H-0334.2

HOUSE BILL 1183

State of Washington   **69th Legislature**   **2025 Regular Session**

By Representatives Duerr, Leavitt, Berry, Parshley, Reed, Ryu, Fitzgibbon, Taylor, Doglio, Berg, and Davis

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1   AN ACT Relating to incentivizing affordable and sustainable
2 building practices through building code and development regulation
3 reform; amending RCW 35.21.990, 35A.21.440, 36.70A.620, and
4 19.27.042; and adding new sections to chapter 36.70A 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 36.70A
7 RCW to read as follows:
8   (1) A city or county planning under RCW 36.70A.040 must allow for
9 the following:
10   (a) For retrofits of existing buildings to be used for
11 residential housing:
12   (i) The portion of exterior wall assemblies that includes
13 insulation must be allowed to project up to an additional eight
14 inches into the setbacks on all sides;
15   (ii) The building must be allowed to exceed the maximum allowable
16 roof height by eight inches to accommodate additional insulation; and
17   (iii) Gross floor area must be measured from the interior face of
18 the exterior walls, which includes drywall, as typically depicted on
19 the architectural floor plans.
20   (b) For existing nonconforming buildings already projecting into
21 setbacks, the portion of exterior wall assemblies that include

1 insulation must be allowed to project up to an additional eight
2 inches into the setbacks on all sides if the building is to be used
3 for residential housing.
4   (2) Nothing in this section prohibits a city or county from
5 applying the requirements of the state building code.

6   NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A
7 RCW to read as follows:
8   (1) For new construction or the retrofit of existing buildings
9 meeting passive house requirements, a city or county planning under
10 RCW 36.70A.040 must allow for the following:
11   (a) Any required setback must be measured to the outside face of
12 the foundation, and the portion of exterior wall assemblies that
13 include insulation must be allowed to project up to eight inches into
14 setbacks on all sides;
15   (b) The building must be allowed to exceed the maximum allowable
16 roof height by eight inches to accommodate additional insulation; and
17   (c) Gross floor area must be measured from the interior face of
18 the exterior walls, which includes drywall, as typically depicted on
19 the architectural floor plans.
20   (2) For the purposes of this section, "passive house
21 requirements" means the criteria for certification as a passive house
22 by Phius or the international passive house institute.
23   (3) Nothing in this section prohibits a city or county from
24 applying the requirements of the state building code.

25   **Sec. 3.** RCW 35.21.990 and 2023 c 285 s 2 are each amended to
26 read as follows:
27   (1)(a) Cities must adopt or amend by ordinance, and incorporate
28 into their development regulations, zoning regulations, and other
29 official controls the requirements of subsection (2) of this section
30 for buildings that are zoned for commercial or mixed use no later
31 than six months after its next periodic comprehensive plan update
32 required under RCW 36.70A.130.
33   (b) The requirements of subsection (2) of this section apply and
34 take effect in any city that has not adopted or amended ordinances,
35 regulations, or other official controls as required under this
36 section by the timeline in (a) of this subsection and supersede,
37 preempt, and invalidate any conflicting local development
38 regulations.

1   (2) Through ordinances, development regulations, zoning
2 regulations, or other official controls as required under subsection
3 (1) of this section, cities may not:
4   (a) Impose a restriction on housing unit density that prevents
5 the addition of housing units at a density up to 50 percent more than
6 what is allowed in the underlying zone if constructed entirely within
7 an existing building envelope in a building located within a zone
8 that permits multifamily housing, provided that generally applicable
9 health and safety standards, including but not limited to building
10 code standards and fire and life safety standards, can be met within
11 the building;
12   (b) Impose parking requirements on the addition of dwelling units
13 or living units added within an existing building, however, cities
14 may require the retention of existing parking that is required to
15 satisfy existing residential parking requirements under local laws
16 and for nonresidential uses that remain after the new units are
17 added;
18   (c) With the exception of emergency housing and transitional
19 housing uses, impose permitting requirements on the use of an
20 existing building for residential purposes beyond those requirements
21 generally applicable to all residential development within the
22 building's zone;
23   (d) Impose design standard requirements, including setbacks, lot
24 coverage, and floor area ratio requirements, on the use of an
25 existing building for residential purposes beyond those requirements
26 generally applicable to all residential development within the
27 building's zone, except as provided in sections 1 and 2 of this act;
28   (e) Impose exterior design or architectural requirements on the
29 residential use of an existing building beyond those necessary for
30 health and safety of the use of the interior of the building or to
31 preserve character-defining streetscapes, unless the building is a
32 designated landmark or is within a historic district established
33 through a local preservation ordinance;
34   (f) Prohibit the addition of housing units in any specific part
35 of a building except ground floor commercial or retail that is along
36 a major pedestrian corridor as defined by each city, unless the
37 addition of the units would violate applicable building codes or
38 health and safety standards;
39   (g) Require unchanged portions of an existing building used for
40 residential purposes to meet the current energy code solely because

of the addition of new dwelling units within the building, however, if any portion of an existing building is converted to new dwelling units, each of those new units must meet the requirements of the current energy code;

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

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

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

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

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

(1)(a) Code cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (2) of this section for buildings that are zoned for commercial or mixed use no later than six months after its next periodic comprehensive plan update required under RCW 36.70A.130.

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

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

1   (a) Impose a restriction on housing unit density that prevents
2   the addition of housing units at a density up to 50 percent more than
3   what is allowed in the underlying zone if constructed entirely within
4   an existing building envelope in a building located within a zone
5   that permits multifamily housing, provided that generally applicable
6   health and safety standards, including but not limited to building
7   code standards and fire and life safety standards, can be met within
8   the building;

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

15   (c) With the exception of emergency housing and transitional
16   housing uses, impose permitting requirements on the use of an
17   existing building for residential purposes beyond those requirements
18   generally applicable to all residential development within the
19   building's zone;

20   (d) Impose design standard requirements, including setbacks, lot
21   coverage, and floor area ratio requirements, on the use of an
22   existing building for residential purposes beyond those requirements
23   generally applicable to all residential development within the
24   building's zone, except as provided in sections 1 and 2 of this act;

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

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

36   (g) Require unchanged portions of an existing building used for
37   residential purposes to meet the current energy code solely because
38   of the addition of new dwelling units within the building, however,
39   if any portion of an existing building is converted to new dwelling

units, each of those new units must meet the requirements of the current energy code;

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

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

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

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

NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A city or county planning under RCW 36.70A.040 must allow a building to exceed any maximum allowable roof height limits by at least 48 inches to accommodate a roof-mounted solar energy panel.

(2) For purposes of this section, "solar energy panel" means a panel device or system or combination of panel devices or systems that relies on direct sunlight as an energy source, including a panel device or system or combination of panel devices or systems that collects sunlight for use in:

(a) The heating or cooling of a structure or building;

(b) The heating or pumping of water;

(c) Industrial, commercial, or agricultural processes; or

(d) The generation of electricity.

(3) Nothing in this section prohibits a city or county from applying the requirements of the state building code.

NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A RCW to read as follows:

1   (1) A city or county planning under RCW 36.70A.040 may not
2 require façade modulation or upper-level setbacks as a condition of
3 permitting the following types of residential projects:
4   (a) Affordable housing;
5   (b) New construction meeting passive house requirements;
6   (c) The retrofit of existing buildings meeting passive house
7 requirements;
8   (d) The conversion of existing buildings to housing or mixed-use
9 development that includes housing;
10   (e) Modular construction; or
11   (f) Mass timber construction.
12   (2) For the purposes of this section:
13   (a) "Façade modulation" means a change in building plane, either
14 a recess or a projection, that changes the shape of the exterior
15 massing of the building.
16   (b) "Mass timber construction" means a building with structural
17 components primarily made of mass timber products as defined in RCW
18 19.27.570.
19   (c) "Modular construction" means a multistory residential or
20 commercial building constructed of standardized components produced
21 off-site, which are transported and assembled at a final location.
22   (d) "Passive house requirements" means the criteria for
23 certification as a passive house by Phius or the international
24 passive house institute.
25   (e) "Upper-level setback" means a required distance between the
26 lot line and the building façade applied only to portions of the
27 building above a specified height.

28   NEW SECTION. **Sec. 7.** A new section is added to chapter 36.70A
29 RCW to read as follows:
30   (1) Except as provided in subsection (2) of this section, a city
31 or county planning under RCW 36.70A.040 may not require off-street
32 parking as a condition of permitting the following types of
33 residential projects:
34   (a) Affordable housing;
35   (b) New construction or the retrofit of existing buildings
36 meeting passive house requirements;
37   (c) Modular construction; or
38   (d) Mass timber construction.

(2) A city or county may require off-street parking if the jurisdiction submits to the department of commerce an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and the department finds and certifies, that the application of the parking limitations in subsection (1) of this section will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied. The department must develop guidance to assist cities and counties on items to include in the study.

(3) For the purposes of this section:

(a) "Mass timber construction" means a building with structural components primarily made of mass timber products as defined in RCW 19.27.570.

(b) "Modular construction" means a multistory residential building constructed of standardized components produced off-site, which are transported and assembled at a final location.

(c) "Passive house requirements" means the criteria for certification as a passive house by Phius or the international passive house institute.

Sec. 8. RCW 36.70A.620 and 2020 c 173 s 3 are each amended to read as follows:

In counties and cities planning under RCW 36.70A.040, minimum residential parking requirements mandated by municipal zoning ordinances for housing units constructed after July 1, 2019, are subject to the following requirements:

(1) ((For housing units that are affordable to very low-income or extremely low-income individuals and that are located within one-quarter mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or .75 space per unit. A city may require a developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for very low-income or extremely low-income individuals. The covenant must address price restrictions and household income limits and policies if the property is converted to a use other than for low-income housing. A city may establish a requirement for the provision of more than one parking space per

1 ~~bedroom or .75 space per unit if the jurisdiction has determined a~~
2 ~~particular housing unit to be in an area with a lack of access to~~
3 ~~street parking capacity, physical space impediments, or other reasons~~
4 ~~supported by evidence that would make on-street parking infeasible~~
5 ~~for the unit.~~

6   ((~~(2)~~)) For housing units that are specifically for seniors or
7 people with disabilities, that are located within one-quarter mile of
8 a transit stop that receives transit service at least four times per
9 hour for twelve or more hours per day, a city may not impose minimum
10 residential parking requirements for the residents of such housing
11 units, subject to the exceptions provided in this subsection. A city
12 may establish parking requirements for staff and visitors of such
13 housing units. A city may establish a requirement for the provision
14 of one or more parking space per bedroom if the jurisdiction has
15 determined a particular housing unit to be in an area with a lack of
16 access to street parking capacity, physical space impediments, or
17 other reasons supported by evidence that would make on-street parking
18 infeasible for the unit. A city may require a developer to record a
19 covenant that prohibits the rental of a unit subject to this parking
20 restriction for any purpose other than providing for housing for
21 seniors or people with disabilities.

22   ((~~(3)~~)) (2) For market rate multifamily housing units that are
23 located within one-quarter mile of a transit stop that receives
24 transit service from at least one route that provides service at
25 least four times per hour for twelve or more hours per day, minimum
26 residential parking requirements may be no greater than one parking
27 space per bedroom or .75 space per unit. A city or county may
28 establish a requirement for the provision of more than one parking
29 space per bedroom or .75 space per unit if the jurisdiction has
30 determined a particular housing unit to be in an area with a lack of
31 access to street parking capacity, physical space impediments, or
32 other reasons supported by evidence that would make on-street parking
33 infeasible for the unit.

34   **Sec. 9.** RCW 19.27.042 and 2023 c 47 s 1 are each amended to read
35 as follows:
36   (1) Effective January 1, 1992, the legislative authorities of
37 cities and counties may adopt an ordinance or resolution to exempt
38 from state building code requirements buildings whose character of
39 use or occupancy has been changed in order to provide housing for

indigent persons. The ordinance or resolution allowing the exemption
shall include the following conditions:

(a) The exemption is limited to existing buildings located in
this state;

(b) Any code deficiencies to be exempted pose no threat to human
life, health, or safety;

(c) The building or buildings exempted under this section are
owned or administered by a public agency or nonprofit corporation;
and

(d) The exemption is authorized for no more than five years on
any given building. An exemption for a building may be renewed if the
requirements of this section are met for each renewal.

(2) By January 1, 1992, the state building code council shall
adopt, by rule, guidelines for cities and counties exempting
buildings under subsection (1) of this section.

(3) By July 1, 2026, the state building code council shall adopt,
by rule, standards for temporary emergency shelters and make them
available for local adoption.

(4) By March 31, 2026, the state building code council shall
adopt, by rule, standards for cities and counties to allow all
passenger and freight elevators to meet the most current version of
global safety and related standards or, in the alternative, 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.

NEW SECTION. **Sec. 10.** A new section is added to chapter 36.70A
RCW to read as follows:

(1) Cities and counties planning under RCW 36.70A.040 may not
require affordable housing units for low-income or very low-income
households, regardless of the unit mix and size of the project, to
exceed the following sizes:

(a) 400 square feet for a studio unit;

(b) 550 square feet for a one-bedroom unit;

(c) 750 square feet for a two-bedroom unit; and

(d) 1,000 square feet for a three-bedroom unit.

(2) If the average unit size in the project is smaller than the
size requirements in this section, the city must allow the affordable
housing units to be of a comparable size as the market rate units.

1   (3) Co-living housing units are subject to the provisions of RCW
2   36.70A.535.
3   (4) This section does not apply to low-income housing developed
4   under an affordable housing incentive program as provided in RCW
5   36.70A.540.
6   (5) The department must design and make publicly available sample
7   floor plans for units meeting the size requirements of subsection (1)
8   of this section.

--- **END** ---