CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE HOUSE BILL 1859

69th Legislature
2026 Regular Session

Passed by the House February 11, 2026
Yeas 94 Nays 1

Speaker of the House of Representatives

Passed by the Senate February 28, 2026
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 **SECOND SUBSTITUTE HOUSE BILL 1859** 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

SECOND SUBSTITUTE HOUSE BILL 1859

Passed Legislature - 2026 Regular Session

State of Washington 69th Legislature 2026 Regular Session

By House Finance (originally sponsored by Representatives Salahuddin, Peterson, Doglio, Parshley, Dufault, Leavitt, Reed, Gregerson, Nance, Street, Obras, Ormsby, Hill, Timmons, Duerr, and Callan)

READ FIRST TIME 02/03/26.

AN ACT Relating to expanding opportunities for affordable housing developments on properties owned by religious organizations; and amending RCW 35.63.280, 35A.63.300, and 36.70A.545.

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

Sec. 1. RCW 35.63.280 and 2019 c 218 s 1 are each amended to read as follows:

(1) A city planning under this chapter must allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization provided that:

(a) ((~~The~~)) (i) At least 50 percent of the affordable housing development is set aside for or occupied exclusively by low-income households; or

(ii) At least 20 percent of the affordable housing development is set aside for or occupied exclusively by very low-income households;

(b) The affordable housing development is part of a lease or other binding obligation that requires ((~~the development to be used exclusively for affordable housing purposes~~)) the affordability requirements and other conditions in this subsection (1) to be

maintained for at least ((~~fifty~~)) 50 years, even if the religious organization no longer owns the property; and

(c) The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(2) A city ((~~may~~)) must develop policies to implement this section if it receives a request from a religious organization for an increased density bonus for an affordable housing development. A city may establish policies to require an affordable housing development to set aside more residential dwelling units for low-income or very low-income households than is required under subsection (1) of this section to qualify for the increased density bonus.

(3) The religious organization or an entity leasing the property for the purpose of developing the affordable housing development must pay all fees, mitigation costs, and other charges required through the development of the affordable housing development.

(4) If applicable, the religious organization developing the affordable housing development should work with the local transit agency to ensure appropriate transit services are provided to the affordable housing development.

(5) This section applies to any religious organization rehabilitating an existing affordable housing development.

(6) For purposes of this section:

(a) "Affordable housing development" means a proposed or existing structure in which ((~~one hundred~~)) 50 percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households ((~~at a sales price or rent amount that may not exceed thirty percent of the income limit for the low-income housing unit~~)) or 20 percent of all single-family or multifamily residential dwelling units within the development are set aside for or occupied by very low-income households, whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income;

(b) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is ((~~less than eighty~~)) at or below 80 percent of the median family income, adjusted for household size, for the county where the affordable

housing development is located, as reported by the United States department of housing and urban development; ((~~and~~))

(c) "Religious organization" has the same meaning as in RCW 35.21.915; and

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

Sec. 2. RCW 35A.63.300 and 2019 c 218 s 2 are each amended to read as follows:

(1) A city planning under this chapter must allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization provided that:

(a) ((~~The~~)) (i) At least 50 percent of the affordable housing development is set aside for or occupied exclusively by low-income households; or

(ii) At least 20 percent of the affordable housing development is set aside for or occupied exclusively by very low-income households;

(b) The affordable housing development is part of a lease or other binding obligation that requires ((~~the development to be used exclusively for affordable housing purposes~~)) the affordability requirements and other conditions in this subsection (1) to be maintained for at least ((~~fifty~~)) 50 years, even if the religious organization no longer owns the property; and

(c) The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(2) A city ((~~may~~)) must develop policies to implement this section if it receives a request from a religious organization for an increased density bonus for an affordable housing development. A city may establish policies to require an affordable housing development to set aside more residential dwelling units for low-income or very

low-income households than is required under subsection (1) of this section to qualify for the increased density bonus.

(3) The religious organization or an entity leasing the property for the purpose of developing the affordable housing development must pay all fees, mitigation costs, and other charges required through the development of the affordable housing development.

(4) If applicable, the religious organization developing the affordable housing development should work with the local transit agency to ensure appropriate transit services are provided to the affordable housing development.

(5) This section applies to any religious organization rehabilitating an existing affordable housing development.

(6) For purposes of this section:

(a) "Affordable housing development" means a proposed or existing structure in which ((~~one hundred~~)) 50 percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households ((~~at a sales price or rent amount that may not exceed thirty percent of the income limit for the low-income housing unit~~)) or 20 percent of all single-family or multifamily residential dwelling units within the development are set aside for or occupied by very low-income households, whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income;

(b) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is ((~~less than eighty~~)) at or below 80 percent of the median family income, adjusted for household size, for the county where the affordable housing development is located, as reported by the United States department of housing and urban development; ((~~and~~))

(c) "Religious organization" has the same meaning as in RCW 35A.21.360; and

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

Sec. 3. RCW 36.70A.545 and 2019 c 218 s 3 are each amended to read as follows:

(1) Any city or county fully planning under this chapter must allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization provided that:

(a) ((~~The~~)) (i) At least 50 percent of the affordable housing development is set aside for or occupied exclusively by low-income households; or

(ii) At least 20 percent of the affordable housing development is set aside for or occupied exclusively by very low-income households;

(b) The affordable housing development is part of a lease or other binding obligation that requires ((~~the development to be used exclusively for affordable housing purposes~~)) the affordability requirements and other conditions in this subsection (1) to be maintained for at least ((~~fifty~~)) 50 years, even if the religious organization no longer owns the property; and

(c) The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(2) A city or county ((~~may~~)) must develop policies to implement this section if it receives a request from a religious organization for an increased density bonus for an affordable housing development. A city or county may establish policies to require an affordable housing development to set aside more residential dwelling units for low-income or very low-income households than is required under subsection (1) of this section to qualify for the increased density bonus.

(3) An affordable housing development created by a religious institution within a city or county fully planning under RCW 36.70A.040 must be located within an urban growth area as defined in RCW 36.70A.110.

(4) The religious organization or an entity leasing the property for the purpose of developing the affordable housing development must pay all fees, mitigation costs, and other charges required through the development of the affordable housing development.

(5) If applicable, the religious organization developing the affordable housing development should work with the local transit

agency to ensure appropriate transit services are provided to the affordable housing development.

(6) This section applies to any religious organization rehabilitating an existing affordable housing development.

(7) For purposes of this section:

(a) "Affordable housing development" means a proposed or existing structure in which ((~~one hundred~~)) 50 percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households ((~~at a sales price or rent amount that may not exceed thirty percent of the income limit for the low-income housing unit~~)) or 20 percent of all single-family or multifamily residential dwelling units within the development are set aside for or occupied by very low-income households, whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income;

(b) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is ((~~less than eighty~~)) at or below 80 percent of the median family income, adjusted for household size, for the county where the affordable housing development is located, as reported by the United States department of housing and urban development; ((~~and~~))

(c) "Religious organization" has the same meaning as in RCW 36.01.290; and

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

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