
SUBSTITUTE SENATE BILL 5901

State of Washington

68th Legislature

2024 Regular Session

By Senate Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Salomon, Gildon, Frame, Kuderer, Lias, Mullet, Pedersen, and Shewmake)

READ FIRST TIME 01/26/24.

1 AN ACT Relating to legalizing inexpensive housing choices through
2 co-living housing; adding a new section to chapter 36.70A RCW; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature makes the following
6 findings:

7 (a) Washington state is experiencing a housing affordability
8 crisis;

9 (b) Co-living housing is a type of housing that can provide
10 rental homes affordable to people with moderate to low incomes
11 without requiring any public funding, and rents in newly constructed,
12 market-rate co-living housing in the Puget Sound region can be
13 affordable to people with incomes as low as 50 percent of area median
14 income;

15 (c) Co-living housing is a residential development with sleeping
16 units that are independently rented and provide living and sleeping
17 space, in which residents share kitchen facilities with residents of
18 other units in the building;

19 (d) Co-living housing historically provided a healthy inventory
20 of rental homes on the lowest rung of the private housing market,
21 comprising up to 10 percent of housing in some cities;

1 (e) Starting in the mid-20th century, local governments began
2 adopting restrictive zoning and other rules that increasingly
3 prohibited co-living housing, or made it impractical to build or
4 operate, and its numbers plummeted;

5 (f) Today, many cities and counties outright prohibit co-living
6 housing on most of their residential land, or they enforce any number
7 of restrictions that make it effectively impossible to build new co-
8 living housing or to convert existing buildings into co-living
9 housing;

10 (g) Co-living housing provides options for people who:

11 (i) Wish to lower their housing expenses by paying less for a
12 smaller home;

13 (ii) Prefer a living arrangement with shared community spaces
14 that facilitate social connections;

15 (iii) Wish to trade off location for space and, by living in a
16 small home, also get to live in a high opportunity neighborhood they
17 could not otherwise afford; or

18 (iv) Want a low-cost, more private alternative to having a
19 roommate in a traditional rental;

20 (h) Many communities throughout Washington face a severe shortage
21 of workforce housing, and co-living housing provides housing
22 affordable to that income range and below, without public funding;

23 (i) Co-living housing reduces pressure on the limited amount of
24 publicly funded affordable housing by providing housing that is
25 affordable to lower income residents who might otherwise wait years
26 for subsidized housing;

27 (j) Co-living housing works best for single-person households,
28 but the housing for singles that it provides reduces demand for
29 family-sized rentals from singles who would otherwise group together
30 to rent large homes;

31 (k) Co-living housing provides a good option for seniors,
32 especially those who want to downsize, or those who desire a living
33 arrangement that is more social than a standard apartment. When
34 located in walkable neighborhoods, co-living housing gives mobility
35 options to seniors who can no longer drive;

36 (l) Co-living housing is well-suited for the conversion of office
37 buildings to housing, because it typically requires less plumbing and
38 fixtures for kitchens and bathrooms;

1 (m) Co-living housing is well-suited for very low-income people,
2 supportive and recovery housing, and "housing first" homes for the
3 formerly homeless;

4 (n) State building codes have established minimum sizes and other
5 standards to ensure that co-living housing meets modern health and
6 safety standards;

7 (o) Creating co-living housing near transit hubs, employment
8 centers, and public amenities can help the state achieve its
9 greenhouse gas reduction goals by increasing walkability, shortening
10 household commutes, curtailing sprawl, and reducing the pressure to
11 develop natural and working lands; and

12 (p) Co-living housing, because the units are small, is inherently
13 more energy efficient than standard apartments, both saving residents
14 money and reducing the state's energy demand.

15 (2) Therefore, the legislature intends to allow the creation of
16 co-living housing as a means to address the need for additional
17 affordable housing options for a diversity of Washington residents.

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

20 (1) Cities and counties planning under this chapter must allow
21 co-living housing as a permitted use on any lot located within an
22 urban growth area that allows at least six multifamily residential
23 units, including on a lot zoned for mixed use development.

24 (2) A city or county subject to the provisions of this section
25 may not require co-living housing to:

26 (a) Contain room dimensional standards larger than that required
27 by the state building code, including dwelling unit size, sleeping
28 unit size, room area, and habitable space;

29 (b) Provide a mix of unit sizes or number of bedrooms; or

30 (c) Include other uses.

31 (3) (a) A city or county subject to the provisions of this section
32 also may not require co-living housing to:

33 (i) Provide off-street parking within one-half mile walking
34 distance of a major transit stop; or

35 (ii) Provide more than 0.25 off-street parking spaces per
36 sleeping unit.

37 (b) The provisions of (a) of this subsection do not apply:

38 (i) If a city or county submits to the department an empirical
39 study prepared by a credentialed transportation or land use planning

1 expert that clearly demonstrates, and the department finds and
2 certifies, that the application of the parking limitations of (a) of
3 this subsection will be significantly less safe for vehicle drivers
4 or passengers, pedestrians, or bicyclists than if the jurisdiction's
5 parking requirements were applied to the same location. The
6 department must develop guidance to assist cities and counties on
7 items to include in the study; or

8 (ii) To portions of cities within a one-mile radius of a
9 commercial airport in Washington with at least 9,000,000 annual
10 enplanements.

11 (4) A city or county may not require through development
12 regulations any standards for co-living housing that are more
13 restrictive than those that are required for other types of
14 multifamily residential uses in the same zone.

15 (5) A city or county may only require a review, notice, or public
16 meeting for co-living housing that is required for other types of
17 residential uses in the same location, unless otherwise required by
18 state law including, but not limited to, shoreline regulations under
19 chapter 90.58 RCW.

20 (6) A city or county may not exclude co-living housing from
21 participating in affordable housing incentive programs under RCW
22 36.70A.540.

23 (7) A city or county may not treat a sleeping unit in co-living
24 housing as more than one-quarter of a dwelling unit for purposes of
25 calculating dwelling unit density.

26 (8) A city or county may not treat a sleeping unit in co-living
27 housing as more than one-half of a dwelling unit for purposes of
28 calculating fees for utility connections.

29 (9)(a) A city or county subject to the requirements of this
30 section must adopt or amend by ordinance and incorporate into their
31 development regulations, zoning regulations, and other official
32 controls the requirements of this section to take effect no later
33 than December 31, 2025.

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

38 (10) Any action taken by a city or county to comply with the
39 requirements of this section is not subject to legal challenge under
40 this chapter or chapter 43.21C RCW.

1 (11) For the purposes of this section, the following definitions
2 apply:

3 (a) "Co-living housing" means a residential development with
4 sleeping units that are independently rented and lockable and provide
5 living and sleeping space, and residents share kitchen facilities
6 with other sleeping units in the building. Local governments may use
7 other names to refer to co-living housing including, but not limited
8 to, congregate living facilities, single room occupancy, rooming
9 house, boarding house, lodging house, and residential suites.

10 (b) "Major transit stop" means:

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

13 (ii) Commuter rail stops;

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

16 (iv) Stops on bus rapid transit routes or routes that run on high
17 occupancy vehicle lanes; or

18 (v) Stops for a bus or other transit mode providing actual fixed
19 route service at intervals of at least 15 minutes for at least five
20 hours during the peak hours of operation on weekdays.

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