

FINAL BILL REPORT

SHB 1377

C 218 L 19
Synopsis as Enacted

Brief Description: Concerning affordable housing development on religious organization property.

Sponsors: House Committee on Housing, Community Development & Veterans (originally sponsored by Representatives Walen, Barkis, Jenkin, Harris, Springer, Macri, Wylie, Ryu, Reeves, Robinson, Griffey, Appleton, Bergquist, Jinkins, Tharinger, Slatter, Kloba, Doglio, Goodman, Leavitt, Ormsby and Santos).

House Committee on Housing, Community Development & Veterans
Senate Committee on Housing Stability & Affordability

Background:

Planning enabling statutes allow cities and counties, at their option, to adopt comprehensive plans, zoning ordinances, and other official controls regulating land uses within their boundaries. Such regulations may generally include: the location and the use of buildings, structures, and land for residence, industry, trade, and other purposes; the height, construction, and design of buildings and structures; the size of yards, open spaces, lots, and tracts; the density of population; the set-back of buildings; the subdivision and development of land; and adoption of standard building codes and fire regulations. These regulations must form parts of a comprehensive plan which must prepare for the physical and generally advantageous development of the city or county and be designed to encourage the most appropriate uses of land.

Other cities and counties are required, or have elected, to adopt comprehensive plans under the Growth Management Act (GMA). The GMA establishes land-use designation and environmental protection requirements for all Washington cities and counties, and a significantly wider array of planning duties for the cities and counties within that are obligated to satisfy all planning requirements of the GMA. The GMA directs planning jurisdictions (*i.e.*, jurisdictions that fully plan under the GMA) to adopt internally consistent comprehensive land-use plans that are generalized, coordinated land-use policy statements of the governing body. Comprehensive plans are implemented through locally adopted development regulations.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Generally, a density bonus is a zoning tool used by cities and counties in which they allow a developer to build more housing units, taller buildings, or more floor space than normally allowed, in exchange for provision of a defined public benefit, such as a specified number or percentage of affordable housing units. Any city or county that is fully planning under the GMA may enact or expand an affordable housing incentive program that may include density bonuses in the urban growth area.

Joint Legislative Audit and Review Committee.

The Joint Legislative Audit and Review Committee (JLARC) is comprised of an equal number of House of Representatives and Senate members, Democrats and Republicans. The nonpartisan staff of the JLARC conduct performance audits, program evaluations, sunset reviews, and other analyses assigned by the Legislature and the JLARC itself.

Summary:

A city planning under certain planning enabling statutes, or a city or county fully planning under the Growth Management Act (GMA), must allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization if the affordable housing development:

- is set aside for, or occupied exclusively for, low-income households. "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than 80 percent of the median family income, adjusted for household size for the county where the affordable housing development is located;
- is part of a lease or other binding obligation that requires development to be used exclusively for affordable housing purposes for at least 50 years, even if the religious organization no longer owns the property; and
- does not discriminate against any person who qualifies as a member of a low-income household.

A city or town, code city, or county may develop policies to implement the increased density bonus if it receives a request from a religious organization for the increased density bonus. The religious organization developing the qualifying affordable housing must pay all fees, mitigation costs, and other charges required and, if applicable, should work with local transit agencies to ensure appropriate transit services are provided to the affordable housing development.

"Affordable housing development" means a proposed or existing structure in which 100 percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that may not exceed 30 percent of the income limit for the low-income housing unit.

An affordable housing development created by a religious institution within a city or county fully planning under the GMA must be located within an urban growth area.

The Joint Legislative Audit and Review Committee must review the efficacy of the increased density bonus incentive for affordable housing development located on property owned by a religious organization and must report its findings to the appropriate committees of the

Legislature by December 1, 2030. The review must include a recommendation on whether this incentive should be continued without change or should be amended or repealed.

Votes on Final Passage:

House	84	12	
Senate	42	3	(Senate amended)
House	85	9	(House concurred)

Effective: July 28, 2019