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**HOUSE BILL 1167**

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

**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; and adding a new section to chapter 19.27 RCW.

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 middle housing plans.

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

(3) For the purpose of this section:

(a) "Preapproved middle housing plans" means a selection of middle housing architectural plans that have been reviewed by county or city code officials and approved for compliance with applicable building codes within the county or city.

(b) "Middle housing" means duplexes, triplexes, fourplexes, fiveplexes, sixplexes, attached and detached accessory dwelling units, cottage housing, stacked flats, townhouses, or courtyard apartments.

(c) "Cottage housing" means four or more 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.

(d) "Courtyard apartments" means up to four attached dwelling units arranged on two or three sides of a central courtyard or lawn area.

(e) "Stacked flat" means dwelling units in a two-story or three-story residential building on a residential zoned lot in which each floor may be separately rented or owned and is a discrete dwelling unit.

(f) "Townhouses" means dwelling units constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

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

(1) The state building code council shall convene a work group for the purpose of recommending the additions or amendments to rules or codes that are necessary for the council to adopt to apply the international residential code to multiplex housing and exempt multiplex housing from the international building code. These recommendations shall include those code changes necessary to ensure public health and safety in multifamily housing under the international residential code.

(2) 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 2025. The council shall take action to adopt additions and amendments to rules or codes as necessary to apply the international residential code to multiplex housing by December 1, 2024.

(3) For the purposes of this section, "multiplex housing" means a building with up to six dwelling units consolidated into a single structure with common walls and floors and a functional primary street entrance, or a building of up to three stories containing up to six dwelling units consolidated into a single structure.

**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~~)) 65,000 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)(a) 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.

(b) For the purposes of this section, "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.

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 by July 1, 2025, 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 multiplex housing, counties and cities may not impose or require zoning, development, siting, parking, design review, or other standards for multiplex housing that are more restrictive than those required for detached single-family residences, except when necessary for fire and life safety. Counties and cities must apply the same development permit and environmental review processes to multiplex housing that are applied to detached single-family residences.

(b) Within one-quarter mile of a community core location, cities and counties may not mandate setbacks for residential buildings or prohibit a residential building that is built to the property line, except that such buildings may be required to adhere to fire code requirements.

(c) Cities that have a municipal water supply and a professional fire department may not require more than a single stairway in residential buildings of six or fewer stories.

(4)(a) For the purposes of this section, "multiplex housing" means duplexes, triplexes, fourplexes, fiveplexes, sixplexes, attached and detached accessory dwelling units, cottage housing, stacked flats, townhouses, or courtyard apartments.

(b) For the purposes of this section, "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.

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