
HOUSE BILL 2570

State of Washington

66th Legislature

2020 Regular Session

By Representatives Gregerson, Barkis, Ryu, Goodman, Peterson, Fitzgibbon, Walsh, Thai, Corry, Macri, Robinson, Gildon, Doglio, Jenkin, Hudgins, Hoff, Frame, Lekanoff, Kloba, Leavitt, Irwin, Bergquist, Davis, Walen, Tharinger, Cody, and Ormsby

Read first time 01/15/20. Referred to Committee on Environment & Energy.

1 AN ACT Relating to managing growth by planning and zoning for
2 accessory dwelling units; amending RCW 43.21C.495, 35.63.210,
3 35A.63.230, and 36.70A.400; adding new sections to chapter 36.70A
4 RCW; creating a new section; and repealing RCW 36.70.677 and
5 43.63A.215.

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

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

9 (a) The growth management act directs certain cities within urban
10 growth areas to allow accessory dwelling units. However, excessive
11 regulatory and design barriers often limit production in many cities
12 where accessory dwelling units are allowed.

13 (b) Accessory dwelling units provide environmental benefits. They
14 promote energy efficiency compared with average size single-detached
15 houses, and incentivise adaptive reuse of existing homes and
16 materials.

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

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

8 (e) Washington state is experiencing a housing affordability
9 crisis. Many communities across the state are in need of more housing
10 for renters, across the income spectrum.

11 (f) Many cities dedicate the majority of residentially zoned land
12 to single-detached houses that are increasingly financially out of
13 reach for many households. Due to their smaller size, accessory
14 dwelling units can provide a more affordable housing option in those
15 single-family zones.

16 (g) Accessory dwelling units are frequently rented below market
17 rate, providing additional affordable housing options for renters.

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

24 (i) Homeowners who add an accessory dwelling unit to her or his
25 property may benefit from added income and an increased sense of
26 security.

27 (j) Removing certain regulatory barriers to the construction of
28 accessory dwelling units may substantially reduce construction costs,
29 thereby enabling more homeowners to add accessory dwelling units to
30 their properties. The increased availability of accessory dwelling
31 units will provide benefits to homeowners, renters, the community,
32 and the environment.

33 (2) The legislature intends to promote and encourage the creation
34 of accessory dwelling units as a means to address the need for
35 additional affordable housing options. The legislature encourages
36 local governments to increase the availability of affordable housing
37 by subsidizing accessory dwelling units with local sales tax revenue,
38 as authorized by chapter 338, Laws of 2019.

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

3 The definitions in this section apply throughout sections 3, 4,
4 and 5 of this act unless the context clearly requires otherwise.

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

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

11 (3) "Covered cities" means all cities, code cities, and towns
12 located in a county planning under RCW 36.70A.040 and that had a
13 population of at least two thousand five hundred, as determined by
14 the office of financial management.

15 (4) "Covered counties" means all counties planning under
16 36.70A.040 that have a population of at least fifteen thousand, as
17 determined by the office of financial management.

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

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

26 (7) "Gross floor area" means the interior habitable area of a
27 dwelling unit including basements and attics but not including a
28 garage or accessory structure.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
30 RCW to read as follows:

31 (1) Covered cities and covered counties must adopt or amend by
32 ordinance and incorporate into their development regulations, zoning
33 regulations, and other official controls, an authorization for the
34 creation of accessory dwelling units that is consistent with this
35 section and section 4 of this act.

36 (2) Ordinances, development regulations, and other official
37 controls adopted or amended pursuant to this section and sections 4
38 and 5 of this act are only required to apply in the portions of

1 towns, cities, and counties that are within urban growth areas
2 designated under this chapter.

3 (3) Attached or detached accessory dwelling units may not be
4 considered as contributing to the overall underlying density within
5 the urban growth area boundary of a county for purposes of compliance
6 with this chapter.

7 (4)(a) Any action taken by a covered city or covered county to
8 comply with the requirements of this section and section 4 of this
9 act, or to implement the options specified in section 5 of this act
10 within its urban growth area boundary is not subject to legal
11 challenge under this chapter or chapter 43.21C RCW.

12 (b) A covered city or covered county that does not comply with
13 the requirements of this section and section 4 of this act is subject
14 to legal challenge under this chapter.

15 (5)(a)(i) Covered cities that had a population of at least two
16 thousand five hundred and counties that had a population of at least
17 fifteen thousand as of April 1, 2019, must adopt ordinances,
18 regulations, or other official controls to implement the requirements
19 of section 4 of this act that take effect by July 1, 2021.

20 (ii) A city or county that becomes a covered city or county as a
21 result of population growth must adopt ordinances, regulations, or
22 other official controls to implement the requirements of section 4 of
23 this act that take effect no later than twelve months after a
24 determination by the office of financial management that the city in
25 a county planning under RCW 36.70A.040 has a population of two
26 thousand five hundred or a county planning under RCW 36.70A.040 has a
27 population that exceeds fifteen thousand.

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

30 (i) Apply and take effect in any covered city or covered county
31 that has not adopted ordinances, regulations, or other official
32 controls as required by this section; and

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

36 (6) Nothing in this section or section 4 or 5 of this act
37 requires or authorizes a city or county to authorize the construction
38 of an accessory dwelling unit in a location where development is
39 restricted under other laws, rules, or ordinances as a result of

1 physical proximity to on-site sewage system infrastructure, critical
2 areas, or other unsuitable physical characteristics of a property.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
4 RCW to read as follows:

5 Through ordinances, development regulations, and other official
6 controls adopted or amended as required by section 3 of this act,
7 covered cities and covered counties:

8 (1)(a) Must allow at least one accessory dwelling unit on all
9 lots that are located in all zoning districts that allow for single-
10 family homes; the accessory dwelling units allowed under this
11 subsection (1)(a) may be either attached accessory dwelling units or
12 detached accessory dwelling units; if the unit is a detached
13 accessory dwelling unit, the lot must be at least three thousand
14 five-hundred square feet.

15 (b) May not establish a requirement for the provision of off-
16 street parking for accessory dwelling units;

17 (c) May not require the owner of a lot on which there is an
18 accessory dwelling unit to reside in or occupy the accessory dwelling
19 unit or another housing unit on the same lot, and may not require a
20 period of continuous ownership before permitting construction of an
21 accessory dwelling unit on a lot;

22 (d) May not charge permitting and plan review fees under chapter
23 19.27 RCW for accessory dwelling units that exceed fifty percent of
24 the fees charged for single-family residences;

25 (e) May not establish an impact fee amount for accessory dwelling
26 units that is greater than fifty percent of the amount set for
27 single-family residences; and

28 (f)(i) May not require installation of a new or separate utility
29 connection between an accessory dwelling unit and a utility unless
30 the jurisdiction finds that the site-specific technical,
31 environmental, or financial considerations warrant a separation of
32 utility connections for accessory dwelling units from other housing
33 units on the lot;

34 (ii) May not consider attached accessory dwelling units to be new
35 residential uses for the purpose of calculating connection fees or
36 capacity charges for utilities; and

37 (iii) May require a new or separate utility connection directly
38 between an accessory dwelling unit and a utility and may subject the
39 connection to a connection fee or capacity charge that must:

1 (A) Be proportionate to the burden of the proposed accessory
2 dwelling unit, based on its size or number of plumbing fixtures, upon
3 the water or sewer system;

4 (B) Not exceed the reasonable cost of providing the service; and

5 (C) Not be inconsistent with water availability requirements,
6 water system plans, small water system management plans, or
7 established policies adopted by the water or sewer utility provider;
8 and

9 (2) Must achieve at least three of the following five policy
10 outcomes that apply in all zoning districts that allow for single-
11 family homes:

12 (a) Allow at least two accessory dwelling units on all lots on
13 which there is a single-family housing unit, duplex, triplex,
14 fourplex, rowhouse, townhome, or apartment building, regardless of
15 zoning district; the two accessory dwelling units may be in any of
16 the following configurations:

17 (i) One attached accessory dwelling unit and one detached
18 accessory dwelling unit;

19 (ii) Two attached accessory dwelling units; or

20 (iii) Two detached accessory dwelling units, which may be
21 comprised of either one or two detached structures;

22 (b) Do not establish a maximum gross floor area requirement for
23 accessory dwelling units that is less than one thousand square feet;

24 (c) Do not establish a roof height limitation on accessory
25 dwelling units of less than twenty-four feet;

26 (d) Adopt model accessory dwelling unit architectural plans that
27 are preapproved for public use under some or all local building and
28 environmental permitting requirements; or

29 (e) Allow detached accessory dwelling units to be sited at the
30 lot line of the rear yard if the rear yard is adjacent to an alley.

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A
32 RCW to read as follows:

33 Covered cities and counties are encouraged, but not required, to
34 adopt ordinances, development regulations, and other official
35 controls that:

36 (1) Do not require impact fees under chapter 82.02 RCW for
37 accessory dwelling units;

1 (2) Do not establish tree retention requirements for accessory
2 dwelling units that are in addition to any tree retention
3 requirements for single-family housing units;

4 (3) Do not prohibit the sale or other conveyance of a condominium
5 unit solely on the grounds that the unit was originally built as an
6 accessory dwelling unit;

7 (4) Require an accessory dwelling unit to be accessible to fire
8 department apparatus by way of a public street or approved fire
9 apparatus access;

10 (5) Do not establish a minimum gross floor area requirement for
11 accessory dwelling units that is greater than two hundred square
12 feet;

13 (6) Do not establish a limit for the percent of the rear yard
14 that an accessory dwelling unit may cover that is less than sixty
15 percent of the rear yard;

16 (7) Do not establish setback regulations that are more
17 restrictive than for single-family housing units;

18 (8) Do not require that the exterior design or appearance of an
19 accessory dwelling unit be similar to the exterior design or
20 appearance of the principal housing unit, including through
21 regulations that require an accessory dwelling unit to have similar
22 roof pitch, siding, or windows as the primary housing unit;

23 (9) Do not count the gross floor area of an accessory dwelling
24 unit against any floor area ratio limitations that apply to single-
25 family or other primary housing units;

26 (10) Allow detached accessory dwelling units to be sited within
27 five feet of a lot line if there is written approval from the
28 property owner with whom the lot line is shared on file in the
29 jurisdiction in which the detached accessory dwelling unit is
30 located; and

31 (11) Do not regulate the location of the entry doors of accessory
32 dwelling units.

33 **Sec. 6.** RCW 43.21C.495 and 2019 c 348 s 4 are each amended to
34 read as follows:

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

1 (2) Amendments to development regulations and other nonproject
2 actions taken by a covered city or county consistent with the
3 requirements of sections 3 and 4 of this act or to achieve the
4 options encouraged in section 5 of this act are not subject to
5 administrative or judicial appeals under this chapter.

6 **Sec. 7.** RCW 35.63.210 and 1993 c 478 s 8 are each amended to
7 read as follows:

8 Any (~~local government~~) covered city or covered county, as
9 defined in (~~RCW 43.63A.215~~) section 2 of this act, that is planning
10 under this chapter shall comply with (~~RCW 43.63A.215(3)~~) sections 3
11 and 4 of this act.

12 **Sec. 8.** RCW 35A.63.230 and 1993 c 478 s 9 are each amended to
13 read as follows:

14 Any (~~local government~~) covered city or covered county, as
15 defined in (~~RCW 43.63A.215~~) section 2 of this act, that is planning
16 under this chapter shall comply with (~~RCW 43.63A.215(3)~~) sections 3
17 and 4 of this act.

18 **Sec. 9.** RCW 36.70A.400 and 1993 c 478 s 11 are each amended to
19 read as follows:

20 Any (~~local government~~) city or county, as defined in (~~RCW~~
21 ~~43.63A.215~~) section 2 of this act, that is planning under this
22 chapter shall comply with (~~RCW 43.63A.215(3)~~) sections 3 and 4 of
23 this act.

24 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
25 each repealed:

- 26 (1) RCW 36.70.677 (Accessory apartments) and 1993 c 478 s 10; and
27 (2) RCW 43.63A.215 (Accessory apartments—Development and
28 placement—Local governments) and 1993 c 478 s 7.

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