliance with certain antidisplacement policies until June 30, 2032.

(7) Provides an alternative to the density requirements in the bill by allowing cities to implement the density requirements in at least 75 percent of lots that are primarily dedicated to single-family detached housing if the remaining 25 percent of lots include:

Any areas within the city for which the department of commerce has granted an extension for the implementation of density requirements due to the risk of displacement or a lack of water, sewer, stormwater, or fire protection services capacity;

Any lots designated with critical areas or their buffers;

Any portion of a city within a one-mile radius of a commercial airport with at least 9,000,000 annual enplanements; and

Any areas subject to sea level rise, increased flooding, or geological hazards over the next 100 years.

In addition, the 25 percent of lots not subject to the density requirements may not include any areas:

For which the exclusion would further racially disparate impacts or result in zoning with a discriminatory effect;

Historically covered by a covenant or deed restriction excluding racial minorities from owning property or living in the area; and

Within one-half mile walking distance of a major transit stop, community amenity, institution of higher learning, or a building, shopping center, or business area containing at least 100,000 square feet of retail space.

(8) Allows a city to seek an extension from the department of commerce for the implementation of density requirements due to the risk of displacement or a lack of water, sewer, stormwater, or fire protection services capacity only if the city chooses the alternative of implementing the density requirements in at least 75 percent of lots that are primarily dedicated to single-family detached housing.

(9) Allows a city to reapply for any needed extension due to a lack of infrastructure capacity only if it was not reasonably able to address the infrastructure deficiency with the first extension.

(10) Specifies that a city may not approve a building permit for housing required under the bill unless the city or other water provider has sufficient water rights to supply water to serve the building.

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