

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE SENATE BILL 6026

69th Legislature
2026 Regular Session

Passed by the Senate March 10, 2026
Yeas 35 Nays 14

President of the Senate

Passed by the House March 5, 2026
Yeas 69 Nays 27

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 6026** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6026

AS AMENDED BY THE HOUSE

Passed Legislature - 2026 Regular Session

State of Washington **69th Legislature** **2026 Regular Session**

By Senate Ways & Means (originally sponsored by Senators Alvarado, Bateman, Conway, Frame, Liiias, Nobles, and Shewmake; by request of Governor Ferguson)

READ FIRST TIME 02/09/26.

1 AN ACT Relating to residential development in commercial and
2 mixed-use zones; adding a new section to chapter 36.70A RCW; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that Washington
6 continues to experience a shortage of homes affordable to its
7 residents at all income levels. The legislature further finds that
8 zoning reforms can support an environment that expands opportunities
9 for housing development.

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

12 (1)(a) Except as provided in (b) of this subsection, any city
13 that is required or chooses to plan under RCW 36.70A.040 with a
14 population of 30,000 or more, as determined by the office of
15 financial management under RCW 43.62.030, or any county that is
16 required or chooses to plan under RCW 36.70A.040 that is not defined
17 as a rural county under RCW 43.160.020, is prohibited from excluding
18 residential uses in areas zoned for commercial or mixed-use
19 development.

1 (b) The requirements of (a) of this subsection do not apply to
2 any portion of a lot that:

3 (i) Is located in an industrial zone area, including zones with
4 an employment overlay prohibiting all residential uses adopted prior
5 to the effective date of this section;

6 (ii) Is within 3,200 feet of an active oil or gas refinery;

7 (iii) Requires the demolition of a structure designated as a
8 historic landmark through a local preservation ordinance;

9 (iv) Is located outside the urban growth area or within any urban
10 growth area that is not contiguous with a city subject to the
11 limitations of (a) of this subsection;

12 (v) Is in an area where residential uses are prohibited to
13 implement RCW 36.70.547 or 36.70A.530;

14 (vi) Is located in a tax increment financing area under chapter
15 39.114 RCW that was established prior to the effective date of this
16 section;

17 (vii) Is adjacent to a shoreline environment where all
18 multifamily residential or mixed-use development is prohibited by a
19 shoreline master program; or

20 (viii) Is located in a critical area buffer or critical area
21 governed by a critical area ordinance, except for critical aquifer
22 recharge areas where a single-family detached house is an allowed use
23 provided that any requirements to maintain aquifer recharge are met.
24 However, where permissible under existing law, critical area buffers
25 and critical areas governed by a critical area ordinance may be
26 included when calculating the allowable density on a given lot.

27 (2)(a) Any city or county subject to the requirements of
28 subsection (1) of this section may not require mixed use or ground
29 floor commercial or retail as a condition of permitting development
30 of residential housing, or a conditional use permit, special use
31 permit, or departure from development regulations or design
32 guidelines related to the location, siting, orientation, or
33 architectural design features of residential or mixed-use development
34 in more than 40 percent of the total acreage in areas zoned for
35 commercial use or mixed use.

36 (b) For any publicly subsidized affordable housing project, a
37 city or county subject to the requirements of subsection (1) of this
38 section may not require mixed-use or ground floor commercial or
39 retail as a condition of permitting development of residential
40 housing, or a conditional use permit, special use permit, or

1 departure from development regulations or design guidelines related
2 to the location, siting, orientation, or architectural design
3 features of residential or mixed-use development in areas zoned for
4 commercial use or mixed use.

5 (c) For the purposes of (a) of this subsection, the following
6 areas are not considered to be zoned for commercial or mixed use:

7 (i) Station areas;

8 (ii) Areas in which the city or county allows for development, or
9 provides a height incentive to allow for development, of up to at
10 least 85 feet;

11 (iii) Areas within an industrial zone area;

12 (iv) Areas within 3,200 feet of an active oil or gas refinery;

13 (v) Areas located outside the urban growth area or within any
14 urban growth area that is not contiguous with a city subject to the
15 limitations of subsection (1) of this section;

16 (vi) Areas where residential uses are prohibited to implement RCW
17 36.70.547 or 36.70A.530;

18 (vii) Areas within a tax increment financing area under chapter
19 39.114 RCW that was established prior to the effective date of this
20 section;

21 (viii) Areas adjacent to a shoreline environment where all
22 multifamily residential or mixed-use development is prohibited by a
23 shoreline master program; and

24 (ix) Areas within a critical area buffer or critical area
25 governed by a critical area ordinance, except for critical aquifer
26 recharge areas where a single-family detached house is an allowed use
27 provided that any requirements to maintain aquifer recharge are met.
28 However, where permissible under existing law, critical area buffers
29 and critical areas governed by a critical area ordinance may be
30 included when calculating the allowable density on a given lot.

31 (3) (a) Any city or county subject to the requirements of
32 subsection (1) of this section shall provide an administrative
33 process for applicants to request a reduction or waiver from the
34 ground floor commercial or retail use regulations applicable to a
35 property. The county's or city's review of such a request must
36 include consideration of the merits of the project and the increase
37 in the number of dwelling units that would result from the reduction
38 or waiver, and may also include consideration of other factors as the
39 county or city deems appropriate. The city or county may establish

1 criteria, timelines, and an application processes for a city's or
2 county's review of the reduction or waiver request.

3 (b) A county or city that has established a process prior to the
4 effective date of this section for the review of requests for the
5 reduction or waiver of ground floor commercial or retail use
6 regulations is not required to adopt a new process under this
7 subsection.

8 (4) Nothing in this section requires a city to issue a building
9 permit if other federal, state, and local requirements for a building
10 permit are not met.

11 (5) Nothing in this section requires a city to update their
12 growth and development assumptions required under this chapter until
13 their next comprehensive plan update required after January 1, 2031,
14 under RCW 36.70A.130.

15 (6) Nothing in this section shall limit or otherwise impede a
16 local government's ability to work with developers, businesses,
17 community groups, and building owners to ensure adequate access to
18 grocery stores in a community including, but not limited to, allowing
19 commercial use of ground floor building spaces for this purpose.

20 (7) Nothing in this section requires or authorizes a local
21 government to invalidate or withdraw a development permit that was
22 issued under regulations that imposed ground floor commercial or
23 mixed use requirements as a condition of permitting the development
24 of residential housing, or a conditional use permit, special use
25 permit, or departure from development regulations or design
26 guidelines related to the location, siting, orientation, or
27 architectural design features of residential or mixed-use development
28 in areas zoned for commercial use or mixed use. If a lot subject to a
29 development permit issued under such regulations within 18 months of
30 the effective date of this act is sold more than 18 months after the
31 effective date of this act, the purchaser must be allowed to file a
32 new development permit application. Nothing in this act prohibits an
33 applicant from withdrawing an existing permit application and
34 submitting a new permit application after the jurisdiction adopts or
35 amends regulations in compliance with subsection (1) and (2) of this
36 section.

37 (8) Nothing in this section limits a local government's ability
38 to impose minimum density requirements within a commercial or mixed-
39 use zone.

1 (9) (a) The requirements of subsection (1) of this section apply
2 and take effect in any city or county that has not adopted or amended
3 ordinances, regulations, or other official controls as required under
4 this section by 18 months after the effective date of this section
5 and supersede, preempt, and invalidate any conflicting local
6 regulations.

7 (b) Any city or county that has not adopted or amended
8 ordinances, regulations, or other official controls in compliance
9 with subsection (2) of this section within 18 months of the effective
10 date of this section may not require mixed-use or ground floor
11 commercial or retail as a condition of permitting development of
12 residential housing, or a conditional use permit, special use permit,
13 or departure from development regulations or design guidelines
14 related to the location, siting, orientation, or architectural design
15 features of residential or mixed-use development in areas zoned for
16 commercial use or mixed use outside of areas listed under subsection
17 (2)(c) of this section until such time as the city or county has come
18 into compliance with the requirements of subsection (2) of this
19 section.

20 (10) For the purposes of this section, "publicly subsidized
21 affordable housing" means any housing that receives or otherwise
22 qualifies for an exemption from real and personal property taxes
23 under RCW 84.36.560.

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