

SENATE BILL REPORT

SB 5382

As Reported by Senate Committee On:
Housing Stability & Affordability, February 18, 2019

Title: An act relating to tiny houses serving as accessory dwelling units.

Brief Description: Concerning tiny houses serving as accessory dwelling units.

Sponsors: Senators Zeiger, Palumbo, Das, Nguyen, Short, Van De Wege, Wilson, C. and Wilson, L..

Brief History:

Committee Activity: Housing Stability & Affordability: 2/06/19, 2/18/19 [DPS].

Brief Summary of First Substitute Bill

- Authorizes a tiny house to be considered an accessory dwelling unit within designated urban growth areas for permanent residence purposes without being attached to or constructed within the primary dwelling unit.
- Authorizes a tiny house with wheels to be considered an accessory dwelling unit within designated urban growth areas without being attached to or constructed within the primary dwelling unit if the tiny house owner has made reasonable accommodation for water, power, and sewage disposal for its use as a permanent residence.

SENATE COMMITTEE ON HOUSING STABILITY & AFFORDABILITY

Majority Report: That Substitute Senate Bill No. 5382 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille, Fortunato, Saldaña and Warnick.

Staff: Brandon Popovac (786-7465)

Background: Urban Growth Areas. Counties that fully plan under the Growth Management Act (GMA) must designate urban growth areas (UGAs). UGAs are areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Planning jurisdictions must include, within their UGAs, sufficient areas and densities

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to accommodate projected urban growth for the succeeding 20-year period. In addition, cities must include sufficient areas to accommodate the broad range of needs and uses that will accompany the projected urban growth, including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.

Local Planning for Accessory Apartments. Local governments are required to have accessory apartment, also commonly referred to as accessory dwelling unit, provisions incorporated in their development regulations, zoning regulations, or official controls. These provisions must be consistent with a 1993 report of the Department of Community, Trade, and Economic Development's (CTED) that provides recommendations to the Legislature designed to encourage the development and placement of accessory apartments in areas zoned for single-family residential use. The CTED recommendations include standards and criteria regarding size, parking, design, and quantity of accessory apartments. "Local government" means a county that is planning under the GMA, a city with a population of over 20,000, and a county with a population of over 125,000.

Tiny House Building Codes. The International Resident Code (Code) Appendix Q applies to tiny houses used as single dwelling units and modifies various requirements in the Code as it applies to houses that are 400 square feet in area or less, with specific provisions addressing compact stairs, including handrails and headroom, ladders, reduced ceiling heights in lofts, and guard and emergency escapes with certain rescue opening requirements.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): A tiny house may be allowed as an accessory dwelling unit within designated urban growth areas for permanent residence purposes without being attached to or constructed within the primary dwelling unit. A tiny house is defined as a dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with Appendix Q of the Code standards.

A tiny house with wheels may be allowed as an accessory dwelling unit within designated urban growth areas without being attached to or constructed within the primary dwelling unit if the tiny house owner has made reasonable accommodation for water, power, and sewage disposal for permanent resident purposes. A tiny house with wheels is defined as a dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation built by a manufacturer that is self-certified as allowed by the director of Labor and Industries.

An accessory dwelling unit is not considered or classified as a manufactured home.

EFFECT OF CHANGES MADE BY HOUSING STABILITY & AFFORDABILITY COMMITTEE (First Substitute):

- Authorizes tiny houses and tiny houses with wheels to be allowed as ADUs within designated UGAs under the GMA.
- Updates the definition of tiny house with wheels to align with current manufacturing standards.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Proposed Substitute: *The committee recommended a different version of the bill than what was heard.* PRO: This bill makes it possible for people to site tiny homes as ADUs on their own property without the ADU having to be attached to the primary dwelling unit on the property. There are a number of people in this state who would benefit from this bill—young people who are starting out in life looking for a lower-cost way to live and senior citizens who are looking for a way to downsize and be able to live on the same property with other family members. This bill is an option that will help address the shortage of affordable housing in the state.

This bill will help people figure out a way to have shelter that is safe. Tiny homes that have the same permit fee schedule as an additional dwelling unit does not make tiny homes an affordable option since the permit fees are often higher than the entire cost of construction for developers to build a tiny home. Tiny homes should be affordable at every single income level. Local jurisdictions are struggling with how to handle tiny homes in relation to current guest house ordinances.

Square footage of tiny homes are determined by the type of tiny home and by the local ordinances that allows such structures. Tiny homes are built to last as long as single-family homes, but longevity issues do arise if they are located on a trailer. There are no known occupancy limits per tiny home.

CON: The bill should be written to allow ADUs within the boundaries of urban growth areas only. The bill would essentially allow local jurisdictions to double the density in their rural areas, affecting current rural densities of one unit per 5 acres. There is a concern with how to handle and mitigate water and sewer in those areas where ADUs would be allowed, especially if there is a separate well or the well is attached to the primary dwelling unit.

Persons Testifying: PRO: Senator Hans Zeiger, Prime Sponsor; Todd McKellips, Washington Tiny House Association; Hannah Crabtree, citizen; Rick Hughes, San Juan County Council, District #2.

CON: Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying: No one.