

HOUSE BILL REPORT

HB 1183

As Reported by House Committee On:
Local Government

Title: An act relating to incentivizing affordable and sustainable building practices through building code and development regulation reform.

Brief Description: Concerning building code and development regulation reform.

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

Brief History:

Committee Activity:

Local Government: 1/21/25, 1/24/25 [DPS].

Brief Summary of Substitute 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 and affordable housing unit size requirements.
- Directs the Department of Labor and Industries to adopt specified standards.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Duerr, Chair; Parshley, Vice Chair; Hunt and Zahn.

Minority Report: Without recommendation. Signed by 3 members: Representatives Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey.

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.

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.

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.

The Department of Labor and Industries.

The Department of Labor and Industries (L&I) is responsible for the administration of workers' compensation and medical aid, including overseeing safety and health standards and work place inspections. Its responsibilities also include adopting rules governing the mechanical and electrical operation, acceptance tests, conveyance work, and inspection necessary and appropriate to ensure safe design, operation, and inspection of elevators and other means of conveyance.

Summary of Substitute 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 8 inches into the setbacks on all sides;
- allow the building to exceed the maximum allowable roof height by 8 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 8 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 and there is no requirement that a city or county allow a setback of less than 36 inches between residential dwelling units.

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. Additionally, counties may require off-street parking if the county's roads are not developed to the standards adopted by cities within that county for streets and roads.

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.

Implementation.

Cities and counties that plan under the GMA and are required to submit their next comprehensive plan update in 2027 must implement the foregoing changes in their next comprehensive plan update.

All other cities and counties must implement the foregoing requirements within two years of the effective date of this act.

The Department of Labor and Industries.

By March 31, 2026, L&I 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.

Substitute Bill Compared to Original Bill:

The substitute bill:

- provides that there is no requirement that a city or county allow a setback of less than 36 inches between residential dwelling units;
- exempts a county from the prohibition of off-street parking requirements if the county's roads are not developed to the standards adopted by cities within that county for streets and roads;
- directs cities and counties planning under the GMA to implement new development regulations according to specified timelines; and
- removes from the responsibility of the State Building Code Council the requirement to adopt specified elevator standards and instead directs L&I to adopt the specified elevator standards.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill was developed through conversations with architects, developers, and builders, as an incentive to help the development of affordable housing. These policies make it easier to renovate existing homes and allow for increased energy efficiency. Specifically, passive house is recognized and supported throughout North America and globally, and this bill removes several barriers to passive house in our state. As part of the efficiency of these homes, they have thicker walls and this bill's flexibility in development regulations is important for making passive house achievable statewide. These changes would hopefully allow people to spend less on utility bills, improve air quality, and make homes more fire resistant.

The portion concerning elevators is intended to allow smaller elevators in single-stair residential buildings that typically wouldn't have an elevator. These are important reforms needed to expand housing availability. The installation of smaller elevators would allow these buildings to have increased accessibility, including possibly putting accessible units above ground-floor levels. Individuals using a wheelchair or with other mobility issues may have additional housing options opened up to them.

Additionally, requiring facade modulation and upper-level setbacks increases construction costs and negatively impacts building performance, and the parking requirement modification in the bill is very important.

(Opposed) None.

(Other) Without comment on the underlying policy, L&I requests a technical amendment to provide that L&I adopts the described elevator standards instead of the State Building Code Council, since L&I has adopted elevator standards as directed by law since the 1960s.

As a general matter, counties believe development regulations should be developed through local processes with community based decision making, and several sections of this bill run contrary to that principle. A large concern is also the prohibition on counties from requiring off-street parking. Rural roads aren't designed to accommodate street parking, do not have sidewalks, and sometimes even shoulders, so we're concerned this prohibition creates safety issues in future housing developments in these parts of counties. Unincorporated areas should be removed from this section. There are also concerns about potential increased fire risks in new construction from the new setback requirement changes. It'd be important to

clarify if the setbacks are land use setbacks and not building code setbacks.

The implementation timeline is also not including the Puget Sound, unless a different implementation date is chosen, because they've already completed their periodic update.

Persons Testifying: (In support) Representative Davina Duerr, prime sponsor; Rob Harrison, Passive House Seattle; Julie Blazek, AIAWA (American Institute of Architects WA Council); Bryce Yadon, Futurewise; Stephen Smith, Center for Building in North America; and Dan Bertolet, Sightline Institute.

(Other) Tammy Fellin, Department of Labor and Industries; Dustin Curb, Washington State Building Code Council; Curtis Steinhauer, Washington State Association of Counties; and Carl Schroeder, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.