
HOUSE BILL 2266

State of Washington

69th Legislature

2026 Regular Session

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

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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 and 35A.21.440; adding a new
5 section to chapter 36.70A RCW; and creating a new section.

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 residential uses, subject only to
18 objective and nondiscriminatory development standards necessary to
19 protect public health and safety. By streamlining permitting
20 processes and ensuring consistent treatment across jurisdictions, the
21 legislature intends to avoid unnecessary cost increases associated

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

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

6 (1) A county or city planning under RCW 36.70A.040 must allow
7 transitional housing, permanent supportive housing, indoor emergency
8 shelters, and indoor emergency housing in any zones within an urban
9 growth area that are not zoned for industrial use.

10 (2) A county or city may not require through development
11 regulations, ordinances, or legal agreements any standards,
12 conditions, or requirements for transitional housing, permanent
13 supportive housing, indoor emergency housing, and indoor emergency
14 shelters that are more restrictive than those required for other
15 types of residential development within the same zone, but may apply
16 any objective development regulations that are required for
17 residential development including, but not limited to, setback, lot
18 coverage, stormwater, clearing, and tree canopy and retention
19 requirements.

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

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

33 (1) A city (~~((shall not prohibit))~~) must allow transitional housing
34 (~~((or))~~), permanent supportive housing (~~((in any zones in which~~
35 ~~residential dwelling units or hotels are allowed. Effective September~~
36 ~~30, 2021, a city shall not prohibit))~~), indoor emergency shelters, and
37 indoor emergency housing in any zones (~~((in which hotels are allowed,~~
38 ~~except in such cities that have adopted an ordinance authorizing~~

1 ~~indoor emergency shelters and indoor emergency housing in a majority~~
2 ~~of zones within a one-mile proximity to transit. Reasonable~~
3 ~~occupancy, spacing, and intensity of use requirements may be imposed~~
4 ~~by ordinance on permanent supportive housing, transitional housing,~~
5 ~~indoor emergency housing, and indoor emergency shelters to protect~~
6 ~~public health and safety. Any such requirements on occupancy,~~
7 ~~spacing, and intensity of use may not prevent the siting of a~~
8 ~~sufficient number of permanent supportive housing, transitional~~
9 ~~housing, indoor emergency housing, or indoor emergency shelters~~
10 ~~necessary to accommodate each city's projected need for such housing~~
11 ~~and shelter under RCW 36.70A.070(2)(a)(ii)) that are not zoned for~~
12 ~~industrial use.~~

13 (2) A city may not require through development regulations,
14 ordinances, or legal agreements any development or operating
15 standards, conditions, or requirements for transitional housing,
16 permanent supportive housing, indoor emergency housing, and indoor
17 emergency shelters that are more restrictive than those required for
18 other types of residential development within the same zone, but may
19 apply any objective development regulations that are required for
20 residential development including, but not limited to, setback, lot
21 coverage, stormwater, clearing, and tree canopy and retention
22 requirements.

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

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

1 preservation ordinance. A city may utilize public meetings, hearings,
2 or voluntary review boards to consider, recommend, or approve
3 requests for variances from locally established design review
4 standards.

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

7 A code city (~~((shall not prohibit))~~) must allow transitional
8 housing (~~((\neq))~~), permanent supportive housing (~~((in any zones in which~~
9 ~~residential dwelling units or hotels are allowed. Effective September~~
10 ~~30, 2021, a code city shall not prohibit))~~), indoor emergency
11 shelters, and indoor emergency housing in any zones (~~((in which hotels~~
12 ~~are allowed, except in such cities that have adopted an ordinance~~
13 ~~authorizing indoor emergency shelters and indoor emergency housing in~~
14 ~~a majority of zones within a one-mile proximity to transit.~~
15 ~~Reasonable occupancy, spacing, and intensity of use requirements may~~
16 ~~be imposed by ordinance on permanent supportive housing, transitional~~
17 ~~housing, indoor emergency housing, and indoor emergency shelters to~~
18 ~~protect public health and safety. Any such requirements on occupancy,~~
19 ~~spacing, and intensity of use may not prevent the siting of a~~
20 ~~sufficient number of permanent supportive housing, transitional~~
21 ~~housing, indoor emergency housing, or indoor emergency shelters~~
22 ~~necessary to accommodate each code city's projected need for such~~
23 ~~housing and shelter under RCW 36.70A.070(2)(a)(ii))~~) that are not
24 zoned for industrial use.

25 (2) A code city may not require through development regulations,
26 ordinances, or legal agreements any development or operating
27 standards, conditions, or requirements for transitional housing,
28 permanent supportive housing, indoor emergency housing, and indoor
29 emergency shelters that are more restrictive than those required for
30 other types of residential development within the same zone, but may
31 apply any objective development regulations that are required for
32 residential development including, but not limited to, setback, lot
33 coverage, stormwater, clearing, and tree canopy and retention
34 requirements.

35 (3) A code city shall only apply the same development permit and
36 environmental review processes to transitional housing, permanent
37 supportive housing, indoor emergency shelters, and indoor emergency
38 housing that apply to other residential development within the same
39 zone, unless otherwise required by state law including, but not

1 limited to, shoreline regulations under chapter 90.58 RCW, building
2 codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW,
3 or electrical codes under chapter 19.28 RCW.

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

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

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

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

36 (3) A city, county, or other local governmental entity or agency
37 may impose and enforce reporting and auditing requirements on
38 affordable housing developments as conditions of loans, grants,
39 financial support, tax benefits, subsidy funds, or sale or lease of

1 public property, or as conditions to eligibility for any affordable
2 housing incentive program under RCW 36.70A.540 or any other program
3 involving bonus density, transfer of development rights, waiver of
4 development regulations or fees, or other development incentives.

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

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

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

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

21 (a) Impose a restriction on housing unit density that prevents
22 the addition of housing units at a density up to 50 percent more than
23 what is allowed in the underlying zone if constructed entirely within
24 an existing building envelope in a building located within a zone
25 that permits multifamily housing, provided that generally applicable
26 health and safety standards, including but not limited to building
27 code standards and fire and life safety standards, can be met within
28 the building;

29 (b) Impose parking requirements on the addition of dwelling units
30 or living units added within an existing building, however, cities
31 may require the retention of existing parking that is required to
32 satisfy existing residential parking requirements under local laws
33 and for nonresidential uses that remain after the new units are
34 added;

35 (c) (~~With the exception of emergency housing and transitional~~
36 ~~housing uses, impose~~) Impose permitting requirements on the use of
37 an existing building for residential purposes beyond those
38 requirements generally applicable to all residential development

1 within the building's zone, including requiring a change of use
2 permit;

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

8 (e) Impose exterior design or architectural requirements on the
9 residential use of an existing building beyond those necessary for
10 health and safety of the use of the interior of the building or to
11 preserve character-defining streetscapes, unless the building is a
12 designated landmark or is within a historic district established
13 through a local preservation ordinance;

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

19 (g) Require unchanged portions of an existing building that have
20 been used for residential or previously permit-approved conditioned
21 space purposes to meet the current energy code solely because of the
22 addition of new dwelling units within the building. When any other
23 existing building is converted to new dwelling units, changed
24 portions of each of those new units must meet the requirements of the
25 current energy code, except if:

26 (i) The square footage of new dwelling units does not exceed
27 2,500 square feet or 50 percent of the total building square footage,
28 whichever is greater;

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

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

36 (h) Deny a building permit application for the addition of
37 housing units within an existing building due to nonconformity
38 regarding parking, height, setbacks, elevator size for gurney
39 transport, or modulation, unless the city official with decision-

1 making authority makes written findings that the nonconformity is
2 causing a significant detriment to the surrounding area; or

3 (i) Require a transportation concurrency study under RCW
4 36.70A.070 or an environmental study under chapter 43.21C RCW based
5 on the addition of residential units within an existing building.

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

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

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

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

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

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

30 (a) Impose a restriction on housing unit density that prevents
31 the addition of housing units at a density up to 50 percent more than
32 what is allowed in the underlying zone if constructed entirely within
33 an existing building envelope in a building located within a zone
34 that permits multifamily housing, provided that generally applicable
35 health and safety standards, including but not limited to building
36 code standards and fire and life safety standards, can be met within
37 the building;

38 (b) Impose parking requirements on the addition of dwelling units
39 or living units added within an existing building, however, cities

1 may require the retention of existing parking that is required to
2 satisfy existing residential parking requirements under local laws
3 and for nonresidential uses that remain after the new units are
4 added;

5 (c) (~~With the exception of emergency housing and transitional~~
6 ~~housing uses, impose~~) Impose permitting requirements on the use of
7 an existing building for residential purposes beyond those
8 requirements generally applicable to all residential development
9 within the building's zone, including requiring a change of use
10 permit;

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

16 (e) Impose exterior design or architectural requirements on the
17 residential use of an existing building beyond those necessary for
18 health and safety of the use of the interior of the building or to
19 preserve character-defining streetscapes, unless the building is a
20 designated landmark or is within a historic district established
21 through a local preservation ordinance;

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

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

34 (i) The square footage of new dwelling units does not exceed
35 2,500 square feet or 50 percent of the total building square footage,
36 whichever is greater;

37 (ii) The building owner submits documentation, in a form
38 acceptable to the code city, showing the building's residential
39 units' projected energy use intensity is less than or equal to the

1 energy use intensity target in accordance with the clean buildings
2 performance standard in RCW 19.27A.210; or

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

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

12 (i) Require a transportation concurrency study under RCW
13 36.70A.070 or an environmental study under chapter 43.21C RCW based
14 on the addition of residential units within an existing building.

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

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

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