
HOUSE BILL 1757

State of Washington

69th Legislature

2025 Regular Session

By Representatives Walen, Fitzgibbon, Parshley, Paul, Ramel, and Reed

Read first time 01/31/25. Referred to Committee on Housing.

1 AN ACT Relating to modifying regulations for existing buildings
2 used for residential purposes; and amending RCW 35A.21.440 and
3 35.21.990.

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

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

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

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

1 (2) Through ordinances, development regulations, zoning
2 regulations, or other official controls as required under subsection
3 (1) of this section, code 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, including requiring a change of use permit;

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;

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 the code 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

1 of the addition of new dwelling units within the building, however,
2 if any portion of an existing building is converted to new dwelling
3 units, each of those new units must meet the requirements of the
4 current energy code ~~((†))~~, except if:

5 (i) The square footage of new dwelling units does not exceed
6 2,500 square feet or 25 percent of the total building square footage,
7 whichever is greater;

8 (ii) The building owner submits documentation to the local
9 jurisdiction showing the building's residential units' projected
10 energy use intensity is less than or equal to the energy use
11 intensity target in accordance with the clean buildings performance
12 standard in RCW 19.27A.210; or

13 (iii) In all areas zoned for residential housing, an additional
14 housing unit is created within an existing home, or a single housing
15 unit is created within an existing home's accessory building;

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

23 (i) Require a transportation concurrency study under RCW
24 36.70A.070 or an environmental study under chapter 43.21C RCW based
25 on the addition of residential units within an existing building.

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

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

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

36 (1)(a) Cities must adopt or amend by ordinance, and incorporate
37 into their development regulations, zoning regulations, and other
38 official controls the requirements of subsection (2) of this section
39 for buildings ~~((that are zoned for commercial or mixed use no later~~

1 ~~than six months after its next periodic comprehensive plan update~~
2 ~~required under RCW 36.70A.130))~~ in commercial, mixed-use, or
3 residential zones no later than June 30, 2026.

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

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

13 (a) Impose a restriction on housing unit density that prevents
14 the addition of housing units at a density up to 50 percent more than
15 what is allowed in the underlying zone if constructed entirely within
16 an existing building envelope in a building located within a zone
17 that permits multifamily housing, provided that generally applicable
18 health and safety standards, including but not limited to building
19 code standards and fire and life safety standards, can be met within
20 the building;

21 (b) Impose parking requirements on the addition of dwelling units
22 or living units added within an existing building, however, cities
23 may require the retention of existing parking that is required to
24 satisfy existing residential parking requirements under local laws
25 and for nonresidential uses that remain after the new units are
26 added;

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

32 (d) Impose design standard requirements, including setbacks, lot
33 coverage, and floor area ratio requirements, on the use of an
34 existing building for residential purposes beyond those requirements
35 generally applicable to all residential development within the
36 building's zone;

37 (e) Impose exterior design or architectural requirements on the
38 residential use of an existing building beyond those necessary for
39 health and safety of the use of the interior of the building or to
40 preserve character-defining streetscapes, unless the building is a

1 designated landmark or is within a historic district established
2 through a local preservation ordinance;

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

8 (g) Require unchanged portions of an existing building used for
9 residential purposes to meet the current energy code solely because
10 of the addition of new dwelling units within the building, however,
11 if any portion of an existing building is converted to new dwelling
12 units, each of those new units must meet the requirements of the
13 current energy code(~~(f)~~), except if:

14 (i) The square footage of new dwelling units does not exceed
15 2,500 square feet or 25 percent of the total building square footage,
16 whichever is greater;

17 (ii) The building owner submits documentation to the local
18 jurisdiction showing the building's residential units' projected
19 energy use intensity is less than or equal to the energy use
20 intensity target in accordance with the clean buildings performance
21 standard in RCW 19.27A.210; or

22 (iii) In all areas zoned for residential housing, an additional
23 housing unit is created within an existing home, or a single housing
24 unit is created within an existing home's accessory building;

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

31 (i) Require a transportation concurrency study under RCW
32 36.70A.070 or an environmental study under chapter 43.21C RCW based
33 on the addition of residential units within an existing building.

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

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

--- **END** ---