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**SHB 1660** - H AMD TO H AMD (H-2706.2/22) **1030**

By Representative Berg

**ADOPTED 02/14/2022**

On page 12, after line 29 of the striking amendment, insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 64.34 RCW to read as follows:

(1) A declaration created after the effective date of this section and applicable to an association located within an urban growth area may not actively or effectively prohibit the construction, development, or use of an accessory dwelling unit.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate governing documents that were created after the effective date of this section and that are contrary to subsection (1) of this section.

NEW SECTION. **Sec.**  A new section is added to chapter 64.32 RCW to read as follows:

(1) A declaration created after the effective date of this section and applicable to an association of apartment owners located within an urban growth area may not actively or effectively prohibit the construction, development, or use of an accessory dwelling unit.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate governing documents that were created after the effective date of this section and that are contrary to subsection (1) of this section."

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|  | EFFECT:   * Prohibits a condominium association or association of apartment owners from actively or effectively prohibiting the construction, development, or use of an accessory dwelling unit. * Provides that a city or county cannot be held civilly liable for the issuance of a permit for the construction of an ADU that would be prohibited by a condominium association or association of apartment owners' declaration, if the declaration was created after the effective date of the act and imposes a prohibition on the construction, development, or use of ADUs that is disallowed by the act. |

**--- END ---**