

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  
8 the 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  
2 RCW 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 with a  
20 population of at least twenty thousand designates areas within the city  
21 where second units may be permitted, it shall provide neighborhood  
22 groups an opportunity to submit a neighborhood plan that addresses how  
23 the impacts of second units on parking and other matters may be  
24 mitigated. The city shall assist neighborhood groups with the  
25 development of the plan where possible.

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

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

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

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

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

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

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

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

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

23 (3) A city may require an applicant for a permit issued pursuant  
24 to subsection (2) of this section to be an owner-occupant.

25 (4) A city is not required to grant special use or conditional use  
26 permits under this section for failing to adopt an ordinance  
27 authorizing the siting of secondary units if the city can establish  
28 that adopted or proposed amendments to the building codes, regulations,  
29 or other ordinances have the intended effect of enhancing affordable  
30 housing, or the city has a plan, either through its comprehensive

1 housing affordability strategy, or otherwise, to enhance affordable  
2 housing opportunities, or that the city establishes effective  
3 mechanisms to enhance affordable housing within its jurisdiction."

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

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

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

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

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

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

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

1           (2) When a code city with a population of at least twenty thousand  
2 which has not adopted an ordinance governing second units in accordance  
3 with subsection (1) of this section receives its first application on  
4 or after July 1, 1994, for a conditional use permit pursuant to this  
5 subsection, it shall accept the application and approve or disapprove  
6 the application pursuant to this subsection unless it adopts an  
7 ordinance in accordance with subsection (1) of this section within one  
8 hundred twenty days after receiving the application. Each code city  
9 with a population of at least twenty thousand shall grant a special use  
10 or a conditional use permit for the creation of a second unit if the  
11 second unit complies with all of the following:

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

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

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

15           (d) The second unit is either attached to the existing dwelling and  
16 located within the living area of the existing dwelling or detached  
17 from the existing dwelling and located on the same lot as the existing  
18 dwelling;

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

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

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

27           (3) A code city may require an applicant for a permit issued  
28 pursuant to subsection (2) of this section to be an owner-occupant.

29           (4) A code city is not required to grant special use or conditional  
30 use permits under this section for failing to adopt an ordinance

1 authorizing the siting of secondary units if the code city can  
2 establish that adopted or proposed amendments to the building codes,  
3 regulations, or other ordinances have the intended effect of enhancing  
4 affordable housing, or the code city has a plan, either through its  
5 comprehensive housing affordability strategy, or otherwise, to enhance  
6 affordable housing opportunities, or that the code city establishes  
7 effective mechanisms to enhance affordable housing within its  
8 jurisdiction."

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

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

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

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

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

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

26       (e) Each county may establish a process for the issuance of a  
27 conditional use permit for second units. Before a county with a  
28 population of at least one hundred twenty-five thousand designates  
29 areas within the county where second units may be permitted, it shall

1 provide neighborhood groups an opportunity to submit a neighborhood  
2 plan that addresses how the impacts of second units on parking and  
3 other matters may be mitigated. The county shall assist neighborhood  
4 groups with the development of the plan when possible.

5 (2) When a county with a population of at least one hundred twenty-  
6 five thousand which has not adopted an ordinance governing second units  
7 in accordance with subsection (1) of this section receives its first  
8 application on or after July 1, 1994, for a conditional use permit  
9 pursuant to this subsection, it shall accept the application and  
10 approve or disapprove the application pursuant to this subsection  
11 unless it adopts an ordinance in accordance with subsection (1) of this  
12 section within one hundred twenty days after receiving the application.  
13 Each county with a population of at least one hundred twenty-five  
14 thousand shall grant a special use or a conditional use permit for the  
15 creation of a second unit if the second unit complies with all of the  
16 following:

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

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

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

20 (d) The second unit is either attached to the existing dwelling and  
21 located within the living area of the existing dwelling or detached  
22 from the existing dwelling and located on the same lot as the existing  
23 dwelling;

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

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



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

3 (3) A county may require an applicant for a permit issued pursuant  
4 to subsection (2) of this section to be an owner-occupant.

5 (4) A county is not required to grant special use or conditional  
6 use permits under this section for failing to adopt an ordinance  
7 authorizing the siting of secondary units if the county can establish  
8 that adopted or proposed amendments to the building codes, regulations,  
9 or other ordinances have the intended effect of enhancing affordable  
10 housing, or the county has a plan, either through its comprehensive  
11 housing affordability strategy, or otherwise, to enhance affordable  
12 housing opportunities, or that the county establishes effective  
13 mechanisms to enhance affordable housing within its jurisdiction."

14 "NEW SECTION. Sec. 10. A new section is added to chapter 36.70A  
15 RCW to read as follows:

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

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

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

24 (c) Each city and county may find that second units do not exceed  
25 the allowable density for the lot upon which the second unit is  
26 located, and that second units are a residential use that is  
27 consistent with the existing general plan and zoning designation for  
28 the lot;

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

4 (e) Each city and county may establish a process for the issuance  
5 of a conditional use permit for second units. Before a city with a  
6 population of at least twenty thousand or a county with a population of  
7 at least one hundred twenty-five thousand designates areas within the  
8 city or county where second units may be permitted, it shall provide  
9 neighborhood groups with an opportunity to submit a neighborhood plan  
10 that addresses how the impacts of second units on parking and other  
11 matters may be mitigated. The city or county shall assist neighborhood  
12 groups with the development of the plan when possible.

13 (2) When a city with a population of at least twenty thousand or a  
14 county with a population of at least one hundred twenty-five thousand  
15 which has not adopted an ordinance governing second units in accordance  
16 with subsection (1) of this section receives its first application on  
17 or after July 1, 1994, for a conditional use permit pursuant to this  
18 subsection, it shall accept the application and approve or disapprove  
19 the application pursuant to this subsection unless it adopts an  
20 ordinance in accordance with subsection (1) of this section within one  
21 hundred twenty days after receiving the application. Each city with a  
22 population of at least twenty thousand or county with a population of  
23 at least one hundred twenty-five thousand shall grant a special use or  
24 a conditional use permit for the creation of a second unit if the  
25 second unit complies with all of the following:

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

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

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

29 (d) The second unit is either attached to the existing dwelling and  
30 located within the living area of the existing dwelling or detached

1 from the existing dwelling and located on the same lot as the existing  
2 dwelling;

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

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

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

11 (3) A city or county may require an applicant for a permit issued  
12 pursuant to subsection (2) of this section to be an owner-occupant.

13 (4) A city or county is not required to grant special use or  
14 conditional use permits under this section for failing to adopt an  
15 ordinance authorizing the siting of secondary units if the city or  
16 county can establish that adopted or proposed amendments to the  
17 building codes, regulations, or other ordinances have the intended  
18 effect of enhancing affordable housing, or the city or county has a  
19 plan, either through its comprehensive affordable housing strategy, or  
20 otherwise, to enhance affordable housing opportunities, or that the  
21 city or county establishes effective mechanisms to enhance affordable  
22 housing within its jurisdiction."

23 **ESSB 5810** - H COMM AMD  
24 By Committee on Housing

25  
26 On page 1, line 1 of the title, after "housing;" strike the  
27 remainder of the title and insert "adding new sections to chapter 35.63  
28 RCW; adding new sections to chapter 35A.63 RCW; adding new sections to  
29 chapter 36.70 RCW; adding new sections to chapter 36.70A RCW; and

1 creating new sections."