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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1923

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State of Washington

66th Legislature

2019 Regular Session

By House Appropriations (originally sponsored by Representatives Fitzgibbon, Macri, Appleton, Doglio, Dolan, Santos, and Frame)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to increasing urban residential building  
2 capacity; amending RCW 43.21C.450; adding new sections to chapter  
3 36.70A RCW; adding a new section to chapter 43.21C RCW; and creating  
4 a new section.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A  
7 RCW to read as follows:

8 (1) A city planning pursuant to RCW 36.70A.040 with a population  
9 greater than ten thousand is encouraged to take two or more of the  
10 following actions in order to increase its residential building  
11 capacity:

12 (a) Authorize development of an average of at least fifty  
13 residential units per acre in one or more areas of not fewer than  
14 five hundred acres that include one or more train stations served by  
15 commuter rail or light rail;

16 (b) Authorize development of an average of at least twenty-five  
17 residential units per acre in one or more areas of not fewer than  
18 five hundred acres that include one or more bus stops served by  
19 scheduled bus service of at least four times per hour for twelve or  
20 more hours per day;

1 (c) Authorize at least one duplex, triplex, or courtyard  
2 apartment on each parcel in one or more zoning districts that permit  
3 single-family residences unless a city documents a specific  
4 infrastructure of physical constraint that would make this  
5 requirement unfeasible for a particular parcel;

6 (d) Authorize cluster zoning or lot size averaging in all zoning  
7 districts that permit single-family residences;

8 (e) Require no more than one on-site parking space per two  
9 bedrooms in multifamily zones that are located within one-half mile  
10 of a fixed guideway transit station;

11 (f) Authorize accessory dwelling units on all lots located in  
12 zoning districts that permit single-family residences, except that a  
13 city choosing this option may restrict the use of such units as  
14 short-term rentals, may impose a minimum lot size requirement of two  
15 thousand five hundred square feet, may restrict accessory dwelling  
16 units on lots that do not meet this minimum size requirement, and may  
17 not be required to permit an unattached accessory dwelling unit to be  
18 added to lots smaller than three thousand two hundred square feet;

19 (g) Adopt a planned action pursuant to RCW 43.21C.420;

20 (h) Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii),  
21 except that an environmental impact statement pursuant to RCW  
22 43.21C.030 is not required for such an action;

23 (i) Adopt increases in categorical exemptions pursuant to RCW  
24 43.21C.229 for residential or mixed-use development;

25 (j) Adopt a form-based code in one or more zoning districts that  
26 permit residential uses. "Form-based code" means a land development  
27 regulation that uses physical form, rather than separation of use, as  
28 the organizing principle for the code;

29 (k) Authorize a duplex on each corner lot within all zoning  
30 districts that permit single-family residences; and

31 (l) Identify questions on the environmental checklist that are  
32 adequately covered by a locally adopted ordinance, development  
33 regulation, land use plan, or other legal authority, pursuant to RCW  
34 43.21.460.

35 (2) A city planning pursuant to RCW 36.70A.040 with a population  
36 greater than ten thousand is encouraged to take one or more of the  
37 following actions in order to increase housing affordability:

38 (a) Adopt an inclusionary zoning program, in which ten percent of  
39 the new housing capacity directed by this act consists of affordable  
40 housing;

1 (b) Provide surplus property to be used for affordable housing  
2 pursuant to RCW 39.33.015;

3 (c) Enact an affordable housing levy pursuant to RCW 84.52.105;

4 (d) Form or join existing subregional partnerships with  
5 neighboring jurisdictions to implement and promote affordable housing  
6 programs;

7 (e) Adopt a renters' commission to advise on issues of  
8 displacement; or

9 (f) Adopt a relocation assistance program.

10 (3) Amendments to development regulations and other nonproject  
11 actions taken by a city to implement subsections (1) and (2) of this  
12 section are categorically exempt from the requirements of chapter  
13 43.21C RCW.

14 (4) In implementing this act, cities are encouraged to utilize  
15 strategies that distribute housing growth equitably across their  
16 jurisdictions.

17 (5) In implementing this act, cities are encouraged to prioritize  
18 the creation of affordable, inclusive neighborhoods and to consider  
19 the risk of residential displacement, particularly in neighborhoods  
20 with communities at high risk of displacement.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A  
22 RCW to read as follows:

23 (1) In addition to the requirements set forth in RCW  
24 36.70A.070(2) for the housing element of a comprehensive plan, a city  
25 planning pursuant to RCW 36.70A.040 with a population greater than  
26 ten thousand is encouraged to update the housing element of its  
27 comprehensive plan as described in subsection (2) of this section.

28 (2) The housing element should:

29 (a) Quantify existing and projected housing needs for all income  
30 levels, including extremely low-income households, with documentation  
31 of housing and household characteristics, and cost-burdened  
32 households;

33 (b) Include policies, regulations, and programs to conserve and  
34 preserve existing private market and subsidized affordable housing  
35 and existing manufactured home parks;

36 (c) In cities with populations of more than eighty thousand,  
37 include policies, regulations, and programs to minimize displacement;

38 (d) If the analysis in (a) of this subsection demonstrates a lack  
39 of sufficient sites to accommodate housing needs for extremely low-

1 income, very low-income, and low-income households, include a program  
2 to make sufficient development capacity available at multifamily  
3 densities available for development;

4 (e) Analyze population and employment trends, with documentation  
5 of projections;

6 (f) Include an eight-year schedule of programs and actions to  
7 implement the policies of the housing element and to accommodate the  
8 planned affordable housing units, including incentives and funding  
9 for affordable housing; and

10 (g) Review and evaluate the previous housing element, including  
11 an evaluation of success in attaining planned housing types and  
12 units, achievement of goals and policies, and implementation of the  
13 schedule of programs and actions.

14 (3) The housing element update described in subsection (2) of  
15 this section should be incorporated into the housing element of a  
16 city's comprehensive plan by the next regularly scheduled  
17 comprehensive plan update as provided in RCW 36.70A.130.

18 **Sec. 3.** RCW 43.21C.450 and 2012 1st sp.s. c 1 s 307 are each  
19 amended to read as follows:

20 The following nonproject actions are categorically exempt from  
21 the requirements of this chapter:

22 (1) Amendments to development regulations that are required to  
23 ensure consistency with an adopted comprehensive plan pursuant to RCW  
24 36.70A.040, where the comprehensive plan was previously subjected to  
25 environmental review pursuant to this chapter and the impacts  
26 associated with the proposed regulation were specifically addressed  
27 in the prior environmental review;

28 (2) Amendments to development regulations that are required to  
29 ensure consistency with a shoreline master program approved pursuant  
30 to RCW 90.58.090, where the shoreline master program was previously  
31 subjected to environmental review pursuant to this chapter and the  
32 impacts associated with the proposed regulation were specifically  
33 addressed in the prior environmental review;

34 (3) Amendments to development regulations that, upon  
35 implementation of a project action, will provide increased  
36 environmental protection, limited to the following:

37 (a) Increased protections for critical areas, such as enhanced  
38 buffers or setbacks;

1 (b) Increased vegetation retention or decreased impervious  
2 surface areas in shoreline jurisdiction; and

3 (c) Increased vegetation retention or decreased impervious  
4 surface areas in critical areas;

5 (4) Amendments to technical codes adopted by a county, city, or  
6 town to ensure consistency with minimum standards contained in state  
7 law, including the following:

8 (a) Building codes required by chapter 19.27 RCW;

9 (b) Energy codes required by chapter 19.27A RCW; and

10 (c) Electrical codes required by chapter 19.28 RCW;

11 (5) Amendments to development regulations in order to implement  
12 section 1 of this act.

13 NEW SECTION. Sec. 4. A new section is added to chapter 43.21C  
14 RCW to read as follows:

15 (1) A project action evaluated under this chapter by a city,  
16 town, or county planning under RCW 36.70A.040 is exempt from appeals  
17 under this chapter on the basis of the evaluation of or impacts to  
18 transportation elements of the environment, so long as the project  
19 does not present significant adverse impacts to the state-owned  
20 transportation system as determined by the department of  
21 transportation and the project is:

22 (a) (i) Consistent with a locally adopted transportation plan; or

23 (ii) Consistent with the transportation element of a  
24 comprehensive plan; and

25 (b) (i) A project for which traffic or parking impact fees are  
26 imposed pursuant to RCW 82.02.050 through 82.02.090; or

27 (ii) A project for which traffic or parking impacts are expressly  
28 mitigated by an ordinance, or ordinances, of general application  
29 adopted by the city, town, or county.

30 (2) For purposes of this section, "impacts to transportation  
31 elements of the environment" include impacts to transportation  
32 systems; vehicular traffic; waterborne, rail, and air traffic;  
33 parking; movement or circulation of people or goods; and traffic  
34 hazards.

35 NEW SECTION. Sec. 5. If specific funding for the purposes of  
36 sections 1 and 2 of this act, referencing sections 1 and 2 of this  
37 act by bill or chapter number and section number, is not provided by

1 June 30, 2019, in the omnibus appropriations act, sections 1 and 2 of  
2 this act are null and void.

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