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**HOUSE BILL 1042**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Walen, Ryu, Barkis, Simmons, Duerr, Goodman, Bateman, Reed, Ramel, Peterson, Pollet, Doglio, Macri, Reeves, Mena, Tharinger, Wylie, Gregerson, Springer, Bergquist, Thai, Kloba, Santos, and Ormsby

Prefiled 12/15/22. Read first time 01/09/23. Referred to Committee on Housing.

1 AN ACT Relating to the creation of additional housing units in  
2 existing buildings; adding a new section to chapter 35A.21 RCW; and  
3 adding a new section to chapter 35.21 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 35A.21  
6 RCW to read as follows:

7 (1)(a) Code cities must adopt or amend by ordinance, and  
8 incorporate into their development regulations, zoning regulations,  
9 and other official controls the requirements of subsection (2) of  
10 this section by July 1, 2024.

11 (b) Beginning July 1, 2024, the requirements of subsection (2) of  
12 this section apply and take effect in any code city that has not  
13 adopted or amended ordinances, regulations, or other official  
14 controls as required under this section and supersede, preempt, and  
15 invalidate any conflicting local development regulations.

16 (2) Through ordinances, development regulations, zoning  
17 regulations, or other official controls as required under subsection  
18 (1) of this section, code cities may not:

19 (a) Impose a restriction on housing unit density that prevents  
20 the addition of housing units constructed entirely within an existing  
21 building envelope in a building located within a zone that permits

1 multifamily housing, provided that generally applicable health and  
2 safety standards, including but not limited to building code  
3 standards and fire and life safety standards, can be met within the  
4 building;

5 (b) Impose parking requirements on the addition of dwelling units  
6 or living units added within an existing building;

7 (c) Impose permitting requirements on the use of an existing  
8 building for residential purposes beyond those requirements generally  
9 applicable to all residential development within the building's zone;

10 (d) Impose design standard requirements, including setbacks, lot  
11 coverage, and floor area ratio requirements, on the use of an  
12 existing building for residential purposes beyond those requirements  
13 generally applicable to all residential development within the  
14 building's zone;

15 (e) Impose exterior design or architectural requirements on the  
16 residential use of an existing building beyond those necessary for  
17 health and safety of the use of the interior of the building;

18 (f) Prohibit the addition of housing units in any specific part  
19 of a building, unless the addition of the units would violate  
20 applicable building codes or health and safety standards;

21 (g) Require a building used for residential purposes to meet the  
22 current energy code solely because of the addition of new dwelling  
23 units within the building;

24 (h) Deny a building permit application for the addition of  
25 housing units to an existing building due to the nonconformity of the  
26 existing structure including, but not limited to, nonconformity  
27 regarding parking, height, setbacks, elevator size for gurney  
28 transport, or modulation, unless the legislative authority of the  
29 code city makes written findings that the nonconformity is causing a  
30 significant detriment to the surrounding area; or

31 (i) Require a transportation concurrency study under RCW  
32 36.70A.070 or an environmental study under chapter 43.21C RCW based  
33 on the addition of residential units within an existing building.

34 (3) Nothing in this section requires a code city to approve a  
35 building permit application for the addition of housing units  
36 constructed entirely within an existing building envelope in a  
37 building located within a zone that permits multifamily housing in  
38 cases in which the building cannot satisfy life safety standards.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 35.21  
2    RCW to read as follows:

3        (1)(a) Cities must adopt or amend by ordinance, and incorporate  
4    into their development regulations, zoning regulations, and other  
5    official controls the requirements of subsection (2) of this section  
6    by July 1, 2024.

7        (b) Beginning July 1, 2024, the requirements of subsection (2) of  
8    this section apply and take effect in any city that has not adopted  
9    or amended ordinances, regulations, or other official controls as  
10   required under this section and supersede, preempt, and invalidate  
11   any conflicting local development regulations.

12       (2) Through ordinances, development regulations, zoning  
13   regulations, or other official controls as required under subsection  
14   (1) of this section, cities may not:

15       (a) Impose a restriction on housing unit density that prevents  
16   the addition of housing units constructed entirely within an existing  
17   building envelope in a building located within a zone that permits  
18   multifamily housing, provided that generally applicable health and  
19   safety standards, including but not limited to building code  
20   standards and fire and life safety standards, can be met within the  
21   building;

22       (b) Impose parking requirements on the addition of dwelling units  
23   or living units added within an existing building;

24       (c) Impose permitting requirements on the use of an existing  
25   building for residential purposes beyond those requirements generally  
26   applicable to all residential development within the building's zone;

27       (d) Impose design standard requirements, including setbacks, lot  
28   coverage, and floor area ratio requirements, on the use of an  
29   existing building for residential purposes beyond those requirements  
30   generally applicable to all residential development within the  
31   building's zone;

32       (e) Impose exterior design or architectural requirements on the  
33   residential use of an existing building beyond those necessary for  
34   health and safety of the use of the interior of the building;

35       (f) Prohibit the addition of housing units in any specific part  
36   of a building, unless the addition of the units would violate  
37   applicable building codes or health and safety standards;

38       (g) Require a building used for residential purposes to meet the  
39   current energy code solely because of the addition of new dwelling  
40   units within the building;

1           (h) Deny a building permit application for the addition of  
2 housing units to an existing building due to the nonconformity of an  
3 existing structure including, but not limited to, nonconformity  
4 regarding parking, height, setbacks, elevator size for gurney  
5 transport, or modulation, unless the legislative authority of the  
6 city makes written findings that the nonconformity is causing a  
7 significant detriment to the surrounding area; or

8           (i) Require a transportation concurrency study under RCW  
9 36.70A.070 or an environmental study under chapter 43.21C RCW based  
10 on the addition of residential units within an existing building.

11           (3) Nothing in this section requires a city to approve a building  
12 permit application for the addition of housing units constructed  
13 entirely within an existing building envelope in a building located  
14 within a zone that permits multifamily housing in cases in which the  
15 building cannot satisfy life safety standards.

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