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**SUBSTITUTE SENATE BILL 6617**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Senate Housing Stability & Affordability (originally sponsored by Senators Liias and Das)

AN ACT Relating to accessory dwelling unit regulation; amending RCW 43.21C.495; adding new sections to chapter 36.70A RCW; and creating a new section.

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

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 subsidized housing space and resources needed by other households.

(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 to her or his property 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) "County" means any county planning under RCW 36.70A.040.

(5) "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.

(6) "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.

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

(1)(a) Cities and counties must adopt or amend ordinances, regulations, or other official controls to implement the requirements of section 4 of this act that take effect by July 1, 2021.

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

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

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

(2) Ordinances, development regulations, and other official controls adopted or amended pursuant to this section and section 4 of this act are only required to apply in the portions of cities and counties that are within urban growth areas designated under this chapter.

(3) Any action taken by a city or county to comply with the requirements of this section and section 4 of this act is not subject to legal challenge under this chapter or chapter 43.21C RCW.

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

Through ordinances, development regulations, and other official controls adopted or amended as required under section 3 of this act, cities and counties:

(1) May allow up to two accessory dwelling units on all lots on which there is a single-family housing unit, duplex, triplex, fourplex, rowhouse, townhome, or apartment building, regardless of zoning district; the accessory dwelling units allowed under this subsection may be either attached accessory dwelling units or detached accessory dwelling units.

(2) May not establish a requirement for the provision of off-street parking for accessory dwelling units within one-half mile of a major transit stop as defined in RCW 43.21C.420(3).

(3) May not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot unless (a) an owner owns more than five accessory dwelling units within the same city or county or (b) the accessory dwelling unit is a short-term rental as defined in RCW 64.37.010.

**Sec.**  RCW 43.21C.495 and 2019 c 348 s 4 are each amended to read as follows:

(1) If adopted by April 1, 2021, amendments to development regulations and other nonproject actions taken by a city to implement RCW 36.70A.600 (1) or (4), with the exception of the action specified in RCW 36.70A.600(1)(f), are not subject to administrative or judicial appeals under this chapter.

(2) Amendments to development regulations and other nonproject actions taken by a city or county consistent with the requirements of sections 3 and 4 of this act are not subject to administrative or judicial appeals under this chapter.

**--- END ---**