

HB 1757 - S COMM AMD  
By Committee on Housing

ADOPTED 04/02/2025

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 35A.21.440 and 2023 c 285 s 1 are each amended to  
4 read as follows:

5 (1)(a) Code cities must adopt or amend by ordinance, and  
6 incorporate into their development regulations, zoning regulations,  
7 and other official controls the requirements of subsection (2) of  
8 this section for buildings (~~(that are zoned for commercial or mixed~~  
9 ~~use no later than six months after its next periodic comprehensive~~  
10 ~~plan update required under RCW 36.70A.130)~~ in commercial, mixed-use,  
11 or residential zones no later than June 30, 2026.

12 (b) The requirements of subsection (2) of this section apply and  
13 take effect in any code city that has not adopted or amended  
14 ordinances, regulations, or other official controls as required under  
15 this section by the timeline in (a) of this subsection and supersede,  
16 preempt, and invalidate any conflicting local development  
17 regulations.

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

21 (a) Impose a restriction on housing unit density that prevents  
22 the addition of housing units at a density up to 50 percent more than  
23 what is allowed in the underlying zone if constructed entirely within  
24 an existing building envelope in a building located within a zone  
25 that permits multifamily housing, provided that generally applicable  
26 health and safety standards, including but not limited to building  
27 code standards and fire and life safety standards, can be met within  
28 the building;

29 (b) Impose parking requirements on the addition of dwelling units  
30 or living units added within an existing building, however, cities  
31 may require the retention of existing parking that is required to  
32 satisfy existing residential parking requirements under local laws

1 and for nonresidential uses that remain after the new units are  
2 added;

3 (c) With the exception of emergency housing and transitional  
4 housing uses, impose permitting requirements on the use of an  
5 existing building for residential purposes beyond those requirements  
6 generally applicable to all residential development within the  
7 building's zone, including requiring a change of use permit;

8 (d) Impose design standard requirements, including setbacks, lot  
9 coverage, and floor area ratio requirements, on the use of an  
10 existing building for residential purposes beyond those requirements  
11 generally applicable to all residential development within the  
12 building's zone;

13 (e) Impose exterior design or architectural requirements on the  
14 residential use of an existing building beyond those necessary for  
15 health and safety of the use of the interior of the building or to  
16 preserve character-defining streetscapes, unless the building is a  
17 designated landmark or is within a historic district established  
18 through a local preservation ordinance;

19 (f) Prohibit the addition of housing units in any specific part  
20 of a building except ground floor commercial or retail that is along  
21 a major pedestrian corridor as defined by the code city, unless the  
22 addition of the units would violate applicable building codes or  
23 health and safety standards;

24 (g) Require unchanged portions of an existing building that have  
25 been used for residential or previously permit-approved conditioned  
26 space purposes to meet the current energy code solely because of the  
27 addition of new dwelling units within the building(~~(, however, if any~~  
28 ~~portion of an~~)). When any other existing building is converted to new  
29 dwelling units, changed portions of each of those new units must meet  
30 the requirements of the current energy code(~~(+)~~), except if:

31 (i) The square footage of new dwelling units does not exceed  
32 2,500 square feet or 50 percent of the total building square footage,  
33 whichever is greater;

34 (ii) The building owner submits documentation, in a form  
35 acceptable to the code city, showing the building's residential  
36 units' projected energy use intensity is less than or equal to the  
37 energy use intensity target in accordance with the clean buildings  
38 performance standard in RCW 19.27A.210; or

39 (iii) In all areas zoned for residential housing, an additional  
40 housing unit is created within an existing home;

1 (h) Deny a building permit application for the addition of  
2 housing units within an existing building due to nonconformity  
3 regarding parking, height, setbacks, elevator size for gurney  
4 transport, or modulation, unless the code city official with  
5 decision-making authority makes written findings that the  
6 nonconformity is causing a significant detriment to the surrounding  
7 area; or

8 (i) Require a transportation concurrency study under RCW  
9 36.70A.070 or an environmental study under chapter 43.21C RCW based  
10 on the addition of residential units within an existing building.

11 (3) Nothing in this section requires a code city to approve a  
12 building permit application for the addition of housing units  
13 constructed entirely within an existing building envelope in a  
14 building located within a zone that permits multifamily housing in  
15 cases in which the building cannot satisfy life safety standards.

16 (4) For the purpose of this section, "existing building" means a  
17 building that received a certificate of occupancy at least three  
18 years prior to the permit application to add housing units.

19 **Sec. 2.** RCW 35.21.990 and 2023 c 285 s 2 are each amended to  
20 read as follows:

21 (1)(a) Cities must adopt or amend by ordinance, and incorporate  
22 into their development regulations, zoning regulations, and other  
23 official controls the requirements of subsection (2) of this section  
24 for buildings (~~that are zoned for commercial or mixed use no later~~  
25 ~~than six months after its next periodic comprehensive plan update~~  
26 ~~required under RCW 36.70A.130~~) in commercial, mixed-use, or  
27 residential zones no later than June 30, 2026.

28 (b) The requirements of subsection (2) of this section apply and  
29 take effect in any city that has not adopted or amended ordinances,  
30 regulations, or other official controls as required under this  
31 section by the timeline in (a) of this subsection and supersede,  
32 preempt, and invalidate any conflicting local development  
33 regulations.

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

37 (a) Impose a restriction on housing unit density that prevents  
38 the addition of housing units at a density up to 50 percent more than  
39 what is allowed in the underlying zone if constructed entirely within

1 an existing building envelope in a building located within a zone  
2 that permits multifamily housing, provided that generally applicable  
3 health and safety standards, including but not limited to building  
4 code standards and fire and life safety standards, can be met within  
5 the building;

6 (b) Impose parking requirements on the addition of dwelling units  
7 or living units added within an existing building, however, cities  
8 may require the retention of existing parking that is required to  
9 satisfy existing residential parking requirements under local laws  
10 and for nonresidential uses that remain after the new units are  
11 added;

12 (c) With the exception of emergency housing and transitional  
13 housing uses, impose permitting requirements on the use of an  
14 existing building for residential purposes beyond those requirements  
15 generally applicable to all residential development within the  
16 building's zone, including requiring a change of use permit;

17 (d) Impose design standard requirements, including setbacks, lot  
18 coverage, and floor area ratio requirements, on the use of an  
19 existing building for residential purposes beyond those requirements  
20 generally applicable to all residential development within the  
21 building's zone;

22 (e) Impose exterior design or architectural requirements on the  
23 residential use of an existing building beyond those necessary for  
24 health and safety of the use of the interior of the building or to  
25 preserve character-defining streetscapes, unless the building is a  
26 designated landmark or is within a historic district established  
27 through a local preservation ordinance;

28 (f) Prohibit the addition of housing units in any specific part  
29 of a building except ground floor commercial or retail that is along  
30 a major pedestrian corridor as defined by each city, unless the  
31 addition of the units would violate applicable building codes or  
32 health and safety standards;

33 (g) Require unchanged portions of an existing building that have  
34 been used for residential or previously permit-approved conditioned  
35 space purposes to meet the current energy code solely because of the  
36 addition of new dwelling units within the building (~~(, however, if any~~  
37 ~~portion of an~~)). When any other existing building is converted to new  
38 dwelling units, changed portions of each of those new units must meet  
39 the requirements of the current energy code (~~(+)~~), except if:

1 (i) The square footage of new dwelling units does not exceed  
2 2,500 square feet or 50 percent of the total building square footage,  
3 whichever is greater;

4 (ii) The building owner submits documentation, in a form  
5 acceptable to the city, showing the building's residential units'  
6 projected energy use intensity is less than or equal to the energy  
7 use intensity target in accordance with the clean buildings  
8 performance standard in RCW 19.27A.210; or

9 (iii) In all areas zoned for residential housing, an additional  
10 housing unit is created within an existing home;

11 (h) Deny a building permit application for the addition of  
12 housing units within an existing building due to nonconformity  
13 regarding parking, height, setbacks, elevator size for gurney  
14 transport, or modulation, unless the city official with decision-  
15 making authority makes written findings that the nonconformity is  
16 causing a significant detriment to the surrounding area; or

17 (i) Require a transportation concurrency study under RCW  
18 36.70A.070 or an environmental study under chapter 43.21C RCW based  
19 on the addition of residential units within an existing building.

20 (3) Nothing in this section requires a city to approve a building  
21 permit application for the addition of housing units constructed  
22 entirely within an existing building envelope in a building located  
23 within a zone that permits multifamily housing in cases in which the  
24 building cannot satisfy life safety standards.

25 (4) For the purpose of this section, "existing building" means a  
26 building that received a certificate of occupancy at least three  
27 years prior to the permit application to add housing units."

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**ADOPTED 04/02/2025**

28 On page 1, line 2 of the title, after "purposes;" strike the  
29 remainder of the title and insert "and amending RCW 35A.21.440 and  
30 35.21.990."

**EFFECT:** (1) Specifies that cities may not require unchanged  
portions of an existing building that has been used for previously  
permit-approved conditioned space purposes to meet the energy code  
solely because of the addition of new dwelling units within the  
building.

(2) Requires changed portions of new units in an existing building to meet current energy code requirements unless certain conditions are met.

(3) Removes creating a single housing unit within an existing home's accessory building from the exceptions to current energy code requirements.

(4) Changes the exemption from current energy code requirements for changed portions of new dwelling units from the greater of 2,500 square feet or 25 percent of the total building square footage to the greater of 2,500 square feet or 50 percent of the total building square footage.

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