

HOUSE BILL REPORT

ESHB 1245

As Passed House:

March 1, 2023

Title: An act relating to increasing housing options through lot splitting.

Brief Description: Increasing housing options through lot splitting.

Sponsors: House Committee on Housing (originally sponsored by Representatives Barkis, Robertson, Wylie, Fitzgibbon, Peterson, Walsh, Chambers, Kloba, Gregerson, Graham, Waters, Reed, Walen, Christian, Riccelli, Macri, Bateman and Doglio).

Brief History:

Committee Activity:

Housing: 1/26/23, 2/2/23 [DPS].

Floor Activity:

Passed House: 3/1/23, 94-2.

Brief Summary of Engrossed Substitute Bill

- Requires cities to allow the splitting of a single residential lot if specific conditions are met.
- Prohibits cities from imposing certain regulations on a residential lot that is the result of a lot split.

HOUSE COMMITTEE ON HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis, Bateman, Chopp, Entenman, Hutchins, Low, Reed and Taylor.

Staff: Serena Dolly (786-7150).

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.

Background:

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. 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. These jurisdictions are sometimes said to be "fully planning" under 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. Each city in a county must be included in a UGA. Planning jurisdictions must include within their UGAs sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period.

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.

Each comprehensive plan must include a plan, scheme, or design for certain mandatory elements, including a housing element. The housing element must ensure the vitality and character of established residential neighborhoods.

Summary of Engrossed Substitute Bill:

Beginning six months after its next comprehensive plan update, a city planning under the GMA may not prohibit, within a residential zone that allows for the development of detached single-family residences, the splitting of a single residential lot into two residential lots if:

- the resulting lots are at least 2,000 square feet;
- the resulting lots are at least 40 percent of the size of the original lot;
- the original lot was not created by splitting a single residential lot authorized by this act;
- the lot split would not require demolition or alteration of any housing that is rent restricted, rent subsidized, or that has been occupied by a tenant paying market-rate rent within the preceding 12 months;
- minimum review standards for subdivisions are met; and
- any construction on the resulting lots is subject to all existing state and local laws except for those outlined in this act.

A fully planning city also may not impose regulations on a residential lot that is the result of splitting a single lot that:

- requires more than one off-street parking space per lot;
- requires more than 20 feet of frontage width per lot;
- requires easement widths of more than five feet for access to rear lots, unless site-specific conditions, such as access to utilities, require wider easements ;
- imposes permitting requirements, design standards, or impact fees on construction on a lot resulting from a lot split that are greater than those imposed on new residential construction generally within the same zone; or
- imposes requirements for dedications of rights-of-way or for the construction of off-site improvements, unless site specific conditions require otherwise.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 3, 2023.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) In this housing crisis, we need lots of options. New homes are unaffordable to families buying their first homes. Large lot sizes encourage builders to focus on larger houses. Lot splitting can be a major source of housing supply. Splitting residential lots allows for the creation of more homes, smaller homes, less expensive homes, and intergenerational homes. While it is sometimes possible to split a lot now, this bill removes some of the processes and prohibitions.

(Opposed) None.

(Other) This is a comprehensive change to local land use regulations, and it is not feasible for all jurisdictions to make the changes in the time frame provided.

Persons Testifying: (In support) Representative Andrew Barkis, prime sponsor; Sol Villarreal; and Josie Cummings, Building Industry Association of Washington.

(Other) Salim Furth, The Mercatus Center at George Mason University; and Luke Esser, City of Mercer Island.

Persons Signed In To Testify But Not Testifying: Dan Bertolet, Sightline Institute; Ryan Donohue, Habitat for Humanity Seattle-King and Kittitas Counties; Bryan Kirschner; and Cathy MacCaul, American Association of Retired Persons Washington State.