

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1220

Chapter 254, Laws of 2021

(partial veto)

67th Legislature
2021 Regular Session

EMERGENCY SHELTERS AND HOUSING—LOCAL PLANNING AND DEVELOPMENT

EFFECTIVE DATE: July 25, 2021

Passed by the House April 14, 2021
Yeas 57 Nays 40

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 10, 2021
Yeas 25 Nays 24

DENNY HECK

President of the Senate

Approved May 12, 2021 2:35 PM with
the exception of section 7, which is
vetoed.

JAY INSLEE

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 **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1220** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 12, 2021

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1220

AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By House Appropriations (originally sponsored by Representatives Peterson, Macri, Bateman, Ryu, Lekanoff, Fitzgibbon, Kloba, Davis, Lovick, Santos, Ortiz-Self, Simmons, Berg, Hackney, Chopp, Tharinger, and Frame)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to supporting emergency shelters and housing
2 through local planning and development regulations; amending RCW
3 36.70A.020, 36.70A.390, and 36.70A.030; reenacting and amending RCW
4 36.70A.070; adding a new section to chapter 35A.21 RCW; adding a new
5 section to chapter 35.21 RCW; and adding a new section to chapter
6 36.70A RCW.

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

8 **Sec. 1.** RCW 36.70A.020 and 2002 c 154 s 1 are each amended to
9 read as follows:

10 The following goals are adopted to guide the development and
11 adoption of comprehensive plans and development regulations of those
12 counties and cities that are required or choose to plan under RCW
13 36.70A.040. The following goals are not listed in order of priority
14 and shall be used exclusively for the purpose of guiding the
15 development of comprehensive plans and development regulations:

16 (1) Urban growth. Encourage development in urban areas where
17 adequate public facilities and services exist or can be provided in
18 an efficient manner.

19 (2) Reduce sprawl. Reduce the inappropriate conversion of
20 undeveloped land into sprawling, low-density development.

1 (3) Transportation. Encourage efficient multimodal transportation
2 systems that are based on regional priorities and coordinated with
3 county and city comprehensive plans.

4 (4) Housing. (~~Encourage the availability of affordable~~) Plan
5 for and accommodate housing affordable to all economic segments of
6 the population of this state, promote a variety of residential
7 densities and housing types, and encourage preservation of existing
8 housing stock.

9 (5) Economic development. Encourage economic development
10 throughout the state that is consistent with adopted comprehensive
11 plans, promote economic opportunity for all citizens of this state,
12 especially for unemployed and for disadvantaged persons, promote the
13 retention and expansion of existing businesses and recruitment of new
14 businesses, recognize regional differences impacting economic
15 development opportunities, and encourage growth in areas experiencing
16 insufficient economic growth, all within the capacities of the
17 state's natural resources, public services, and public facilities.

18 (6) Property rights. Private property shall not be taken for
19 public use without just compensation having been made. The property
20 rights of landowners shall be protected from arbitrary and
21 discriminatory actions.

22 (7) Permits. Applications for both state and local government
23 permits should be processed in a timely and fair manner to ensure
24 predictability.

25 (8) Natural resource industries. Maintain and enhance natural
26 resource-based industries, including productive timber, agricultural,
27 and fisheries industries. Encourage the conservation of productive
28 forestlands and productive agricultural lands, and discourage
29 incompatible uses.

30 (9) Open space and recreation. Retain open space, enhance
31 recreational opportunities, conserve fish and wildlife habitat,
32 increase access to natural resource lands and water, and develop
33 parks and recreation facilities.

34 (10) Environment. Protect the environment and enhance the state's
35 high quality of life, including air and water quality, and the
36 availability of water.

37 (11) Citizen participation and coordination. Encourage the
38 involvement of citizens in the planning process and ensure
39 coordination between communities and jurisdictions to reconcile
40 conflicts.

1 (12) Public facilities and services. Ensure that those public
2 facilities and services necessary to support development shall be
3 adequate to serve the development at the time the development is
4 available for occupancy and use without decreasing current service
5 levels below locally established minimum standards.

6 (13) Historic preservation. Identify and encourage the
7 preservation of lands, sites, and structures, that have historical or
8 archaeological significance.

9 **Sec. 2.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd
10 sp.s. c 16 s 4 are each reenacted and amended to read as follows:

11 The comprehensive plan of a county or city that is required or
12 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
13 and descriptive text covering objectives, principles, and standards
14 used to develop the comprehensive plan. The plan shall be an
15 internally consistent document and all elements shall be consistent
16 with the future land use map. A comprehensive plan shall be adopted
17 and amended with public participation as provided in RCW 36.70A.140.
18 Each comprehensive plan shall include a plan, scheme, or design for
19 each of the following:

20 (1) A land use element designating the proposed general
21 distribution and general location and extent of the uses of land,
22 where appropriate, for agriculture, timber production, housing,
23 commerce, industry, recreation, open spaces, general aviation
24 airports, public utilities, public facilities, and other land uses.
25 The land use element shall include population densities, building
26 intensities, and estimates of future population growth. The land use
27 element shall provide for protection of the quality and quantity of
28 groundwater used for public water supplies. Wherever possible, the
29 land use element should consider utilizing urban planning approaches
30 that promote physical activity. Where applicable, the land use
31 element shall review drainage, flooding, and stormwater runoff in the
32 area and nearby jurisdictions and provide guidance for corrective
33 actions to mitigate or cleanse those discharges that pollute waters
34 of the state, including Puget Sound or waters entering Puget Sound.

35 (2) A housing element ensuring the vitality and character of
36 established residential neighborhoods that:

37 (a) Includes an inventory and analysis of existing and projected
38 housing needs that identifies the number of housing units necessary

1 to manage projected growth, as provided by the department of
2 commerce, including:

3 (i) Units for moderate, low, very low, and extremely low-income
4 households; and

5 (ii) Emergency housing, emergency shelters, and permanent
6 supportive housing;

7 ~~((includes))~~ Includes a statement of goals, policies,
8 objectives, and mandatory provisions for the preservation,
9 improvement, and development of housing, including single-family
10 residences, and within an urban growth area boundary, moderate
11 density housing options including but not limited to, duplexes,
12 triplexes, and townhomes;

13 ~~((identifies))~~ Identifies sufficient capacity of land for
14 housing~~((r))~~ including, but not limited to, government-assisted
15 housing, housing for ~~((low-income families))~~ moderate, low, very low,
16 and extremely low-income households, manufactured housing,
17 multifamily housing, ((and)) group homes ((and)), foster care
18 facilities, emergency housing, emergency shelters, permanent
19 supportive housing, and within an urban growth area boundary,
20 consideration of duplexes, triplexes, and townhomes; ((and))

21 ~~((makes))~~ Makes adequate provisions for existing and
22 projected needs of all economic segments of the community, including:

23 (i) Incorporating consideration for low, very low, extremely low,
24 and moderate-income households;

25 (ii) Documenting programs and actions needed to achieve housing
26 availability including gaps in local funding, barriers such as
27 development regulations, and other limitations;

28 (iii) Consideration of housing locations in relation to
29 employment location; and

30 (iv) Consideration of the role of accessory dwelling units in
31 meeting housing needs;

32 (e) Identifies local policies and regulations that result in
33 racially disparate impacts, displacement, and exclusion in housing,
34 including:

35 (i) Zoning that may have a discriminatory effect;

36 (ii) Disinvestment; and

37 (iii) Infrastructure availability;

38 (f) Identifies and implements policies and regulations to address
39 and begin to undo racially disparate impacts, displacement, and
40 exclusion in housing caused by local policies, plans, and actions;

1 (g) Identifies areas that may be at higher risk of displacement
2 from market forces that occur with changes to zoning development
3 regulations and capital investments; and

4 (h) Establishes antidisplacement policies, with consideration
5 given to the preservation of historical and cultural communities as
6 well as investments in low, very low, extremely low, and moderate-
7 income housing; equitable development initiatives; inclusionary
8 zoning; community planning requirements; tenant protections; land
9 disposition policies; and consideration of land that may be used for
10 affordable housing.

11 In counties and cities subject to the review and evaluation
12 requirements of RCW 36.70A.215, any revision to the housing element
13 shall include consideration of prior review and evaluation reports
14 and any reasonable measures identified. The housing element should
15 link jurisdictional goals with overall county goals to ensure that
16 the housing element goals are met.

17 (3) A capital facilities plan element consisting of: (a) An
18 inventory of existing capital facilities owned by public entities,
19 showing the locations and capacities of the capital facilities; (b) a
20 forecast of the future needs for such capital facilities; (c) the
21 proposed locations and capacities of expanded or new capital
22 facilities; (d) at least a six-year plan that will finance such
23 capital facilities within projected funding capacities and clearly
24 identifies sources of public money for such purposes; and (e) a
25 requirement to reassess the land use element if probable funding
26 falls short of meeting existing needs and to ensure that the land use
27 element, capital facilities plan element, and financing plan within
28 the capital facilities plan element are coordinated and consistent.
29 Park and recreation facilities shall be included in the capital
30 facilities plan element.

31 (4) A utilities element consisting of the general location,
32 proposed location, and capacity of all existing and proposed
33 utilities, including, but not limited to, electrical lines,
34 telecommunication lines, and natural gas lines.

35 (5) Rural element. Counties shall include a rural element
36 including lands that are not designated for urban growth,
37 agriculture, forest, or mineral resources. The following provisions
38 shall apply to the rural element:

39 (a) Growth management act goals and local circumstances. Because
40 circumstances vary from county to county, in establishing patterns of

1 rural densities and uses, a county may consider local circumstances,
2 but shall develop a written record explaining how the rural element
3 harmonizes the planning goals in RCW 36.70A.020 and meets the
4 requirements of this chapter.

5 (b) Rural development. The rural element shall permit rural
6 development, forestry, and agriculture in rural areas. The rural
7 element shall provide for a variety of rural densities, uses,
8 essential public facilities, and rural governmental services needed
9 to serve the permitted densities and uses. To achieve a variety of
10 rural densities and uses, counties may provide for clustering,
11 density transfer, design guidelines, conservation easements, and
12 other innovative techniques that will accommodate appropriate rural
13 economic advancement, densities, and uses that are not characterized
14 by urban growth and that are consistent with rural character.

15 (c) Measures governing rural development. The rural element shall
16 include measures that apply to rural development and protect the
17 rural character of the area, as established by the county, by:

18 (i) Containing or otherwise controlling rural development;

19 (ii) Assuring visual compatibility of rural development with the
20 surrounding rural area;

21 (iii) Reducing the inappropriate conversion of undeveloped land
22 into sprawling, low-density development in the rural area;

23 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
24 and surface water and groundwater resources; and

25 (v) Protecting against conflicts with the use of agricultural,
26 forest, and mineral resource lands designated under RCW 36.70A.170.

27 (d) Limited areas of more intensive rural development. Subject to
28 the requirements of this subsection and except as otherwise
29 specifically provided in this subsection (5)(d), the rural element
30 may allow for limited areas of more intensive rural development,
31 including necessary public facilities and public services to serve
32 the limited area as follows:

33 (i) Rural development consisting of the infill, development, or
34 redevelopment of existing commercial, industrial, residential, or
35 mixed-use areas, whether characterized as shoreline development,
36 villages, hamlets, rural activity centers, or crossroads
37 developments.

38 (A) A commercial, industrial, residential, shoreline, or mixed-
39 use area are subject to the requirements of (d)(iv) of this

1 subsection, but are not subject to the requirements of (c)(ii) and
2 (iii) of this subsection.

3 (B) Any development or redevelopment other than an industrial
4 area or an industrial use within a mixed-use area or an industrial
5 area under this subsection (5)(d)(i) must be principally designed to
6 serve the existing and projected rural population.

7 (C) Any development or redevelopment in terms of building size,
8 scale, use, or intensity shall be consistent with the character of
9 the existing areas. Development and redevelopment may include changes
10 in use from vacant land or a previously existing use so long as the
11 new use conforms to the requirements of this subsection (5);

12 (ii) The intensification of development on lots containing, or
13 new development of, small-scale recreational or tourist uses,
14 including commercial facilities to serve those recreational or
15 tourist uses, that rely on a rural location and setting, but that do
16 not include new residential development. A small-scale recreation or
17 tourist use is not required to be principally designed to serve the
18 existing and projected rural population. Public services and public
19 facilities shall be limited to those necessary to serve the
20 recreation or tourist use and shall be provided in a manner that does
21 not permit low-density sprawl;

22 (iii) The intensification of development on lots containing
23 isolated nonresidential uses or new development of isolated cottage
24 industries and isolated small-scale businesses that are not
25 principally designed to serve the existing and projected rural
26 population and nonresidential uses, but do provide job opportunities
27 for rural residents. Rural counties may allow the expansion of small-
28 scale businesses as long as those small-scale businesses conform with
29 the rural character of the area as defined by the local government
30 according to RCW 36.70A.030(~~((+16))~~) (23). Rural counties may also
31 allow new small-scale businesses to utilize a site previously
32 occupied by an existing business as long as the new small-scale
33 business conforms to the rural character of the area as defined by
34 the local government according to RCW 36.70A.030(~~((+16))~~) (23). Public
35 services and public facilities shall be limited to those necessary to
36 serve the isolated nonresidential use and shall be provided in a
37 manner that does not permit low-density sprawl;

38 (iv) A county shall adopt measures to minimize and contain the
39 existing areas or uses of more intensive rural development, as
40 appropriate, authorized under this subsection. Lands included in such

1 existing areas or uses shall not extend beyond the logical outer
2 boundary of the existing area or use, thereby allowing a new pattern
3 of low-density sprawl. Existing areas are those that are clearly
4 identifiable and contained and where there is a logical boundary
5 delineated predominately by the built environment, but that may also
6 include undeveloped lands if limited as provided in this subsection.
7 The county shall establish the logical outer boundary of an area of
8 more intensive rural development. In establishing the logical outer
9 boundary, the county shall address (A) the need to preserve the
10 character of existing natural neighborhoods and communities, (B)
11 physical boundaries, such as bodies of water, streets and highways,
12 and land forms and contours, (C) the prevention of abnormally
13 irregular boundaries, and (D) the ability to provide public
14 facilities and public services in a manner that does not permit low-
15 density sprawl;

16 (v) For purposes of (d) of this subsection, an existing area or
17 existing use is one that was in existence:

18 (A) On July 1, 1990, in a county that was initially required to
19 plan under all of the provisions of this chapter;

20 (B) On the date the county adopted a resolution under RCW
21 36.70A.040(2), in a county that is planning under all of the
22 provisions of this chapter under RCW 36.70A.040(2); or

23 (C) On the date the office of financial management certifies the
24 county's population as provided in RCW 36.70A.040(5), in a county
25 that is planning under all of the provisions of this chapter pursuant
26 to RCW 36.70A.040(5).

27 (e) Exception. This subsection shall not be interpreted to permit
28 in the rural area a major industrial development or a master planned
29 resort unless otherwise specifically permitted under RCW 36.70A.360
30 and 36.70A.365.

31 (6) A transportation element that implements, and is consistent
32 with, the land use element.

33 (a) The transportation element shall include the following
34 subelements:

35 (i) Land use assumptions used in estimating travel;

36 (ii) Estimated traffic impacts to state-owned transportation
37 facilities resulting from land use assumptions to assist the
38 department of transportation in monitoring the performance of state
39 facilities, to plan improvements for the facilities, and to assess

1 the impact of land-use decisions on state-owned transportation
2 facilities;

3 (iii) Facilities and services needs, including:

4 (A) An inventory of air, water, and ground transportation
5 facilities and services, including transit alignments and general
6 aviation airport facilities, to define existing capital facilities
7 and travel levels as a basis for future planning. This inventory must
8 include state-owned transportation facilities within the city or
9 county's jurisdictional boundaries;

10 (B) Level of service standards for all locally owned arterials
11 and transit routes to serve as a gauge to judge performance of the
12 system. These standards should be regionally coordinated;

13 (C) For state-owned transportation facilities, level of service
14 standards for highways, as prescribed in chapters 47.06 and 47.80
15 RCW, to gauge the performance of the system. The purposes of
16 reflecting level of service standards for state highways in the local
17 comprehensive plan are to monitor the performance of the system, to
18 evaluate improvement strategies, and to facilitate coordination
19 between the county's or city's six-year street, road, or transit
20 program and the office of financial management's ten-year investment
21 program. The concurrency requirements of (b) of this subsection do
22 not apply to transportation facilities and services of statewide
23 significance except for counties consisting of islands whose only
24 connection to the mainland are state highways or ferry routes. In
25 these island counties, state highways and ferry route capacity must
26 be a factor in meeting the concurrency requirements in (b) of this
27 subsection;

28 (D) Specific actions and requirements for bringing into
29 compliance locally owned transportation facilities or services that
30 are below an established level of service standard;

31 (E) Forecasts of traffic for at least ten years based on the
32 adopted land use plan to provide information on the location, timing,
33 and capacity needs of future growth;

34 (F) Identification of state and local system needs to meet
35 current and future demands. Identified needs on state-owned
36 transportation facilities must be consistent with the statewide
37 multimodal transportation plan required under chapter 47.06 RCW;

38 (iv) Finance, including:

39 (A) An analysis of funding capability to judge needs against
40 probable funding resources;

1 (B) A multiyear financing plan based on the needs identified in
2 the comprehensive plan, the appropriate parts of which shall serve as
3 the basis for the six-year street, road, or transit program required
4 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
5 35.58.2795 for public transportation systems. The multiyear financing
6 plan should be coordinated with the ten-year investment program
7 developed by the office of financial management as required by RCW
8 47.05.030;

9 (C) If probable funding falls short of meeting identified needs,
10 a discussion of how additional funding will be raised, or how land
11 use assumptions will be reassessed to ensure that level of service
12 standards will be met;

13 (v) Intergovernmental coordination efforts, including an
14 assessment of the impacts of the transportation plan and land use
15 assumptions on the transportation systems of adjacent jurisdictions;

16 (vi) Demand-management strategies;

17 (vii) Pedestrian and bicycle component to include collaborative
18 efforts to identify and designate planned improvements for pedestrian
19 and bicycle facilities and corridors that address and encourage
20 enhanced community access and promote healthy lifestyles.

21 (b) After adoption of the comprehensive plan by jurisdictions
22 required to plan or who choose to plan under RCW 36.70A.040, local
23 jurisdictions must adopt and enforce ordinances which prohibit
24 development approval if the development causes the level of service
25 on a locally owned transportation facility to decline below the
26 standards adopted in the transportation element of the comprehensive
27 plan, unless transportation improvements or strategies to accommodate
28 the impacts of development are made concurrent with the development.
29 These strategies may include increased public transportation service,
30 ride-sharing programs, demand management, and other transportation
31 systems management strategies. For the purposes of this subsection
32 (6), "concurrent with the development" means that improvements or
33 strategies are in place at the time of development, or that a
34 financial commitment is in place to complete the improvements or
35 strategies within six years. If the collection of impact fees is
36 delayed under RCW 82.02.050(3), the six-year period required by this
37 subsection (6)(b) must begin after full payment of all impact fees is
38 due to the county or city.

39 (c) The transportation element described in this subsection (6),
40 the six-year plans required by RCW 35.77.010 for cities, RCW

1 36.81.121 for counties, and RCW 35.58.2795 for public transportation
2 systems, and the ten-year investment program required by RCW
3 47.05.030 for the state, must be consistent.

4 (7) An economic development element establishing local goals,
5 policies, objectives, and provisions for economic growth and vitality
6 and a high quality of life. A city that has chosen to be a
7 residential community is exempt from the economic development element
8 requirement of this subsection.

9 (8) A park and recreation element that implements, and is
10 consistent with, the capital facilities plan element as it relates to
11 park and recreation facilities. The element shall include: (a)
12 Estimates of park and recreation demand for at least a ten-year
13 period; (b) an evaluation of facilities and service needs; and (c) an
14 evaluation of intergovernmental coordination opportunities to provide
15 regional approaches for meeting park and recreational demand.

16 (9) It is the intent that new or amended elements required after
17 January 1, 2002, be adopted concurrent with the scheduled update
18 provided in RCW 36.70A.130. Requirements to incorporate any such new
19 or amended elements shall be null and void until funds sufficient to
20 cover applicable local government costs are appropriated and
21 distributed by the state at least two years before local government
22 must update comprehensive plans as required in RCW 36.70A.130.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.21
24 RCW to read as follows:

25 A code city shall not prohibit transitional housing or permanent
26 supportive housing in any zones in which residential dwelling units
27 or hotels are allowed. Effective September 30, 2021, a code city
28 shall not prohibit indoor emergency shelters and indoor emergency
29 housing in any zones in which hotels are allowed, except in such
30 cities that have adopted an ordinance authorizing indoor emergency
31 shelters and indoor emergency housing in a majority of zones within a
32 one-mile proximity to transit. Reasonable occupancy, spacing, and
33 intensity of use requirements may be imposed by ordinance on
34 permanent supportive housing, transitional housing, indoor emergency
35 housing, and indoor emergency shelters to protect public health and
36 safety. Any such requirements on occupancy, spacing, and intensity of
37 use may not prevent the siting of a sufficient number of permanent
38 supportive housing, transitional housing, indoor emergency housing,
39 or indoor emergency shelters necessary to accommodate each code

1 city's projected need for such housing and shelter under RCW
2 36.70A.070(2)(a)(ii).

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.21
4 RCW to read as follows:

5 A city shall not prohibit transitional housing or permanent
6 supportive housing in any zones in which residential dwelling units
7 or hotels are allowed. Effective September 30, 2021, a city shall not
8 prohibit indoor emergency shelters and indoor emergency housing in
9 any zones in which hotels are allowed, except in such cities that
10 have adopted an ordinance authorizing indoor emergency shelters and
11 indoor emergency housing in a majority of zones within a one-mile
12 proximity to transit. Reasonable occupancy, spacing, and intensity of
13 use requirements may be imposed by ordinance on permanent supportive
14 housing, transitional housing, indoor emergency housing, and indoor
15 emergency shelters to protect public health and safety. Any such
16 requirements on occupancy, spacing, and intensity of use may not
17 prevent the siting of a sufficient number of permanent supportive
18 housing, transitional housing, indoor emergency housing, or indoor
19 emergency shelters necessary to accommodate each city's projected
20 need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

21 **Sec. 5.** RCW 36.70A.390 and 1992 c 207 s 6 are each amended to
22 read as follows:

23 A county or city governing body that adopts a moratorium, interim
24 zoning map, interim zoning ordinance, or interim official control
25 without holding a public hearing on the proposed moratorium, interim
26 zoning map, interim zoning ordinance, or interim official control,
27 shall hold a public hearing on the adopted moratorium, interim zoning
28 map, interim zoning ordinance, or interim official control within at
29 least sixty days of its adoption, whether or not the governing body
30 received a recommendation on the matter from the planning commission
31 or department. If the governing body does not adopt findings of fact
32 justifying its action before this hearing, then the governing body
33 shall do so immediately after this public hearing. A moratorium,
34 interim zoning map, interim zoning ordinance, or interim official
35 control adopted under this section may be effective for not longer
36 than six months, but may be effective for up to one year if a work
37 plan is developed for related studies providing for such a longer
38 period. A moratorium, interim zoning map, interim zoning ordinance,

1 or interim official control may be renewed for one or more six-month
2 periods if a subsequent public hearing is held and findings of fact
3 are made prior to each renewal.

4 This section does not apply to the designation of critical areas,
5 agricultural lands, forestlands, and mineral resource lands, under
6 RCW 36.70A.170, and the conservation of these lands and protection of
7 these areas under RCW 36.70A.060, prior to such actions being taken
8 in a comprehensive plan adopted under RCW 36.70A.070 and implementing
9 development regulations adopted under RCW 36.70A.120, if a public
10 hearing is held on such proposed actions. This section does not apply
11 to ordinances or development regulations adopted by a city that
12 prohibit building permit applications for or the construction of
13 transitional housing or permanent supportive housing in any zones in
14 which residential dwelling units or hotels are allowed or prohibit
15 building permit applications for or the construction of indoor
16 emergency shelters and indoor emergency housing in any zones in which
17 hotels are allowed.

18 **Sec. 6.** RCW 36.70A.030 and 2020 c 173 s 4 are each amended to
19 read as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter.

22 (1) "Adopt a comprehensive land use plan" means to enact a new
23 comprehensive land use plan or to update an existing comprehensive
24 land use plan.

25 (2) "Affordable housing" means, unless the context clearly
26 indicates otherwise, residential housing whose monthly costs,
27 including utilities other than telephone, do not exceed thirty
28 percent of the monthly income of a household whose income is:

29 (a) For rental housing, sixty percent of the median household
30 income adjusted for household size, for the county where the
31 household is located, as reported by the United States department of
32 housing and urban development; or

33 (b) For owner-occupied housing, eighty percent of the median
34 household income adjusted for household size, for the county where
35 the household is located, as reported by the United States department
36 of housing and urban development.

37 (3) "Agricultural land" means land primarily devoted to the
38 commercial production of horticultural, viticultural, floricultural,
39 dairy, apiary, vegetable, or animal products or of berries, grain,

1 hay, straw, turf, seed, Christmas trees not subject to the excise tax
2 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
3 hatcheries, or livestock, and that has long-term commercial
4 significance for agricultural production.

5 (4) "City" means any city or town, including a code city.

6 (5) "Comprehensive land use plan," "comprehensive plan," or
7 "plan" means a generalized coordinated land use policy statement of
8 the governing body of a county or city that is adopted pursuant to
9 this chapter.

10 (6) "Critical areas" include the following areas and ecosystems:

11 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
12 used for potable water; (c) fish and wildlife habitat conservation
13 areas; (d) frequently flooded areas; and (e) geologically hazardous
14 areas. "Fish and wildlife habitat conservation areas" does not
15 include such artificial features or constructs as irrigation delivery
16 systems, irrigation infrastructure, irrigation canals, or drainage
17 ditches that lie within the boundaries of and are maintained by a
18 port district or an irrigation district or company.

19 (7) "Department" means the department of commerce.

20 (8) "Development regulations" or "regulation" means the controls
21 placed on development or land use activities by a county or city,
22 including, but not limited to, zoning ordinances, critical areas
23 ordinances, shoreline master programs, official controls, planned
24 unit development ordinances, subdivision ordinances, and binding site
25 plan ordinances together with any amendments thereto. A development
26 regulation does not include a decision to approve a project permit
27 application, as defined in RCW 36.70B.020, even though the decision
28 may be expressed in a resolution or ordinance of the legislative body
29 of the county or city.

30 (9) "Emergency housing" means temporary indoor accommodations for
31 individuals or families who are homeless or at imminent risk of
32 becoming homeless that is intended to address the basic health, food,
33 clothing, and personal hygiene needs of individuals or families.
34 Emergency housing may or may not require occupants to enter into a
35 lease or an occupancy agreement.

36 (10) "Emergency shelter" means a facility that provides a
37 temporary shelter for individuals or families who are currently
38 homeless. Emergency shelter may not require occupants to enter into a
39 lease or an occupancy agreement. Emergency shelter facilities may

1 include day and warming centers that do not provide overnight
2 accommodations.

3 (11) "Extremely low-income household" means a single person,
4 family, or unrelated persons living together whose adjusted income is
5 at or below thirty percent of the median household income adjusted
6 for household size, for the county where the household is located, as
7 reported by the United States department of housing and urban
8 development.

9 ~~((10))~~ (12) "Forestland" means land primarily devoted to
10 growing trees for long-term commercial timber production on land that
11 can be economically and practically managed for such production,
12 including Christmas trees subject to the excise tax imposed under RCW
13 84.33.100 through 84.33.140, and that has long-term commercial
14 significance. In determining whether forestland is primarily devoted
15 to growing trees for long-term commercial timber production on land
16 that can be economically and practically managed for such production,
17 the following factors shall be considered: (a) The proximity of the
18 land to urban, suburban, and rural settlements; (b) surrounding
19 parcel size and the compatibility and intensity of adjacent and
20 nearby land uses; (c) long-term local economic conditions that affect
21 the ability to manage for timber production; and (d) the availability
22 of public facilities and services conducive to conversion of
23 forestland to other uses.

24 ~~((11))~~ (13) "Freight rail dependent uses" means buildings and
25 other infrastructure that are used in the fabrication, processing,
26 storage, and transport of goods where the use is dependent on and
27 makes use of an adjacent short line railroad. Such facilities are
28 both urban and rural development for purposes of this chapter.
29 "Freight rail dependent uses" does not include buildings and other
30 infrastructure that are used in the fabrication, processing, storage,
31 and transport of coal, liquefied natural gas, or "crude oil" as
32 defined in RCW 90.56.010.

33 ~~((12))~~ (14) "Geologically hazardous areas" means areas that
34 because of their susceptibility to erosion, sliding, earthquake, or
35 other geological events, are not suited to the siting of commercial,
36 residential, or industrial development consistent with public health
37 or safety concerns.

38 ~~((13))~~ (15) "Long-term commercial significance" includes the
39 growing capacity, productivity, and soil composition of the land for
40 long-term commercial production, in consideration with the land's

1 proximity to population areas, and the possibility of more intense
2 uses of the land.

3 ~~((14))~~ (16) "Low-income household" means a single person,
4 family, or unrelated persons living together whose adjusted income is
5 at or below eighty percent of the median household income adjusted
6 for household size, for the county where the household is located, as
7 reported by the United States department of housing and urban
8 development.

9 ~~((15))~~ (17) "Minerals" include gravel, sand, and valuable
10 metallic substances.

11 ~~((16))~~ (18) "Moderate-income household" means a single person,
12 family, or unrelated persons living together whose adjusted income is
13 at or below 120 percent of the median household income adjusted for
14 household size, for the county where the household is located, as
15 reported by the United States department of housing and urban
16 development.

17 (19) "Permanent supportive housing" is subsidized, leased housing
18 with no limit on length of stay that prioritizes people who need
19 comprehensive support services to retain tenancy and utilizes
20 admissions practices designed to use lower barriers to entry than
21 would be typical for other subsidized or unsubsidized rental housing,
22 especially related to rental history, criminal history, and personal
23 behaviors. Permanent supportive housing is paired with on-site or
24 off-site voluntary services designed to support a person living with
25 a complex and disabling behavioral health or physical health
26 condition who was experiencing homelessness or was at imminent risk
27 of homelessness prior to moving into housing to retain their housing
28 and be a successful tenant in a housing arrangement, improve the
29 resident's health status, and connect the resident of the housing
30 with community-based health care, treatment, or employment services.
31 Permanent supportive housing is subject to all of the rights and
32 responsibilities defined in chapter 59.18 RCW.

33 ~~((17))~~ (20) "Public facilities" include streets, roads,
34 highways, sidewalks, street and road lighting systems, traffic
35 signals, domestic water systems, storm and sanitary sewer systems,
36 parks and recreational facilities, and schools.

37 ~~((18))~~ (21) "Public services" include fire protection and
38 suppression, law enforcement, public health, education, recreation,
39 environmental protection, and other governmental services.

1 (~~(19)~~) (22) "Recreational land" means land so designated under
2 RCW 36.70A.1701 and that, immediately prior to this designation, was
3 designated as agricultural land of long-term commercial significance
4 under RCW 36.70A.170. Recreational land must have playing fields and
5 supporting facilities existing before July 1, 2004, for sports played
6 on grass playing fields.

7 (~~(20)~~) (23) "Rural character" refers to the patterns of land
8 use and development established by a county in the rural element of
9 its comprehensive plan:

10 (a) In which open space, the natural landscape, and vegetation
11 predominate over the built environment;

12 (b) That foster traditional rural lifestyles, rural-based
13 economies, and opportunities to both live and work in rural areas;

14 (c) That provide visual landscapes that are traditionally found
15 in rural areas and communities;

16 (d) That are compatible with the use of the land by wildlife and
17 for fish and wildlife habitat;

18 (e) That reduce the inappropriate conversion of undeveloped land
19 into sprawling, low-density development;

20 (f) That generally do not require the extension of urban
21 governmental services; and

22 (g) That are consistent with the protection of natural surface
23 water flows and groundwater and surface water recharge and discharge
24 areas.

25 (~~(21)~~) (24) "Rural development" refers to development outside
26 the urban growth area and outside agricultural, forest, and mineral
27 resource lands designated pursuant to RCW 36.70A.170. Rural
28 development can consist of a variety of uses and residential
29 densities, including clustered residential development, at levels
30 that are consistent with the preservation of rural character and the
31 requirements of the rural element. Rural development does not refer
32 to agriculture or forestry activities that may be conducted in rural
33 areas.

34 (~~(22)~~) (25) "Rural governmental services" or "rural services"
35 include those public services and public facilities historically and
36 typically delivered at an intensity usually found in rural areas, and
37 may include domestic water systems, fire and police protection
38 services, transportation and public transit services, and other
39 public utilities associated with rural development and normally not

1 associated with urban areas. Rural services do not include storm or
2 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

3 ~~((23))~~ (26) "Short line railroad" means those railroad lines
4 designated class II or class III by the United States surface
5 transportation board.

6 ~~((24))~~ (27) "Urban governmental services" or "urban services"
7 include those public services and public facilities at an intensity
8 historically and typically provided in cities, specifically including
9 storm and sanitary sewer systems, domestic water systems, street
10 cleaning services, fire and police protection services, public
11 transit services, and other public utilities associated with urban
12 areas and normally not associated with rural areas.

13 ~~((25))~~ (28) "Urban growth" refers to growth that makes
14 intensive use of land for the location of buildings, structures, and
15 impermeable surfaces to such a degree as to be incompatible with the
16 primary use of land for the production of food, other agricultural
17 products, or fiber, or the extraction of mineral resources, rural
18 uses, rural development, and natural resource lands designated
19 pursuant to RCW 36.70A.170. A pattern of more intensive rural
20 development, as provided in RCW 36.70A.070(5)(d), is not urban
21 growth. When allowed to spread over wide areas, urban growth
22 typically requires urban governmental services. "Characterized by
23 urban growth" refers to land having urban growth located on it, or to
24 land located in relationship to an area with urban growth on it as to
25 be appropriate for urban growth.

26 ~~((26))~~ (29) "Urban growth areas" means those areas designated
27 by a county pursuant to RCW 36.70A.110.

28 ~~((27))~~ (30) "Very low-income household" means a single person,
29 family, or unrelated persons living together whose adjusted income is
30 at or below fifty percent of the median household income adjusted for
31 household size, for the county where the household is located, as
32 reported by the United States department of housing and urban
33 development.

34 ~~((28))~~ (31) "Wetland" or "wetlands" means areas that are
35 inundated or saturated by surface water or groundwater at a frequency
36 and duration sufficient to support, and that under normal
37 circumstances do support, a prevalence of vegetation typically
38 adapted for life in saturated soil conditions. Wetlands generally
39 include swamps, marshes, bogs, and similar areas. Wetlands do not
40 include those artificial wetlands intentionally created from

1 nonwetland sites, including, but not limited to, irrigation and
2 drainage ditches, grass-lined swales, canals, detention facilities,
3 wastewater treatment facilities, farm ponds, and landscape amenities,
4 or those wetlands created after July 1, 1990, that were
5 unintentionally created as a result of the construction of a road,
6 street, or highway. Wetlands may include those artificial wetlands
7 intentionally created from nonwetland areas created to mitigate
8 conversion of wetlands.

9 **VETOED - because it was not limited to only urban areas**

10 ***NEW SECTION. Sec. 7. A new section is added to chapter 36.70A**

11 **RCW to read as follows:**

12 ***In addition to ordinances, development regulations, and other***
13 ***official controls adopted or amended, a city or county should***
14 ***consider policies to encourage the construction of accessory dwelling***
15 ***units as a way to meet affordable housing goals. These policies could***
16 ***include, but are not limited to:***

17 ***(1) The city or county may not require the owner of a lot on***
18 ***which there is an accessory dwelling unit to reside in or occupy the***
19 ***accessory dwelling unit or another housing unit on the same lot;***

20 ***(2) The city or county may require the owner not to use the***
21 ***accessory dwelling unit for short-term rentals;***

22 ***(3) The city or county may not count residents of accessory***
23 ***dwelling units against existing limits on the number of unrelated***
24 ***residents on a lot;***

25 ***(4) The city or county may not establish a minimum gross floor***
26 ***area for accessory dwelling units that exceeds the state building***
27 ***code;***

28 ***(5) The city or county must make the same allowances for***
29 ***accessory dwelling units' roof decks, balconies, and porches to***
30 ***encroach on setbacks as are allowed for the principal unit;***

31 ***(6) The city or county must apply abutting lot setbacks to***
32 ***accessory dwelling units on lots abutting zones with lower setback***
33 ***requirements;***

34 ***(7) The city or county must establish an amnesty program to help***
35 ***owners of unpermitted accessory dwelling units to obtain a permit;***

36 ***(8) The city or county must permit accessory dwelling units in***
37 ***structures detached from the principal unit, must allow an accessory***
38 ***dwelling unit on any lot that meets the minimum lot size required for***
39 ***the principal unit, and must allow attached accessory dwelling units***
on any lot with a principal unit that is nonconforming solely because

1 the lot is smaller than the minimum size, as long as the accessory
2 dwelling unit would not increase nonconformity of the residential use
3 with respect to building height, bulk, or lot coverage;

4 (9) The city or county may not establish a maximum gross floor
5 area requirement for accessory dwelling units that are less than
6 1,000 square feet or 60 percent of the principal unit, whichever is
7 greater, or that exceeds 1,200 square feet;

8 (10) A city or county must allow accessory dwelling units to be
9 converted from existing structures, including but not limited to
10 detached garages, even if they violate current code requirements for
11 setbacks or lot coverage;

12 (11) A city or county may not require public street improvements
13 as a condition of permitting accessory dwelling units; and

14 (12) A city or county may require a new or separate utility
15 connection between an accessory dwelling unit and a utility only when
16 necessary to be consistent with water availability requirements,
17 water system plans, small water system management plans, or
18 established policies adopted by the water or sewer utility provider.
19 If such a connection is necessary, the connection fees and capacity
20 charges must:

21 (a) Be proportionate to the burden of the proposed accessory
22 dwelling unit upon the water or sewer system; and

23 (b) Not exceed the reasonable cost of providing the service.

**Sec. 7 was vetoed. See message at end of chapter.*

Passed by the House April 14, 2021.

Passed by the Senate April 10, 2021.

Approved by the Governor May 12, 2021, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 12, 2021.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 7,
Engrossed Second Substitute House Bill No. 1220 entitled:

"AN ACT Relating to supporting emergency shelters and housing
through local planning and development regulations."

Section 7 of this bill can be read to encourage the siting and
development of accessory dwelling units in areas of the state outside
of urban growth areas. This was a technical oversight that occurred
during the legislative process. As passed, the bill inadvertently
omitted a key reference limiting these policies to urban growth
areas, which was not the intention of the bill's sponsor.

For these reasons I have vetoed Section 7 of Engrossed Second
Substitute House Bill No. 1220.

With the exception of Section 7, Engrossed Second Substitute House Bill No. 1220 is approved."

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