

2SHB 1167 - H AMD 216

By Representative Duerr

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A
4 RCW to read as follows:

5 (1) The department shall develop and administer a grant program
6 to provide direct financial assistance to counties and cities for the
7 adoption of preapproved accessory dwelling unit plans.

8 (2) When a preapproved plan is submitted to a county or city
9 during the process of seeking permit approval for the development of
10 an accessory dwelling unit, the county's or city's review of the
11 preapproved plan may not be more than administrative.

12 (3) For the purpose of this section, "preapproved accessory
13 dwelling unit plans" means a selection of architectural plans for
14 accessory dwelling units that have been reviewed by county or city
15 code officials and approved for compliance with applicable building
16 codes within the county or city.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.27
18 RCW to read as follows:

19 (1)(a) The state building code council shall convene a work group
20 for the purpose of simplifying the production of middle housing by
21 recommending a mechanism in the international residential code that
22 adopts by reference the provisions for multiplex housing in the
23 international building code. The mechanism must include those
24 sections from the international building code necessary to ensure
25 public health, safety, and general welfare in multiplex housing, and
26 may not reduce any requirements for multiplex housing contained in
27 the international building code.

28 (b) The work group shall provide its recommendations to the
29 council in time for the council to adopt or amend rules or codes as
30 necessary for implementation in the 2024 international residential
31 code. The council shall take action to adopt additions and amendments

1 to rules or codes as necessary to apply the new reference mechanism
2 in the international residential code to multiplex housing by July 1,
3 2026.

4 (c) For purposes of this subsection, "multiplex housing" means a
5 building with at least three but no more than six dwelling units in a
6 single structure with common walls and floors and a functional
7 primary street entrance, with no more than three stories above grade
8 plane.

9 (2)(a) The state building code council shall convene a work group
10 for the purpose of recommending modifications and limitations to the
11 international building code that would allow a single exit stairway
12 to serve multifamily residential structures up to six stories above
13 grade plane. The recommendations must include considerations for
14 water supply, the presence of a professional fire department, and any
15 other provisions necessary to ensure public health, safety, and
16 general welfare.

17 (b) The work group shall provide its recommendations to the
18 council in time for the council to adopt or amend rules or codes as
19 necessary for implementation in the 2024 international building code.
20 The council shall take action to adopt additions and amendments to
21 rules or codes as necessary by July 1, 2026.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
23 RCW to read as follows:

24 (1) Cities planning under RCW 36.70A.040 must adopt or amend by
25 ordinance and incorporate into their development regulations, zoning
26 regulations, and other official controls the requirements of
27 subsection (3) of this section, to take effect six months after the
28 jurisdiction's next periodic comprehensive plan update required under
29 RCW 36.70A.130, within urban growth areas designated according to RCW
30 36.70A.110.

31 (2) The requirements of subsection (3) of this section:

32 (a) Apply and take effect in any city that has not adopted or
33 amended ordinances, regulations, or other official controls as
34 required under this section; and

35 (b) Supersede, preempt, and invalidate any local development
36 regulations that conflict with this section.

37 (3) Within residential zones that allow for middle housing,
38 cities shall not require through development regulations any
39 standards for middle housing that are more restrictive than those

1 required for detached single-family residences, unless otherwise
2 required by state law including, but not limited to, shoreline
3 regulations under chapter 90.58 RCW, building codes under chapter
4 19.27 RCW, energy codes under chapter 19.27A RCW, electrical codes
5 under chapter 19.28 RCW, or critical areas protection, but may apply
6 any objective development regulations that are required for detached
7 single-family residences, including setback and tree canopy and
8 retention requirements.

9 (4) Beginning July 1, 2026, cities may not require more than a
10 single stairway in residential buildings of six or fewer stories if
11 the conditions in the international building code are met.

12 (5) For the purposes of this section:

13 (a) "Cottage housing" means residential units on a lot with a
14 common open space that either: (i) Is owned in common; or (ii) has
15 units owned as condominium units with property owned in common and a
16 minimum of 20 percent of the lot size as open space.

17 (b) "Courtyard apartments" means up to four attached dwelling
18 units arranged on two or three sides of a yard or court.

19 (c) "Middle housing" means buildings that are compatible in
20 scale, form, and character with single-family homes and contain two
21 or more attached, stacked, or clustered homes, duplexes, triplexes,
22 fourplexes, fiveplexes, sixplexes, cottage housing, stacked flats,
23 townhouses, or courtyard apartments.

24 (d) "Stacked flat" means dwelling units in a residential building
25 of no more than three stories on a residential zoned lot in which
26 each floor may be separately rented or owned.

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

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

32 All cities and counties may adopt development regulations that
33 create a simple, low cost, expedited permit process for development
34 of single-family, duplex, triplex, or accessory dwelling housing
35 units with less than 1,801 square feet per unit for property situated
36 within cities or urban growth areas in locations designated for
37 residential housing. This process should make it easy for an
38 applicant to submit and receive approval for all permits required to
39 build housing units. The expedited process should lower costs and

1 simplify the building of housing units tailored to be priced for
2 extremely low-income, low-income, or moderate-income households.

3 **Sec. 5.** RCW 36.70B.020 and 1995 c 347 s 402 are each amended to
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

7 (1) "Closed record appeal" means an administrative appeal on the
8 record to a local government body or officer, including the
9 legislative body, following an open record hearing on a project
10 permit application when the appeal is on the record with no or
11 limited new evidence or information allowed to be submitted and only
12 appeal argument allowed.

13 (2) "Local government" means a county, city, or town.

14 (3) "Open record hearing" means a hearing, conducted by a single
15 hearing body or officer authorized by the local government to conduct
16 such hearings, that creates the local government's record through
17 testimony and submission of evidence and information, under
18 procedures prescribed by the local government by ordinance or
19 resolution. An open record hearing may be held prior to a local
20 government's decision on a project permit to be known as an "open
21 record predecision hearing." An open record hearing may be held on an
22 appeal, to be known as an "open record appeal hearing," if no open
23 record predecision hearing has been held on the project permit.

24 (4) "Project permit" or "project permit application" means any
25 land use or environmental permit or license required from a local
26 government for a project action, including but not limited to
27 building permits, subdivisions, binding site plans, planned unit
28 developments, conditional uses, shoreline substantial development
29 permits, site plan review, permits or approvals required by critical
30 area ordinances, site-specific rezones authorized by a comprehensive
31 plan or subarea plan, but excluding the adoption or amendment of a
32 comprehensive plan, subarea plan, or development regulations except
33 as otherwise specifically included in this subsection.

34 (5) "Public meeting" means an informal meeting, hearing,
35 workshop, or other public gathering of people to obtain comments from
36 the public or other agencies on a proposed project permit prior to
37 the local government's decision. A public meeting may include, but is
38 not limited to, (~~a design review or~~) an architectural control board
39 meeting, a special review district or community council meeting, or a

1 scoping meeting on a draft environmental impact statement. A public
2 meeting does not include an open record hearing. The proceedings at a
3 public meeting may be recorded and a report or recommendation may be
4 included in the local government's project permit application file.

5 **Sec. 6.** RCW 36.70B.120 and 1995 c 347 s 416 are each amended to
6 read as follows:

7 (1) Each local government planning under RCW 36.70A.040 shall
8 establish a permit review process that provides for the integrated
9 and consolidated review and decision on two or more project permits
10 relating to a proposed project action, including a single application
11 review and approval process covering all project permits requested by
12 an applicant for all or part of a project action and a designated
13 permit coordinator. If an applicant elects the consolidated permit
14 review process, the determination of completeness, notice of
15 application, and notice of final decision must include all project
16 permits being reviewed through the consolidated permit review
17 process.

18 (2) Consolidated permit review may provide different procedures
19 for different categories of project permits, but if a project action
20 requires project permits from more than one category, the local
21 government shall provide for consolidated permit review with a single
22 open record hearing and no more than one closed record appeal as
23 provided in RCW 36.70B.060. Each local government shall determine
24 which project permits are subject to an open record hearing and a
25 closed record appeal. Examples of categories of project permits
26 include but are not limited to:

27 (a) Proposals that are categorically exempt from chapter 43.21C
28 RCW, such as construction permits, that do not require environmental
29 review or public notice;

30 (b) Permits that require environmental review, but no open record
31 predecision hearing; and

32 (c) Permits that require a threshold determination and an open
33 record predecision hearing and may provide for a closed record appeal
34 to a hearing body or officer or to the local government legislative
35 body.

36 (3) A local government may provide by ordinance or resolution for
37 the same or a different decision maker or hearing body or officer for
38 different categories of project permits. In the case of consolidated
39 project permit review, the local government shall specify which

1 decision makers shall make the decision or recommendation, conduct
2 the hearing, or decide the appeal to ensure that consolidated permit
3 review occurs as provided in this section. The consolidated permit
4 review may combine an open record predecision hearing on one or more
5 permits with an open record appeal hearing on other permits. In such
6 cases, the local government by ordinance or resolution shall specify
7 which project permits, if any, shall be subject to a closed record
8 appeal.

9 (4) (a) When reviewing a housing development permit application, a
10 local government planning under RCW 36.70A.040 may only require
11 administrative design review to determine compliance with any
12 applicable design standards.

13 (b) For the purposes of this subsection (4):

14 (i) "Administrative design review" means a development permit
15 process whereby an application is reviewed, approved, or denied by
16 the planning director or the planning director's designee based
17 solely on objective design and development standards without a public
18 meeting or hearing, unless such review is otherwise required by state
19 or federal law, or the structure is a designated landmark or historic
20 district established under a local preservation ordinance.

21 (ii) "Housing development" means a proposed or existing structure
22 that is used as a home, residence, or place to sleep by one or more
23 persons including, but not limited to, single-family residences,
24 manufactured homes, multifamily housing, group homes, and foster care
25 facilities.

26 (5) A local government planning under RCW 36.70A.040 must comply
27 with the requirements of subsection (4) of this section beginning six
28 months after its next periodic comprehensive plan update required
29 under RCW 36.70A.130.

30 NEW SECTION. Sec. 7. The office of regulatory innovation and
31 assistance shall contract with a qualified external consultant or
32 entity to develop a standard plan set demonstrating a prescriptive
33 compliance pathway that will meet or exceed all energy code
34 regulations for residential housing in the state subject to the
35 international residential code. The standard plan set may be used,
36 but is not required, by local governments and building industries. In
37 developing the standard plan set, the consultant shall, at a minimum,
38 seek feedback from cities, counties, building industries, and

1 building officials. The standard plan set must be completed by June
2 30, 2024.

3 NEW SECTION. **Sec. 8.** If specific funding for the purposes of
4 this act, referencing this act by bill or chapter number, is not
5 provided by June 30, 2023, in the omnibus appropriations act, this
6 act is null and void."

7 Correct the title.

EFFECT: (1) Removes the requirement for counties to adopt regulations for middle housing.

(2) Clarifies the date by which cities must adopt the required regulations for middle housing as six months after a jurisdiction's next comprehensive plan update.

(3) Removes the term and definition of "community core location."

(4) Specifies that all cities and counties may adopt regulations that create a simple, low-cost, expedited permit process for development of single-family, duplex, triplex, or accessory dwelling housing units with less than 1,801 square feet per unit in locations within an urban growth area designated for residential housing.

(5) Requires a city or county to conduct any design review of housing development permit applications administratively, beginning six months after the jurisdiction's next comprehensive plan update. Defines "administrative design review" as a review by a planning director or a designee, based solely on objective design and development standards without a public meeting or hearing, unless such review is required by state or federal law or the structure is a designated landmark or historic district established under a local preservation ordinance.

(6) Removes the categorical exemption under the state environmental policy act for infill development within a quarter mile of a community core location.

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