

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1757

69th Legislature
2025 Regular Session

Passed by the House April 18, 2025
Yeas 94 Nays 1

**Speaker of the House of
Representatives**

Passed by the Senate April 2, 2025
Yeas 48 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1757** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1757

AS AMENDED BY THE SENATE

Passed Legislature - 2025 Regular Session

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

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

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

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

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

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

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

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

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

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

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

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

23 (d) Impose design standard requirements, including setbacks, lot
24 coverage, and floor area ratio requirements, on the use of an
25 existing building for residential purposes beyond those requirements
26 generally applicable to all residential development within the
27 building's zone;

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

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

39 (g) Require unchanged portions of an existing building that have
40 been used for residential or previously permit-approved conditioned

1 space purposes to meet the current energy code solely because of the
2 addition of new dwelling units within the building(~~(, however, if any~~
3 ~~portion of an~~)). When any other existing building is converted to new
4 dwelling units, changed portions of each of those new units must meet
5 the requirements of the current energy code(~~(+)~~), except if:

6 (i) The square footage of new dwelling units does not exceed
7 2,500 square feet or 50 percent of the total building square footage,
8 whichever is greater;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (g) Require unchanged portions of an existing building that have
9 been used for residential or previously permit-approved conditioned
10 space purposes to meet the current energy code solely because of the
11 addition of new dwelling units within the building(~~(, however, if any~~
12 ~~portion of an~~)). When any other existing building is converted to new
13 dwelling units, changed portions of each of those new units must meet
14 the requirements of the current energy code(~~(+)~~), except if:

15 (i) The square footage of new dwelling units does not exceed
16 2,500 square feet or 50 percent of the total building square footage,
17 whichever is greater;

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

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

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

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

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

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

--- **END** ---