

E2SHB 1167 - S COMM AMD
By Committee on Ways & Means

NOT CONSIDERED 05/17/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A
4 RCW to read as follows:

5 (1) The department shall establish and maintain a selection of
6 preapproved accessory dwelling unit plans and provide the selection
7 to counties and cities for the adoption of preapproved accessory
8 dwelling unit plans.

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

13 (3) For the purpose of this section, "preapproved accessory
14 dwelling unit plans" means a selection of architectural plans for
15 accessory dwelling units that have been compiled by the department
16 and made available to counties and cities. The preapproved accessory
17 dwelling unit plans may be reviewed by county or city code officials
18 and approved for compliance with applicable building codes within the
19 county or city.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.27
21 RCW to read as follows:

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

1 (b) The work group shall provide its recommendations to the
2 council in time for the council to adopt or amend rules or codes as
3 necessary for implementation in the 2024 international residential
4 code. The council shall take action to adopt additions and amendments
5 to rules or codes as necessary to apply the new reference mechanism
6 in the international residential code to multiplex housing by July 1,
7 2026.

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

13 (2)(a) The state building code council shall convene a technical
14 advisory group for the purpose of recommending modifications and
15 limitations to the international building code that would allow for a
16 single exit stairway to serve multifamily residential structures up
17 to six stories above grade plane. The recommendations must include
18 considerations for adequate and available water supply, the presence
19 and response time of a professional fire department, and any other
20 provisions necessary to ensure public health, safety, and general
21 welfare.

22 (b) The technical advisory group shall provide its
23 recommendations to the council in time for the council to adopt or
24 amend rules or codes as necessary for implementation in the 2024
25 international building code. The council shall take action to adopt
26 additions and amendments to rules or codes as necessary by July 1,
27 2026.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
29 RCW to read as follows:

30 (1) Cities planning under RCW 36.70A.040 must adopt or amend by
31 ordinance and incorporate into their development regulations, zoning
32 regulations, and other official controls the requirements of
33 subsection (3) of this section, to take effect six months after the
34 jurisdiction's next periodic comprehensive plan update required under
35 RCW 36.70A.130, within urban growth areas designated according to RCW
36 36.70A.110.

37 (2) The requirements of subsection (3) of this section:

1 (a) Apply and take effect in any city that has not adopted or
2 amended ordinances, regulations, or other official controls as
3 required under this section; and

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

6 (3) Within residential zones that allow for middle housing,
7 cities shall not require through development regulations any
8 standards for middle housing that are more restrictive than those
9 required for detached single-family residences, unless otherwise
10 required by state law including, but not limited to, shoreline
11 regulations under chapter 90.58 RCW, building codes under chapter
12 19.27 RCW, energy codes under chapter 19.27A RCW, electrical codes
13 under chapter 19.28 RCW, or critical areas protection, but may apply
14 any objective development regulations that are required for detached
15 single-family residences, including setback and tree canopy and
16 retention requirements.

17 (4) Beginning July 1, 2026, cities may use provisions in the
18 state building code to allow a single stairway in residential
19 buildings of six or fewer stories if the conditions established by
20 the state building code council for the international building code
21 are met.

22 (5) For the purposes of this section:

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

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

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

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

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

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
2 RCW to read as follows:

3 All cities and counties may adopt development regulations that
4 create a simple, low cost, expedited permit process for development
5 of single-family, duplex, triplex, or accessory dwelling housing
6 units with less than 1,801 square feet per unit for property situated
7 within cities or urban growth areas in locations designated for
8 residential housing. This process should make it easy for an
9 applicant to submit and receive approval for all permits required to
10 build housing units. The expedited process should lower costs and
11 simplify the building of housing units tailored to be priced for
12 extremely low-income, low-income, or moderate-income households.

13 **Sec. 5.** RCW 36.70B.020 and 1995 c 347 s 402 are each amended to
14 read as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

17 (1) "Closed record appeal" means an administrative appeal on the
18 record to a local government body or officer, including the
19 legislative body, following an open record hearing on a project
20 permit application when the appeal is on the record with no or
21 limited new evidence or information allowed to be submitted and only
22 appeal argument allowed.

23 (2) "Local government" means a county, city, or town.

24 (3) "Open record hearing" means a hearing, conducted by a single
25 hearing body or officer authorized by the local government to conduct
26 such hearings, that creates the local government's record through
27 testimony and submission of evidence and information, under
28 procedures prescribed by the local government by ordinance or
29 resolution. An open record hearing may be held prior to a local
30 government's decision on a project permit to be known as an "open
31 record predecision hearing." An open record hearing may be held on an
32 appeal, to be known as an "open record appeal hearing," if no open
33 record predecision hearing has been held on the project permit.

34 (4) "Project permit" or "project permit application" means any
35 land use or environmental permit or license required from a local
36 government for a project action, including but not limited to
37 building permits, subdivisions, binding site plans, planned unit
38 developments, conditional uses, shoreline substantial development
39 permits, site plan review, permits or approvals required by critical

1 area ordinances, site-specific rezones authorized by a comprehensive
2 plan or subarea plan, but excluding the adoption or amendment of a
3 comprehensive plan, subarea plan, or development regulations except
4 as otherwise specifically included in this subsection.

5 (5) "Public meeting" means an informal meeting, hearing,
6 workshop, or other public gathering of people to obtain comments from
7 the public or other agencies on a proposed project permit prior to
8 the local government's decision. A public meeting may include, but is
9 not limited to, (~~a design review or~~) an architectural control board
10 meeting, a special review district or community council meeting, or a
11 scoping meeting on a draft environmental impact statement. A public
12 meeting does not include an open record hearing. The proceedings at a
13 public meeting may be recorded and a report or recommendation may be
14 included in the local government's project permit application file.

15 **Sec. 6.** RCW 36.70B.120 and 1995 c 347 s 416 are each amended to
16 read as follows:

17 (1) Each local government planning under RCW 36.70A.040 shall
18 establish a permit review process that provides for the integrated
19 and consolidated review and decision on two or more project permits
20 relating to a proposed project action, including a single application
21 review and approval process covering all project permits requested by
22 an applicant for all or part of a project action and a designated
23 permit coordinator. If an applicant elects the consolidated permit
24 review process, the determination of completeness, notice of
25 application, and notice of final decision must include all project
26 permits being reviewed through the consolidated permit review
27 process.

28 (2) Consolidated permit review may provide different procedures
29 for different categories of project permits, but if a project action
30 requires project permits from more than one category, the local
31 government shall provide for consolidated permit review with a single
32 open record hearing and no more than one closed record appeal as
33 provided in RCW 36.70B.060. Each local government shall determine
34 which project permits are subject to an open record hearing and a
35 closed record appeal. Examples of categories of project permits
36 include but are not limited to:

37 (a) Proposals that are categorically exempt from chapter 43.21C
38 RCW, such as construction permits, that do not require environmental
39 review or public notice;

1 (b) Permits that require environmental review, but no open record
2 predecision hearing; and

3 (c) Permits that require a threshold determination and an open
4 record predecision hearing and may provide for a closed record appeal
5 to a hearing body or officer or to the local government legislative
6 body.

7 (3) A local government may provide by ordinance or resolution for
8 the same or a different decision maker or hearing body or officer for
9 different categories of project permits. In the case of consolidated
10 project permit review, the local government shall specify which
11 decision makers shall make the decision or recommendation, conduct
12 the hearing, or decide the appeal to ensure that consolidated permit
13 review occurs as provided in this section. The consolidated permit
14 review may combine an open record predecision hearing on one or more
15 permits with an open record appeal hearing on other permits. In such
16 cases, the local government by ordinance or resolution shall specify
17 which project permits, if any, shall be subject to a closed record
18 appeal.

19 (4) (a) When reviewing a housing development permit application, a
20 local government planning under RCW 36.70A.040 may only require
21 administrative design review to determine compliance with any
22 applicable design standards.

23 (b) For the purposes of this subsection (4):

24 (i) "Administrative design review" means a development permit
25 process whereby an application is reviewed, approved, or denied by
26 the planning director or the planning director's designee based
27 solely on objective design and development standards without a public
28 meeting or hearing, unless such review is otherwise required by state
29 or federal law, or the structure is a designated landmark or historic
30 district established under a local preservation ordinance.

31 (ii) "Housing development" means a proposed or existing structure
32 that is used as a home, residence, or place to sleep by one or more
33 persons including, but not limited to, single-family residences,
34 manufactured homes, multifamily housing, group homes, and foster care
35 facilities.

36 (5) A local government planning under RCW 36.70A.040 must comply
37 with the requirements of subsection (4) of this section beginning six
38 months after its next periodic comprehensive plan update required
39 under RCW 36.70A.130.

1 NEW SECTION. **Sec. 7.** The office of regulatory innovation and
2 assistance shall contract with a qualified external consultant or
3 entity to develop a standard plan set demonstrating a prescriptive
4 compliance pathway that will meet or exceed all energy code
5 regulations for residential housing in the state subject to the
6 international residential code. The standard plan set may be used,
7 but is not required, by local governments and building industries. In
8 developing the standard plan set, the consultant shall, at a minimum,
9 seek feedback from cities, counties, building industries, and
10 building officials. The standard plan set must be completed by June
11 30, 2024.

12 NEW SECTION. **Sec. 8.** If specific funding for the purposes of
13 this act, referencing this act by bill or chapter number, is not
14 provided by June 30, 2023, in the omnibus appropriations act, this
15 act is null and void."

E2SHB 1167 - S COMM AMD
By Committee on Ways & Means

NOT CONSIDERED 05/17/2023

16 On page 1, line 1 of the title, after "regulations;" strike the
17 remainder of the title and insert "amending RCW 36.70B.020 and
18 36.70B.120; adding new sections to chapter 36.70A RCW; adding a new
19 section to chapter 19.27 RCW; and creating new sections."

EFFECT: (1) Requires the State Building Code Council to convene a technical advisory group, rather than a work group, for the purpose of recommending modifications and limitations that would allow for a single exit stairway to serve certain multifamily residential structures.

(2) Requires the recommendations to include considerations for available water supply and response time of a professional fire department.

(3) Establishes that cities may use provisions in the state building code to allow single exit stairways in certain residential buildings if the conditions established by the State Building Code Council are met.

(4) Removes the grant program to provide direct financial assistance to counties and cities for the adoption of preapproved accessory dwelling unit plans.

(5) Requires the Department of Commerce to establish and maintain a selection of preapproved accessory dwelling unit plans and provide the selection to counties and cities for adoption.

--- END ---