

HOUSE BILL REPORT

ESSB 5810

*As Reported By House Committee on:
Housing*

Title: An act relating to the creation of state-wide affordable housing.

Brief Description: Creating state-wide affordable housing.

Sponsor(s): Senate Committee on Governmental Operations (originally sponsored by Senators Rasmussen, McCaslin and L. Smith).

Brief History:

Reported by House Committee on:
Housing, April 5, 1991, DPA.

**HOUSE COMMITTEE ON
HOUSING**

Majority Report: *Do pass as amended.* Signed by 6 members: Representatives Nelson, Chair; Franklin, Vice Chair; Mitchell, Ranking Minority Member; Winsley, Assistant Ranking Minority Member; Leonard; and Ogden.

Staff: Bill Lynch (786-7092).

Background: Residential apartments within a single-family residential structure or separate residences constructed on a lot zoned for single-family residences are generally not permitted under local governmental zoning ordinances. Variances or special or conditional use permits may be granted by cities or counties to allow such second units.

Proponents feel that cities and counties should be encouraged to allow the creation of apartment units or separate second residences in neighborhoods presently zoned for single-family residences in order to provide additional economical housing without requiring the expansion of roads, utilities and other basic services.

Summary of Amended Bill: The Legislature finds that there is a tremendous need for new housing resources and that there are benefits to permitting the creation of second-family residential units on existing single-family lots.

Cities and counties may issue zoning variances or special or conditional use permits to allow a dwelling unit within or attached to an existing single-family residence or to permit the construction of a second dwelling on a single-family lot.

Cities and counties may enact ordinances which provide for the creation of second units in single-family and multi-family zones. Before a city or county designates areas where second units may be created, it must provide neighborhood groups an opportunity to submit a plan that addresses how the impacts of second units on parking and other matters may be mitigated. The designation of areas where second units may be created may be based on criteria which may include the adequacy of water and sewer services and the impact on traffic flow. The second units may not be considered in the application of any local ordinance or policy to limit residential growth.

If a city with a population of at least 20,000 or a county with a population of at least 120,000 does not enact such an ordinance by July 1, 1994, or within 120 days of receiving an application for a conditional use permit for such use after July 1, 1994, the city or county shall grant a special or conditional use permit for a second residential unit if: (1) the lot is zoned for single or multi-family use and there is an existing single-family dwelling; and (2) the unit is not intended to be sold and meets all building, health and other structural regulations and ordinances.

The city or county is not required to grant special use or conditional use permits for failing to adopt an ordinance authorizing the siting of accessory apartments, if the local government finds that adequate affordable housing exists in the community or that it will be provided through increased densities or other means.

Cities and counties may not adopt an ordinance which totally precludes second units within single-family and multifamily zones unless they make findings that the ordinance may limit housing opportunities of the region and that the specific adverse impacts on the public health, safety and welfare that would result justify adoption of the ordinance. Cities and counties may adopt more permissive standards than those provided by this act.

The designation of areas by a city or county for the siting of accessory apartments constitutes evidence that the city or county is making progress in meeting its fair share of affordable housing goals.

Amended Bill Compared to Engrossed Substitute Bill:

Language that specified the amount of square feet and increase in floor area that accessory apartments could not exceed is deleted. The requirement that at least one of the occupants of the accessory apartment must be at least 60 years old is removed. Provisions which prohibited the denial of a permit for accessory apartments on the basis of other local ordinances, policies, or regulations are deleted.

The date for the mandatory siting of accessory apartments within a city or county if an ordinance is not adopted, is moved back from July 1, 1992, to July 1, 1994. The mandatory siting of accessory apartments is made applicable to only cities of 20,000 or more people and counties of 120,000 or more people. The siting of accessory apartments is no longer mandatory if the city or county finds that adequate affordable housing exists, or that it will be provided by increased densities or other means.

Language is added to allow for neighborhood participation when a city or county designates areas for the siting of accessory apartments. The siting of accessory apartments constitutes evidence that a city or county is making progress in meeting its fair share of affordable housing goals.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This will open up a lot of housing without costing public dollars. It helps keep people in their homes by providing extra rent. It allows for better care of senior parents. This works well in other states. More flexibility is needed in zoning.

Testimony Against: Legislation is not what is needed. Local governments are currently working to develop models to see what will work. A number of cities already authorize accessory apartments. This is micro-managing at the local level.

Witnesses: Senator Rasmussen, prime sponsor (pro); Dave Williams, Association of WA Cities (con); Glen Hudson, WA Association of Realtors (pro); Mike Ryherd, WA Low-Income Housing Congress (pro); Arnold Livingston, AARP (pro); Bob Jacobson, Senior Lobby (pro); Maureen Kostyack, King County (pro); Ron Clarke, WA Manufactured Housing Association; Arnold Fox, Shelton Task Force (pro); Chris Lehman, Coalition of WA Communities (con original bill); and Kent Cameron, Seattle Neighborhood Coalition (pro).