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**SUBSTITUTE HOUSE BILL 2266**

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**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 35.21.990, 35A.21.440, and 36.70A.030;  
5 adding a new section to chapter 36.70A RCW; and creating new  
6 sections.

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

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

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

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

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

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

12 (ii) Indoor emergency shelters and indoor emergency housing in  
13 any zones within an urban growth area in which hotels are allowed.  
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 county or city may not require transitional housing,  
23 permanent supportive housing, indoor emergency housing, and indoor  
24 emergency shelters to be located in a zone within an urban growth  
25 area zoned for industrial use.

26 (2) Except as provided in subsections (5) and (6) of this  
27 section, a county or city may not require through development  
28 regulations, ordinances, or legal agreements any standards,  
29 conditions, or requirements for transitional housing, permanent  
30 supportive housing, indoor emergency housing, and indoor emergency  
31 shelters that are more restrictive than those required for other  
32 types of lodging and residential development within the same zone,  
33 but may apply any objective development regulations, including form-  
34 based codes, that are required for residential development including,  
35 but not limited to, setback, lot coverage, stormwater, clearing, and  
36 tree canopy and retention requirements.

37 (3) A county or city shall only apply the same development permit  
38 and environmental review processes to transitional housing, permanent  
39 supportive housing, indoor emergency shelters, and indoor emergency

1 housing that apply to other types of lodging and 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) Notified residents within 500 feet of the indoor emergency  
16 shelter or indoor emergency housing;

17 (ii) Conducted no more than one community meeting;

18 (iii) Designated at least one point of contact and provide at  
19 least one telephone number to be used in emergencies; and

20 (iv) Provided documentation of the sponsor's or managing agency's  
21 operational policies or procedures for health, fire, safety, and  
22 occupancy.

23 (b) The written certification by the sponsor or managing entity  
24 constitutes full compliance with (a) of this subsection. A county or  
25 city may not require the sponsor or managing agency to provide  
26 additional certifications outside of what is allowed under (a) of  
27 this subsection (5) or to repeat or revise any of the items in (a)(i)  
28 through (iv) of this subsection (5). Nothing in this subsection (b)  
29 prohibits the sponsor or managing agency from voluntarily updating  
30 any of the information submitted under (a)(i) through (iv) of this  
31 subsection (5).

32 (6) Nothing in this section requires a city or county to approve  
33 a permit application for permanent supportive housing, transitional  
34 housing, indoor emergency housing, or indoor emergency shelters that  
35 are proposed in a critical area in which no residential development  
36 is permitted, an area of natural hazards that generally prohibit  
37 residential development, or on agricultural, forest, or mineral lands  
38 of long-term commercial significance.

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

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

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

7       (ii) Indoor emergency shelters and indoor emergency housing in  
8 any zones in which hotels are allowed(~~(,~~ ~~except in such cities that~~  
9 ~~have adopted an ordinance authorizing indoor emergency shelters and~~  
10 ~~indoor emergency housing in a majority of zones within a one-mile~~  
11 ~~proximity to transit. Reasonable occupancy, spacing, and intensity of~~  
12 ~~use requirements may be imposed by ordinance on permanent supportive~~  
13 ~~housing, transitional housing, indoor emergency housing, and indoor~~  
14 ~~emergency shelters to protect public health and safety. Any such~~  
15 ~~requirements on occupancy, spacing, and intensity of use may not~~  
16 ~~prevent the siting of a sufficient number of permanent supportive~~  
17 ~~housing, transitional housing, indoor emergency housing, or indoor~~  
18 ~~emergency shelters necessary to accommodate each city's projected~~  
19 ~~need for such housing and shelter under RCW 36.70A.070(2)(a)(ii))~~).

20 Nothing in this subsection allows a county or city to limit indoor  
21 emergency shelters and indoor emergency housing in a manner where the  
22 capacity of indoor emergency shelters and indoor emergency housing is  
23 insufficient to meet the projected needs identified under RCW  
24 36.70A.070(2)(a)(ii). A county or city must allow indoor emergency  
25 shelters and indoor emergency housing in additional types of zones  
26 when necessary to meet projected needs identified in RCW  
27 36.70A.070(2)(a)(ii).

28       (b) A city may not require transitional housing, permanent  
29 supportive housing, indoor emergency housing, and indoor emergency  
30 shelters to be located in a zone within an area zoned for industrial  
31 use.

32       (2) Except as provided in subsections (5) and (6) of this  
33 section, a city may not require through development regulations,  
34 ordinances, or legal agreements any development or operating  
35 standards, conditions, or requirements for transitional housing,  
36 permanent supportive housing, indoor emergency housing, and indoor  
37 emergency shelters that are more restrictive than those required for  
38 other types of lodging and residential development within the same  
39 zone, but may apply any objective development regulations, including  
40 form-based codes, that are required for residential development

1 including, but not limited to, setback, lot coverage, stormwater,  
2 clearing, and tree canopy and retention requirements.

3 (3) A county or city shall only apply the same development permit  
4 and environmental review processes to transitional housing, permanent  
5 supportive housing, indoor emergency shelters, and indoor emergency  
6 housing that apply to other types of lodging and residential  
7 development within the same zone, unless otherwise required by state  
8 law including, but not limited to, shoreline regulations under  
9 chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy  
10 codes under chapter 19.27A RCW, or electrical codes under chapter  
11 19.28 RCW.

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

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

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

30 (ii) Conducted no more than one community meeting;

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

33 (iv) Provided documentation of the sponsor's or managing agency's  
34 operational policies or procedures for health, fire, safety, and  
35 occupancy.

36 (b) The written certification by the sponsor or managing entity  
37 constitutes full compliance with (a) of this subsection (5). A city  
38 may not require the sponsor or managing agency to provide additional  
39 certifications outside of what is allowed under (a) of this  
40 subsection (5) or to repeat or revise any of the items in (a) (i)

1 through (iv) of this subsection (5). Nothing in this subsection (b)  
2 prohibits the sponsor or managing agency from voluntarily updating  
3 any of the information submitted under (a)(i) through (iv) of this  
4 subsection (5).

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

12 (7) For purposes of this section, "transitional housing" has the  
13 same meaning as in RCW 84.36.043.

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

16 (1)(a) A code city ((shall not prohibit transitional)) must  
17 allow:

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

22 (ii) Indoor emergency shelters and indoor emergency housing in  
23 any zones in which hotels are allowed(~~(,~~ except in such cities that  
24 have adopted an ordinance authorizing indoor emergency shelters and  
25 indoor emergency housing in a majority of zones within a one-mile  
26 proximity to transit. Reasonable occupancy, spacing, and intensity of  
27 use requirements may be imposed by ordinance on permanent supportive  
28 housing, transitional housing, indoor emergency housing, and indoor  
29 emergency shelters to protect public health and safety. Any such  
30 requirements on occupancy, spacing, and intensity of use may not  
31 prevent the siting of a sufficient number of permanent supportive  
32 housing, transitional housing, indoor emergency housing, or indoor  
33 emergency shelters necessary to accommodate each code city's  
34 projected need for such housing and shelter under RCW  
35 36.70A.070(2)(a)(ii)). Nothing in this subsection allows a county or  
36 city to limit indoor emergency shelters and indoor emergency housing  
37 in a manner where the capacity of indoor emergency shelters and  
38 indoor emergency housing is insufficient to meet the projected needs  
39 identified under RCW 36.70A.070(2)(a)(ii). A county or city must

1 allow indoor emergency shelters and indoor emergency housing in  
2 additional types of zones when necessary to meet projected needs  
3 identified in RCW 36.70A.070(2)(a)(ii).

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

8 (2) Except as provided in subsections (5) and (6) of this  
9 section, a code city may not require through development regulations,  
10 ordinances, or legal agreements any development or operating  
11 standards, conditions, or requirements for transitional housing,  
12 permanent supportive housing, indoor emergency housing, and indoor  
13 emergency shelters that are more restrictive than those required for  
14 other types of lodging and residential development within the same  
15 zone, but may apply any objective development regulations, including  
16 form-based codes, that are required for residential development  
17 including, but not limited to, setback, lot coverage, stormwater,  
18 clearing, and tree canopy and retention requirements.

19 (3) A code city shall only apply the same development permit and  
20 environmental review processes to transitional housing, permanent  
21 supportive housing, indoor emergency shelters, and indoor emergency  
22 housing that apply to other types of lodging and residential  
23 development within the same zone, unless otherwise required by state  
24 law including, but not limited to, shoreline regulations under  
25 chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy  
26 codes under chapter 19.27A RCW, or electrical codes under chapter  
27 19.28 RCW.

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

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

6 (i) Notified residents within 500 feet of the indoor emergency  
7 shelter or indoor emergency housing;

8 (ii) Conducted no more than one community meeting;

9 (iii) Designated at least one point of contact and provide at  
10 least one telephone number to be used in emergencies; and

11 (iv) Provided documentation of the sponsor's or managing agency's  
12 operational policies or procedures for health, fire, safety, and  
13 occupancy.

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

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

30 (7) For purposes of this section, "transitional housing" has the  
31 same meaning as in RCW 84.36.043.

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

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

38 (2) This section does not prohibit any city, county, or other  
39 local governmental entity or agency from extending preferential

1 treatment to affordable housing developments intended for including,  
2 but not limited to, occupancy by homeless persons, farmworkers,  
3 persons with disabilities, senior citizens, or low-income households.  
4 Preferential treatment may include, but is not limited to: A  
5 reduction or waiver of fees or changes in applicable requirements  
6 including, without limitation, architectural requirements, site  
7 development requirements, property line requirements, building  
8 setback requirements, or vehicle parking requirements; or other  
9 treatment that reduces or is likely to reduce the development or  
10 operating costs of an affordable housing development.

11 (3) A city, county, or other local governmental entity or agency  
12 may impose and enforce income qualification, coordinated entry,  
13 reporting, and monitoring requirements on affordable housing  
14 developments as conditions of loans, grants, financial support, tax  
15 benefits, subsidy funds, or sale or lease of public property, or as  
16 conditions to eligibility for any affordable housing incentive  
17 program under RCW 36.70A.540 or any other program involving bonus  
18 density, transfer of development rights, waiver of development  
19 regulations or fees, or other development incentives.

20 **Sec. 6.** RCW 35.21.990 and 2025 c 203 s 2 and 2025 c 139 s 3 are  
21 each reenacted and amended to read as follows:

22 (1)(a) Cities must adopt or amend by ordinance, and incorporate  
23 into their development regulations, zoning regulations, and other  
24 official controls the requirements of subsection (2) of this section  
25 for buildings in commercial, mixed-use, or residential zones no later  
26 than June 30, 2026.

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

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

36 (a) Impose a restriction on housing unit density that prevents  
37 the addition of housing units at a density up to 50 percent more than  
38 what is allowed in the underlying zone if constructed entirely within  
39 an existing building envelope in a building located within a zone

1 that permits multifamily housing, provided that generally applicable  
2 health and safety standards, including but not limited to building  
3 code standards and fire and life safety standards, can be met within  
4 the building;

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

11 (c) (~~((With the exception of emergency housing and transitional~~  
12 ~~housing uses, impose))~~ Impose permitting requirements on the use of  
13 an existing building for residential purposes beyond those  
14 requirements generally applicable to all residential development  
15 within the building's zone, including requiring a change of use  
16 permit;

17 (d) Impose design standard requirements, including setbacks, lot  
18 coverage, and floor area ratio requirements, on the use of an  
19 existing building for residential purposes beyond those requirements  
20 generally applicable to all residential development within the  
21 building's zone, except as provided in RCW 36.70A.810 and 36.70A.812;

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

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

33 (g) Require unchanged portions of an existing building that have  
34 been used for residential or previously permit-approved conditioned  
35 space purposes to meet the current energy code solely because of the  
36 addition of new dwelling units within the building. When any other  
37 existing building is converted to new dwelling units, changed  
38 portions of each of those new units must meet the requirements of the  
39 current energy code, except if:

1 (i) The square footage of new dwelling units does not exceed  
2 2,500 square feet or 50 percent of the total building square footage,  
3 whichever is greater;

4 (ii) The building owner submits documentation, in a form  
5 acceptable to the city, showing the building's residential units'  
6 projected energy use intensity is less than or equal to the energy  
7 use intensity target in accordance with the clean buildings  
8 performance standard in RCW 19.27A.210; or

9 (iii) In all areas zoned for residential housing, an additional  
10 housing unit is created within an existing home;

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

17 (i) Require a transportation concurrency study under RCW  
18 36.70A.070 or an environmental study under chapter 43.21C RCW based  
19 on the addition of residential units within an existing building.

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

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

28 **Sec. 7.** RCW 35A.21.440 and 2025 c 203 s 1 and 2025 c 139 s 4 are  
29 each reenacted and amended to read as follows:

30 (1)(a) Code cities must adopt or amend by ordinance, and  
31 incorporate into their development regulations, zoning regulations,  
32 and other official controls the requirements of subsection (2) of  
33 this section for buildings in commercial, mixed-use, or residential  
34 zones no later than June 30, 2026.

35 (b) The requirements of subsection (2) of this section apply and  
36 take effect in any code city that has not adopted or amended  
37 ordinances, regulations, or other official controls as required under  
38 this section by the timeline in (a) of this subsection and supersede,

1 preempt, and invalidate any conflicting local development  
2 regulations.

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

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

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

20 (c) (~~With the exception of emergency housing and transitional~~  
21 ~~housing uses, impose~~) Impose permitting requirements on the use of  
22 an existing building for residential purposes beyond those  
23 requirements generally applicable to all residential development  
24 within the building's zone, including requiring a change of use  
25 permit;

26 (d) Impose design standard requirements, including setbacks, lot  
27 coverage, and floor area ratio requirements, on the use of an  
28 existing building for residential purposes beyond those requirements  
29 generally applicable to all residential development within the  
30 building's zone, except as provided in RCW 36.70A.810 and 36.70A.812;

31 (e) Impose exterior design or architectural requirements on the  
32 residential use of an existing building beyond those necessary for  
33 health and safety of the use of the interior of the building or to  
34 preserve character-defining streetscapes, unless the building is a  
35 designated landmark or is within a historic district established  
36 through a local preservation ordinance;

37 (f) Prohibit the addition of housing units in any specific part  
38 of a building except ground floor commercial or retail that is along  
39 a major pedestrian corridor as defined by the code city, unless the

1 addition of the units would violate applicable building codes or  
2 health and safety standards;

3 (g) Require unchanged portions of an existing building that have  
4 been used for residential or previously permit-approved conditioned  
5 space purposes to meet the current energy code solely because of the  
6 addition of new dwelling units within the building. When any other  
7 existing building is converted to new dwelling units, changed  
8 portions of each of those new units must meet the requirements of the  
9 current energy code, except if:

10 (i) The square footage of new dwelling units does not exceed  
11 2,500 square feet or 50 percent of the total building square footage,  
12 whichever is greater;

13 (ii) The building owner submits documentation, in a form  
14 acceptable to the code city, showing the building's residential  
15 units' projected energy use intensity is less than or equal to the  
16 energy use intensity target in accordance with the clean buildings  
17 performance standard in RCW 19.27A.210; or

18 (iii) In all areas zoned for residential housing, an additional  
19 housing unit is created within an existing home;

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

27 (i) Require a transportation concurrency study under RCW  
28 36.70A.070 or an environmental study under chapter 43.21C RCW based  
29 on the addition of residential units within an existing building.

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

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

38 **Sec. 8.** RCW 36.70A.030 and 2025 c 267 s 2 are each reenacted and  
39 amended to read as follows:

1 Unless the context clearly requires otherwise, the definitions in  
2 this section apply throughout this chapter.

3 (1) "Active transportation" means forms of pedestrian mobility  
4 including walking or running, the use of a mobility assistive device  
5 such as a wheelchair, bicycling and cycling irrespective of the  
6 number of wheels, and the use of small personal devices such as foot  
7 scooters or skateboards. Active transportation includes both  
8 traditional and electric assist bicycles and other devices. Planning  
9 for active transportation must consider and address accommodation  
10 pursuant to the Americans with disabilities act and the distinct  
11 needs of each form of active transportation.

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

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

27 (4) "Adopt a comprehensive land use plan" means to enact a new  
28 comprehensive land use plan or to update an existing comprehensive  
29 land use plan.

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

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

38 (b) For owner-occupied housing, 80 percent of the median  
39 household income adjusted for household size, for the county where

1 the household is located, as reported by the United States department  
2 of housing and urban development.

3 (6) "Agricultural land" means land primarily devoted to the  
4 commercial production of horticultural, viticultural, floricultural,  
5 dairy, apiary, vegetable, or animal products or of berries, grain,  
6 hay, straw, turf, seed, Christmas trees not subject to the excise tax  
7 imposed by RCW 84.33.100 through 84.33.140, finfish in upland  
8 hatcheries, or livestock, and that has long-term commercial  
9 significance for agricultural production.

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

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

12 (b) Fully or partially within one-quarter mile walking distance  
13 of a stop on a fixed route bus system that is designated as a bus  
14 rapid transit stop in the transit development plan as required in RCW  
15 35.58.2795, for which an environmental determination has been issued  
16 as required under chapter 43.21C RCW, and that features fixed transit  
17 assets that indicate permanent, high capacity service including, but  
18 not limited to, elevated platforms or enhanced stations, off-board  
19 fare collection, dedicated lanes, busways, or transit signal  
20 priority.

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

22 (9) "Comprehensive land use plan," "comprehensive plan," or  
23 "plan" means a generalized coordinated land use policy statement of  
24 the governing body of a county or city that is adopted pursuant to  
25 this chapter.

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

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

32 (12) "Critical areas" include the following areas and ecosystems:

33 (a) Wetlands; (b) areas with a critical recharging effect on aquifers  
34 used for potable water; (c) fish and wildlife habitat conservation  
35 areas; (d) frequently flooded areas; and (e) geologically hazardous  
36 areas. "Fish and wildlife habitat conservation areas" does not  
37 include such artificial features or constructs as irrigation delivery  
38 systems, irrigation infrastructure, irrigation canals, or drainage  
39 ditches that lie within the boundaries of and are maintained by a  
40 port district or an irrigation district or company.

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

2 (14) "Development regulations" or "regulation" means the controls  
3 placed on development or land use activities by a county or city,  
4 including, but not limited to, zoning ordinances, critical areas  
5 ordinances, shoreline master programs, official controls, planned  
6 unit development ordinances, subdivision ordinances, and binding site  
7 plan ordinances together with any amendments thereto. A development  
8 regulation does not include a decision to approve a project permit  
9 application, as defined in RCW 36.70B.020, even though the decision  
10 may be expressed in a resolution or ordinance of the legislative body  
11 of the county or city.

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

18 (16) "Emergency shelter" means a facility that provides a  
19 temporary shelter for individuals or families who are currently  
20 homeless. Emergency shelter may not require occupants to enter into a  
21 lease or an occupancy agreement. Emergency shelter facilities may  
22 include day and warming centers that do not provide overnight  
23 accommodations.

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

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

39 (19) "Floor area ratio" means a measure of development intensity  
40 equal to building square footage divided by the developable property

1 square footage. Developable property excludes public facilities and  
2 portions of lots with critical areas and critical area buffers as  
3 designated in RCW 36.70A.060, except for critical aquifer recharge  
4 areas where a single-family detached house is an allowed use provided  
5 that any requirements to maintain aquifer recharge are met.

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

21 (21) "Freight rail dependent uses" means buildings and other  
22 infrastructure that are used in the fabrication, processing, storage,  
23 and transport of goods where the use is dependent on and makes use of  
24 an adjacent short line railroad. Such facilities are both urban and  
25 rural development for purposes of this chapter. "Freight rail  
26 dependent uses" does not include buildings and other infrastructure  
27 that are used in the fabrication, processing, storage, and transport  
28 of coal, liquefied natural gas, or "crude oil" as defined in RCW  
29 90.56.010.

30 (22) "Geologically hazardous areas" means areas that because of  
31 their susceptibility to erosion, sliding, earthquake, or other  
32 geological events, are not suited to the siting of commercial,  
33 residential, or industrial development consistent with public health  
34 or safety concerns.

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

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

5 (a) Is accessible to the public;

6 (b) Promotes physical and mental health of residents;

7 (c) Provides relief from the urban heat island effects;

8 (d) Promotes recreational and aesthetic values;

9 (e) Protects streams or water supply; or

10 (f) Preserves visual quality along highway, road, or street  
11 corridors.

12 (25) "Long-term commercial significance" includes the growing  
13 capacity, productivity, and soil composition of the land for long-  
14 term commercial production, in consideration with the land's  
15 proximity to population areas, and the possibility of more intense  
16 uses of the land.

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

23 (27) "Major transit stop" means:

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

29 (b) Commuter rail stops;

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

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

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

38 (29) "Minerals" include gravel, sand, and valuable metallic  
39 substances.

1 (30) "Moderate-income household" means a single person, family,  
2 or unrelated persons living together whose adjusted income is at or  
3 below 120 percent of the median household income adjusted for  
4 household size, for the county where the household is located, as  
5 reported by the United States department of housing and urban  
6 development.

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

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

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

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

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

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

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

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

9 (37) "Recreational land" means land so designated under RCW  
10 36.70A.1701 and that, immediately prior to this designation, was  
11 designated as agricultural land of long-term commercial significance  
12 under RCW 36.70A.170. Recreational land must have playing fields and  
13 supporting facilities existing before July 1, 2004, for sports played  
14 on grass playing fields.

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

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

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

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

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

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

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

30 (g) That are consistent with the protection of natural surface  
31 water flows and groundwater and surface water recharge and discharge  
32 areas.

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

1 (40) "Rural governmental services" or "rural services" include  
2 those public services and public facilities historically and  
3 typically delivered at an intensity usually found in rural areas, and  
4 may include domestic water systems and fire and police protection  
5 services associated with rural development and normally not  
6 associated with urban areas. Rural services do not include storm or  
7 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

8 (41) "Short line railroad" means those railroad lines designated  
9 class II or class III by the United States surface transportation  
10 board.

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

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

16 (44) "Station area" means a bus station area or a rail station  
17 area.

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

21 (46) "Transitional housing" has the same meaning as in RCW  
22 84.36.043.

23 (47) "Transportation system" means all infrastructure and  
24 services for all forms of transportation within a geographical area,  
25 irrespective of the responsible jurisdiction or transportation  
26 provider.

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

34 ~~((48))~~ (49) "Urban growth" refers to growth that makes  
35 intensive use of land for the location of buildings, structures, and  
36 impermeable surfaces to such a degree as to be incompatible with the  
37 primary use of land for the production of food, other agricultural  
38 products, or fiber, or the extraction of mineral resources, rural  
39 uses, rural development, and natural resource lands designated  
40 pursuant to RCW 36.70A.170. A pattern of more intensive rural

1 development, as provided in RCW 36.70A.070(5)(d), is not urban  
2 growth. When allowed to spread over wide areas, urban growth  
3 typically requires urban governmental services. "Characterized by  
4 urban growth" refers to land having urban growth located on it, or to  
5 land located in relationship to an area with urban growth on it as to  
6 be appropriate for urban growth.

7 ~~((49))~~ (50) "Urban growth areas" means those areas designated  
8 by a county pursuant to RCW 36.70A.110.

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

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

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

25 (i) Racial or ethnic minorities;

26 (ii) Low-income populations; and

27 (iii) Populations disproportionately impacted by environmental  
28 harms.

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

1 street, or highway. Wetlands may include those artificial wetlands  
2 intentionally created from nonwetland areas created to mitigate  
3 conversion of wetlands.

4 ~~((53))~~ (54) "Wildland urban interface" means the geographical  
5 area where structures and other human development meets or  
6 intermingles with wildland vegetative fuels.

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

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

--- END ---