SUBSTITUTE SENATE BILL 5364

State of Washington   68th Legislature   2023 Regular Session

By Senate Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Frame, Gildon, Liias, Nguyen, Saldaña, Shewmake, Torres, Van De Wege, and C. Wilson)

1   AN ACT Relating to increasing housing options through lot
2 splitting; adding a new section to chapter 36.70A RCW; and creating a
3 new section.

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

5   NEW SECTION. **Sec. 1.** The legislature finds that allowing an
6 existing residential lot to be split into two lots can offer many
7 advantages to both the existing homeowner and to prospective
8 homebuyers. Lot splitting can provide current owners the opportunity
9 to maintain homeownership in changing life circumstances, while also
10 providing new homebuyers with a more affordable ownership
11 opportunity. Additionally, lot splitting will provide additional
12 opportunities for sales to affordable housing providers or
13 homeownership facilitators that may be exempt from state real estate
14 excise tax under chapter 82.45 RCW. Therefore, it is the intent of
15 the legislature to ease restrictions on, and expand opportunities
16 for, lot splitting in cities planning under chapter 36.70A RCW, the
17 growth management act.

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

1   (1)(a) Cities planning under this chapter must adopt or amend by
2 ordinance, and incorporate into their development regulations, zoning
3 regulations, and other official controls the requirements of
4 subsection (2) of this section by July 1, 2024, to apply within the
5 city's urban growth area.
6   (b) Beginning July 1, 2024, the requirements of subsection (2) of
7 this section apply and take effect in any city that has not adopted
8 or amended ordinances, regulations, or other official controls as
9 required under this section and supersede, preempt, and invalidate
10 any conflicting local development regulations.
11   (2)   Through   ordinances,   development   regulations,   zoning
12 regulations, and other official controls as required under subsection
13 (1) of this section, cities may not:
14   (a) Prohibit, within a residential zone that allows for the
15 development of detached single-family residences, the splitting of a
16 single residential lot into two residential lots if the following
17 conditions are met:
18   (i) The resulting lots are at least 1,500 square feet;
19   (ii) The resulting lots are at least 40 percent of the size of
20 the original lot;
21   (iii) The resulting lots are consistent with the minimum review
22 standards under chapter 58.17 RCW;
23   (iv) The original lot was not created through the splitting of a
24 single residential lot authorized by this section; and
25   (v) The lot split would not require demolition or alteration of
26 any housing that is rent restricted, rent subsidized, or that has
27 been occupied by a tenant paying market-rate rent within the
28 preceding 12 months;
29   (b) Impose regulations on a residential lot that is the result of
30 a lot split that:
31   (i) Require more than one off-street parking space per lot;
32   (ii) Require more than 20 feet of frontage width per lot;
33   (iii) Require easement widths of more than four feet for access
34 to rear lots unless site-specific conditions, such as access to
35 utilities, require wider easements;
36   (iv) Impose permitting requirements, design standards, or impacts
37 fees on construction on a lot resulting from a lot split that are
38 greater than those imposed on new residential construction generally
39 within the same zone; or

1   (v) Impose requirements for dedications of rights-of-way or for
2 the construction of off-site improvements unless site-specific
3 conditions require otherwise.
4   (3) Any construction on the resulting lots is subject to all
5 existing state and local laws except for the provisions specified in
6 subsection (2) of this section.

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