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HOUSE BILL 1987

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State of Washington

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By Representatives McBride, Macri, Robinson, Stanford, Slatter, Senn, Santos, Chapman, Ortiz-Self, and Jinkins

Read first time 02/06/17. Referred to Committee on Community Development, Housing & Tribal Affairs.

1 AN ACT Relating to allowing affordable housing development on  
2 religious organization property; and amending RCW 35.63.080,  
3 35A.63.100, 36.43.010, and 36.70.750.

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

5 **Sec. 1.** RCW 35.63.080 and 1979 ex.s. c 170 s 4 are each amended  
6 to read as follows:

7 (1) The council or board may provide for the preparation by its  
8 commission and the adoption and enforcement of coordinated plans for  
9 the physical development of the municipality. For this purpose the  
10 council or board, in such measure as is deemed reasonably necessary  
11 or requisite in the interest of health, safety, morals and the  
12 general welfare, upon recommendation by its commission, by general  
13 ordinances of the city or general resolution of the board, may:

14 (a) Regulate and restrict:

15 (i) Except as provided in subsection (2) of this section, the  
16 location and the use of buildings, structures, and land for  
17 residence, trade, industrial, and other purposes;

18 (ii) The height, number of stories, size, construction, and  
19 design of buildings and other structures;

20 (iii) The size of yards, courts, and other open spaces on the lot  
21 or tract;

1       (iv) The density of population;  
2       (v) The set-back of buildings along highways, parks, or public  
3 water frontages; and  
4       (vi) The subdivision and development of land; and ((may))  
5       (b) Encourage and protect access to direct sunlight for solar  
6 energy systems. ((A))  
7       (2)(a) The council of a city or board may not restrict any  
8 affordable housing development of single-family or multifamily  
9 residences located on real property owned or controlled by a  
10 religious organization, provided that:  
11       (i) The affordable housing development is set aside for or  
12 occupied exclusively by low-income households;  
13       (ii) The affordable housing development is part of a lease or  
14 other binding obligation that requires the development to be used  
15 exclusively for affordable housing purposes for at least forty years,  
16 even if the religious organization no longer owns the property;  
17       (iii) The affordable housing development does not discriminate  
18 against any person who qualifies as a member of a low-income  
19 household based on race, creed, color, national origin, sex, veteran  
20 or military status, sexual orientation, or mental or physical  
21 disability; or otherwise act in violation of the Federal Fair Housing  
22 Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.); and  
23       (iv) The council or board may regulate the height, number of  
24 stories, and density for construction and use of such affordable  
25 housing development to the extent that such development does not  
26 exceed two times the maximum height requirement and five times the  
27 density requirement for other single-family or multifamily residences  
28 within the same neighborhood, or within the city if no other single-  
29 family or multifamily residences exist within the same neighborhood.  
30       (b) For purposes of this section:  
31       (i) "Affordable housing development" means a proposed or existing  
32 structure in which one hundred percent of all single-family or  
33 multifamily residential dwelling units within the development are set  
34 aside for or are occupied by low-income households at a sales price  
35 or rent amount that is considered affordable by a federal, state, or  
36 local government housing program;  
37       (ii) "Low-income household" means a single person, family, or  
38 unrelated persons living together whose adjusted income is less than  
39 eighty percent of the median family income, adjusted for household

1 size, for the county where the affordable housing development is  
2 located; and

3 (iii) "Religious organization" has the same meaning as in RCW  
4 35A.21.360.

5 (3) The council of a city where ((such)) ordinances adopted in  
6 accordance with this section are in effect((τ)) may, on the  
7 recommendation of its commission, provide for the appointment of a  
8 board of adjustment((τ)) to make, in appropriate cases and subject to  
9 appropriate conditions and safeguards established by ordinance,  
10 special exceptions in harmony with the general purposes and intent  
11 and in accordance with general or specific rules therein contained.

12 **Sec. 2.** RCW 35A.63.100 and 1979 ex.s. c 170 s 8 are each amended  
13 to read as follows:

14 After approval of the comprehensive plan((~~as set forth above~~))  
15 in accordance with the provisions of this chapter, the legislative  
16 body, in developing the municipality and in regulating the use of  
17 land, may implement or give effect to the comprehensive plan or parts  
18 thereof by ordinance or other action to such extent as the  
19 legislative body deems necessary or appropriate. Such ordinances or  
20 other action may provide for:

21 (1) Adoption of an official map and regulations relating thereto  
22 designating locations and requirements for one or more of the  
23 following: Streets, parks, public buildings, and other public  
24 facilities, and protecting such sites against encroachment by  
25 buildings and other physical structures.

26 (2)(a) Dividing the municipality, or portions thereof, into  
27 appropriate zones within which specific standards, requirements, and  
28 conditions may be provided for regulating: The use of public and  
29 private land, buildings, and structures((~~and~~)) except as provided  
30 in (b) of this subsection, the location, height, bulk, number of  
31 stories, and size of buildings and structures((τ)); size of yards,  
32 courts, and open spaces((τ)); density of population((τ)); ratio of  
33 land area to the area of buildings and structures((τ));  
34 setbacks((τ)); area required for off-street parking((τ)); protection  
35 of access to direct sunlight for solar energy systems((τ)); and such  
36 other standards, requirements, regulations, and procedures as are  
37 appropriately related thereto.

38 (b)(i) The legislative body may not restrict any affordable  
39 housing development of single-family or multifamily residences

1 located on real property owned or controlled by a religious  
2 organization, provided that:

3 (A) The affordable housing development is set aside for or  
4 occupied exclusively by low-income households;

5 (B) The affordable housing development is part of a lease or  
6 other binding obligation that requires the development to be used  
7 exclusively for affordable housing purposes for at least forty years,  
8 even if the religious organization no longer owns the property;

9 (C) The affordable housing development does not discriminate  
10 against any person who qualifies as a member of a low-income  
11 household based on race, creed, color, national origin, sex, veteran  
12 or military status, sexual orientation, or mental or physical  
13 disability; or otherwise act in violation of the Federal Fair Housing  
14 Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.); and

15 (D) The legislative body may regulate the height, number of  
16 stories, and density for construction and use of such affordable  
17 housing development to the extent that such development does not  
18 exceed two times the maximum height requirement and five times the  
19 density requirement for other single-family or multifamily residences  
20 within the same neighborhood, or within the city if no other single-  
21 family or multifamily residences exist within the same neighborhood.

22 (ii) For purposes of this section:

23 (A) "Affordable housing development" means a proposed or existing  
24 structure in which one hundred percent of all single-family or  
25 multifamily residential dwelling units within the development are set  
26 aside for or are occupied by low-income households at a sales price  
27 or rent amount that is considered affordable by a federal, state, or  
28 local government housing program;

29 (B) "Low-income household" means a single person, family, or  
30 unrelated persons living together whose adjusted income is less than  
31 eighty percent of the median family income, adjusted for household  
32 size, for the county where the affordable housing development is  
33 located; and

34 (C) "Religious organization" has the same meaning as in RCW  
35 35A.21.360.

36 (c) The ordinance encompassing the matters of this subsection (2)  
37 is hereinafter called the "zoning ordinance." No zoning ordinance, or  
38 amendment thereto, shall be enacted by the legislative body without  
39 at least one public hearing, notice of which shall be given as set  
40 forth in RCW 35A.63.070. Such hearing may be held before the planning

1 agency or the board of adjustment or such other body as the  
2 legislative body shall designate.

3 (3) Adoption of design standards, requirements, regulations, and  
4 procedures for the subdivision of land into two or more parcels,  
5 including, but not limited to, the approval of plats, dedications,  
6 acquisitions, improvements, and reservation of sites for public use.

7 (4) Scheduling public improvements on the basis of recommended  
8 priorities over a period of years, subject to periodic review.

9 (5) Such other matters as may be otherwise authorized by law or  
10 as the legislative body deems necessary or appropriate to effectuate  
11 the goals and objectives of the comprehensive plan or parts thereof  
12 and the purposes of this chapter.

13 **Sec. 3.** RCW 36.43.010 and 1963 c 4 s 36.43.010 are each amended  
14 to read as follows:

15 (1) Except as provided in subsection (2) of this section, the  
16 boards of county commissioners may adopt standard building codes and  
17 standard fire regulations to be applied within their respective  
18 jurisdictions.

19 (2)(a) The boards of county commissioners may not restrict any  
20 affordable housing development of single-family or multifamily  
21 residences located on real property owned or controlled by a  
22 religious organization, provided that:

23 (i) The affordable housing development is set aside for or  
24 occupied exclusively by low-income households;

25 (ii) The affordable housing development is part of a lease or  
26 other binding obligation that requires the development to be used  
27 exclusively for affordable housing purposes for at least forty years,  
28 even if the religious organization no longer owns the property;

29 (iii) The affordable housing development does not discriminate  
30 against any person who qualifies as a member of a low-income  
31 household based on race, creed, color, national origin, sex, veteran  
32 or military status, sexual orientation, or mental or physical  
33 disability; or otherwise act in violation of the Federal Fair Housing  
34 Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.); and

35 (iv) The board may regulate the height, number of stories, and  
36 density for construction and use of such affordable housing  
37 development to the extent that such development does not exceed two  
38 times the maximum height requirement and five times the density  
39 requirement for other single-family or multifamily residences within

1 the same neighborhood, or within the city if no other single-family  
2 or multifamily residences exist within the same neighborhood.

3 (b) For purposes of this section:

4 (i) "Affordable housing development" means a proposed or existing  
5 structure in which one hundred percent of all single-family or  
6 multifamily residential dwelling units within the development are set  
7 aside for or are occupied by low-income households at a sales price  
8 or rent amount that is considered affordable by a federal, state, or  
9 local government housing program;

10 (ii) "Low-income household" means a single person, family, or  
11 unrelated persons living together whose adjusted income is less than  
12 eighty percent of the median family income, adjusted for household  
13 size, for the county where the affordable housing development is  
14 located; and

15 (iii) "Religious organization" has the same meaning as in RCW  
16 35A.21.360.

17 **Sec. 4.** RCW 36.70.750 and 1963 c 4 s 36.70.750 are each amended  
18 to read as follows:

19 (1) Any board, by ordinance, may establish classifications,  
20 within each of which, specific controls are identified, and which  
21 will

22 ~~(1))~~ regulate;

23 (a) The use of buildings, structures, and land as between  
24 agriculture, industry, business, residence, and other purposes; and

25 ~~((2) Regulate))~~ (b) Except as provided in subsection (2) of this  
26 section, the location, height, bulk, number of stories, and size of  
27 buildings and structures; the size of yards, courts, and other open  
28 spaces; the density of population; the percentage of a lot which may  
29 be occupied by buildings and structures; and the area required to  
30 provide off-street facilities for the parking of motor vehicles.

31 (2)(a) The boards of county commissioners may not restrict any  
32 affordable housing development of single-family or multifamily  
33 residences located on real property owned or controlled by a  
34 religious organization, provided that:

35 (i) The affordable housing development is set aside for or  
36 occupied exclusively by low-income households;

37 (ii) The affordable housing development is part of a lease or  
38 other binding obligation that requires the development to be used

1 exclusively for affordable housing purposes for at least forty years,  
2 even if the religious organization no longer owns the property;

3 (iii) The affordable housing development does not discriminate  
4 against any person who qualifies as a member of a low-income  
5 household, based on race, creed, color, national origin, sex, veteran  
6 or military status, sexual orientation, or mental or physical  
7 disability; or otherwise act in violation of the Federal Fair Housing  
8 Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.); and

9 (iv) The council or board may regulate the height, number of  
10 stories, and density for construction and use of such affordable  
11 housing development to the extent that such development does not  
12 exceed two times the maximum height requirement and five times the  
13 density requirement for other single-family or multifamily residences  
14 within the same neighborhood, or within the city if no other single-  
15 family or multifamily residences exist within the same neighborhood.

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17 (i) "Affordable housing development" means a proposed or existing  
18 structure in which one hundred percent of all single-family or  
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20 aside for or are occupied by low-income households at a sales price  
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22 local government housing program;

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24 unrelated persons living together whose adjusted income is less than  
25 eighty percent of the median family income, adjusted for household  
26 size, for the county where the affordable housing development is  
27 located; and

28 (iii) "Religious organization" has the same meaning as in RCW  
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