

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

By Representative Berg

**ADOPTED 02/14/2022**

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

3 NEW SECTION. Sec. 7. A new section is added to chapter 64.34 RCW  
4 to read as follows:

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

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

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

16  
17 NEW SECTION. Sec. 8. A new section is added to chapter 64.32 RCW  
18 to read as follows:

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

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

25 (3) A city or county issuing a permit for the construction of an  
26 accessory dwelling unit may not be held civilly liable on the basis  
27 that the construction of the accessory dwelling unit would violate

1 governing documents that were created after the effective date of this  
2 section and that are contrary to subsection (1) of this section."  
3

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.

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