

2 **ESSB 5810** - H COMM AMD  
3 By Committee on Housing

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** This act may be known and cited as the  
8 affordable housing act."

9 "NEW SECTION. **Sec. 2.** (1) The legislature finds and declares  
10 that there is a tremendous unmet need for new housing to shelter  
11 Washington's population. The unmet housing needs will be further  
12 aggravated by the severe cutbacks in federal housing programs.

13 (2) The legislature finds and declares that our existing housing  
14 resources are vastly underutilized due in large part to the changes in  
15 social patterns. The improved utilization of this state's existing  
16 housing resources offers an innovative and cost-effective solution to  
17 this housing crisis.

18 (3) The legislature finds and declares that the state has a role in  
19 increasing the utilization of our housing resources and in reducing the  
20 barriers to the provision of affordable housing.

21 (4) The legislature finds and declares that there are many benefits  
22 associated with the creation of second-family residential units on  
23 existing single-family lots, which include:

24 (a) Providing a cost-effective means of serving development through  
25 the use of existing infrastructures, as contrasted to requiring the  
26 construction of new costly infrastructures to serve development in  
27 undeveloped areas; and

1 (b) Providing relatively affordable housing for low and moderate-  
2 income households without public subsidy."

3 "NEW SECTION. **Sec. 3.** A new section is added to chapter 35.63 RCW  
4 to read as follows:

5 Each city may issue a zoning variance, special use permit, or  
6 conditional use permit for a dwelling unit to be constructed, or which  
7 is attached to or detached from, a primary residence on a parcel zoned  
8 for a single-family residence."

9 "NEW SECTION. **Sec. 4.** A new section is added to chapter 35A.63  
10 RCW to read as follows:

11 Each code city may issue a zoning variance, special use permit, or  
12 conditional use permit for a dwelling unit to be constructed, or which  
13 is attached to or detached from, a primary residence on a parcel zoned  
14 for a single-family residence."

15 "NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70 RCW  
16 to read as follows:

17 Each county may issue a zoning variance, special use permit, or  
18 conditional use permit for a dwelling unit to be constructed, or which  
19 is attached to or detached from, a primary residence on a parcel zoned  
20 for a single-family residence."

21 "NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A  
22 RCW to read as follows:

23 Each city and county may issue a zoning variance, special use  
24 permit, or conditional use permit for a dwelling unit to be  
25 constructed, or which is attached to or detached from, a primary  
26 residence on a parcel zoned for a single-family residence."

1        "NEW SECTION.   **Sec. 7.**  A new section is added to chapter 35.63 RCW  
2  to read as follows:

3        (1) Each city may, by ordinance, provide for the creation of second  
4  units in single-family and multifamily residential zones consistent  
5  with all of the following provisions:

6        (a) Areas may be designated within the jurisdiction of each city  
7  where second units may be permitted;

8        (b) The designation of areas may be based on criteria, which may  
9  include, but are not limited to, the adequacy of water and sewer  
10 services and the impact of second units on traffic flow;

11       (c) Each city may find that second units do not exceed the  
12 allowable density for the lot upon which the second unit is located,  
13 and that second units are a residential use that is consistent with  
14 the existing general plan and zoning designation for the lot;

15       (d) The second units created shall not be considered in the  
16 application of any local ordinance, policy, or program to limit  
17 residential growth; and

18       (e) Each city may establish a process for the issuance of a  
19 conditional use permit for second units.  Before a city designates  
20 areas within the city where second units may be permitted, it shall  
21 provide neighborhood groups an opportunity to submit a neighborhood  
22 plan that addresses how the impacts of second units on parking and  
23 other matters may be mitigated.  The city shall assist neighborhood  
24 groups with the development of the plan when possible.

25       (2) When a city with a population of at least twenty thousand which  
26 has not adopted an ordinance governing second units in accordance with  
27 subsection (1) of this section receives its first application on or  
28 after July 1, 1994, for a conditional use permit pursuant to this  
29 subsection, it shall accept the application and approve or disapprove  
30 the application pursuant to this subsection unless it adopts an

1 ordinance in accordance with subsection (1) of this section within one  
2 hundred twenty days after receiving the application. Each city shall  
3 grant a special use or a conditional use permit for the creation of a  
4 second unit if the second unit complies with all of the following:

5 (a) The unit is not intended for sale and may be rented;

6 (b) The lot is zoned for single-family or multifamily use;

7 (c) The lot contains an existing single-family dwelling;

8 (d) The second unit is either attached to the existing dwelling and  
9 located within the living area of the existing dwelling or detached  
10 from the existing dwelling and located on the same lot as the existing  
11 dwelling;

12 (e) Any construction shall conform to height, setback, lot  
13 coverage, architectural review, site plan review, fees, charges, and  
14 other zoning requirements generally applicable to residential  
15 construction in the zone in which the property is located;

16 (f) Local building code requirements which apply to detached  
17 dwellings, as appropriate; and

18 (g) Approval by the local health officer where a private sewage  
19 disposal system is being used, if required.

20 A city is not required to grant special use or conditional use  
21 permits under this section for failing to adopt an ordinance  
22 authorizing the siting of secondary units if the city makes a finding  
23 that adequate affordable housing exists within the city, or that  
24 adequate affordable housing will be provided through increased  
25 densities or other means.

26 (3)(a) Subsection (2) of this section establishes the maximum  
27 standards that local agencies shall use to evaluate proposed second  
28 units on lots zoned for residential use which contain an existing  
29 single-family dwelling. No additional standards, other than those  
30 provided in subsection (1) or (2) of this section, shall be utilized or

1 imposed, except that a city may require an applicant for a permit  
2 issued pursuant to subsection (2) of this section to be an owner-  
3 occupant.

4 (b) This subsection does not limit the authority of local agencies  
5 to adopt less restrictive requirements for the creation of second  
6 units.

7 (c) No changes in zoning ordinances or other ordinances or any  
8 changes in the general plan shall be required to implement this  
9 subsection. Any local agency may amend its zoning ordinance or general  
10 plan to incorporate the policies, procedures, or other provisions  
11 applicable to the creation of second units if these provisions are  
12 consistent with the limitations of this subsection.

13 (d) A second unit which conforms to the requirements of this  
14 subsection shall not be considered to exceed the allowable density for  
15 the lot upon which it is located, and shall be deemed to be a  
16 residential use which is consistent with the existing general plan and  
17 zoning designations for the lot. The second units shall not be  
18 considered in the application of any local ordinance, policy, or  
19 program to limit residential growth.

20 (e) A city shall not adopt an ordinance which totally precludes  
21 second units within single-family and multifamily zoned areas unless  
22 the ordinance contains findings acknowledging that the ordinance may  
23 limit housing opportunities of the region and further contains findings  
24 that specific adverse impacts on the public health, safety, and welfare  
25 that would result from allowing second units within single-family and  
26 multifamily zoned areas justify adopting the ordinance."

27 "NEW SECTION. **Sec. 8.** A new section is added to chapter 35A.63  
28 RCW to read as follows:

1 (1) Each code city may, by ordinance, provide for the creation of  
2 second units in single-family and multifamily residential zones  
3 consistent with all of the following provisions:

4 (a) Areas may be designated within the jurisdiction of each code  
5 city where second units may be permitted;

6 (b) The designation of areas may be based on criteria, which may  
7 include, but are not limited to, the adequacy of water and sewer  
8 services and the impact of second units on traffic flow;

9 (c) Each code city may find that second units do not exceed the  
10 allowable density for the lot upon which the second unit is located,  
11 and that second units are a residential use that is consistent with  
12 the existing general plan and zoning designation for the lot;

13 (d) The second units created shall not be considered in the  
14 application of any local ordinance, policy, or program to limit  
15 residential growth; and

16 (e) Each code city may establish a process for the issuance of a  
17 conditional use permit for second units. Before a city designates  
18 areas within the city where second units may be permitted, it shall  
19 provide neighborhood groups an opportunity to submit a neighborhood  
20 plan that addresses how the impacts of second units on parking and  
21 other matters may be mitigated. The city shall assist neighborhood  
22 groups with the development of the plan when possible.

23 (2) When a code city with a population of at least twenty thousand  
24 which has not adopted an ordinance governing second units in accordance  
25 with subsection (1) of this section receives its first application on  
26 or after July 1, 1994, for a conditional use permit pursuant to this  
27 subsection, it shall accept the application and approve or disapprove  
28 the application pursuant to this subsection unless it adopts an  
29 ordinance in accordance with subsection (1) of this section within one  
30 hundred twenty days after receiving the application. Each code city

1 shall grant a special use or a conditional use permit for the creation  
2 of a second unit if the second unit complies with all of the following:

3 (a) The unit is not intended for sale and may be rented;

4 (b) The lot is zoned for single-family or multifamily use;

5 (c) The lot contains an existing single-family dwelling;

6 (d) The second unit is either attached to the existing dwelling and  
7 located within the living area of the existing dwelling or detached  
8 from the existing dwelling and located on the same lot as the existing  
9 dwelling;

10 (e) Any construction shall conform to height, setback, lot  
11 coverage, architectural review, site plan review, fees, charges, and  
12 other zoning requirements generally applicable to residential  
13 construction in the zone in which the property is located;

14 (f) Local building code requirements which apply to detached  
15 dwellings, as appropriate; and

16 (g) Approval by the local health officer where a private sewage  
17 disposal system is being used, if required.

18 A city is not required to grant special use or conditional use  
19 permits under this section for failing to adopt an ordinance  
20 authorizing the siting of secondary units if the city makes a finding  
21 that adequate affordable housing exists within the city, or that  
22 adequate affordable housing will be provided through increased  
23 densities or other means.

24 (3)(a) Subsection (2) of this section establishes the maximum  
25 standards that local agencies shall use to evaluate proposed second  
26 units on lots zoned for residential use which contain an existing  
27 single-family dwelling. No additional standards, other than those  
28 provided in subsection (1) or (2) of this section, shall be utilized or  
29 imposed, except that a code city may require an applicant for a permit

1 issued pursuant to subsection (2) of this section to be an owner-  
2 occupant.

3 (b) This subsection does not limit the authority of local agencies  
4 to adopt less restrictive requirements for the creation of second  
5 units.

6 (c) No changes in zoning ordinances or other ordinances or any  
7 changes in the general plan shall be required to implement this  
8 subsection. Any local agency may amend its zoning ordinance or general  
9 plan to incorporate the policies, procedures, or other provisions  
10 applicable to the creation of second units if these provisions are  
11 consistent with the limitations of this subsection.

12 (d) A second unit which conforms to the requirements of this  
13 subsection shall not be considered to exceed the allowable density for  
14 the lot upon which it is located, and shall be deemed to be a  
15 residential use which is consistent with the existing general plan and  
16 zoning designations for the lot. The second units shall not be  
17 considered in the application of any local ordinance, policy, or  
18 program to limit residential growth.

19 (e) A code city shall not adopt an ordinance which totally  
20 precludes second units within single-family and multifamily zoned areas  
21 unless the ordinance contains findings acknowledging that the ordinance  
22 may limit housing opportunities of the region and further contains  
23 findings that specific adverse impacts on the public health, safety,  
24 and welfare that would result from allowing second units within single-  
25 family and multifamily zoned areas justify adopting the ordinance."

26 "NEW SECTION. **Sec. 9.** A new section is added to chapter 36.70 RCW  
27 to read as follows:



1 (1) Each county may, by ordinance, provide for the creation of  
2 second units in single-family and multifamily residential zones  
3 consistent with all of the following provisions:

4 (a) Areas may be designated within the jurisdiction of each county  
5 where second units may be permitted;

6 (b) The designation of areas may be based on criteria, which may  
7 include, but are not limited to, the adequacy of water and sewer  
8 services and the impact of second units on traffic flow;

9 (c) Each county may find that second units do not exceed the  
10 allowable density for the lot upon which the second unit is located,  
11 and that second units are a residential use that is consistent with the  
12 existing general plan and zoning designation for the lot;

13 (d) The second units created shall not be considered in the  
14 application of any local ordinance, policy, or program to limit  
15 residential growth; and

16 (e) Each county may establish a process for the issuance of a  
17 conditional use permit for second units. Before a city designates  
18 areas within the county where second units may be permitted, it shall  
19 provide neighborhood groups an opportunity to submit a neighborhood  
20 plan that addresses how the impacts of second units on parking and  
21 other matters may be mitigated. The county shall assist neighborhood  
22 groups with the development of the plan when possible.

23 (2) When a county with a population of at least one hundred twenty-  
24 five thousand which has not adopted an ordinance governing second units  
25 in accordance with subsection (1) of this section receives its first  
26 application on or after July 1, 1994, for a conditional use permit  
27 pursuant to this subsection, it shall accept the application and  
28 approve or disapprove the application pursuant to this subsection  
29 unless it adopts an ordinance in accordance with subsection (1) of this  
30 section within one hundred twenty days after receiving the application.

1 Each county shall grant a special use or a conditional use permit for  
2 the creation of a second unit if the second unit complies with all of  
3 the following:

4 (a) The unit is not intended for sale and may be rented;

5 (b) The lot is zoned for single-family or multifamily use;

6 (c) The lot contains an existing single-family dwelling;

7 (d) The second unit is either attached to the existing dwelling and  
8 located within the living area of the existing dwelling or detached  
9 from the existing dwelling and located on the same lot as the existing  
10 dwelling;

11 (e) Any construction shall conform to height, setback, lot  
12 coverage, architectural review, site plan review, fees, charges, and  
13 other zoning requirements generally applicable to residential  
14 construction in the zone in which the property is located;

15 (f) Local building code requirements which apply to detached  
16 dwellings, as appropriate; and

17 (g) Approval by the local health officer where a private sewage  
18 disposal system is being used, if required.

19 A county is not required to grant special use or conditional use  
20 permits under this section for failing to adopt an ordinance  
21 authorizing the siting of secondary units if the county makes a finding  
22 that adequate affordable housing exists within the county, or that  
23 adequate affordable housing will be provided through increased  
24 densities or other means.

25 (3)(a) Subsection (2) of this section establishes the maximum  
26 standards that local agencies shall use to evaluate proposed second  
27 units on lots zoned for residential use which contain an existing  
28 single-family dwelling. No additional standards, other than those  
29 provided in subsection (1) or (2) of this section, shall be utilized or  
30 imposed, except that a county may require an applicant for a permit

1 issued pursuant to subsection (2) of this section to be an owner-  
2 occupant.

3 (b) This subsection does not limit the authority of local agencies  
4 to adopt less restrictive requirements for the creation of second  
5 units.

6 (c) No changes in zoning ordinances or other ordinances or any  
7 changes in the general plan shall be required to implement this  
8 subsection. Any local agency may amend its zoning ordinance or general  
9 plan to incorporate the policies, procedures, or other provisions  
10 applicable to the creation of second units if these provisions are  
11 consistent with the limitations of this subsection.

12 (d) A second unit which conforms to the requirements of this  
13 subsection shall not be considered to exceed the allowable density for  
14 the lot upon which it is located, and shall be deemed to be a  
15 residential use which is consistent with the existing general plan and  
16 zoning designations for the lot. The second units shall not be  
17 considered in the application of any local ordinance, policy, or  
18 program to limit residential growth.

19 (e) A county shall not adopt an ordinance which totally precludes  
20 second units within single-family and multifamily zoned areas unless  
21 the ordinance contains findings acknowledging that the ordinance may  
22 limit housing opportunities of the region and further contains findings  
23 that specific adverse impacts on the public health, safety, and welfare  
24 that would result from allowing second units within single-family and  
25 multifamily zoned areas justify adopting the ordinance."

26 "NEW SECTION. **Sec. 10.** A new section is added to chapter 36.70A  
27 RCW to read as follows:

1 (1) Each city and county may, by ordinance, provide for the  
2 creation of second units in single-family and multifamily residential  
3 zones consistent with all of the following provisions:

4 (a) Areas may be designated within the jurisdiction of each city  
5 and county where second units may be permitted;

6 (b) The designation of areas may be based on criteria, which may  
7 include, but are not limited to, the adequacy of water and sewer  
8 services and the impact of second units on traffic flow;

9 (c) Each city and county may find that second units do not exceed  
10 the allowable density for the lot upon which the second unit is  
11 located, and that second units are a residential use that is  
12 consistent with the existing general plan and zoning designation for  
13 the lot;

14 (d) The second units created shall not be considered in the  
15 application of any local ordinance, policy, or program to limit  
16 residential growth; and

17 (e) Each city and county may establish a process for the issuance  
18 of a conditional use permit for second units. Before a city or county  
19 designates areas within the city or county where second units may be  
20 permitted, it shall provide neighborhood groups with an opportunity to  
21 submit a neighborhood plan that addresses how the impacts of second  
22 units on parking and other matters may be mitigated. The county shall  
23 assist neighborhood groups with the development of the plan when  
24 possible.

25 (2) When a city with a population of at least twenty thousand or a  
26 county with a population of at least one hundred twenty-five thousand  
27 which has not adopted an ordinance governing second units in accordance  
28 with subsection (1) of this section receives its first application on  
29 or after July 1, 1994, for a conditional use permit pursuant to this  
30 subsection, it shall accept the application and approve or disapprove

1 the application pursuant to this subsection unless it adopts an  
2 ordinance in accordance with subsection (1) of this section within one  
3 hundred twenty days after receiving the application. Each city or  
4 county shall grant a special use or a conditional use permit for the  
5 creation of a second unit if the second unit complies with all of the  
6 following:

7 (a) The unit is not intended for sale and may be rented;

8 (b) The lot is zoned for single-family or multifamily use;

9 (c) The lot contains an existing single-family dwelling;

10 (d) The second unit is either attached to the existing dwelling and  
11 located within the living area of the existing dwelling or detached  
12 from the existing dwelling and located on the same lot as the existing  
13 dwelling;

14 (e) Any construction shall conform to height, setback, lot  
15 coverage, architectural review, site plan review, fees, charges, and  
16 other zoning requirements generally applicable to residential  
17 construction in the zone in which the property is located;

18 (f) Local building code requirements which apply to detached  
19 dwellings, as appropriate; and

20 (g) Approval by the local health officer where a private sewage  
21 disposal system is being used, if required.

22 A city or county is not required to grant special use or  
23 conditional use permits under this section for failing to adopt an  
24 ordinance authorizing the siting of secondary units if the city or  
25 county makes a finding that adequate affordable housing exists within  
26 the city or county, or that adequate affordable housing will be  
27 provided through increased densities or other means.

28 (3)(a) Subsection (2) of this section establishes the maximum  
29 standards that local agencies shall use to evaluate proposed second  
30 units on lots zoned for residential use which contain an existing

1 single-family dwelling. No additional standards, other than those  
2 provided in subsection (1) or (2) of this section, shall be utilized or  
3 imposed, except that a city and county may require an applicant for a  
4 permit issued pursuant to subsection (2) of this section to be an  
5 owner-occupant.

6 (b) This subsection does not limit the authority of local agencies  
7 to adopt less restrictive requirements for the creation of second  
8 units.

9 (c) No changes in zoning ordinances or other ordinances or any  
10 changes in the general plan shall be required to implement this  
11 subsection. Any local agency may amend its zoning ordinance or general  
12 plan to incorporate the policies, procedures, or other provisions  
13 applicable to the creation of second units if these provisions are  
14 consistent with the limitations of this subsection.

15 (d) A second unit which conforms to the requirements of this  
16 subsection shall not be considered to exceed the allowable density for  
17 the lot upon which it is located, and shall be deemed to be a  
18 residential use which is consistent with the existing general plan and  
19 zoning designations for the lot. The second units shall not be  
20 considered in the application of any local ordinance, policy, or  
21 program to limit residential growth.

22 (e) A city or county shall not adopt an ordinance which totally  
23 precludes second units within single-family and multifamily zoned areas  
24 unless the ordinance contains findings acknowledging that the ordinance  
25 may limit housing opportunities of the region and further contains  
26 findings that specific adverse impacts on the public health, safety,  
27 and welfare that would result from allowing second units within single-  
28 family and multifamily zoned areas justify adopting the ordinance.

29 (4) The designation of areas by a city or county where second units  
30 may be permitted shall constitute evidence that a city or county is

1 making progress in meeting its fair share affordable housing goals.  
2 For purposes of this section, "fair share affordable housing goals"  
3 means a goal established pursuant to a regional policy plan process for  
4 each city and county that is required or chooses to plan under RCW  
5 36.70A.040."

6 **ESSB 5810** - H COMM AMD  
7 By Committee on Housing

8  
9 On page 1, line 1 of the title, after "housing;" strike the  
10 remainder of the title and insert "adding new sections to chapter 35.63  
11 RCW; adding new sections to chapter 35A.63 RCW; adding new sections to  
12 chapter 36.70 RCW; adding new sections to chapter 36.70A RCW; and  
13 creating new sections."