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**SECOND SUBSTITUTE HOUSE BILL 1167**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Duerr, Low, Walen, Reed, Bateman, Ramel, Fitzgibbon, Taylor, Macri, Gregerson, Wylie, Pollet, Kloba, and Tharinger)

AN ACT Relating to residential housing regulations; amending RCW 43.21C.229; adding new sections to chapter 36.70A RCW; adding a new section to chapter 19.27 RCW; and creating new sections.

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

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

(1) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the adoption of preapproved accessory dwelling unit plans.

(2) When a preapproved plan is submitted to a county or city during the process of seeking permit approval for the development of an accessory dwelling unit, the county's or city's review of the preapproved plan may not be more than administrative.

(3) For the purpose of this section, "preapproved accessory dwelling unit plans" means a selection of architectural plans for accessory dwelling units that have been reviewed by county or city code officials and approved for compliance with applicable building codes within the county or city.

NEW SECTION. **Sec.**  A new section is added to chapter 19.27 RCW to read as follows:

(1)(a) The state building code council shall convene a work group for the purpose of simplifying the production of middle housing by recommending a mechanism in the international residential code that adopts by reference the provisions for multiplex housing in the international building code. The mechanism must include those sections from the international building code necessary to ensure public health, safety, and general welfare in multiplex housing, and may not reduce any requirements for multiplex housing contained in the international building code.

(b) The work group shall provide its recommendations to the council in time for the council to adopt or amend rules or codes as necessary for implementation in the 2024 international residential code. The council shall take action to adopt additions and amendments to rules or codes as necessary to apply the new reference mechanism in the international residential code to multiplex housing by July 1, 2026.

(c) For purposes of this subsection, "multiplex housing" means a building with at least three but no more than six dwelling units in a single structure with common walls and floors and a functional primary street entrance, with no more than three stories above grade plane.

(2)(a) The state building code council shall convene a work group for the purpose of recommending modifications and limitations to the international building code that would allow a single exit stairway to serve multifamily residential structures up to six stories above grade plane. The recommendations must include considerations for water supply, the presence of a professional fire department, and any other provisions necessary to ensure public health, safety, and general welfare.

(b) The work group shall provide its recommendations to the council in time for the council to adopt or amend rules or codes as necessary for implementation in the 2024 international building code. The council shall take action to adopt additions and amendments to rules or codes as necessary by July 1, 2026.

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

(1) Counties planning under RCW 36.70A.040 and cities within such counties must adopt or amend by ordinance and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (3) of this section, to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130, within urban growth areas designated according to RCW 36.70A.110.

(2) Beginning July 1, 2025, the requirements of subsection (3) of this section:

(a) 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

(b) Supersede, preempt, and invalidate any local development regulations that conflict with this section.

(3)(a) Within residential zones that allow for middle housing, counties and cities may not impose or require zoning, development, siting, or other standards for middle housing that are more restrictive than those required for detached single-family residences, unless otherwise required by state law including, but not limited to, shoreline regulations under chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW, electrical codes under chapter 19.28 RCW, or critical areas protection.

(b) Within one-quarter mile of a community core location, cities and counties may not mandate setbacks or development regulations for middle housing that would prohibit the development from achieving the underlying zoning or density allowed, except for building codes, health and safety requirements, and public utility access and utility meter access requirements.

(4) Beginning July 1, 2026, cities may not require more than a single stairway in residential buildings of six or fewer stories if the conditions in the international building code are met.

(5) For the purposes of this section:

(a) "Community core location" means:

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

(ii) Commuter rail stops;

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

(iv) Stops on bus rapid transit routes;

(v) A stop designated as a "major transit stop" prior to the effective date of this section by a regional agency planning under the multicounty planning policies authority of RCW 36.70A.210(7);

(vi) Public schools as defined in RCW 28A.150.010, common schools as defined in RCW 28A.150.020, and private schools approved under RCW 28A.195.010; or

(vii) Public parks operated by the state or by a local government for the use of the general public.

(b) "Cottage housing" means residential units on a lot with a common open space that either: (i) Is owned in common; or (ii) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

(c) "Courtyard apartments" means up to four attached dwelling units arranged on two or three sides of a yard or court.

(d) "Middle housing" means buildings that are compatible in scale, form, and character with single-family homes and contain two or more attached, stacked, or clustered homes, duplexes, triplexes, fourplexes, fiveplexes, sixplexes, cottage housing, stacked flats, townhouses, or courtyard apartments.

(e) "Stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

(f) "Townhouses" means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides.

**Sec.**  RCW 43.21C.229 and 2020 c 87 s 1 are each amended to read as follows:

(1) In order to accommodate infill development and thereby realize the goals and policies of comprehensive plans adopted according to chapter 36.70A RCW, a city or county planning under RCW 36.70A.040 is authorized by this section to establish categorical exemptions from the requirements of this chapter. An exemption adopted under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a). An exemption may be adopted by a city or county under this section if it meets the following criteria:

(a) It categorically exempts government action related to development proposed to fill in an urban growth area, designated according to RCW 36.70A.110, where current density and intensity of use in the area is roughly equal to or lower than called for in the goals and policies of the applicable comprehensive plan and the development is either:

(i) Residential development;

(ii) Mixed-use development; or

(iii) Commercial development up to sixty-five thousand square feet, excluding retail development;

(b) It does not exempt government action related to development that is inconsistent with the applicable comprehensive plan or would clearly exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan;

(c) The local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, planned action ordinance, or other local, state, or federal rules or laws; and

(d)(i) The city or county's applicable comprehensive plan was previously subjected to environmental analysis through an environmental impact statement under the requirements of this chapter prior to adoption; or

(ii) The city or county has prepared an environmental impact statement that considers the proposed use or density and intensity of use in the area proposed for an exemption under this section.

(2) Any categorical exemption adopted by a city or county under this section shall be subject to the rules of the department adopted according to RCW 43.21C.110(1)(a) that provide exceptions to the use of categorical exemptions adopted by the department.

(3) In addition to the exemption allowed in subsection (1)(a) of this section, government action related to residential development proposed to fill in an urban growth area designated according to RCW 36.70A.110 are categorically exempt from the requirements of this chapter within one-quarter mile of a community core location as defined in section 3 of this act.

NEW SECTION. **Sec.**  The office of regulatory innovation and assistance shall contract with a qualified external consultant or entity to develop a standard plan set demonstrating a prescriptive compliance pathway that will meet or exceed all energy code regulations for residential housing in the state subject to the international residential code. The standard plan set may be used, but is not required, by local governments and building industries. In developing the standard plan set, the consultant shall, at a minimum, seek feedback from cities, counties, building industries, and building officials. The standard plan set must be completed by June 30, 2024.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

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