

SENATE BILL REPORT

ESHB 1232

As Reported by Senate Committee On:
Housing & Local Government, March 24, 2021
Ways & Means, April 2, 2021

Title: An act relating to planning for affordable housing under the growth management act.

Brief Description: Planning for affordable housing under the growth management act.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Barkis, Griffey, Eslick, Robertson and Young).

Brief History: Passed House: 3/8/21, 77-21.

Committee Activity: Housing & Local Government: 3/17/21, 3/24/21 [DPA-WM].
Ways & Means: 3/31/21, 4/02/21 [DPA, DNP, w/oRec].

Brief Summary of Amended Bill

- Requires cities and counties planning under the Growth Management Act (GMA) to plan for single-family residences such as detached dwellings, duplexes, triplexes, and townhomes within urban growth areas (UGAs) in the housing element of the comprehensive plan.
- Requires cities and counties that do not plan for each specified housing type, including single-family residences such as detached dwellings, duplexes, triplexes, and townhomes within the UGA, to provide how the county and the cities within the county will meet existing and projected housing needs.
- Exempts counties and cities not subject to the buildable lands program from certain GMA requirements related to planning and consideration of duplexes, triplexes, and townhomes within the UGA if the county or city adopts certain findings related to lack of infrastructure support.
- Requires countywide planning policies to be updated before the deadline to update a comprehensive plan.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON HOUSING & LOCAL GOVERNMENT

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.
Signed by Senators Kuderer, Chair; Das, Vice Chair; Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Cleveland, Lovelett, Salomon and Warnick.

Staff: Brandon Popovac (786-7465)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle, Conway, Dhingra, Gildon, Hasegawa, Hunt, Keiser, Liias, Mullet, Rivers, Van De Wege, Warnick and Wellman.

Minority Report: Do not pass.

Signed by Senators Rolfes, Chair; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Pedersen and Wagoner.

Minority Report: That it be referred without recommendation.

Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun, Darneille and Muzzall.

Staff: Trevor Press (786-7446)

Background: Growth Management Act. The Growth Management Act (GMA) is the comprehensive land-use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land-use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA.

Counties that fully plan under the GMA must designate urban growth areas (UGAs), within which urban growth must be encouraged and outside of which growth may occur only if it is not urban in nature. Planning jurisdictions must include within their UGAs sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period. Cities must include sufficient areas to accommodate the broad range of needs and uses that will accompany the projected urban growth, including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.

The GMA also directs fully planning jurisdictions to adopt internally consistent comprehensive land use plans. Comprehensive plans are implemented through locally adopted development regulations, and both the plans and the local regulations are subject to

review and revision requirements prescribed in the GMA. When developing their comprehensive plans, counties and cities must consider various goals set forth in statute.

Comprehensive Plan—Mandatory Housing Element. The comprehensive plan of a fully planning county or city must consist of a map or maps and descriptive text covering objectives, principles, and standards used to develop the plan. The plan must be an internally consistent document and all elements must be consistent with the future land-use map. Each comprehensive plan must include a plan, scheme, or design for certain enumerated elements, including a housing element. The housing element must ensure the vitality and character of established residential neighborhoods and:

- include an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth;
- include a statement of goals, policies, objectives, and mandatory provisions for preservation, improvement, and development of housing, including single-family residences;
- identify sufficient land for housing, including government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and
- make adequate provisions for existing and projected needs of all economic segments of the community.

Countywide Planning Policies. The legislative authority of a county that plans under the GMA must adopt a countywide planning policy in cooperation with the cities located in whole or in part within the county. A countywide planning policy is a written policy statement used to establish a countywide framework from which comprehensive plans are developed, and must address certain minimum planning requirements, including policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for the distribution of affordable housing.

Buildable Lands Program. Included as a component of the GMA, the review and evaluation program, often referred to as the buildable lands program, requires Clark, King, Kitsap, Pierce, Snohomish, Thurston and Whatcom counties and the cities within them to complete a buildable lands report every eight years. The report is a review of actual development to determine if cities and counties have designated adequate amounts of residential, commercial, and industrial lands to meet the growth needs incorporated in their comprehensive plans.

Summary of Amended Bill: Comprehensive Plan—Mandatory Housing Element. The housing element of a county or city's comprehensive plan is expanded to:

- include a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of, within the UGA, single-family residences such as single-family detached dwellings, duplexes, triplexes, and townhomes;
- identify sufficient land for single-family residences, within the UGA, single-family

- residences such as single-family detached dwellings, duplexes, triplexes, and townhomes; and
- include the consideration of housing locations in relation to employment locations when making adequate provisions for existing and projected needs of all economic segments of the community.

The housing element should also link jurisdictional goals with overall county goals to ensure the housing element goals are met. If a county or city does not plan for each housing type, including, within the UGA, single-family residences such as single-family detached dwellings, duplexes, triplexes, and townhomes, the applicable countywide planning policy required under the GMA must provide for how the county and its cities will meet the existing and projected housing needs of all economic segments of the community during the planning period.

Countywide Planning Policies. Countywide planning policies must be updated before any update of a comprehensive plan under the GMA.

The minimum planning requirement for affordable housing that must be addressed in a countywide planning policy is expanded to strongly consider public housing as a solution and include policies that address how the county and its cities will:

- jointly meet the requirements to consider all housing types identified in the mandatory housing element of the comprehensive plan, including, within the UGA, single-family residences, such as single-family detached dwellings, duplexes, triplexes, and townhomes;
- consider how disparate impacts, such as displacement, gentrification, homelessness, and lack of access to services, are experienced under the growth management act model; and
- ensure that housing element requirements are met when comprehensive plans are updated.

Any update to the minimum planning requirement for affordable housing must also be performed through an appropriate diversity, equity, and inclusion model with adequate outreach to and representation by underrepresented communities during the planning update process.

Buildable Lands Program. Counties and cities not subject to the buildable lands program are not required to comply with comprehensive plan and countywide planning policy requirements related to the planning and consideration of duplexes, triplexes, and townhomes within the UGA if the city or county adopts findings and provides evidence that either:

- the current infrastructure within the UGA will not support such development; or
- it is unlikely infrastructure will be built to support such development within the 20-year planning period.

EFFECT OF WAYS & MEANS COMMITTEE AMENDMENT(S):

- Requires countywide planning policies for GMA counties to include consideration of public housing as a solution to the need for affordable housing, and to consider how certain disparate impacts are experienced under the GMA model.
- Requires updates to such policies addressing the need for affordable housing to be performed through an appropriate diversity, equity, and inclusion model.

EFFECT OF HOUSING & LOCAL GOVERNMENT COMMITTEE AMENDMENT(S):

- Removes the 14-month deadline in which countywide planning policies must be updated before any update of the comprehensive plan.
- Removes the requirement that countywide planning policies under the GMA address how the counties and their cities will jointly meet the requirements of the land-use element under the comprehensive plan.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed Substitute House Bill (Housing & Local Government): *The committee recommended a different version of the bill than what was heard.* PRO: The bill has been worked on over the last few years and has been previously introduced. New amendments address single-family residences and missing middle housing within the UGA. The bill focuses on how counties can plan for and consider various housing types in a better way and according to certain timelines. The bill also attempts to bring balance to the housing element of the comprehensive plan, which is historically the weakest element with no guarantee of or accountability for housing planning. It is critical to address the lack of missing middle-type housing options. The bill will force communities to plan for future housing needs and bring more accountability to countywide planning policies. Updating countywide planning policies and zoning is necessary to ensure the expansion of housing access and thereby provide access to wealth and opportunities to obtain home equity.

CON: Language exempting certain rural counties from certain planning requirements due to lack of infrastructure is appreciated. Concerns remain around a mandatory update to the countywide planning policy at least 14 months before the comprehensive plan is updated. Counties need to be fully reimbursed for updating these policies. Adding a null and void clause to the bill would be appropriate.

Persons Testifying (Housing & Local Government): PRO: Representative Andrew Barkis, Prime Sponsor; Jan Himebaugh, Building Industry Association of Washington; Jeanette McKague, Washington REALTORS.

CON: Paul Jewell, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying (Housing & Local Government): No one.

Staff Summary of Public Testimony on the Bill as Amended by Housing & Local Government (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: This bill will increase access to middle income housing in communities. This will ensure more households in Washington can afford and access homes. We are all becoming aware that we are in a housing crisis due to a lack of availability and increasing housing prices. This bill gives ways to increase middle income housing inventory.

CON: Section 1 requires an update of planning policies which would cost a lot for cities. There is an unfunded mandate in the bill to update plans.

Persons Testifying (Ways & Means): PRO: Jan Himebaugh, Building Industry Association of Washington; Scott Hazlegrove, Master Builders Association of King and Snohomish Counties.

CON: Paul Jewell, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.