
HOUSE BILL 1167

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

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1 AN ACT Relating to residential housing regulations; amending RCW
2 43.21C.229; adding new sections to chapter 36.70A RCW; and adding a
3 new section to chapter 19.27 RCW.

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

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

7 (1) The department shall develop and administer a grant program
8 to provide direct financial assistance to counties and cities for the
9 adoption of preapproved middle housing plans.

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

14 (3) For the purpose of this section:

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

19 (b) "Middle housing" means duplexes, triplexes, fourplexes,
20 fiveplexes, sixplexes, attached and detached accessory dwelling

1 units, cottage housing, stacked flats, townhouses, or courtyard
2 apartments.

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

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

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

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

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

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

28 (2) The work group shall provide its recommendations to the
29 council in time for the council to adopt or amend rules or codes as
30 necessary for implementation in 2025. The council shall take action
31 to adopt additions and amendments to rules or codes as necessary to
32 apply the international residential code to multiplex housing by
33 December 1, 2024.

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

1 **Sec. 3.** RCW 43.21C.229 and 2020 c 87 s 1 are each amended to
2 read as follows:

3 (1) In order to accommodate infill development and thereby
4 realize the goals and policies of comprehensive plans adopted
5 according to chapter 36.70A RCW, a city or county planning under RCW
6 36.70A.040 is authorized by this section to establish categorical
7 exemptions from the requirements of this chapter. An exemption
8 adopted under this section applies even if it differs from the
9 categorical exemptions adopted by rule of the department under RCW
10 43.21C.110(1)(a). An exemption may be adopted by a city or county
11 under this section if it meets the following criteria:

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

18 (i) Residential development;

19 (ii) Mixed-use development; or

20 (iii) Commercial development up to (~~sixty-five thousand~~) 65,000
21 square feet, excluding retail development;

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

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

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

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

39 (2) Any categorical exemption adopted by a city or county under
40 this section shall be subject to the rules of the department adopted

1 according to RCW 43.21C.110(1)(a) that provide exceptions to the use
2 of categorical exemptions adopted by the department.

3 (3)(a) In addition to the exemption allowed in subsection (1)(a)
4 of this section, government action related to residential development
5 proposed to fill in an urban growth area designated according to RCW
6 36.70A.110 are categorically exempt from the requirements of this
7 chapter within one-quarter mile of a community core location.

8 (b) For the purposes of this section, "community core location"
9 means:

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

12 (ii) Commuter rail stops;

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

15 (iv) Stops on bus rapid transit routes;

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

19 (vi) Public schools as defined in RCW 28A.150.010, common schools
20 as defined in RCW 28A.150.020, and private schools approved under RCW
21 28A.195.010; or

22 (vii) Public parks operated by the state or by a local
23 government.

24 NEW SECTION. Sec. 4. A new section is added to chapter 36.70A
25 RCW to read as follows:

26 (1) Counties planning under RCW 36.70A.040 and cities within such
27 counties must adopt or amend by ordinance and incorporate into their
28 development regulations, zoning regulations, and other official
29 controls the requirements of subsection (3) of this section, to take
30 effect by July 1, 2025, within urban growth areas designated
31 according to RCW 36.70A.110.

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

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

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

1 (3) (a) Within residential zones that allow for multiplex housing,
2 counties and cities may not impose or require zoning, development,
3 siting, parking, design review, or other standards for multiplex
4 housing that are more restrictive than those required for detached
5 single-family residences, except when necessary for fire and life
6 safety. Counties and cities must apply the same development permit
7 and environmental review processes to multiplex housing that are
8 applied to detached single-family residences.

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

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

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

21 (b) For the purposes of this section, "community core location"
22 means:

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

25 (ii) Commuter rail stops;

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

28 (iv) Stops on bus rapid transit routes;

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

32 (vi) Public schools as defined in RCW 28A.150.010, common schools
33 as defined in RCW 28A.150.020, and private schools approved under RCW
34 28A.195.010; or

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

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