ENGROSSED SUBSTITUTE HOUSE BILL 1245

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

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

READ FIRST TIME 02/06/23.

1   AN ACT Relating to increasing housing options through lot
2 splitting; adding a new section to chapter 36.70A RCW; and creating a
3 new section.

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

5   NEW SECTION. **Sec. 1.** The legislature finds that allowing an
6 existing residential lot to be split into two lots can offer many
7 advantages to both the existing homeowner and to prospective
8 homebuyers. Lot splitting can provide current owners the opportunity
9 to maintain homeownership in changing life circumstances, while also
10 providing new homebuyers with a more affordable ownership
11 opportunity. Additionally, lot splitting will provide additional
12 opportunities for sales to affordable housing providers or
13 homeownership facilitators that may be exempt from state real estate
14 excise tax under chapter 82.45 RCW. Therefore, it is the intent of
15 the legislature to ease restrictions on, and expand opportunities
16 for, lot splitting in cities planning under chapter 36.70A RCW, the
17 growth management act.

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

(1)(a) Cities planning under this chapter must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (2) of this section, to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130, to apply within the city's urban growth area.

(b) In any city that has not adopted or amended ordinances, regulations, or other official controls as required under this section, the requirements of this section supersede, preempt, and invalidate any conflicting local development regulations.

(2) Through ordinances, development regulations, zoning regulations, and other official controls as required under subsection (1) of this section, cities may not:

(a) 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 following conditions are met:

(i) The resulting lots are at least 2,000 square feet;

(ii) The resulting lots are at least 40 percent of the size of the original lot;

(iii) The resulting lots are consistent with the minimum review standards under chapter 58.17 RCW;

(iv) The original lot was not created through the splitting of a single residential lot authorized by this section; and

(v) 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;

(b) Impose regulations on a residential lot that is the result of a lot split that:

(i) Require more than one off-street parking space per lot;

(ii) Require more than 20 feet of frontage width per lot;

(iii) Require easement widths of more than five feet for access to rear lots unless site-specific conditions, such as access to utilities, require wider easements;

(iv) Impose permitting requirements, design standards, or impacts 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

1   (v) Impose requirements for dedications of rights-of-way or for
2 the construction of off-site improvements unless site-specific
3 conditions require otherwise.
4   (3) Any construction on the resulting lots is subject to all
5 existing state and local laws except for the provisions specified in
6 subsection (2) of this section.

--- **END** ---