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## Local Government Committee

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### HB 1183

**Brief Description:** Concerning building code and development regulation reform.

**Sponsors:** Representatives Duerr, Leavitt, Berry, Parshley, Reed, Ryu, Fitzgibbon, Taylor, Doglio, Berg and Davis.

#### Brief Summary of Bill

- Requires cities and counties planning under the Growth Management Act to modify setback, height limit, and gross floor area requirements for specified types of developments.
- Modifies off-street parking requirements and unit size requirements for specified affordable housing projects.
- Directs the Building Code Council to develop specified standards.

**Hearing Date:** 1/21/25

**Staff:** Michelle Rusk (786-7153).

#### Background:

##### Development Regulations and the Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Currently, 28 counties, and the cities within those counties, fully plan under the GMA. The GMA directs these counties and cities to adopt internally consistent comprehensive land use plans, which must be reviewed and, if necessary, revised every 10 years. These counties and cities also must adopt development regulations to implement their comprehensive plans, which include a variety of land use regulations such as zoning and subdivision ordinances; environmental procedures; design review and off-street parking requirements; and bulk, density coverage, and setback limitations.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

### Passive House.

Passive house is a voluntary standard for energy efficiency in buildings, which typically requires little energy for heating or cooling. Certified passive house projects currently meet the requirements of the State Energy Code.

### Limitations on Off-Street Parking Requirements.

The GMA contains certain limitations on the ability of planning counties and cities to establish minimum residential parking requirements for certain types of housing, including, but not limited to:

- For market rate multifamily housing units located within 0.25 miles of a transit stop that receives transit service from at least one route, and that provides service at least four times per day for 12 or more hours a day, no more than one parking space per bedroom or 0.75 of a parking space per unit may be required.
- For housing units designed for seniors and people with disabilities located within 0.25 miles of a transit stop that receives transit service at least four times per hour for 12 or more hours a day, no minimum residential parking limitations may be imposed.
- For housing units that are affordable to very low-income or extremely low-income individuals located within 0.25 miles of a transit stop that receives transit service at least two times per hour for 12 or more hours a day, no more than one parking space per bedroom or 0.75 spaces per unit may be required.

### State Building Code.

The State Building Code establishes minimum performance standards and requirements for construction and construction materials in the state, consistent with accepted standards of engineering, fire, and life safety. The State Building Code comprises a number of model codes and standards, developed and published by international and national organizations, which are adopted by reference in the State Building Code Act (Act). Model codes and standards adopted in the Act include the International Building Code, the International Residential Code, and the State Energy Code.

### **Summary of Bill:**

#### Development Regulations and the Growth Management Act.

For cities and counties planning under the GMA, retrofits of existing buildings to be used for residential housing, new construction, or the retrofit of existing buildings meeting passive house requirements must:

- allow the portion of exterior wall assemblies that include insulation to project up to eight inches into the setbacks on all sides;
- allow the building to exceed the maximum allowable roof height by eight inches to accommodate additional insulation; and
- ensure that the gross floor area is measured from the interior face of the exterior walls, including drywall.

The following must also be allowed by planning cities and counties:

- For existing nonconforming buildings already projecting into setbacks, and to be used for residential housing, the portion of exterior wall assemblies that include insulation may project up to an additional eight inches into the setbacks on all sides.
- A building may exceed any maximum allowable roof height limit by at least 48 inches to accommodate a roof-mounted solar energy panel.
- For new construction or the retrofit of existing buildings meeting passive house requirements, any required setback must be measured to the outside face of the foundation.

In each of the foregoing instances, cities and counties are not prohibited from applying the requirements of the State Building Code.

#### *Facade Modulation and Setbacks.*

Cities and counties planning under the GMA may not require facade modulation or upper-level setbacks as a condition of permitting the following residential projects: (1) affordable housing; (2) new construction meeting passive house requirements; (3) the retrofit of existing buildings meeting passive house requirements; (4) conversions of existing buildings to housing or mixed-use developments, that includes housing; (5) modular construction; and (6) mass timber construction. Definitions are provided for several of these terms.

#### *Parking Requirements.*

Cities and counties planning under the GMA may not require off-street parking as a condition for permitting affordable housing, new construction or the retrofit of existing buildings meeting passive house requirements, modular construction, or mass timber construction. However, off-street parking may be required if the city or county submits a study prepared by credentialed planning experts to the Department of Commerce demonstrating that the foregoing parking limitations will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than the jurisdiction's parking requirements.

#### *Affordable Unit Sizes.*

Subject to specified exceptions, planning cities and counties may not require affordable housing units for low-income or very low-income households to exceed specified size requirements based on the unit configuration. If a project's average market rate unit size is smaller than the size requirements for low or very low-income affordable housing units, the city must allow affordable housing units to be of a comparable size to the market rate units. The Department of Commerce must design and make available sample floor plans for units meeting the specified size requirements.

#### Building Code Council Standards.

By March 31, 2026, the State Building Code Council must adopt:

- standards for cities and counties to allow passenger and freight elevators to meet the most current version of global safety and related standards or the current North American standards; and
- standards for cities and counties to allow passenger elevators no larger than those that

accommodate a wheelchair for apartment buildings with at most six stories and at most 24 units in total.

**Appropriation:** None.

**Fiscal Note:** Requested on January 14, 2025.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.