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**ENGROSSED SUBSTITUTE SENATE BILL 5235**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senate Housing & Local Government (originally sponsored by Senators Liias, Das, Nguyen, Nobles, Saldaña, and Wilson, C.)

AN ACT Relating to increasing housing unit inventory by removing arbitrary limits on housing options; amending RCW 36.70A.696, 36.70A.697, and 36.70A.698; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that housing disparities and insecurity exist in the state of Washington and local zoning laws have often exacerbated the ability for every Washingtonian to obtain an affordable and safe place to live. The legislature recognizes that these arbitrary limits disproportionally impact historically and currently marginalized communities, and have contributed to widespread discrimination in the housing market. The legislature finds that it is necessary to remove these barriers to better reflect and meet the needs of Washingtonians and the housing market, so that all Washingtonians can attain housing stability and security. It is the intent of the legislature with this act to remove barriers and limitations on both the use and occupancy of accessory dwelling units and the number of unrelated occupants living together.

**Sec.**  RCW 36.70A.696 and 2020 c 217 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 36.70A.697 and 36.70A.698 unless the context clearly requires otherwise.

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

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

(3) "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.

(4) "County" means any county planning under RCW 36.70A.040.

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

((~~(5)~~)) (6) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

((~~(6)~~)) (7) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing fixed route service at intervals of at least fifteen minutes during the peak hours of operation.

(8) "Nonprofit entity" means any entity that is exempt from income tax under section 501(c) of the federal internal revenue code.

**Sec.**  RCW 36.70A.697 and 2020 c 217 s 3 are each amended to read as follows:

(1)(a) Cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of RCW 36.70A.698(1) to take effect by July 1, 2021.

(b)(i) For any housing subdivision permitted after the effective date of this section, cities and counties must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of RCW 36.70A.698(2) to take effect by July 1, 2022.

(ii) For any housing subdivision subject to owner-occupancy regulations in existence as of the effective date of this section or any new construction within a housing subdivision in existence as of the effective date of this section, cities and counties must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of RCW 36.70A.698(2) to take effect by July 1, 2024.

(iii) For any housing subdivision within a residential zoning designation of R-8 or higher and subject to owner-occupancy regulations in existence as of the effective date of this section, cities and counties must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of RCW 36.70A.698(2) to take effect by July 1, 2025.

(2)(a) Beginning July 1, 2021, the requirements of RCW 36.70A.698(1):

((~~(a)~~)) (i) Apply and take effect in any city that has not adopted or amended ordinances, regulations, or other official controls as required under this section; and

((~~(b)~~)) (ii) Supersede, preempt, and invalidate any local development regulations that conflict with RCW 36.70A.698(1).

(b) Pursuant to and in accordance with the applicable deadlines under subsection (1)(b) of this section, the requirements of RCW 36.70A.698(2):

(i) Apply and take effect in any city or county that has not adopted or amended ordinances, regulations, or other official controls as required under this section; and

(ii) Supersede, preempt, and invalidate any local development regulations that conflict with RCW 36.70A.698(2).

**Sec.**  RCW 36.70A.698 and 2020 c 217 s 4 are each amended to read as follows:

(1)(a) Except as provided in ((~~subsection[s] (2) and (3) of this section~~)) (b) and (c) of this subsection, through ordinances, development regulations, zoning regulations, and other official controls as required under RCW 36.70A.697 (1)(a), cities may not require the provision of off-street parking for accessory dwelling units within one-quarter mile of a major transit stop.

((~~(2)~~)) (b) A city may require the provision of off-street parking for an accessory dwelling unit located within one-quarter mile of a major transit stop if the city has determined that the accessory dwelling unit is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the accessory dwelling unit.

((~~(3)~~)) (c) A city that has adopted or substantively amended accessory dwelling unit regulations within the four years previous to June 11, 2020, is not subject to the requirements of this section.

(2) Through ordinances, development regulations, and other official controls adopted or amended as required under RCW 36.70A.697(1)(b), cities and counties may not prohibit any housing unit on the same lot as an accessory dwelling unit from being primarily renter occupied unless the owner of the lot owns more than five accessory dwelling units within the same city or county. This exception for an owner who owns more than five accessory dwelling units within the same city or county does not apply to accessory dwelling units owned by a nonprofit entity.

NEW SECTION. **Sec.**  A new section is added to chapter 35.21 RCW to read as follows:

Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot as established by applicable building code or city ordinance, a city or town may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit.

NEW SECTION. **Sec.**  A new section is added to chapter 35A.21 RCW to read as follows:

Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot as established by applicable building code or city ordinance, a code city may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit.

NEW SECTION. **Sec.**  A new section is added to chapter 36.01 RCW to read as follows:

Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot as established by applicable building code or county ordinance, a county may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit.

**--- END ---**