2126 AMH POLL WEHL 201

**HB 2126** - H AMD **1082**

By Representative Pollet

On page 3, after line 29, insert the following:

"(5) A county that authorizes the development of detached accessory dwelling units in rural areas must limit the number or percentage of detached accessory dwelling units that are offered for short-term rental."

On page 17, after line 22, insert the following:

"**Sec. 7.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Prior to taking any action under section 2 of this act, each county must conduct and publish a study evaluating the impact of authorizing the development of detached accessory dwelling units on housing affordability. The study must:

(a) Document the percentage of potential detached accessory dwelling units that will be available as long-term housing; and

(b) Evaluate whether the detached accessory dwelling units will have a net positive effect on housing affordability in subareas that are subject to the county's comprehensive plan.

(2) After taking final action to adopt an ordinance authorizing the development of detached accessory dwelling units, a county must apply for a determination of compliance.

(a) A county must submit its application to the department within 10 days of taking final action.

(b) An application must include, at a minimum, the following:

(i) A cover letter from the county requesting a determination of compliance;

(ii) A copy of the adopted ordinance taking the legislative action required to authorize the development of detached accessory dwelling units;

(iii) A statement explaining how the ordinance complies with the laws and regulations identified in section 2 of this act; and

(iv) A copy of the record developed by the county at any public meetings or public hearings at which action was taken on the ordinance.

(c) For purposes of this subsection, "action" and "meeting" have the same definitions as in RCW 42.30.020.

(3) Review procedures. (a) Within 180 days of the date of receipt of an application, the department shall issue a final decision determining whether the ordinance complies with the laws and regulations identified in section 2 of this act.

(b) The department must issue its final decision in the form of a written statement, including findings of fact and conclusions, and noting the date of the issuance of its decision. The department's issued decision must conspicuously and plainly state that it is the department's final decision.

(c) The department shall promptly publish its final decision as follows:

(i) Notify the county in writing of its decision;

(ii) Publish a notice of action in the Washington State Register;

(iii) Post a notice of its decision on the agency website; and

(iv) Notify other relevant state agencies regarding the decision.

(4) The final decision of the county under section 2 of this act or the department under subsection (3)(b) of this section may be appealed as a land use decision under chapter 36.70C RCW by the county, an applicant for a detached accessory dwelling unit, or any other person with standing under RCW 36.70C.060."

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|  | EFFECT:   Makes the following changes to a county authorizing the development of detached accessory dwelling units:   * Requires a county to limit the number or percentage of detached accessory dwelling units offered for short-term rental. * Requires a county to study the impact of authorizing the development of detached accessory dwelling units on housing affordability. * Requires the study to document the percentage of detached accessory dwelling units that will be long-term housing and evaluate whether the units will have a net positive effect on housing affordability. * Requires a county to apply to the Department of Commerce for a determination of compliance within 10 days of adopting an ordinance authorizing the development of detached accessory dwelling units. * Specifies the application requirements for the Department of Commerce's review for the determination of compliance. * Requires the Department of Commerce to issue a final decision regarding a determination of compliance within 180 days of receiving a county's application. * Permits a county's ordinance, the Department of Commerce's determination of compliance, and an applicant for a detached accessory dwelling unit to appeal under the Land Use Petition Act, RCW 36.70C. |

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