

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5934

68th Legislature
2024 Regular Session

Passed by the Senate March 5, 2024
Yeas 49 Nays 0

President of the Senate

Passed by the House March 1, 2024
Yeas 96 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5934** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5934

AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By Senate Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Padden, Van De Wege, Dhingra, Lias, Salomon, and Warnick)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to pollinator habitat; amending RCW 64.38.057 and
2 64.90.512; adding a new section to chapter 35.63 RCW; adding a new
3 section to chapter 35A.63 RCW; and adding a new section to chapter
4 36.70 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.63
7 RCW to read as follows:

8 (1) A city may encourage an applicant of a project permit or
9 commercial building permit to include pollinator friendly plants in
10 any landscaped area to the extent practicable by:

11 (a) Providing the list of native forage plants as developed by
12 the department of agriculture in compliance with RCW 39.04.410 to
13 applicants for project permits;

14 (b) Providing information regarding the benefits of pollinators
15 and pollinator habitat; and

16 (c) Offering incentives, including expedited processing or
17 reduced application fees, for permit applicants that include
18 pollinator habitat as part of the permit application.

19 (2) A city may set restrictions related to beehives, but may not
20 adopt an ordinance banning beehives.

21 (3) For the purposes of this section:

1 (a) "Commercial building permit" has the same meaning as defined
2 in RCW 19.27.015.

3 (b) "Pollinator habitat" means an area of land that is or may be
4 developed as habitat beneficial for the feeding, nesting, and
5 reproduction of all pollinators. "Pollinator habitat" does not
6 include beehives, except for mason bee houses.

7 (c) "Project permit" has the same meaning as defined in RCW
8 36.70B.020.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.63
10 RCW to read as follows:

11 (1) A code city may encourage an applicant of a project permit or
12 commercial building permit to include pollinator friendly plants in
13 any landscaped area to the extent practicable by:

14 (a) Providing the list of native forage plants as developed by
15 the department of agriculture in compliance with RCW 39.04.410 to
16 applicants for project permits;

17 (b) Providing information regarding the benefits of pollinators
18 and pollinator habitat; and

19 (c) Offering incentives, including expedited processing or
20 reduced application fees, for permit applicants that include
21 pollinator habitat as part of the permit application.

22 (2) A code city may set restrictions related to beehives, but may
23 not adopt an ordinance banning beehives.

24 (3) For the purposes of this section:

25 (a) "Commercial building permit" has the same meaning as defined
26 in RCW 19.27.015.

27 (b) "Pollinator habitat" means an area of land that is or may be
28 developed as habitat beneficial for the feeding, nesting, and
29 reproduction of all pollinators. "Pollinator habitat" does not
30 include beehives, except for mason bee houses.

31 (c) "Project permit" has the same meaning as defined in RCW
32 36.70B.020.

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

35 (1) A county may encourage an applicant of a project permit or
36 commercial building permit to include pollinator friendly plants in
37 any landscaped area to the extent practicable by:

1 (a) Providing the list of native forage plants as developed by
2 the department of agriculture in compliance with RCW 39.04.410 to
3 applicants for project permits;

4 (b) Providing information regarding the benefits of pollinators
5 and pollinator habitat; and

6 (c) Offering incentives, including expedited processing or
7 reduced application fees, for permit applicants that include
8 pollinator habitat as part of the permit application.

9 (2) A county may set restrictions related to beehives, but may
10 not adopt an ordinance banning beehives.

11 (3) For the purposes of this section:

12 (a) "Commercial building permit" has the same meaning as defined
13 in RCW 19.27.015.

14 (b) "Pollinator habitat" means an area of land that is or may be
15 developed as habitat beneficial for the feeding, nesting, and
16 reproduction of all pollinators. "Pollinator habitat" does not
17 include beehives, except for mason bee houses.

18 (c) "Project permit" has the same meaning as defined in RCW
19 36.70B.020.

20 **Sec. 4.** RCW 64.38.057 and 2020 c 9 s 2 are each amended to read
21 as follows:

22 (1) The governing documents may not prohibit the installation of
23 drought resistant landscaping, pollinator habitat, including beehives
24 compliant with local regulation, or wildfire ignition resistant
25 landscaping. However, the governing documents may include reasonable
26 rules regarding the placement and aesthetic appearance of drought
27 resistant landscaping, pollinator habitat, or wildfire ignition
28 resistant landscaping, as long as the rules do not render the use of
29 drought resistant landscaping, pollinator habitat, or wildfire
30 ignition resistant landscaping unreasonably costly or otherwise
31 effectively infeasible.

32 (2) If a property is located within the geographic designation of
33 an order of a drought condition issued by the department of ecology
34 under RCW 43.83B.405, an association may not sanction or impose a
35 fine or assessment against an owner, or resident on the owner's
36 property, for reducing or eliminating the watering of vegetation or
37 lawns for the duration of the drought condition order.

1 (3) Nothing in this section may be construed to prohibit or
2 restrict the establishment and maintenance of a fire buffer within
3 the building ignition zone.

4 (4) The definitions in this subsection apply throughout this
5 section unless the context clearly requires otherwise.

6 (a) "Building ignition zone" means a building and surrounding
7 area up to two hundred feet from the foundation.

8 (b) "Drought resistant landscaping" means the use of any
9 noninvasive vegetation adapted to arid or dry conditions, stone, or
10 landscaping rock.

11 (c) "Firewise" means the firewise communities program developed
12 by the national fire protection association, which encourages local
13 solutions for wildfire safety by involving homeowners, community
14 leaders, planners, developers, firefighters, and others in the effort
15 to protect people and property from wildfire risks.

16 (d) "Pollinator habitat" means an area of land that is or may be
17 developed as habitat beneficial for the feeding, nesting, and
18 reproduction of all pollinators. "Pollinator habitat" does not
19 include beehives, except for mason bee houses.

20 (e) "Wildfire ignition resistant landscaping" includes:

21 (i) Any landscaping tools or techniques, or noninvasive
22 vegetation, that do not readily ignite from a flame or other ignition
23 source; or

24 (ii) The use of firewise methods to reduce ignition risk in a
25 building ignition zone.

26 **Sec. 5.** RCW 64.90.512 and 2020 c 9 s 4 are each amended to read
27 as follows:

28 (1) (a) The declaration of a common interest ownership and any
29 governing documents adopted by an association may not prohibit the
30 installation of drought resistant landscaping, pollinator habitat,
31 including beehives compliant with local regulation, or wildfire
32 ignition resistant landscaping. However, the declaration or governing
33 documents may include reasonable rules regarding the placement and
34 aesthetic appearance of drought resistant landscaping, pollinator
35 habitat, or wildfire ignition resistant landscaping, as long as the
36 rules do not render the use of drought resistant landscaping,
37 pollinator habitat, or wildfire ignition resistant landscaping
38 unreasonably costly or otherwise effectively infeasible.

39 (b) This subsection does not apply to condominium associations.

1 (2) If a property is located within the geographic designation of
2 an order of a drought condition issued by the department of ecology
3 under RCW 43.83B.405, an association may not impose a fine or
4 assessment against an owner, or resident on the owner's property, for
5 reducing or eliminating the watering of vegetation or lawns for the
6 duration of the drought condition order.

7 (3) Nothing in this section may be construed to prohibit or
8 restrict the establishment and maintenance of a fire buffer within
9 the building ignition zone.

10 (4) The definitions in this subsection apply throughout this
11 section unless the context clearly requires otherwise.

12 (a) "Building ignition zone" means a building and surrounding
13 area up to two hundred feet from the foundation.

14 (b) "Drought resistant landscaping" means the use of any
15 noninvasive vegetation adapted to arid or dry conditions, stone, or
16 landscaping rock.

17 (c) "Firewise" means the firewise communities program developed
18 by the national fire protection association, which encourages local
19 solutions for wildfire safety by involving homeowners, community
20 leaders, planners, developers, firefighters, and others in the effort
21 to protect people and property from wildfire risks.

22 (d) "Pollinator habitat" means an area of land that is or may be
23 developed as habitat beneficial for the feeding, nesting, and
24 reproduction of all pollinators. "Pollinator habitat" does not
25 include beehives, except for mason bee houses.

26 (e) "Wildfire ignition resistant landscaping" includes:

27 (i) Any landscaping tools or techniques, or noninvasive
28 vegetation, that do not readily ignite from a flame or other ignition
29 source; or

30 (ii) The use of firewise methods to reduce ignition risk in a
31 building ignition zone.

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