
HOUSE BILL 1042

State of Washington

68th Legislature

2023 Regular Session

By Representative Walen

Prefiled 12/15/22.

1 AN ACT Relating to the creation of additional housing units in
2 existing buildings; adding a new section to chapter 35A.21 RCW; and
3 adding a new section to chapter 35.21 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 35A.21
6 RCW to read as follows:

7 (1)(a) Code cities must adopt or amend by ordinance, and
8 incorporate into their development regulations, zoning regulations,
9 and other official controls the requirements of subsection (2) of
10 this section by July 1, 2024.

11 (b) Beginning July 1, 2024, the requirements of subsection (2) of
12 this section apply and take effect in any code city that has not
13 adopted or amended ordinances, regulations, or other official
14 controls as required under this section and supersede, preempt, and
15 invalidate any conflicting local development regulations.

16 (2) Through ordinances, development regulations, zoning
17 regulations, or other official controls as required under subsection
18 (1) of this section, code cities may not:

19 (a) Impose a restriction on housing unit density that prevents
20 the addition of housing units constructed entirely within an existing
21 building envelope in a building located within a zone that permits

1 multifamily housing, provided that generally applicable health and
2 safety standards, including but not limited to building code
3 standards and fire and life safety standards, can be met within the
4 building;

5 (b) Impose parking requirements on the addition of dwelling units
6 or living units added within an existing building;

7 (c) Impose permitting requirements on the use of an existing
8 building for residential purposes beyond those requirements generally
9 applicable to all residential development within the building's zone;

10 (d) Impose design standard requirements, including setbacks, lot
11 coverage, and floor area ratio requirements, on the use of an
12 existing building for residential purposes beyond those requirements
13 generally applicable to all residential development within the
14 building's zone;

15 (e) Impose exterior design or architectural requirements on the
16 residential use of an existing building beyond those necessary for
17 health and safety of the use of the interior of the building;

18 (f) Prohibit the addition of housing units in any specific part
19 of a building, unless the addition of the units would violate
20 applicable building codes or health and safety standards;

21 (g) Require a building used for residential purposes to meet the
22 current energy code solely because of the addition of new dwelling
23 units within the building;

24 (h) Deny a building permit application for the addition of
25 housing units to an existing building due to the nonconformity of the
26 existing structure including, but not limited to, nonconformity
27 regarding parking, height, setbacks, elevator size for gurney
28 transport, or modulation, unless the legislative authority of the
29 code city makes written findings that the nonconformity is causing a
30 significant detriment to the surrounding area; or

31 (i) Require a transportation concurrency study under RCW
32 36.70A.070 or an environmental study under chapter 43.21C RCW based
33 on the addition of residential units within an existing building.

34 (3) Nothing in this section requires a code city to approve a
35 building permit application for the addition of housing units
36 constructed entirely within an existing building envelope in a
37 building located within a zone that permits multifamily housing in
38 cases in which the building cannot satisfy life safety standards.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21
2 RCW to read as follows:

3 (1)(a) Cities must adopt or amend by ordinance, and incorporate
4 into their development regulations, zoning regulations, and other
5 official controls the requirements of subsection (2) of this section
6 by July 1, 2024.

7 (b) Beginning July 1, 2024, the requirements of subsection (2) of
8 this section apply and take effect in any city that has not adopted
9 or amended ordinances, regulations, or other official controls as
10 required under this section and supersede, preempt, and invalidate
11 any conflicting local development regulations.

12 (2) Through ordinances, development regulations, zoning
13 regulations, or other official controls as required under subsection
14 (1) of this section, cities may not:

15 (a) Impose a restriction on housing unit density that prevents
16 the addition of housing units constructed entirely within an existing
17 building envelope in a building located within a zone that permits
18 multifamily housing, provided that generally applicable health and
19 safety standards, including but not limited to building code
20 standards and fire and life safety standards, can be met within the
21 building;

22 (b) Impose parking requirements on the addition of dwelling units
23 or living units added within an existing building;

24 (c) Impose permitting requirements on the use of an existing
25 building for residential purposes beyond those requirements generally
26 applicable to all residential development within the building's zone;

27 (d) Impose design standard requirements, including setbacks, lot
28 coverage, and floor area ratio requirements, on the use of an
29 existing building for residential purposes beyond those requirements
30 generally applicable to all residential development within the
31 building's zone;

32 (e) Impose exterior design or architectural requirements on the
33 residential use of an existing building beyond those necessary for
34 health and safety of the use of the interior of the building;

35 (f) Prohibit the addition of housing units in any specific part
36 of a building, unless the addition of the units would violate
37 applicable building codes or health and safety standards;

38 (g) Require a building used for residential purposes to meet the
39 current energy code solely because of the addition of new dwelling
40 units within the building;

1 (h) Deny a building permit application for the addition of
2 housing units to an existing building due to the nonconformity of an
3 existing structure including, but not limited to, nonconformity
4 regarding parking, height, setbacks, elevator size for gurney
5 transport, or modulation, unless the legislative authority of the
6 city makes written findings that the nonconformity is causing a
7 significant detriment to the surrounding area; or

8 (i) Require a transportation concurrency study under RCW
9 36.70A.070 or an environmental study under chapter 43.21C RCW based
10 on the addition of residential units within an existing building.

11 (3) Nothing in this section requires a city to approve a building
12 permit application for the addition of housing units constructed
13 entirely within an existing building envelope in a building located
14 within a zone that permits multifamily housing in cases in which the
15 building cannot satisfy life safety standards.

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