
ENGROSSED SUBSTITUTE HOUSE BILL 2266

State of Washington

69th Legislature

2026 Regular Session

By House Housing (originally sponsored by Representatives Peterson, Macri, Ryu, Parshley, Ramel, Scott, Mena, Reed, Obras, Fitzgibbon, Street, Thomas, Taylor, Doglio, Gregerson, Ormsby, Goodman, Reeves, Farivar, Fosse, Bergquist, Salahuddin, Hill, Pollet, and Wylie)

READ FIRST TIME 02/04/26.

1 AN ACT Relating to encouraging permanent supportive housing,
2 transitional housing, indoor emergency housing, and indoor emergency
3 shelters; amending RCW 35.21.683, 35A.21.430, and 36.130.020;
4 reenacting and amending RCW 36.70A.030; adding a new section to
5 chapter 36.70A RCW; and creating new sections.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that Washington
8 state faces an acute shortage of housing affordable to households at
9 all income levels, resulting in housing insecurity and a growing
10 number of people experiencing homelessness. The legislature further
11 finds that local regulatory barriers, inconsistent siting standards,
12 and discretionary review processes have constrained the timely
13 development of permanent supportive housing, transitional housing,
14 indoor emergency housing, and indoor emergency shelters. It is the
15 intent of the legislature to increase housing supply and advance fair
16 housing by requiring these housing types to be permitted in urban
17 areas on the same terms as other types of lodging and residential
18 development, subject only to objective and nondiscriminatory
19 development standards necessary to protect public health and safety.
20 By streamlining permitting processes and ensuring consistent
21 treatment across jurisdictions, the legislature intends to avoid

1 unnecessary cost increases associated with delays and to facilitate
2 the prompt delivery of safe, dignified, and stable housing and to
3 support statewide efforts to address homelessness and the housing
4 crisis.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A
6 RCW to read as follows:

7 (1) (a) A county or city planning under RCW 36.70A.040 must allow:

8 (i) Transitional housing or permanent supportive housing in any
9 zones within an urban growth area in which residential dwelling units
10 or hotels are allowed; and

11 (ii) Indoor emergency shelters and indoor emergency housing in
12 any zones within an urban growth area in which hotels are allowed.
13 Nothing in this subsection allows a county or city to limit indoor
14 emergency shelters and indoor emergency housing in a manner where the
15 capacity of indoor emergency shelters and indoor emergency housing is
16 insufficient to meet the projected needs identified under RCW
17 36.70A.070(2)(a)(ii). A county or city must allow indoor emergency
18 shelters and indoor emergency housing in additional types of zones
19 when necessary to meet projected needs identified in RCW
20 36.70A.070(2)(a)(ii).

21 (b) A county or city may not require transitional housing,
22 permanent supportive housing, indoor emergency housing, and indoor
23 emergency shelters to be located in a zone within an urban growth
24 area zoned for industrial use.

25 (2) Except as provided in subsections (5) through (7) of this
26 section, a county or city may not require through development
27 regulations, ordinances, or legal agreements any standards,
28 conditions, or requirements for transitional housing, permanent
29 supportive housing, indoor emergency housing, and indoor emergency
30 shelters that are more restrictive than those required for other
31 types of lodging or residential development within the same zone, but
32 may apply any objective development regulations, including form-based
33 codes, that are required for lodging or residential development
34 including, but not limited to, setback, lot coverage, stormwater,
35 clearing, and tree canopy and retention requirements.

36 (3) Except as provided in subsections (5) through (7) of this
37 section, a county or city shall only apply the same development
38 permit and environmental review processes to transitional housing,
39 permanent supportive housing, indoor emergency shelters, and indoor

1 emergency housing that apply to other types of lodging or residential
2 development within the same zone, unless otherwise required by state
3 law including, but not limited to, shoreline regulations under
4 chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy
5 codes under chapter 19.27A RCW, or electrical codes under chapter
6 19.28 RCW.

7 (4) If applying design review for transitional housing, permanent
8 supportive housing, indoor emergency shelters, and indoor emergency
9 housing, only administrative design review may be required.

10 (5) (a) For an indoor emergency shelter or indoor emergency
11 housing, a county or city may require the sponsor or managing agency
12 to certify in writing that it has, between the date the permit
13 application was approved and the date the certificate of occupancy
14 was issued:

15 (i) Provided the name, if any, of the facility and the name and
16 headquarters address of the managing entity;

17 (ii) Provided a description of any other programs operating in
18 the building and copies of the applicable licenses and certifications
19 held by the program;

20 (iii) Notified residents within 500 feet of the indoor emergency
21 shelter or indoor emergency housing;

22 (iv) Conducted more than one community meeting;

23 (v) Designated at least one point of contact and provide at least
24 one telephone number to be used in emergencies; and

25 (vi) Provided documentation of the sponsor's or managing agency's
26 operational policies or procedures for:

27 (A) Promoting and addressing health and safety inside the
28 building and in areas immediately adjacent to the building;

29 (B) Admissions, including a description of the populations the
30 project will serve and potential sources of referral;

31 (C) Program exit or transfer;

32 (D) Handling complaints and grievances from occupants; and

33 (E) Health, fire, safety, and occupancy.

34 (b) The written certification by the sponsor or managing entity
35 constitutes full compliance with (a) of this subsection. A county or
36 city may not require the sponsor or managing agency to provide
37 additional certifications outside of what is allowed under (a) of
38 this subsection (5) or to repeat or revise any of the items in (a) (i)
39 through (vi) of this subsection (5). Nothing in this subsection (b)
40 prohibits the sponsor or managing agency from voluntarily updating

1 any of the information submitted under (a)(i) through (vi) of this
2 subsection (5).

3 (6) Nothing in this section requires a city or county to approve
4 a permit application for permanent supportive housing, transitional
5 housing, indoor emergency housing, or indoor emergency shelters that
6 are proposed in a critical area in which no lodging or residential
7 development is permitted, an area of natural hazards that generally
8 prohibit lodging or residential development, or on agricultural,
9 forest, or mineral lands of long-term commercial significance.

10 (7)(a) Upon receipt of a permit application for an indoor
11 emergency shelter or indoor emergency housing with a proposed
12 location within 500 feet of walking distance from another indoor
13 emergency shelter or other indoor emergency housing, or within 500
14 feet of walking distance from the physical grounds of a public school
15 as defined in RCW 28A.150.010 or a private school approved by the
16 board of education under chapter 28A.195 RCW, the city in which the
17 indoor emergency shelter or indoor emergency shelter is proposed, or
18 the county if the indoor emergency shelter or indoor emergency
19 housing is not proposed in a city, may enter into good faith
20 negotiations with the sponsor of the indoor emergency shelter or
21 indoor emergency housing to establish additional and reasonable
22 requirements pertaining to health and safety protocols.

23 (b) If the parties are unable to come to an agreement under (a)
24 of this subsection (7) within 90 days of the permit being submitted,
25 the county or city may deny the permit.

26 (c) This subsection (7) does not apply to an indoor emergency
27 shelter or indoor emergency housing designated for individuals under
28 the age of 18, families, or victims of domestic violence.

29 (d) Nothing in this subsection (7) allows a county or city to
30 limit indoor emergency shelters or indoor emergency housing in a
31 manner where the capacity of indoor emergency shelters and indoor
32 emergency housing is insufficient to meet the projected needs
33 identified under RCW 36.70A.070(2)(a)(ii).

34 **Sec. 3.** RCW 35.21.683 and 2021 c 254 s 4 are each amended to
35 read as follows:

36 (1)(a) A city (~~(shall not prohibit transitional)~~) must allow:

37 (i) Transitional housing or permanent supportive housing in any
38 zones in which residential dwelling units or hotels are allowed(~~(-~~
39 ~~Effective September 30, 2021, a city shall not prohibit indoor)~~); and

1 (ii) Indoor emergency shelters and indoor emergency housing in
2 any zones in which hotels are allowed~~((, except in such cities that~~
3 ~~have adopted an ordinance authorizing indoor emergency shelters and~~
4 ~~indoor emergency housing in a majority of zones within a one-mile~~
5 ~~proximity to transit. Reasonable occupancy, spacing, and intensity of~~
6 ~~use requirements may be imposed by ordinance on permanent supportive~~
7 ~~housing, transitional housing, indoor emergency housing, and indoor~~
8 ~~emergency shelters to protect public health and safety. Any such~~
9 ~~requirements on occupancy, spacing, and intensity of use may not~~
10 ~~prevent the siting of a sufficient number of permanent supportive~~
11 ~~housing, transitional housing, indoor emergency housing, or indoor~~
12 ~~emergency shelters necessary to accommodate each city's projected~~
13 ~~need for such housing and shelter under RCW 36.70A.070(2)(a)(ii))~~.
14 Nothing in this subsection allows a county or city to limit indoor
15 emergency shelters and indoor emergency housing in a manner where the
16 capacity of indoor emergency shelters and indoor emergency housing is
17 insufficient to meet the projected needs identified under RCW
18 36.70A.070(2)(a)(ii). A county or city must allow indoor emergency
19 shelters and indoor emergency housing in additional types of zones
20 when necessary to meet projected needs identified in RCW
21 36.70A.070(2)(a)(ii).

22 (b) A city may not require transitional housing, permanent
23 supportive housing, indoor emergency housing, and indoor emergency
24 shelters to be located in a zone within an area zoned for industrial
25 use.

26 (2) Except as provided in subsections (5) through (7) of this
27 section, a city may not require through development regulations,
28 ordinances, or legal agreements any development or operating
29 standards, conditions, or requirements for transitional housing,
30 permanent supportive housing, indoor emergency housing, and indoor
31 emergency shelters that are more restrictive than those required for
32 other types of lodging or residential development within the same
33 zone, but may apply any objective development regulations, including
34 form-based codes, that are required for lodging or residential
35 development including, but not limited to, setback, lot coverage,
36 stormwater, clearing, and tree canopy and retention requirements.

37 (3) Except as provided in subsections (5) through (7) of this
38 section, a county or city shall only apply the same development
39 permit and environmental review processes to transitional housing,
40 permanent supportive housing, indoor emergency shelters, and indoor

1 emergency housing that apply to other types of lodging or residential
2 development within the same zone, unless otherwise required by state
3 law including, but not limited to, shoreline regulations under
4 chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy
5 codes under chapter 19.27A RCW, or electrical codes under chapter
6 19.28 RCW.

7 (4) If applying design review for transitional housing, permanent
8 supportive housing, indoor emergency shelters, and indoor emergency
9 housing, only administrative design review may be required. For the
10 purposes of this subsection, "administrative design review" means a
11 development permit process whereby an application is reviewed,
12 approved, or denied by the planning director or the planning
13 director's designee based solely on objective design and development
14 standards without a public predecision hearing, unless such review is
15 otherwise required by state or federal law, or the structure is a
16 designated landmark or within a historic district established under a
17 local preservation ordinance. A city may approve requests for
18 variances from locally established design review standards.

19 (5) (a) For an indoor emergency shelter or indoor emergency
20 housing, a city may require the sponsor or managing agency to certify
21 in writing that it has, between the date the permit application was
22 approved and the date the certificate of occupancy was issued:

23 (i) Provided the name, if any, of the facility and the name and
24 headquarters address of the managing entity;

25 (ii) Provided a description of any other programs operating in
26 the building and copies of the applicable licenses and certifications
27 held by the program;

28 (iii) Notified residents within 500 feet of the indoor emergency
29 shelter or indoor emergency housing;

30 (iv) Conducted more than one community meeting;

31 (v) Designated at least one point of contact and provide at least
32 one telephone number to be used in emergencies; and

33 (vi) Provided documentation of the sponsor's or managing agency's
34 operational policies or procedures for:

35 (A) Promoting and addressing health and safety inside the
36 building and in areas immediately adjacent to the building;

37 (B) Admissions, including a description of the populations the
38 project will serve and potential sources of referral;

39 (C) Program exit or transfer;

40 (D) Handling complaints and grievances from occupants; and

1 (E) Health, fire, safety, and occupancy.

2 (b) The written certification by the sponsor or managing entity
3 constitutes full compliance with (a) of this subsection (5). A city
4 may not require the sponsor or managing agency to provide additional
5 certifications outside of what is allowed under (a) of this
6 subsection (5) or to repeat or revise any of the items in (a)(i)
7 through (vi) of this subsection (5). Nothing in this subsection (b)
8 prohibits the sponsor or managing agency from voluntarily updating
9 any of the information submitted under (a)(i) through (vi) of this
10 subsection (5).

11 (6) Nothing in this section requires a city to approve a permit
12 application for permanent supportive housing, transitional housing,
13 indoor emergency housing, or indoor emergency shelters that are
14 proposed in a critical area in which no lodging or residential
15 development is permitted, an area of natural hazards that generally
16 prohibit lodging or residential development, or on agricultural,
17 forest, or mineral lands of long-term commercial significance.

18 (7)(a) Upon receipt of a permit application for an indoor
19 emergency shelter or indoor emergency housing with a proposed
20 location within 500 feet of walking distance from another indoor
21 emergency shelter or other indoor emergency housing, or within 500
22 feet of walking distance from the physical grounds of a public school
23 as defined in RCW 28A.150.010 or a private school approved by the
24 board of education under chapter 28A.195 RCW, a city may enter into
25 good faith negotiations with the sponsor of the indoor emergency
26 shelter or indoor emergency housing to establish additional and
27 reasonable requirements pertaining to health and safety protocols.

28 (b) If the parties are unable to come to an agreement under (a)
29 of this subsection (7) within 90 days of the permit being submitted,
30 the city may deny the permit.

31 (c) This subsection (7) does not apply to an indoor emergency
32 shelter or indoor emergency housing designated for individuals under
33 the age of 18, families, or victims of domestic violence.

34 (d) Nothing in this subsection (7) allows a city to limit indoor
35 emergency shelters or indoor emergency housing in a manner where the
36 capacity of indoor emergency shelters and indoor emergency housing is
37 insufficient to meet the projected needs identified under RCW
38 36.70A.070(2)(a)(ii).

1 (8) For purposes of this section, "emergency housing," "emergency
2 shelter," "permanent supportive housing," and "transitional housing"
3 have the same meaning as in RCW 36.70A.030.

4 **Sec. 4.** RCW 35A.21.430 and 2021 c 254 s 3 are each amended to
5 read as follows:

6 (1)(a) A code city ((shall not prohibit transitional)) must
7 allow:

8 (i) Transitional housing or permanent supportive housing in any
9 zones in which residential dwelling units or hotels are allowed(~~(-~~
10 Effective September 30, 2021, a code city shall not prohibit
11 indoor)); and

12 (ii) Indoor emergency shelters and indoor emergency housing in
13 any zones in which hotels are allowed(~~(,~~ except in such cities that
14 have adopted an ordinance authorizing indoor emergency shelters and
15 indoor emergency housing in a majority of zones within a one-mile
16 proximity to transit. Reasonable occupancy, spacing, and intensity of
17 use requirements may be imposed by ordinance on permanent supportive
18 housing, transitional housing, indoor emergency housing, and indoor
19 emergency shelters to protect public health and safety. Any such
20 requirements on occupancy, spacing, and intensity of use may not
21 prevent the siting of a sufficient number of permanent supportive
22 housing, transitional housing, indoor emergency housing, or indoor
23 emergency shelters necessary to accommodate each code city's
24 projected need for such housing and shelter under RCW
25 36.70A.070(2)(a)(ii)). Nothing in this subsection allows a county or
26 city to limit indoor emergency shelters and indoor emergency housing
27 in a manner where the capacity of indoor emergency shelters and
28 indoor emergency housing is insufficient to meet the projected needs
29 identified under RCW 36.70A.070(2)(a)(ii). A county or city must
30 allow indoor emergency shelters and indoor emergency housing in
31 additional types of zones when necessary to meet projected needs
32 identified in RCW 36.70A.070(2)(a)(ii).

33 (b) A code city may not require transitional housing, permanent
34 supportive housing, indoor emergency housing, and indoor emergency
35 shelters to be located in a zone within an area zoned for industrial
36 use.

37 (2) Except as provided in subsections (5) through (7) of this
38 section, a code city may not require through development regulations,
39 ordinances, or legal agreements any development or operating

1 standards, conditions, or requirements for transitional housing,
2 permanent supportive housing, indoor emergency housing, and indoor
3 emergency shelters that are more restrictive than those required for
4 other types of lodging or residential development within the same
5 zone, but may apply any objective development regulations, including
6 form-based codes, that are required for lodging or residential
7 development including, but not limited to, setback, lot coverage,
8 stormwater, clearing, and tree canopy and retention requirements.

9 (3) Except as provided in subsections (5) through (7) of this
10 section, a code city shall only apply the same development permit and
11 environmental review processes to transitional housing, permanent
12 supportive housing, indoor emergency shelters, and indoor emergency
13 housing that apply to other types of lodging or residential
14 development within the same zone, unless otherwise required by state
15 law including, but not limited to, shoreline regulations under
16 chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy
17 codes under chapter 19.27A RCW, or electrical codes under chapter
18 19.28 RCW.

19 (4) If applying design review for transitional housing, permanent
20 supportive housing, indoor emergency shelters, and indoor emergency
21 housing, only administrative design review may be required. For the
22 purposes of this subsection, "administrative design review" means a
23 development permit process whereby an application is reviewed,
24 approved, or denied by the planning director or the planning
25 director's designee based solely on objective design and development
26 standards without a public predecision hearing, unless such review is
27 otherwise required by state or federal law, or the structure is a
28 designated landmark or within a historic district established under a
29 local preservation ordinance. A city may approve requests for
30 variances from locally established design review standards.

31 (5)(a) For an indoor emergency shelter or indoor emergency
32 housing, a code city may require the sponsor or managing agency to
33 certify in writing that it has, between the date the permit
34 application was approved and the date the certificate of occupancy
35 was issued:

36 (i) Provided the name, if any, of the facility and the name and
37 headquarters address of the managing entity;

38 (ii) Provided a description of any other programs operating in
39 the building and copies of the applicable licenses and certifications
40 held by the program;

1 (iii) Notified residents within 500 feet of the indoor emergency
2 shelter or indoor emergency housing;

3 (iv) Conducted more than one community meeting;

4 (v) Designated at least one point of contact and provide at least
5 one telephone number to be used in emergencies; and

6 (vi) Provided documentation of the sponsor's or managing agency's
7 operational policies or procedures for:

8 (A) Promoting and addressing health and safety inside the
9 building and in areas immediately adjacent to the building;

10 (B) Admissions, including a description of the populations the
11 project will serve and potential sources of referral;

12 (C) Program exit or transfer;

13 (D) Handling complaints and grievances from occupants; and

14 (E) Health, fire, safety, and occupancy.

15 (b) The written certification by the sponsor or managing entity
16 constitutes full compliance with (a) of this subsection (5). A code
17 city may not require the sponsor or managing agency to provide
18 additional certifications outside of what is allowed under (a) of
19 this subsection (5) or to repeat or revise any of the items in (a) (i)
20 through (vi) of this subsection (5). Nothing in this subsection (b)
21 prohibits the sponsor or managing agency from voluntarily updating
22 any of the information submitted under (a) (i) through (vi) of this
23 subsection (5).

24 (6) Nothing in this section requires a city to approve a permit
25 application for permanent supportive housing, transitional housing,
26 indoor emergency housing, or indoor emergency shelters that are
27 proposed in a critical area in which no lodging or residential
28 development is permitted, an area of natural hazards that generally
29 prohibit lodging or residential development, or on agricultural,
30 forest, or mineral lands of long-term commercial significance.

31 (7) (a) Upon receipt of a permit application for an indoor
32 emergency shelter or indoor emergency housing with a proposed
33 location within 500 feet of walking distance from another indoor
34 emergency shelter or other indoor emergency housing, or within 500
35 feet of walking distance from the physical grounds of a public school
36 as defined in RCW 28A.150.010 or a private school approved by the
37 board of education under chapter 28A.195 RCW, a code city may enter
38 into good faith negotiations with the sponsor of the indoor emergency
39 shelter or indoor emergency housing to establish additional and
40 reasonable requirements pertaining to health and safety protocols.

1 (b) If the parties are unable to come to an agreement under (a)
2 of this subsection (7) within 90 days of the permit being submitted,
3 the code city may deny the permit.

4 (c) This subsection (7) does not apply to an indoor emergency
5 shelter or indoor emergency housing designated for individuals under
6 the age of 18, families, or victims of domestic violence.

7 (d) Nothing in this subsection (7) allows a code city to limit
8 indoor emergency shelters or indoor emergency housing in a manner
9 where the capacity of indoor emergency shelters and indoor emergency
10 housing is insufficient to meet the projected needs identified under
11 RCW 36.70A.070(2)(a)(ii).

12 (8) For purposes of this section, "emergency housing," "emergency
13 shelter," "permanent supportive housing," and "transitional housing"
14 have the same meaning as in RCW 36.70A.030.

15 **Sec. 5.** RCW 36.130.020 and 2008 c 118 s 3 are each amended to
16 read as follows:

17 (1) A city, county, or other local governmental entity or agency
18 may not adopt, impose, or enforce requirements on an affordable
19 housing development that are different than the requirements imposed
20 on housing developments generally.

21 (2) This section does not prohibit any city, county, or other
22 local governmental entity or agency from extending preferential
23 treatment to affordable housing developments intended for including,
24 but not limited to, occupancy by homeless persons, farmworkers,
25 persons with disabilities, senior citizens, or low-income households.
26 Preferential treatment may include, but is not limited to: A
27 reduction or waiver of fees or changes in applicable requirements
28 including, without limitation, architectural requirements, site
29 development requirements, property line requirements, building
30 setback requirements, or vehicle parking requirements; or other
31 treatment that reduces or is likely to reduce the development or
32 operating costs of an affordable housing development.

33 (3) A city, county, or other local governmental entity or agency
34 may impose and enforce income qualification, coordinated entry,
35 reporting, and monitoring requirements on affordable housing
36 developments as conditions of loans, grants, financial support, tax
37 benefits, subsidy funds, or sale or lease of public property, or as
38 conditions to eligibility for any affordable housing incentive
39 program under RCW 36.70A.540 or any other program involving bonus

1 density, transfer of development rights, waiver of development
2 regulations or fees, or other development incentives.

3 (4) (a) A county or city may enter into a contract with a sponsor
4 proposing transitional housing, permanent supportive housing, an
5 indoor emergency shelter, or indoor emergency housing to establish
6 additional and reasonable operational requirements pertaining to
7 health and safety protocols.

8 (b) Legal consideration for a contract entered into under this
9 subsection (4) on the part of the county or city must, at a minimum,
10 include:

11 (i) A donation of real property to be used for the transitional
12 housing, permanent supportive housing, indoor emergency shelter, or
13 indoor emergency housing; or

14 (ii) A significant contribution from the general fund for capital
15 or operating expenses to be mutually determined by both parties.

16 (c) A county or city that unilaterally withdraws from or modifies
17 the consideration specified in (b) of this subsection (4) is in
18 material breach of the contract and the operational requirements
19 specified in the contract no longer apply to the transitional
20 housing, permanent supportive housing, indoor emergency shelter, or
21 indoor emergency housing.

22 (d) A county or city may not construe a sponsor's refusal to
23 accept contract terms pertaining to the consideration specified in
24 (b) of this subsection (4) as a failure to meet any of the
25 requirements of other fund sources available for the capital or
26 operational support, or of those otherwise allowed in RCW 35.21.683
27 or 35A.21.430 or section 2 of this act.

28 (e) Nothing in this subsection (4) requires a county or city to
29 enter into a contract under this subsection (4).

30 (f) For purposes of this subsection (4), "emergency housing,"
31 "emergency shelter," "permanent supportive housing," and
32 "transitional housing" have the same meanings as in RCW 36.70A.030.

33 **Sec. 6.** RCW 36.70A.030 and 2025 c 267 s 2 are each reenacted and
34 amended to read as follows:

35 Unless the context clearly requires otherwise, the definitions in
36 this section apply throughout this chapter.

37 (1) "Active transportation" means forms of pedestrian mobility
38 including walking or running, the use of a mobility assistive device
39 such as a wheelchair, bicycling and cycling irrespective of the

1 number of wheels, and the use of small personal devices such as foot
2 scooters or skateboards. Active transportation includes both
3 traditional and electric assist bicycles and other devices. Planning
4 for active transportation must consider and address accommodation
5 pursuant to the Americans with disabilities act and the distinct
6 needs of each form of active transportation.

7 (2) "Active transportation facilities" means facilities provided
8 for the safety and mobility of active transportation users including,
9 but not limited to, trails, as defined in RCW 47.30.005, sidewalks,
10 bike lanes, shared-use paths, and other facilities in the public
11 right-of-way.

12 (3) "Administrative design review" means a development permit
13 process whereby an application is reviewed, approved, or denied by
14 the planning director or the planning director's designee based
15 solely on objective design and development standards without a public
16 predecision hearing, unless such review is otherwise required by
17 state or federal law, or the structure is a designated landmark or
18 historic district established under a local preservation ordinance. A
19 city may utilize public meetings, hearings, or voluntary review
20 boards to consider, recommend, or approve requests for variances from
21 locally established design review standards.

22 (4) "Adopt a comprehensive land use plan" means to enact a new
23 comprehensive land use plan or to update an existing comprehensive
24 land use plan.

25 (5) "Affordable housing" means, unless the context clearly
26 indicates otherwise, residential housing whose monthly costs,
27 including utilities other than telephone, do not exceed 30 percent of
28 the monthly income of a household whose income is:

29 (a) For rental housing, 60 percent of the median household income
30 adjusted for household size, for the county where the household is
31 located, as reported by the United States department of housing and
32 urban development; or

33 (b) For owner-occupied housing, 80 percent of the median
34 household income adjusted for household size, for the county where
35 the household is located, as reported by the United States department
36 of housing and urban development.

37 (6) "Agricultural land" means land primarily devoted to the
38 commercial production of horticultural, viticultural, floricultural,
39 dairy, apiary, vegetable, or animal products or of berries, grain,
40 hay, straw, turf, seed, Christmas trees not subject to the excise tax

1 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
2 hatcheries, or livestock, and that has long-term commercial
3 significance for agricultural production.

4 (7) "Bus station area" means all lots that are:

5 (a) Fully within an urban growth area; and

6 (b) Fully or partially within one-quarter mile walking distance
7 of a stop on a fixed route bus system that is designated as a bus
8 rapid transit stop in the transit development plan as required in RCW
9 35.58.2795, for which an environmental determination has been issued
10 as required under chapter 43.21C RCW, and that features fixed transit
11 assets that indicate permanent, high capacity service including, but
12 not limited to, elevated platforms or enhanced stations, off-board
13 fare collection, dedicated lanes, busways, or transit signal
14 priority.

15 (8) "City" means any city or town, including a code city.

16 (9) "Comprehensive land use plan," "comprehensive plan," or
17 "plan" means a generalized coordinated land use policy statement of
18 the governing body of a county or city that is adopted pursuant to
19 this chapter.

20 (10) "Cottage housing" means residential units on a lot with a
21 common open space that either: (a) Is owned in common; or (b) has
22 units owned as condominium units with property owned in common and a
23 minimum of 20 percent of the lot size as open space.

24 (11) "Courtyard apartments" means attached dwelling units
25 arranged on two or three sides of a yard or court.

26 (12) "Critical areas" include the following areas and ecosystems:
27 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
28 used for potable water; (c) fish and wildlife habitat conservation
29 areas; (d) frequently flooded areas; and (e) geologically hazardous
30 areas. "Fish and wildlife habitat conservation areas" does not
31 include such artificial features or constructs as irrigation delivery
32 systems, irrigation infrastructure, irrigation canals, or drainage
33 ditches that lie within the boundaries of and are maintained by a
34 port district or an irrigation district or company.

35 (13) "Department" means the department of commerce.

36 (14) "Development regulations" or "regulation" means the controls
37 placed on development or land use activities by a county or city,
38 including, but not limited to, zoning ordinances, critical areas
39 ordinances, shoreline master programs, official controls, planned
40 unit development ordinances, subdivision ordinances, and binding site

1 plan ordinances together with any amendments thereto. A development
2 regulation does not include a decision to approve a project permit
3 application, as defined in RCW 36.70B.020, even though the decision
4 may be expressed in a resolution or ordinance of the legislative body
5 of the county or city.

6 (15) "Emergency housing" means temporary indoor accommodations
7 for individuals or families who are homeless or at imminent risk of
8 becoming homeless that is intended to address the basic health, food,
9 clothing, and personal hygiene needs of individuals or families.
10 Emergency housing may or may not require occupants to enter into a
11 lease or an occupancy agreement.

12 (16) "Emergency shelter" means a facility that provides a
13 temporary shelter for individuals or families who are currently
14 homeless. Emergency shelter may not require occupants to enter into a
15 lease or an occupancy agreement. Emergency shelter facilities may
16 include day and warming centers that do not provide overnight
17 accommodations.

18 (17) "Environmental justice" means the fair treatment and
19 meaningful involvement of all people regardless of race, color,
20 national origin, or income with respect to development,
21 implementation, and enforcement of environmental laws, regulations,
22 and policies. Environmental justice includes addressing
23 disproportionate environmental and health impacts in all laws, rules,
24 and policies with environmental impacts by prioritizing vulnerable
25 populations and overburdened communities and the equitable
26 distribution of resources and benefits.

27 (18) "Extremely low-income household" means a single person,
28 family, or unrelated persons living together whose adjusted income is
29 at or below 30 percent of the median household income adjusted for
30 household size, for the county where the household is located, as
31 reported by the United States department of housing and urban
32 development.

33 (19) "Floor area ratio" means a measure of development intensity
34 equal to building square footage divided by the developable property
35 square footage. Developable property excludes public facilities and
36 portions of lots with critical areas and critical area buffers as
37 designated in RCW 36.70A.060, except for critical aquifer recharge
38 areas where a single-family detached house is an allowed use provided
39 that any requirements to maintain aquifer recharge are met.

1 (20) "Forestland" means land primarily devoted to growing trees
2 for long-term commercial timber production on land that can be
3 economically and practically managed for such production, including
4 Christmas trees subject to the excise tax imposed under RCW 84.33.100
5 through 84.33.140, and that has long-term commercial significance. In
6 determining whether forestland is primarily devoted to growing trees
7 for long-term commercial timber production on land that can be
8 economically and practically managed for such production, the
9 following factors shall be considered: (a) The proximity of the land
10 to urban, suburban, and rural settlements; (b) surrounding parcel
11 size and the compatibility and intensity of adjacent and nearby land
12 uses; (c) long-term local economic conditions that affect the ability
13 to manage for timber production; and (d) the availability of public
14 facilities and services conducive to conversion of forestland to
15 other uses.

16 (21) "Freight rail dependent uses" means buildings and other
17 infrastructure that are used in the fabrication, processing, storage,
18 and transport of goods where the use is dependent on and makes use of
19 an adjacent short line railroad. Such facilities are both urban and
20 rural development for purposes of this chapter. "Freight rail
21 dependent uses" does not include buildings and other infrastructure
22 that are used in the fabrication, processing, storage, and transport
23 of coal, liquefied natural gas, or "crude oil" as defined in RCW
24 90.56.010.

25 (22) "Geologically hazardous areas" means areas that because of
26 their susceptibility to erosion, sliding, earthquake, or other
27 geological events, are not suited to the siting of commercial,
28 residential, or industrial development consistent with public health
29 or safety concerns.

30 (23) "Green infrastructure" means a wide array of natural assets
31 and built structures within an urban growth area boundary, including
32 parks and other areas with protected tree canopy, and management
33 practices at multiple scales that manage wet weather and that
34 maintain and restore natural hydrology by storing, infiltrating,
35 evapotranspiring, and harvesting and using stormwater.

36 (24) "Green space" means an area of land, vegetated by natural
37 features such as grass, trees, or shrubs, within an urban context and
38 less than one acre in size that creates public value through one or
39 more of the following attributes:

40 (a) Is accessible to the public;

- 1 (b) Promotes physical and mental health of residents;
- 2 (c) Provides relief from the urban heat island effects;
- 3 (d) Promotes recreational and aesthetic values;
- 4 (e) Protects streams or water supply; or
- 5 (f) Preserves visual quality along highway, road, or street
- 6 corridors.

7 (25) "Long-term commercial significance" includes the growing
8 capacity, productivity, and soil composition of the land for long-
9 term commercial production, in consideration with the land's
10 proximity to population areas, and the possibility of more intense
11 uses of the land.

12 (26) "Low-income household" means a single person, family, or
13 unrelated persons living together whose adjusted income is at or
14 below 80 percent of the median household income adjusted for
15 household size, for the county where the household is located, as
16 reported by the United States department of housing and urban
17 development.

18 (27) "Major transit stop" means:

19 (a) A stop on a high capacity transportation system funded or
20 expanded under the provisions of chapter 81.104 RCW, except for any
21 stop that solely serves express bus service or serves express bus
22 service and other bus services not otherwise meeting the definition
23 of major transit stop;

24 (b) Commuter rail stops;

25 (c) Stops on rail or fixed guideway systems; or

26 (d) Stops on bus rapid transit routes, including those stops that
27 are under construction.

28 (28) "Middle housing" means buildings that are compatible in
29 scale, form, and character with single-family houses and contain two
30 or more attached, stacked, or clustered homes including duplexes,
31 triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked
32 flats, courtyard apartments, and cottage housing.

33 (29) "Minerals" include gravel, sand, and valuable metallic
34 substances.

35 (30) "Moderate-income household" means a single person, family,
36 or unrelated persons living together whose adjusted income is at or
37 below 120 percent of the median household income adjusted for
38 household size, for the county where the household is located, as
39 reported by the United States department of housing and urban
40 development.

1 (31) "Overburdened community" means a geographic area where
2 vulnerable populations face combined, multiple environmental harms
3 and health impacts, and includes, but is not limited to, highly
4 impacted communities as defined in RCW 19.405.020.

5 (32) "Per capita vehicle miles traveled" means the number of
6 miles traveled using cars and light trucks in a calendar year divided
7 by the number of residents in Washington. The calculation of this
8 value excludes vehicle miles driven conveying freight.

9 (33) "Permanent supportive housing" is subsidized, leased housing
10 with no limit on length of stay that prioritizes people who need
11 comprehensive support services to retain tenancy and utilizes
12 admissions practices designed to use lower barriers to entry than
13 would be typical for other subsidized or unsubsidized rental housing,
14 especially related to rental history, criminal history, and personal
15 behaviors. Permanent supportive housing is paired with on-site or
16 off-site voluntary services designed to support a person living with
17 a complex and disabling behavioral health or physical health
18 condition who was experiencing homelessness or was at imminent risk
19 of homelessness prior to moving into housing to retain their housing
20 and be a successful tenant in a housing arrangement, improve the
21 resident's health status, and connect the resident of the housing
22 with community-based health care, treatment, or employment services.
23 Permanent supportive housing is subject to all of the rights and
24 responsibilities defined in chapter 59.18 RCW.

25 (34) "Public facilities" include streets, roads, highways,
26 sidewalks, street and road lighting systems, traffic signals,
27 domestic water systems, storm and sanitary sewer systems, parks and
28 recreational facilities, and schools.

29 (35) "Public services" include fire protection and suppression,
30 law enforcement, public health, education, recreation, environmental
31 protection, and other governmental services.

32 (36) "Rail station area" means all lots fully within an urban
33 growth area that are:

34 (a) Fully or partially within one-half mile walking distance of
35 an entrance to a train station with a stop on a light rail system, a
36 commuter rail stop in a city with a population greater than 15,000,
37 or a stop on a rail trolley operated west of the crest of the Cascade
38 mountains; or

1 (b) Fully or partially within one-quarter mile walking distance
2 of an entrance to a train station with a commuter rail stop in a city
3 with a population no greater than 15,000.

4 (37) "Recreational land" means land so designated under RCW
5 36.70A.1701 and that, immediately prior to this designation, was
6 designated as agricultural land of long-term commercial significance
7 under RCW 36.70A.170. Recreational land must have playing fields and
8 supporting facilities existing before July 1, 2004, for sports played
9 on grass playing fields.

10 (38) "Rural character" refers to the patterns of land use and
11 development established by a county in the rural element of its
12 comprehensive plan:

13 (a) In which open space, the natural landscape, and vegetation
14 predominate over the built environment;

15 (b) That foster traditional rural lifestyles, rural-based
16 economies, and opportunities to both live and work in rural areas;

17 (c) That provide visual landscapes that are traditionally found
18 in rural areas and communities;

19 (d) That are compatible with the use of the land by wildlife and
20 for fish and wildlife habitat;

21 (e) That reduce the inappropriate conversion of undeveloped land
22 into sprawling, low-density development;

23 (f) That generally do not require the extension of urban
24 governmental services; and

25 (g) That are consistent with the protection of natural surface
26 water flows and groundwater and surface water recharge and discharge
27 areas.

28 (39) "Rural development" refers to development outside the urban
29 growth area and outside agricultural, forest, and mineral resource
30 lands designated pursuant to RCW 36.70A.170. Rural development can
31 consist of a variety of uses and residential densities, including
32 clustered residential development, at levels that are consistent with
33 the preservation of rural character and the requirements of the rural
34 element. Rural development does not refer to agriculture or forestry
35 activities that may be conducted in rural areas.

36 (40) "Rural governmental services" or "rural services" include
37 those public services and public facilities historically and
38 typically delivered at an intensity usually found in rural areas, and
39 may include domestic water systems and fire and police protection
40 services associated with rural development and normally not

1 associated with urban areas. Rural services do not include storm or
2 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

3 (41) "Short line railroad" means those railroad lines designated
4 class II or class III by the United States surface transportation
5 board.

6 (42) "Single-family zones" means those zones where single-family
7 detached housing is the predominant land use.

8 (43) "Stacked flat" means dwelling units in a residential
9 building of no more than three stories on a residential zoned lot in
10 which each floor may be separately rented or owned.

11 (44) "Station area" means a bus station area or a rail station
12 area.

13 (45) "Townhouses" means buildings that contain three or more
14 attached single-family dwelling units that extend from foundation to
15 roof and that have a yard or public way on not less than two sides.

16 (46) "Transitional housing" has the same meaning as in RCW
17 84.36.043.

18 (47) "Transportation system" means all infrastructure and
19 services for all forms of transportation within a geographical area,
20 irrespective of the responsible jurisdiction or transportation
21 provider.

22 ~~((47))~~ (48) "Urban governmental services" or "urban services"
23 include those public services and public facilities at an intensity
24 historically and typically provided in cities, specifically including
25 storm and sanitary sewer systems, domestic water systems, street
26 cleaning services, fire and police protection services, public
27 transit services, and other public utilities associated with urban
28 areas and normally not associated with rural areas.

29 ~~((48))~~ (49) "Urban growth" refers to growth that makes
30 intensive use of land for the location of buildings, structures, and
31 impermeable surfaces to such a degree as to be incompatible with the
32 primary use of land for the production of food, other agricultural
33 products, or fiber, or the extraction of mineral resources, rural
34 uses, rural development, and natural resource lands designated
35 pursuant to RCW 36.70A.170. A pattern of more intensive rural
36 development, as provided in RCW 36.70A.070(5)(d), is not urban
37 growth. When allowed to spread over wide areas, urban growth
38 typically requires urban governmental services. "Characterized by
39 urban growth" refers to land having urban growth located on it, or to

1 land located in relationship to an area with urban growth on it as to
2 be appropriate for urban growth.

3 ~~((49))~~ (50) "Urban growth areas" means those areas designated
4 by a county pursuant to RCW 36.70A.110.

5 ~~((50))~~ (51) "Very low-income household" means a single person,
6 family, or unrelated persons living together whose adjusted income is
7 at or below 50 percent of the median household income adjusted for
8 household size, for the county where the household is located, as
9 reported by the United States department of housing and urban
10 development.

11 ~~((51))~~ (52) (a) "Vulnerable populations" means population groups
12 that are more likely to be at higher risk for poor health outcomes in
13 response to environmental harms, due to: (i) Adverse socioeconomic
14 factors, such as unemployment, high housing and transportation costs
15 relative to income, limited access to nutritious food and adequate
16 health care, linguistic isolation, and other factors that negatively
17 affect health outcomes and increase vulnerability to the effects of
18 environmental harms; and (ii) sensitivity factors, such as low birth
19 weight and higher rates of hospitalization.

20 (b) "Vulnerable populations" includes, but is not limited to:

21 (i) Racial or ethnic minorities;

22 (ii) Low-income populations; and

23 (iii) Populations disproportionately impacted by environmental
24 harms.

25 ~~((52))~~ (53) "Wetland" or "wetlands" means areas that are
26 inundated or saturated by surface water or groundwater at a frequency
27 and duration sufficient to support, and that under normal
28 circumstances do support, a prevalence of vegetation typically
29 adapted for life in saturated soil conditions. Wetlands generally
30 include swamps, marshes, bogs, and similar areas. Wetlands do not
31 include those artificial wetlands intentionally created from
32 nonwetland sites, including, but not limited to, irrigation and
33 drainage ditches, grass-lined swales, canals, detention facilities,
34 wastewater treatment facilities, farm ponds, and landscape amenities,
35 or those wetlands created after July 1, 1990, that were
36 unintentionally created as a result of the construction of a road,
37 street, or highway. Wetlands may include those artificial wetlands
38 intentionally created from nonwetland areas created to mitigate
39 conversion of wetlands.

1 (~~(53)~~) (54) "Wildland urban interface" means the geographical
2 area where structures and other human development meets or
3 intermingles with wildland vegetative fuels.

4 NEW SECTION. **Sec. 7.** (1) A county or city subject to this act
5 shall adopt or amend by ordinance, and incorporate into its
6 development regulations, zoning regulations, and other official
7 controls, the requirements of this act within two years of the
8 effective date of this section or its next comprehensive plan update,
9 whichever occurs first. The requirements of this act supersede,
10 preempt, and invalidate any conflicting local regulations and apply
11 regardless of whether a county or city has incorporated the
12 requirements of this act into the county's or city's development
13 regulations, zoning regulations, and other official controls.

14 (2) This act does not apply to transitional housing, permanent
15 supportive housing, indoor emergency shelters, and indoor emergency
16 housing in operation on the effective date of this section. A county
17 or city may not deem transitional housing, permanent supportive
18 housing, indoor emergency shelters, and indoor emergency housing in
19 operation on the effective date of this section unlawful or
20 noncompliant due to the provisions of the act or due to ordinances,
21 regulations, or controls adopted or amended under subsection (1) of
22 this section.

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