SENATE BILL REPORT
ESHB 1998

As Passed Senate - Amended, February 22, 2024

Title: An act relating to legalizing inexpensive housing choices through co-living housing.

Brief Description: Concerning co-living housing.

Sponsors: House Committee on Housing (originally sponsored by Representatives Gregerson, Barkis, Leavitt, Rule, Ryu, Reed, Morgan, Fitzgibbon, Berry, Duerr, Bronoske, Ramos, Ramel, Bateman, Peterson, Chambers, Taylor, Simmons, Ormsby, Graham, Callan, Macri, Donaghy, Doglio, Mena, Nance, Riccelli, Cortes, Santos, Pollet and Davis).

Brief History: Passed House: 2/7/24, 96-0.
    Committee Activity: Local Government, Land Use & Tribal Affairs: 2/15/24 [DP].
    Floor Activity: Passed Senate - Amended: 2/22/24, 44-4.

Brief Summary of Bill
(As Amended by Senate)

- Requires cities and counties fully planning under the Growth Management Act to adopt ordinances, development regulations, zoning regulations or other official controls to allow co-living housing as a permitted use on any lot located within an urban growth area that allows at least six multifamily residential units no later than December 31, 2025.

- Prohibits cities and counties from imposing certain standards on co-living housing, including standards that are more restrictive than those required for other types of multifamily residential uses in the same zone.

SENATE COMMITTEE ON LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS

Majority Report: Do pass.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators Lovelett, Chair; Salomon, Vice Chair; Torres, Ranking Member; Short.

Staff: Maggie Douglas (786-7279)

Background: <u>Growth Management Act.</u> The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The GMA establishes land-use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA. These jurisdictions are sometimes said to be fully planning under the GMA.

The GMA also directs fully planning jurisdictions to adopt internally consistent comprehensive land use plans. Comprehensive plans are implemented through locally adopted development regulations and both the plans and the local regulations are subject to review and revision requirements prescribed in the GMA. Comprehensive plans must be reviewed and, if necessary, revised every ten years to ensure it complies with the GMA. When developing their comprehensive plans, counties and cities must consider various goals set forth in statute.

<u>State Building Code.</u> The State Building Code (SBC) provides a set of statewide standards and requirements related to building construction. The SBC is comprised of various international model codes (model codes), including building, residential, fire, and plumbing codes, adopted by reference by the Legislature. The model codes are promulgated by the International Code Council.

The State Building Code Council (SBCC) is responsible for adopting, amending, and maintaining the SBC. The SBCC must regularly review updated versions of the model codes and adopt a process for reviewing proposed statewide and local amendments.

Cities and counties may amend the SBC as applied within their jurisdiction, except that amendments may not be below minimum performance standards and no amendment affecting single or multifamily residential buildings may be effective until approved by the SBCC.

<u>Middle Housing.</u> In 2023, the Legislature passed E2SHB 1110, requiring certain cities planning under the GMA to authorize minimum development densities on lots zoned predominantly for residential use and defining provisions related to middle housing within six months of the city's next required comprehensive plan update.

A fully planning city with a population of at least 25,000 but less than 75,000 must include authorization for at least two units per lot, four units per lot within one-quarter mile walking distance of a major transit stop, and four units per lot if at least one unit is affordable

housing. A fully planning city with a population of at least 75,000 must include authorization for at least four units per lot, six units per lot within one-quarter mile walking distance of a major transit stop, and six units per lot if at least two units are affordable housing.

A city must allow at least six of the nine types of middle housing and may allow accessory dwelling units (ADUs) to achieve the minimum density requirements. Middle housing is defined as buildings compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing. Cities are not required to allow ADUs or middle housing types beyond the density requirements.

Summary of Amended Bill: Beginning December 31, 2025, cities and counties fully planning under the GMA must allow co-living housing as a permitted use on any lot located within a UGA that allows at least six multifamily residential units, including on a lot zoned for mixed use development.

A city or county subject to this act may not require co-living housing to:
- contain room dimensional standards larger than required by the state building code;
- provide a mix of unit sizes or number of bedrooms; or
- include other uses.

A city or county may not require co-living housing to provide off-street parking within one-half mile walking distance of a major transit stop or provide more than one-quarter off-street parking space per sleeping unit. These provisions do not apply if:
- a city or county submits, to Commerce, an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and Commerce certifies, that the application of the parking limitations will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location; or
- to portions of cities within a one-mile radius of a commercial airport in Washington with at least nine million annual enplanements.

A city or county subject to this act may not:
- require any standards for co-living housing more restrictive than those required for other types of multifamily residential uses in the same zone;
- exclude co-living housing from participating in affordable housing incentive programs;
- treat a sleeping unit in co-living housing as more than one-quarter of a dwelling unit for purposes of calculating dwelling unit density; and
- treat a sleeping unit in co-living housing as more than one-half of a dwelling unit for purposes of calculating fees for sewer connections, unless the city or county makes a finding, based on facts, that the connection fees should exceed the one-half threshold.

A city or county may only require a review, notice, or public meeting for co-living housing that is required for other types of residential uses in the same location, unless otherwise required by state law.

Any conflicting provisions in local development regulations after the deadline are superseded, preempted, and invalidated. Any action taken by a city or county to comply with the requirements of this act is not subject to legal challenge under the GMA or SEPA.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: No public hearing was held.

Persons Testifying: N/A

Persons Signed In To Testify But Not Testifying: N/A