**6617-S.E AMH FITZ H5386.1 - NOT FOR FLOOR USE**

**ESSB 6617** - H AMD **2038**

By Representative Fitzgibbon

**ADOPTED 03/06/2020**

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  (1) The legislature makes the following findings:

(a) Washington state is experiencing a housing affordability crisis. Many communities across the state are in need of more housing for renters, across the income spectrum. Accessory dwelling units are frequently rented at below market rate, providing additional affordable housing options for renters.

(b) Accessory dwelling units are often occupied by tenants who pay no rent at all; among these tenants are grandparents, adult children, family members with disabilities, friends going through life transitions, and community members in need. Accessory dwelling units meet the needs of these people who might otherwise require scarce subsidized housing space and resources.

(c) Accessory dwelling units can meet the needs of Washington's growing senior population, making it possible for this population to age in their communities by offering senior-friendly housing, which prioritizes physical accessibility, in walkable communities near amenities essential to successful aging in place, including transit and grocery stores, without requiring costly renovations of existing housing stock.

(d) Homeowners who add an accessory dwelling unit may benefit from added income and an increased sense of security.

(e) Siting accessory dwelling units near transit hubs and near public amenities can help to reduce greenhouse gas emissions by increasing walkability, shortening household commutes, and limiting sprawl.

(2) The legislature intends to promote and encourage the creation of accessory dwelling units as a means to address the need for additional affordable housing options.

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

The definitions in this section apply throughout sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(2) "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(3) "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.

(4) "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(5) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

(6) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing fixed route service at intervals of at least fifteen minutes during the peak hours of operation.

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

(1) Cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of section 4 of this act to take effect by July 1, 2021.

(2) Beginning July 1, 2021, the requirements of section 4 of this act:

(a) Apply and take effect in any city that has not adopted or amended ordinances, regulations, or other official controls as required under this section; and

(b) Supersede, preempt, and invalidate any local development regulations that conflict with section 4 of this act.

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

(1) Except as provided in subsection (2) and (3) of this section, through ordinances, development regulations, zoning regulations, and other official controls as required under section 3 of this act, cities may not require the provision of off-street parking for accessory dwelling units within one-quarter mile of a major transit stop.

(2) A city may require the provision of off-street parking for an accessory dwelling unit located within one-quarter mile of a major transit stop if the city has determined that the accessory dwelling unit is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the accessory dwelling unit.

(3) A city that has adopted or substantively amended accessory dwelling unit regulations within the four years previous to the effective date of this section is not subject to the requirements of this section.

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

Nothing in this act modifies or limits any rights or interests legally recorded in the governing documents of associations subject to chapter 64.32, 64.34, 64.38, or 64.90 RCW."

Correct the title.

EFFECT: The striking amendment makes the following changes to the Engrossed Substitute Senate Bill:

(1) Limits the scope of the bill to GMA-planning cities, and provides that accessory dwelling unit (ADU) requirements do not apply to counties;

(2) Limits the scope of ADU policies addressed by the bill to parking-related policies, and amends the areas in which cities may require off-street parking associated with the development of ADUs to include areas that are at least one-quarter of a mile away from a major transit stop, rather than one-half of a mile away from a major transit stop;

(3) Limits the types of bus and other fixed route service stops that qualify as major transit stops to those that are served every 15 minutes during peak hours of operation;

(4) Authorizes cities to require parking associated with an ADU located within one-quarter of a mile from a major transit stop if the city has determined that the ADU is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible;

(5) Eliminates the exemption from appeal under the State Environmental Policy Act (SEPA) for the adoption of specified ADU policies;

(6) Eliminates requirements for the adoption of ADU policies by cities that have adopted or substantively amended ADU policies within the previous four years; and

(7) Declares that nothing in the act modifies or limits any rights or interests legally recorded in the governing documents of condominium, homeowner, or common interest ownership associations.