



Washington State  
Department of  
**Commerce**

We strengthen communities

# Guidance for Updating Your Housing Element

Updating your housing element to address new requirements

LOCAL GOVERNMENT DIVISION  
GROWTH MANAGEMENT  
SERVICES

# About this document

The Washington State Department of Commerce's Growth Management Services (GMS) team assists and guides local governments, state agencies and others to implement the Growth Management Act (GMA).

In 2021, the Washington Legislature changed the way communities are required to plan for housing. [House Bill 1220 \(HB 1220\)](#)<sup>1</sup> amended the GMA to require local governments to “plan for and accommodate” housing affordable to all income levels. This significantly strengthens the previous goal, which was to “encourage” affordable housing.

## Organization of the guidance

This guidance is part of a suite of documents (“Books”) that guide local jurisdictions on how to update their housing elements:

- **Book 1: [Establishing Housing Targets for your Community](#)**
  - Countywide Planning Policies\*
  - Housing Needs Projection Methodology & Housing for All Planning Tool (HAPT)
  - Guidance for Allocating Projected Countywide Housing Needs to Local Jurisdictions
- **Book 2: [Guidance for Updating your Housing Element \(this document\)](#)**
  - Updated Housing Element Requirements with HB 1220
  - Guidance for Evaluating Land Capacity to Accommodate all Housing Needs
  - Guidance for Making Adequate Provisions to Accommodate all Housing Needs
  - Housing Needs Assessment (see also [Guidance for Developing a Housing Needs Assessment](#))<sup>2</sup>\*
  - Housing Element Review\*
  - Updating Goals and Policies\*
  - Identifying Strategies to Implement Your Policies\*
  - Adopting, Implementing and Monitoring Your Housing Element\*
- **Book 3: [Guidance to Address Racially Disparate Impacts](#)**<sup>3</sup>
  - Recommended Process
  - Step 1: Engage the Community
  - Step 2: Gather and Analyze Data
  - Step 3: Evaluate Policies
  - Step 4: Revise Policies
  - Step 5: Review and Update Regulations

*\*Items are updated from the [Guidance for Updating Your Housing Element](#)<sup>4</sup> (2021, Commerce).*

For additional information on the GMA housing programs, please visit the [GMS Planning for Housing Webpage](#)<sup>5</sup> or contact Anne Fritzel, Housing Programs Manager, at [Anne.Fritzel@commerce.wa.gov](mailto:Anne.Fritzel@commerce.wa.gov).

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<sup>1</sup> [https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/Session Laws/House/1220-S2.SL.pdf?q=20211209114015](https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/House/1220-S2.SL.pdf?q=20211209114015)

<sup>2</sup> <https://deptofcommerce.box.com/s/mop7xrkzh170th1w51ezbag3pmne9adz>

<sup>3</sup> <https://deptofcommerce.box.com/s/1l217l98jattb87qobtw63pkplzhxege>

<sup>4</sup> <https://deptofcommerce.app.box.com/s/ig3pd55wrngxaxcjwnt6hv98ue8swaj6>

<sup>5</sup> <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/planning-for-housing/>

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Published August 2023.

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# Chapter 1. Introduction and housing element requirements

Housing is the most basic of human needs. When people can secure stable and affordable housing near locations of jobs and opportunity, they are able to focus on achieving other life goals, such as education, career advancement, health and wellness, or raising a family. Without stable and affordable housing, people face significant and sometimes insurmountable challenges to achieving these life goals.

Local governments do not provide housing, but they can set conditions in place to encourage the market to develop housing affordable to all members of the community. Housing planning and policymaking are integral functions of cities and counties, and essential for supporting inclusive, diverse and economically vibrant communities. Reviewing, evaluating and updating housing plans, policies, and associated development regulations helps jurisdictions meet evolving community needs for housing variety and affordability, as well as achieve other planning goals for land use, economic development, transportation and the environment.

The Growth Management Act (GMA), adopted in 1990, provides the statewide framework for Washington state to manage its growth, including planning for future housing needs. In 2021, [House Bill 1220](#) (HB 1220) changed the requirements for those jurisdictions required to fully plan under the GMA.<sup>6,7</sup> Under this framework, counties and cities in Washington state must review and revise their comprehensive plans and development regulations every ten years (see [RCW 36.70A.130](#)).

During this periodic review, jurisdictions should review their housing element policies and assess their performance in implementing development regulations

## Reader's Guide

This guidebook is a resource to support cities and counties updating the housing element of their comprehensive plan, with a focus on the 2021 updates to housing element requirements and the legal and policy framework in Washington state. It is organized in nine parts:

**Chapter 1. Introduction and housing element requirements:** Overview of the guidebook, purpose of preparing a housing element and the housing element requirements.

**Chapter 2. Housing needs assessment:** Required and recommended topics, relationship to projected housing needs and available resources to support preparation.

**Chapter 3. Land capacity analysis:** Recommended steps to demonstrate a jurisdiction has enough land capacity to meet housing needs of all incomes.

**Chapter 4. Adequate provisions:** Recommended steps of this updated requirement, including how to identify barriers to existing and projected housing needs and document programs needed to achieve housing availability.

**Chapter 5. Housing element review:** Guidance for evaluating your current housing element, including alignment with needs, consideration of new trends and opportunities, and new policy requirements.

**Chapter 6. Updating goals and policies:** Best practices for evaluating and updating existing goals and policies and creating clear and effective new ones.

**Chapter 7. Identifying strategies to implement your housing policies -:** How to select strategies to implement your policies.

**Chapter 8. Adopting your housing element:** Recommendations for managing the adoption process, including public engagement.

**Chapter 9. Implementing and monitoring your housing element:** Guidance for developing an effective implementation plan and monitoring program.

<sup>6</sup> House Bill 1220: <https://lawfilesexet.leg.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/House/1220-S2.SL.pdf?q=20230828212744>

<sup>7</sup> Cities and counties required to "fully plan" are shown in dark blue, light blue and green on this [regional variation map](#). See <https://deptofcommerce.app.box.com/s/96tan14gkwzr2y15rj7a785gf255a0gt>.

and programs. Local governments may also amend their comprehensive plans annually in order to address pressing needs and/or requests from the community.

This guidance is a resource to support cities and counties in Washington state to review and update the housing element of their comprehensive plan, particularly with regard to the new housing element requirements in RCW 36.70A.070. This guidance (Book 2) complements two other resource documents, "[Establishing Housing Targets for Your Community](#)" (Book 1) and "[Guidance for Addressing Racially Disparate Impacts](#)" (Book 3)<sup>8</sup>.

## Purpose of a housing element

Every city and county in Washington has its own unique housing context and challenges. Our state's natural beauty, temperate climate and healthy economy continue to attract new residents, but Washington's housing production has not kept pace with growth. This has increased competition for existing housing, resulting in higher prices and increased demand for more housing and a wider variety of housing types. When grappling with the complications of accommodating this projected growth, local governments must take into account the needs of all economic segments of the community while managing impacts to neighborhood character and quality of life.

The housing element provides the opportunity to prioritize local housing problems and trends, and to design solutions appropriate to the local context. Such solutions usually involve a mix of strategies that can work together to shape opportunities for development and encourage the kinds of housing production in greatest need.

Recognizing that most communities already have a comprehensive plan and housing element they need to update, the comprehensive planning process provides an opportunity to evaluate existing housing policies and analyze what has changed within the housing context as well incorporate updated requirements. This exercise may demonstrate a need to strengthen the policies by adding more specificity, shifting policies in a new direction and/or adding policies to address the new requirements.

The main objectives in preparing or updating a housing element are to:

- Understand the countywide housing market(s) and the local community's role in it.
- Identify the jurisdiction's projected housing needs by income level from the countywide allocation process.<sup>9</sup>
- Update the local housing needs assessment (HNA) to understand how the community's housing stock does or does not meet the needs of the population.
- Assess the amount of land available to meet projected housing needs by income level and make adjustments to land use designations and zoning to accommodate those needs.
- Identify barriers to achieving the affordable housing needs of the community and document programs and actions to address those needs.
- Identify policies and regulations that result in racially disparate impacts, displacement and exclusion and identify policies and regulations to begin to undo them.
- Identify areas at higher risk of displacement and establish policies to address those risks.<sup>10</sup>

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<sup>8</sup> Establishing Housing Targets for Your Community is available at: <https://deptofcommerce.box.com/s/chqj8wk1esnranryb3ewzgd4w0e5ve3a>. Guidance for Addressing Racially Disparate Impacts is available at: <https://deptofcommerce.box.com/s/11217198jattb87qobtw63pkplzhxege>.

<sup>9</sup> See "[Establishing Housing Targets for Your Community](#)" (Book 1).

<sup>10</sup> Bullets 6 and 7 of this list are addressed in "[Guidance for Addressing Racially Disparate Impacts](#)" (Book 3).

- Adopt or update local housing goals, policies and implementation strategies that provide solutions to existing problems and guidance to future housing development.

Ultimately, there is substantial flexibility in how local communities create their housing elements. Beyond integrating the components listed above, there is no prescribed format for the element. Each community should choose an approach that fits its unique context and needs, ensuring the housing element is consistent with the land use element and supported by the other elements of the plan.

## Updated requirements for a housing element under GMA

Cities and counties fully planning under the GMA<sup>11</sup> must include a housing element in their comprehensive plans. [RCW 36.70A.070\(2\)](#) sets out the requirements for a housing element, which must include the following components. Those components that are new or updated with the updated housing element requirements in 2021 are underlined.

- **Housing needs assessment (HNA):** An inventory and analysis of existing and projected housing needs by income level as provided by the Department of Commerce that identifies the number of housing units necessary to manage projected growth.
- **Goals, policies and objectives:** A statement of goals, policies, objectives and mandatory provisions for the preservation, improvement and development of housing, including policies for moderate density housing options in urban growth areas.
- **Residential land capacity analysis:** Analysis to identify sufficient land to accommodate projected housing needs by income level.
- **Provisions for all economic segments:** Adequate provisions to address existing and projected needs of households at all income levels, including documenting programs and actions needed to achieve housing availability, consideration of housing locations in relation to employment locations and consideration of the role of accessory dwelling units (ADUs) in meeting housing needs.
- **Address racially disparate impacts, exclusion, displacement and displacement risk:** Identify policies and regulations that result in racially disparate impacts, displacement and exclusion, and implement policies and regulations that begin to undo these impacts. Also, identify areas that may be at higher risk of displacement and establish anti-displacement policies.

Exhibit 1 lists both required and recommended topics for a housing element based on [RCW 36.70A.070\(2\)](#) and [WAC 365-196-410](#).<sup>12</sup>

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<sup>11</sup> Requirements for who must plan under GMA are defined in [RCW 36.70A.040](#). See footnote #7 on page 6.

<sup>12</sup> WAC 365-196-410 will be updated in 2024 to reflect the new changes to RCW 36.70A.070(2) adopted in 2021.

## Exhibit 1. Required and recommended topics for a housing element

Topic	Guidance	Notes
<b>Housing needs assessment</b>		See <a href="#">Chapter 2. Housing needs assessment</a> . Chapter 3. Land capacity analysis For details on required and recommended contents for an HNA, see <a href="#">Exhibit 2</a> .
<b>Land capacity analysis</b>	● Required	See <a href="#">Chapter 3. Land capacity analysis</a> .
<b>Outreach and engagement</b>		See "Public engagement" in Chapter 8 as well as <a href="#">Guidance for Developing a Housing Action Plan</a> . See <a href="#">RCW 36.70A.130(2)</a> and <a href="#">RCW 36.70A.140</a> for engagement requirements.
<b>Adequate provisions for all economic segments</b>		See <a href="#">Chapter 4. Adequate provisions</a> .
○ Consideration for low, very low, extremely low, and moderate-income households	● Required	
○ Document programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations and other limitations	● Required	
○ Consider housing locations in relation to employment locations	● Required	
○ Consider the role of ADUs in meeting housing needs	● Required	To be implemented with HB 1337 (2023).
<b>Address racially disparate impacts, exclusion, displacement and displacement risk</b>		See <a href="#">Guidance for Addressing Racially Disparate Impacts</a> (Book 3).
○ Gather and analyze data to determine racially disparate impacts, exclusion, displacement and displacement risk, and engage with the community.	<i>Recommended</i>	
○ Evaluate and review policies to assess if they contribute to identified impacts	● Required	
○ Revise and update policies to address identified impacts and establish anti-displacement policies	● Required	
<b>Housing element review</b>		See <a href="#">Chapter 5. Housing element review</a> .
○ Evaluate progress to meet housing targets (including types and units) and achievement of housing goals and policies	<i>Recommended</i>	
<b>Goals, policies, objectives and mandatory provisions for:</b>		See <a href="#">Chapter 6. Updating goals and policies</a> .
○ The preservation, improvement and development of housing	● Required	
○ Moderate density housing options including duplexes, triplexes and townhomes in urban growth areas	● Required	
<b>Implementation and monitoring</b>		See Chapter 9. Implementing and monitoring your housing element.
○ Schedule of programs and actions to implement housing policies	<i>Recommended</i>	See <a href="#">WAC 365-196-410</a> subsection (2)(f).
○ Monitoring program to track progress towards goals and objectives as well as outcomes of implemented policies	<i>Recommended</i>	See <a href="#">WAC 365-196-410</a> subsection (2)(f).

Source: [RCW 36.70A.070\(2\)](#); [WAC 365-196-410](#)

## Chapter 2. Housing needs assessment

This chapter reviews requirements for cities and counties planning under GMA to conduct a housing needs assessment (HNA) as part of their comprehensive plan update. It also provides guidance for evaluating progress towards your housing targets. For detailed guidance on preparing an HNA, see the separate report from Commerce: [Guidance for Developing a Housing Needs Assessment](#).<sup>13</sup>

An HNA identifies current and future housing needs to serve all economic segments of the community. To do this task, your HNA should answer the following kinds of questions:

- Who lives and works here, and what are their demographic and socioeconomic characteristics?
- What types of housing currently exist in the community?
- Are there groups of people unable to find safe and affordable housing that meets their household needs? If so, what are their housing needs?
- How many new units are needed to accommodate current needs, as well as planned population growth over the 20-year planning horizon? How is this broken down by income level?
- What types of housing could accommodate these needs and price points?
- Is there enough buildable land capacity to accommodate this growth and housing diversity?

Answering these questions typically involves quantitative analysis of data from the Census, county assessor, city permit records or other sources. However, jurisdictions can gain important insights through engagement with community members and service providers that can describe challenges not reflected in available data. See the "Public engagement" section of Chapter 8 of this guidance for a more detailed discussion of public and stakeholder engagement.

An HNA typically includes a land capacity analysis (LCA) to determine if a jurisdiction has enough buildable land capacity to accommodate future housing needs by income level. Find the detailed steps of how to conduct an LCA in Chapter 3.

### Incorporating findings from your HNA in the housing element

Jurisdictions often choose to include some information from the HNA in their housing element to provide clear information about the community at the time of the plan. This information also provides context for the goals and policies.

At a minimum, jurisdictions should include in their housing element an inventory of their existing housing, how many units are needed to accommodate its share of countywide housing need in the future and how this need is broken down by income level.

## Requirements for an HNA

The HNA should assess the existing and future housing needs of the community and compare those needs to existing housing inventory and the zoning capacity to accommodate future needs.<sup>14</sup> This includes:

- *An inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:*
  - *Units for moderate, low, very low, and extremely low-income households; and*
  - *Emergency housing, emergency shelters, and permanent supportive housing.*

<sup>13</sup> Find "Guidance for Development a Housing Needs Assessment" on the Commerce website at:

<https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/planning-for-housing/>

<sup>14</sup> RCW 36.70A.070(2)

- *Identification of sufficient land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area, consideration of duplexes, triplexes, and townhomes.*

Jurisdictions should prepare their HNA as a first step to the comprehensive plan update. The HNA should consider population and housing growth targets and how that will impact land use and capital facility investments.

The Washington Administrative Code (WAC) provides advisory guidance for completing a housing element.<sup>15</sup> It recommends that jurisdictions complete an inventory and HNA, and identifies specific components for analysis. The inventory should include information about current housing including number of units, types of housing and affordability. It should also include information about housing for populations that may have special needs such as the elderly, differently abled or people with low incomes. A needs assessment should also identify housing needs as determined from the allocation process of countywide housing needs provided by the Department of Commerce. See "[Establishing Housing Targets for your Community](#)" (Book 1).

Exhibit 2 provides a detailed list of information to consider including in your HNA. It notes which of these topics are required or recommended for cities and counties preparing an HNA as part of their GMA comprehensive plan update (see the "GMA Housing Element" column). For a more detailed description about what each topic entails, see Commerce's [Guidance for Developing a Housing Needs Assessment](#).

These required and recommended topics for a housing element are similar to those included in a Housing Action Plan (HAP), a voluntary housing strategy document described in RCW 36.70A.600(2).<sup>16</sup> Those cities who have prepared a HAP may use the same HNA to support their subsequent housing element update if the data is determined to be up to date and representative of current conditions. Exhibit 2 also indicates where data for a housing element overlaps with a Housing and Urban Development (HUD) Consolidated Plan.<sup>17</sup> Jurisdictions who receive funding directly from HUD generally complete a Consolidated Plan.<sup>18</sup>

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<sup>15</sup> WAC 365-196-410

<sup>16</sup> Housing Action Plans were funded through a grant program by the Washington state Legislature in 2019-2021 and 2021-2023.

<sup>17</sup> A Consolidated Plan is designed to help local jurisdictions assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions.

<sup>18</sup> <https://www.law.cornell.edu/cfr/text/24/91.2>

## Exhibit 2. Comparison of various housing planning requirements

Housing Needs Assessment	GMA Housing Element	HB-1923 Housing Action Plan	HUD Consolidated Plan
<b>Community Profile</b>			
<b>Population Characteristics</b>			
Count of population	•	•	•
Population by age group		•	•
Population diversity: Race, ethnicity, languages spoken, etc		o	•
Population forecasts	20-year	Planning period	5 -year
<b>Household Characteristics</b>			
Household count	•	•	•
Household sizes		•	•
Household types		o	
Household tenure (rental versus ownership)	•	•	•
Overcrowding estimates			•
Household income and cost burden	•	•	•
Extremely low-, low-, moderate-, and middle-income families	•	•	•
Displacement risk		•	
<b>Special Housing Needs</b>			
Groups with special housing needs	o	o	•
Individuals and families experiencing homelessness	o	o	•
<b>Workforce Profile</b>			
Local workforce characteristics		o	
Jobs to housing ratio	o	o	
Employment trends and projections	o	•	
<b>Housing Supply</b>			
<b>General Housing Inventory</b>			
Unit count by type (single or multifamily, manufactured)	•	•	•
Size (number of bedrooms)	•	•	•
<b>Housing Market Conditions</b>			
Housing development trends		o	
Sales prices	o	o	
Rental rates	o	o	
Vacancy rate		o	
Housing condition			
Housing production			o
Housing affordability	o	o	o
<b>Special Housing Inventory</b>			
Subsidized/public housing units	•	•	•
Group homes or care facilities	•	•	•
Housing for homeless individuals: shelters, transitional housing, etc	o	o	
<b>Gap analysis</b>			
Quantity of housing units available to various income brackets	•	•	•
Alignment of household size to housing unit sizes	o	o	•
Units needed for special demographic groups	o	o	•
Projection of future housing demand	•	•	
<b>Land capacity analysis</b>			
Land available to meet housing unit demand	•	•	
Land available to meet special housing needs	o	o	

### Legend

- Requirement
- o Recommendation

Sources: WAC [365-196-410](#), RCW [36.70A.600](#), HUD Consolidated Plan [24 CFR Part 91](#)

## Housing needs

Typically, the first step in a jurisdiction's comprehensive planning process is to understand the amount of growth they need to be planning for in their plan. As indicated in [RCW 36.70A.110](#) and [RCW 36.70A.115](#), county officials must select a 20-year GMA population growth target within the Low- and High-growth projections prepared by the Washington State Office of Financial Management (OFM). From there, counties and cities use their own process to allocate the projected population to each jurisdiction based on how much the county determines it will grow over the 20-year planning period.

The Department of Commerce will provide the county with future housing needs by income level associated with their chosen population projection. See "Projected housing needs" in "[Establishing Housing Targets for Your Community](#)" (Book 1). From there, counties will need to work with their cities and towns to allocate the housing needs by income level to each jurisdiction. See the chapter titled "Allocating housing needs" in the document referenced above.

Based on the allocated housing needs, individual jurisdictions should ensure that their capacity of land and capital facilities can accommodate their portion of the housing needs by income level.<sup>19</sup> This analysis will include an evaluation of what income level housing needs may develop on available land and whether that capacity of housing at each income level is sufficient to meet the housing needs. More details on this analysis are available in [Chapter 3. Land capacity analysis](#).

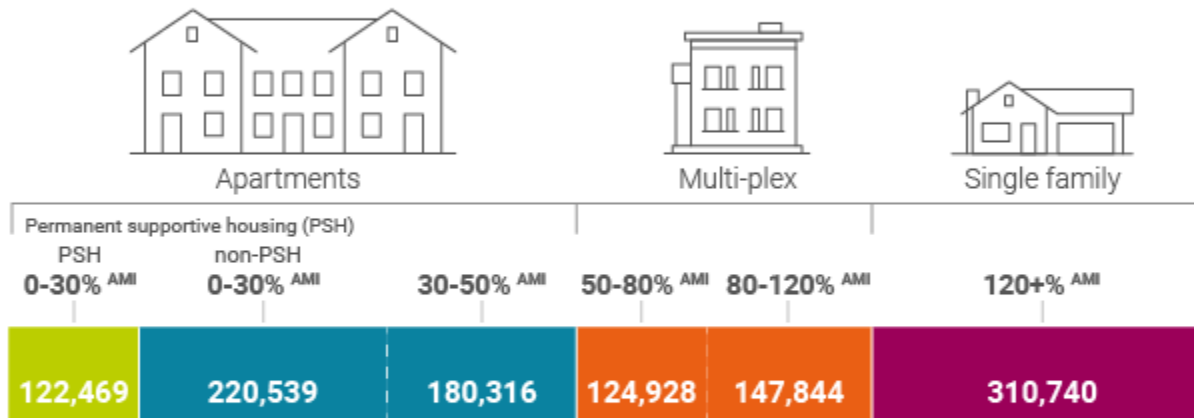
Based on many different factors, including the fact that incomes have not kept up with housing costs and housing production has not kept up with demand for the past 15 years, a large portion of projected housing needs in jurisdictions will fall below the 80% of area median income (AMI). See the statewide housing needs by 2044 in Exhibit 3.

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<sup>19</sup> See WAC 365-196-410 (2d)

### Exhibit 3. Statewide housing needs by income level

## Future housing needs broken down by area median income (AMI) groups



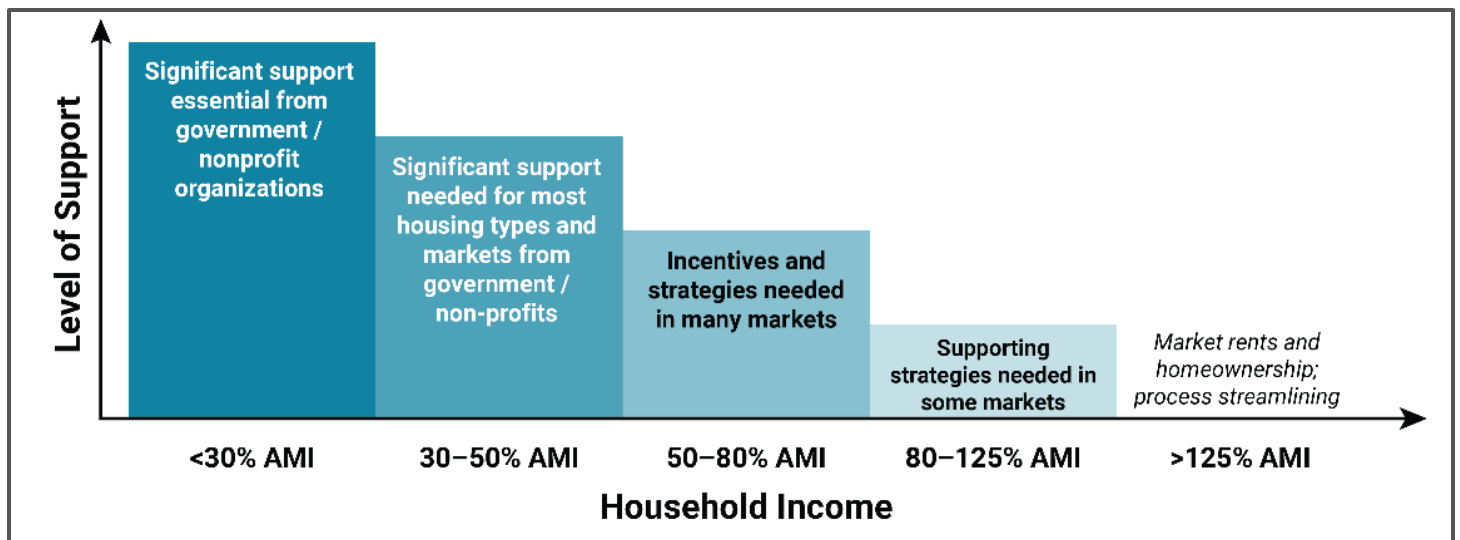
**1.1 Million** new homes will be needed in the next 20 years

In addition, there will also need to be:

**91,357** Emergency housing beds (temporary housing)

Special measures will be needed to encourage and enable production of new housing or rehabilitation of existing housing to meet the needs of these groups. Exhibit 4 below notes that jurisdictions need subsidies, incentives and partnerships to achieve housing for lower income segments (80% AMI and below). In addition to new production, "filtering" may help meet the needs of lower income segments in some markets. Filtering is the idea that as new market-rate housing is built, higher-income people move into it, leaving behind older housing stock for lower-income people. Strategies to address these needs will be discussed more in [Chapter 4. Adequate provisions](#) and [Chapter 7. Identifying strategies to implement your housing policies](#) -

## Exhibit 4. Strategies needed for different income segments



Source: BERK, 2020

## Evaluating progress toward future housing needs

After identifying future housing needs, jurisdictions should use permit records to evaluate their progress towards their housing production targets to meet these needs. It is important to know whether the jurisdiction's rate of growth puts it on track to meet or exceed its planned housing needs. Data about historic housing production can be in city or county permit records or summarized in [annual housing unit estimates](#) from OFM.<sup>20</sup> When using permit data, make sure to subtract demolished units to calculate the net new housing units added during the period of analysis.

Exhibit 5 below provides an example summarizing net new units with City of Yakima permit data between 2015 and 2019. During this period, a total of 1,391 net new units were produced, or about 278 units per year. This is slightly short of the 290 units needed each year to reach the city's housing target. However, the last two years analyzed show an uptick in housing production of attached and multifamily types, following adoption of the city's comprehensive plan in 2017 and subsequent implementing actions. Continued monitoring of this trend will help determine whether Yakima needs to take additional actions to encourage an increase in housing production or if additional incentives are necessary to guide production towards attached units for people with lower incomes.

<sup>20</sup> <https://ofm.wa.gov/washington-data-research/population-demographics/population-estimates/april-1-official-population-estimates>

## Exhibit 5. Permitted housing units in City of Yakima, 2015 - 2019

Housing Type	2015	2016	2017	2018	2019	Total
Single Family	114	107	90	144	89	544
Duplex	26	40	32	70	96	264
Multifamily with 3 & 4 unit in structure	3	0	3	36	35	77
Multifamily with 5 + unit in structure	0	0	0	15	616	631
Mobile Home	15	10	18	15	16	74
<b>Total New</b>	<b>158</b>	<b>157</b>	<b>143</b>	<b>280</b>	<b>852</b>	<b>1,590</b>
Demolitions (all types)	40	29	27	48	55	199
<b>Net New Units (all types)</b>	<b>118</b>	<b>128</b>	<b>116</b>	<b>232</b>	<b>797</b>	<b>1,391</b>
Average Annual Net New Units (2015-2019)				278		

Source: City of Yakima; BERK 2020

If the City of Yakima had adopted targets by housing type, rather than a total housing production target, then this same type of analysis could be used to determine whether there has been an over- or under-production of units within any of those types compared to the targets.

Chapter 3. Land capacity analysis links this information with income levels able to afford each of these housing types. This information determines whether jurisdictions need to take additional to allow certain types of housing production to meet future housing needs by income level. Chapter 4. Adequate provisions, discusses how jurisdictions will then evaluate whether they need to encourage production of various housing types to meet housing needs by income level.

## Chapter 3. Land capacity analysis

The Growth Management Act (GMA) requires comprehensive plans to include a housing element that identifies “sufficient capacity of land” to accommodate all projected housing needs during the twenty-year planning horizon (RCW 36.70A.070(2)(c)).

In other words, jurisdictions should evaluate whether they have sufficient land capacity available to allow for the types and amount of new housing needed to meet identified housing needs. The 2021 housing element updates amended this section of the Act to require the housing element to include explicit consideration of capacity for the following household needs and building types:

- Moderate, low, very low, and extremely low-income households;
- Permanent supportive housing;
- Emergency housing and emergency shelters; and
- Duplexes, triplexes and townhomes (within an urban growth area boundary).

In this guidance, all references to “housing needs” refer to the jurisdiction’s allocated share of countywide housing needs. Counties and cities are expected to work together to allocate countywide projected housing needs to individual jurisdictions, as detailed in Commerce’s guidance titled “[Establishing Housing Targets for your Community](#)” (2023). Each individual jurisdiction is then required to document sufficient capacity to

accommodate all housing needs allotted to them through the countywide allocation process. This section details how a jurisdiction can document the availability of capacity in accordance with RCW 36.70A.070(2)(c).

## What is a land capacity analysis?

Counties and cities must conduct a Land Capacity Analysis (LCA) to measure and document capacity for new housing development on vacant, partially used or under-developed lands. This analysis considers the potential for land within a community's boundaries to accommodate new housing growth, given what is allowed under current zoning and development regulations and what can reasonably be anticipated based on past development and factors that may cause trends to change in the future.<sup>21</sup>

Unlike a Buildable Lands Analysis, which looks backward at performance under the previous period's comprehensive plan, an LCA looks forward to the land uses and development types planned for the next planning period, as described in [WAC 365-196-325](#).<sup>22</sup> While the focus of an LCA is on the potential for new development under current regulations and zoning, past trends and other factors should be considered to ensure that projected capacity is realistic. RCW 36.70A.070(2)(d) includes separate requirements for analyzing barriers and limitations that prevent new development from achieving planned densities and housing types. These requirements are covered in [Chapter 4. Adequate provisions](#), and are separate from the LCA.

Commerce already has detailed guidance for performing an LCA in its [Urban Growth Area \(UGA\) Guidebook](#) (2012), starting on page 84.<sup>23</sup> This new LCA guidance builds on the framework of the UGA Guidebook to provide additional recommendations for how to demonstrate capacity for housing production by income level and for specific housing types, consistent with new GMA requirements.

Under GMA, jurisdictions must adopt and implement any necessary changes to achieve the land capacity necessary to accommodate all housing needs by their comprehensive plan periodic update deadline.<sup>24</sup> Cities and counties must "ensure that, taken collectively, adoption of and amendments to their comprehensive plans and development regulations provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth..." ([RCW 36.70A.115](#)).

For example, if a jurisdiction's comprehensive plan identifies a residential land capacity deficit for middle housing types to serve the projected number of moderate-income households, then the implementing development regulations must at least include changes to the zoning code, zoning map and other associated development regulations, as needed, to allow sufficient middle housing to overcome that deficit. That additional capacity should be allowed "by right" to ensure that there are minimal hurdles to building the needed capacity.

This chapter has two sections. The first provides a methodology for evaluating capacity to accommodate permanent housing needs. These include housing needs at all income levels; permanent supportive housing; and, within urban growth areas, duplexes, triplexes and townhomes.<sup>25</sup> The second section addresses capacity

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<sup>21</sup> See [WAC 365-196-310\(4\)\(b\)\(ii\)\(E\)](#). At the time of publication, this section had not yet been updated to reflect new GMA requirements for measuring land capacity for different income levels and housing types.

<sup>22</sup> Note, at the time of publication, [WAC 365-196-325](#) had not yet been updated to reflect new GMA requirements for measuring land capacity for different income levels and housing types.

<sup>23</sup> The UGA Guidebook is located at: <https://deptofcommerce.app.box.com/s/pnkar5j81ghxrgfdgr3ofa7pmw5v37da>

<sup>24</sup> [RCW 36.70A.130\(1\)\(a\)](#): Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section.

<sup>25</sup> See [RCW 36.70A.070\(2\)\(c\)](#).

for emergency housing and emergency shelter, which provide temporary accommodations for those who are homeless or at imminent risk of becoming homeless. Emergency housing is treated differently in Commerce’s guidance, as discussed in more detail in that section below.

### Defining household income segments

The land capacity requirements of the housing element in RCW 36.70A.070(2)(c) reference moderate, low, very low and extremely low-income households. [RCW 36.70A.030](#) provides definitions for households by income level relative to “median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.” The Department of Housing and Urban Development (HUD) publishes this income standard, referred to as Median Family Income or Area Median Income (AMI), for each county on an annual basis.

Exhibit 6 presents the definitions for each income level as stated in RCW 36.70A.030. These are the same income thresholds used for Commerce’s projected housing needs, with the exception that Commerce breaks out Moderate Income into two groups: >80-100% of AMI and >100-120% of AMI.

### Exhibit 6. Income level definitions in RCW 36.70A.030

Household income segment	Income relative to area median income (AMI)
Extremely low-income	0-30% of AMI
Very low-income	>30-50% of AMI
Low-income	>50-80% of AMI
Moderate income	>80-120% of AMI

In addition to these income segments, RCW 36.70A.070(2)(c) notes that land capacity analyses now need to take into consideration permanent supportive housing (PSH), emergency housing and emergency shelters. As noted in [Establishing Housing Targets for your Community](#) (Book 1),

- Since PSH is permanent housing, PSH needs are a subset of the total 0-30% AMI housing needs. While some households in PSH may have incomes higher than 30% AMI, the majority of these households are likely to be in the 0-30% AMI bracket as this is where disability incomes would fall, and RCW 36.70A.030 requires PSH participants to have “complex and disabling” conditions and service needs. Therefore, the 0-30% AMI housing needs are split into two categories: PSH and Non-PSH.
- Both emergency housing and emergency shelter include temporary accommodations. In implementation, there may be overlap between what could be considered emergency housing versus emergency shelter. For this reason, emergency housing and emergency shelter are considered a single category and referred to throughout this guidance as “emergency housing.”

## Evaluating capacity for permanent housing needs

Commerce recommends that counties and cities complete each of the steps shown in Exhibit 7 to analyze and assess their capacity by income level. Each step is described in more detail in the sections that follow.

Buildable lands counties subject to RCW 36.70A.215 or those that have already completed a land capacity analysis may have already completed the analysis needed for Step 1. In that case, they can use the output from that analysis to complete the remaining steps.

## Exhibit 7. Steps for demonstrating sufficient capacity to meet all housing needs by income level



The goal of this process is to show quantitatively whether the jurisdiction has enough capacity to meet its allocated housing needs at each income level.<sup>26</sup> If, at the conclusion of Step 5, the analysis shows a deficit of capacity for one or more income levels, then the jurisdiction must identify actions that can increase capacity. This may include rezoning areas to allow for new housing types or higher densities or taking other effective steps. Then the jurisdiction must return to Steps 1-5 to recalculate capacity and compare to needs.

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<sup>26</sup> Permanent supportive housing (PSH) units are grouped with 0-30% AMI housing units in this methodology.

## Analyzing land capacity in rural areas

LCAs are designed to assess capacity for urban growth areas. However, changes to the GMA in 2021 allow for redevelopment and infill within local areas of more intense rural development (LAMIRDs) that have public facilities and services. Therefore, some counties may consider applying this LCA methodology to evaluate potential capacity for housing production in select LAMIRDs that can support new development.

## Step 1. Summarize land capacity for housing production by zone

Residential land capacity is a combination of the amount of land available for development, the housing types and densities allowed under applicable development regulations, and any encumbrances on the land that limit the ability to develop, such as environmental constraints, infrastructure requirements or local market forces. In this step, jurisdictions should summarize land capacity by zone as follows:

### 1.1 Identify residential land supply and assign development status

Identify parcels in zones where residential uses are permitted, including parcels in mixed-use zones. Classify each parcel in the residential land supply as either vacant, partially-used, under-developed, pipeline or developed. Classification is based on a combination of current development characteristics for each parcel and the applicable zoning regulations. Classification typically involves the following steps:

- Calculate the current density of permitted development on the parcel (dwelling units per acre or floor-area-ratio). If the property is currently undeveloped, it should be classified as vacant.
- Compare the current density of non-vacant land to the density allowed under applicable zoning. If the current achieved density is substantially below allowed density, the property may be classified as partially-used or under-developed. Jurisdictions are responsible for setting reasonable thresholds for this determination, but the following guidelines are commonly used:
  - Vacant – Parcels of land that contain no structures or have buildings with low value. The [Commerce UGA Guidebook \(2012\)](#) includes lands with improvement values of less than \$500 in the vacant classification. Jurisdictions may set different improvement value thresholds based on local knowledge and market characteristics, but these should be consistent with any applicable county-level land capacity analysis or buildable lands report.
  - Partially-used – Parcels occupied by a use, but which include enough land to be further subdivided for additional development without rezoning. For example, a 1-acre lot zoned for four units per acre that contains one single-family home could be subdivided to allow development of up to three additional units.
  - Under-developed – Parcels that are likely to redevelop to a more intensive land use than that which currently occupies the property, either due to market forces or because applicable zoning allows a more intensive use than the current development. Examples of under-developed properties include:

#### Technical resources

[UGA Guidebook \(Department of Commerce, 2012\)](#) -Detailed guidance for land capacity analysis methodology can be found starting on **page 84**.

[Buildable Lands Guidelines \(Department of Commerce, 2018\)](#) - Guidance on methodology starts on **page 30**.

[Housing Memo: Issues Affecting Housing Availability and Affordability \(Department of Commerce, 2019\)](#) - Considerations for housing trends in your community.

- A single-family home on property in a multifamily zone.
- A multifamily residential property developed at a density below that allowed by the applicable zone. Jurisdictions may set this threshold according to local conditions. For example, King County's 2021 Urban Growth Capacity Report recommends a ratio of allowed density to achieved density of at least 1.5:1 as a reasonable minimum threshold, but less urban jurisdictions with less active development markets may consider higher thresholds.
- A property with relatively low improvement value compared to the value of the land (a ratio less than 1:1 is a commonly used threshold, as described in the 2012 Commerce UGA Guidebook).
- Pipeline – Parcels that are currently engaged in the permitting process (for example, permit applications under review or engaged in pre-application consultation) and are anticipated to be developed in the near future. These properties should be excluded from the land capacity analysis. Because they represent future development, jurisdictions may count units anticipated to develop on pipeline properties toward their projected housing needs (see Step 5).

If the base year of the LCA is later than 2020, residential development since 2020 may also be considered in the same manner as pipeline. See Step 5 for detailed guidance.

- Developed – Parcels that have been developed for a primary use and do not meet the criteria for the categories above. These parcels are assumed to have no capacity for additional development under current zoning regulations.

## 1.2 Exclude lands unlikely to develop

Some properties (or portions of properties) will have characteristics that make them unlikely to develop in the near future or ever, and such lands should be excluded from the available land supply. Conditions that prevent development often include the following:

- Critical areas – Environmental constraints regulated under the jurisdiction's critical areas regulations, such as wetlands, fish and wildlife habitat conservation areas, geological hazardous areas, frequently flooded areas, etc. that preclude significant development.
- Public use – Lands owned by a government or public agency that are used and managed for public purposes, such as parks, schools or utility facilities. Most land owned by governments or public agencies is unlikely to be developed for housing in the near future and should therefore be excluded from the available land supply. Other local factors such as historic districts, conservation easements or ownership by a non-profit organization should also be considered when identifying public-use properties.

However, any properties owned by governments and public agencies that are intended for housing production, such as land owned by a housing authority, should be included in the LCA. Similarly, public properties that have been declared surplus and are otherwise suitable for residential development may be included in the available land supply.

- Capital infrastructure – Easements, rights-of-way and other major facilities associated with public utilities or transportation infrastructure. Jurisdictions are not required to conduct detailed plat research to identify all easements across private property, but major utility corridors and known easements with the potential to affect development of the property should be identified and considered.

### 1.3 Identify gaps in utility infrastructure and services

Gaps in infrastructure for utilities and public services can inhibit development, keeping achieved densities below the level planned by the jurisdiction and allowed by development regulations. The GMA requires comprehensive plans to plan for the capital facilities needed to serve anticipated levels of growth during the planning period (RCW 36.70A.070(3)). Further, jurisdictions planning under the Review and Evaluation Program (RCW 36.70A.215), also referred to as "buildable lands" jurisdictions, are required to consider infrastructure gaps when evaluating whether sufficient land is available to meet growth targets, including the presence of transportation, water, sewer and stormwater infrastructure (RCW 36.70A.215(3)(b)(i)).

This guidance recommends that all cities and counties identify what portions of their planning area, if any, are affected by infrastructure gaps that have the potential to prevent planned densities from being achieved during the planning period and engage in coordination with any utility service providers operating within the jurisdiction. This includes review of comprehensive plan capital facilities or transportation elements, as well as applicable utility system plans, to determine if any service or infrastructure improvements to address these gaps are planned. If infrastructure gaps are identified, and no corrective capital improvements are planned, jurisdictions should take one of the following actions:

- For areas that are already developed at urban densities, determine the maximum residential density that is feasible without infrastructure improvements and apply this density assumption when calculating capacity for these areas when new infrastructure is unlikely within the planning period;<sup>27</sup> or
- For underserved and undeveloped areas where reaching planned densities requires infrastructure, calculate land capacity using planned densities for the applicable zone and commit to providing infrastructure adequate to support this level of growth within the planning period. This commitment should include updates to applicable capital facilities and system plans that identify necessary capital improvement projects and funding sources, to be delivered concurrently with adoption of the comprehensive plan update. If a jurisdiction is unable to provide this commitment, the area should generally not be included with the UGA.<sup>28</sup>

If a city or county elects to apply reduced residential density assumptions to areas affected by infrastructure gaps, they are still required to demonstrate adequate overall capacity to meet projected housing needs, and zoning changes may be necessary elsewhere in the jurisdiction to supply the needed capacity.

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<sup>27</sup> If a jurisdiction opts for this scenario, they are still required to provide urban areas with adequate public facilities. See [WAC 365-196-320\(1\)\(d\) and \(f\)](#).

--Section (d): "At a minimum, adequate public facilities in urban areas should include sanitary sewer systems, and public water service from a Group A public water system under chapter [70A.120](#) or [70A.125](#) RCW because these services are usually necessary to support urban densities. The services provided must be adequate to allow development at urban densities and serve development at densities consistent with the land use element, and meet all regulatory obligations under state and federal law."

--Section (f): "The obligation to provide urban areas with adequate public facilities is not limited to new urban areas. Counties and cities must include in their capital facilities element a plan to provide adequate public facilities to all urban areas, including those existing areas that are developed, but do not currently have a full range of urban governmental services or services necessary to support urban densities."

<sup>28</sup> Critical areas would not need to be removed from the UGA due to lack of infrastructure.

## 1.4 Calculate gross residential capacity by zone

For each zone, calculate the amount of available residential development capacity according to the following steps:

**A. Developable acreage** – Calculate total acreage of developable land available by development status (vacant, partially-used and under-developed). As described previously, developable acreage should exclude areas encumbered by critical areas and easements that prohibit significant development based on the guidelines below.

- If the jurisdiction’s development code permits housing development based on net density (total parcel area minus constrained areas), all encumbered areas should be excluded from developable acreage. (For example, a 10-acre parcel with 2 acres occupied by wetlands and associated buffers would have 8 acres of developable area.)
- If the jurisdiction’s development code permits housing development based on gross density (total parcel area), only completely encumbered properties should be excluded. Partially-constrained properties should be included at their full acreage.
- If parcel-level data on environmental constraints is not available, jurisdictions may determine the total acreage of critical areas for each zone and deduct this from the total developable land supply for the zone.

**B. Apply deductions for infrastructure needs and land unavailable for development** – New development generally requires new infrastructure improvements (roads, utilities, etc.). These improvements occupy land, reducing the acreage available for housing development. The amount of the deduction for infrastructure can vary by location and development status. For example, redevelopable land and infill vacant lots in urban areas may already be partially or fully served by existing infrastructure and may require a smaller deduction than greenfield areas.

Deductions for infrastructure may be further reduced (or unnecessary) if a jurisdiction regulates housing development based on gross density, rather than net density.<sup>29</sup> Similarly, in areas where infrastructure gaps have been identified (Step 1.3),

### Incorporating HB 1110 (2023) into the LCA

The LCA guidance was developed prior to passage of the middle housing bill, [HB 1110 \(2023\)](#). This bill requires certain jurisdictions to allow multiple units per lot, changing the typical density calculations from units per acre or floor area ratio to units per lot. Until further guidance is developed, jurisdictions may want to consider using the following approach - drawn from the Puget Sound Regional Council's (PSRC) impact analysis of HB 1110 - to help determine the capacity impacts of this bill.

When considering additional density because of middle housing regulation changes, consider:

1. Which lots would be potentially redevelopable (i.e., those without Homeowners Association (HOA) restrictions, those that are vacant or have only one dwelling unit, those with a developable area over 2,000 square feet, etc.).
2. Of the lots in Step 1, determine which subset of lots may economically make sense to redevelop. A starting point for this analysis could be where the land value is greater than the improvement value and the built square footage is less than 1,400 square feet.
3. Estimate the total development potential of lots selected through Step 2, i.e., the maximum number of dwelling units allowed to be developed on these lots net of existing units. Then determine what percentage of the total development potential (or net maximum dwelling units) could reasonably be expected to redevelop over the 20-year planning period. A conservative estimate could be 25%, but tailor this factor to what is most appropriate for your jurisdiction and local market conditions.

<sup>29</sup> Jurisdictions may regulate the allowed density of development in a variety of ways. Gross density is measured as the number of housing units divided by total land area, without any deductions. Net density is calculated after first deducting non-buildable areas from the total amount of land, including environmentally critical areas and associated buffers, land needed for roads, stormwater detention and utilities. The GMA does not mandate a particular way to measure density, so jurisdictions should use a method for the LCA that is consistent with their adopted development regulations and any existing Buildable Lands analysis (as applicable).

a smaller deduction for infrastructure needs would be appropriate if corrective capital improvements are not planned.

If a deduction is applied for infrastructure, a jurisdiction may determine this percentage based on recent development activity, being careful that infrastructure percentage deduction factors are based on land not constrained by critical areas.

Likewise, after application of deductions for necessary infrastructure, some portion of the remaining developable land supply may remain unavailable for development during the planning period due to site conditions, economic factors or unwillingness to develop or sell on the part of the property owner. Jurisdictions should refer to the discussion of market factors presented in the 2012 Commerce UGA Guidebook for guidance on establishing appropriate deduction values. Based on examples presented in the UGA Guidebook, the following market factor deductions are reasonable assumptions:

- Vacant properties: 15%
- Partially-used and under-developed properties: 25%

Alternatively, if a community has conducted specific market factor analysis, such as analysis performed under the requirements of the buildable lands program, the results of that evaluation may be used here, provided the jurisdiction documents the analysis and associated assumptions. Additional consideration for market challenges and their relationship to local regulatory or process barriers is in [Chapter 4. Adequate provisions](#).

**C. Calculate total residential capacity for developable land by zone** – Calculate total capacity for residential development by multiplying the developable acreage of land by an assumed density level expressed in units per acre.<sup>30</sup> Jurisdictions should establish assumed densities for each residential zone. The [2012 Commerce UGA Guidebook](#) and WAC Sections [365-196-210\(6\)](#), [365-196-310\(4\)\(b\)\(ii\)\(E\)](#) and [365-196-325\(2\)](#) establish guidance on the factors that should be considered when establishing growth assumptions for a land capacity analysis:

- **Since the LCA is a forward-looking analysis, jurisdictions should focus on the level of development expected to occur during the planning period.** Assumed densities for use in the LCA should consider the maximum densities allowed under zoning, and historic trends and achieved residential densities, as well as factors, which may cause trends to change in the future. In some cases, achieved densities will be similar to maximum allowed densities. However, many factors beyond the control of cities and counties can influence the level of future development. Therefore, compare allowed densities to achieved densities to identify zones that have historically underperformed relative to planned levels of development.
- At a minimum, assumed densities should reflect the current achieved residential densities for each zone but should not exceed the maximum density allowed by right under the development code.

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<sup>30</sup> At the time of publication, WAC 365-196-210(6) states that: “Assumed densities’ means the density at which future development is expected to occur as specified in the land capacity analysis or future land use element. Assumed densities are also referred to in RCW 36.70A.110 as densities sufficient to permit the urban growth that is projected to occur.”

- Jurisdictions may consider the availability of density bonuses and incentive programs related to the provision of affordable housing units. Such bonuses and incentives may be used to justify assumed densities up to (but no higher than) the maximum allowed base density of the zone if documentation is provided on past trends of affordable housing production under these incentives.
- Jurisdictions planning under the Review and Evaluation Program (RCW 36.70A.215) should incorporate information from applicable buildable lands reports when establishing assumed densities for the LCA. See sidebar.
- If information on achieved density or historic development trends is not available (e.g., when a zone is newly adopted or recently amended), jurisdictions should review recent examples of permitted projects in similar zones or in peer jurisdictions as models of future development densities.

In mixed-use zones and areas regulated under form-based codes, assumed residential densities must consider the potential development of non-residential uses. To avoid counting more residential capacity than will develop over the planning period, jurisdictions must account for non-residential uses when calculating capacity in these zones. Mixed-use and form-based development regulations can vary by geography and urban context, so jurisdictions should choose an approach that is most consistent with their development code.

If a mixed-use zone establishes separate standards for maximum residential density and maximum non-residential Floor Area Ratio (FAR), the jurisdiction could determine an assumed residential-commercial split for the zone based on permitting trends or other local information. This ratio could then be used to adjust either the assumed density of the zone or the amount of developable land available:

- **Adjusted density assumption:** For example, if future development in the zone is expected to be 60% residential and 40% commercial, the jurisdiction could select a residential density assumption equal to 60% of what would be achieved if the zone were 100% residential and apply that adjusted density to the full developable acreage. If the zone allows up to 40 units per acre, applying this split on a 10-acre developable site would yield the following:

$$40 \text{ units/acre permitted} \times 60\% \text{ residential} = 24 \text{ units/acre}$$

$$10 \text{ developable acres} \times 24 \text{ units/acre} = 240 \text{ units}$$

- **Adjusted developable acreage:** Similarly, the jurisdiction in the example above could instead choose to apply the residential-commercial split to the amount of developable land available and calculate capacity using the full planned density for the zone:

$$10 \text{ developable acres} \times 60\% \text{ residential} = 6 \text{ residential acres}$$

$$6 \text{ residential acres} \times 40 \text{ units/acre} = 240 \text{ units}$$

**If you are in a “buildable lands” county,** subject to RCW 36.70A.215, then your jurisdiction has extra responsibilities. These counties (which include Clark, King, Kitsap, Pierce, Snohomish, Thurston and Whatcom) and the cities and towns within their boundaries, must gather data on the density and type of development that is occurring to understand whether development is occurring as planned.

Unlike the LCA, which looks forward at how your current capacity and new population targets will work as you update your plan, buildable lands looks back at how your current comprehensive plan is functioning and whether the jurisdiction met their assumed density goals.

If actual development patterns are different from those planned for in the comprehensive plan, the jurisdiction must adopt “reasonable measures” that will address those inconsistencies during the next update period.

Any observations on development patterns and achieved densities are useful for making assumptions about undeveloped land and can be used for completing an LCA.

Mixed-use zones focused on combined residential and commercial uses within the same building or development site may instead establish a maximum FAR standard for the entire property, regardless of use. Similar to the examples above, the jurisdiction should estimate the relative share of future residential development in the zone (e.g., 60%) and adjust the FAR assumption used in the capacity analysis to reflect only the residential share. Apply the total developable acreage for the zone to this adjusted FAR assumption to derive the anticipated square footage of residential development, and then convert to housing units based on an assumed average unit size.

$$3.0 \text{ Maximum FAR} \times 60\% \text{ Residential} = 1.8 \text{ Residential FAR}$$

$$10 \text{ developable acres (435,600 sq ft)} \times 1.8 \text{ Residential FAR} = 784,080 \text{ residential sq ft}$$

$$784,080 \text{ residential sq ft} / 800 \text{ sq ft per unit} = 980 \text{ units}$$

Jurisdictions using form-based codes must likewise establish assumptions about the mix of residential and commercial uses and the expected density of residential development in these zones. Similar to mixed-use zoning described above, these assumptions should be based on residential density or non-residential FAR requirements in the code itself (if they exist) that are expected to occur (e.g., assumed density) and/or on historic development trends in these zones or similar zones with similar market factors.

Exhibit 8 shows an example of the process for calculating gross residential capacity by zone described in steps 1.4.A – 1.4.C above.

### Exhibit 8. Example calculation of gross residential capacity by zone

Zone	Gross developable land (acres)		Infrastructure/ land availability deduction factor	Net developable land (acres)		Assumed density (units/acre)	Gross residential capacity (units)
<b>Single Family Residential (R-4)</b>	Vacant	760	15%	646	2,924	2.5 units/acre	7,310
	Partially-used	1,288	25%	966			
	Under-developed	1,749	25%	1,312			
<b>Medium Density Residential (R-8)</b>	Vacant	311	15%	264	1,201	6 units/acre	7,206
	Partially-used	715	25%	536			
	Under-developed	535	25%	401			
<b>Multifamily Residential (R-12)</b>	Vacant	144	15%	122	611	10 units/ acre	6,110
	Partially-used	325	25%	244			
	Under-developed	327	25%	245			
<b>Multifamily Residential (R-30)</b>	Vacant	78	15%	66	267	25 units/ acre	6,675
	Partially-used	96	25%	72			
	Under-developed	172	25%	129			

## Data availability

This guidance recognizes that the collection of data necessary to prepare the LCA may pose a challenge for some jurisdictions. In such cases, jurisdictions should use the best and most accurate information available and may use substitute sources, if all data sources and assumptions are thoroughly documented.

For example, if complete parcel-level information is not available on existing housing unit counts, jurisdictions may estimate achieved densities by evaluating a sample of representative parcels or by reviewing recently issued development permits in each zone. Similarly, jurisdictions may review a sample of representative mixed-use projects when setting assumptions about expected residential densities.

## 1.5 Calculate net residential capacity by zone

For each zone, subtract existing housing units from total residential capacity to determine net residential capacity.

## 1.6 Calculate additional capacity for ADUs on developed lots (Optional)

Changes to the housing element in 2021 call for jurisdictions to consider the role of accessory dwelling units (ADUs) in meeting housing needs. Changes in 2023 require jurisdictions to allow up to two ADUs per lot in urban growth areas, with the option for separate sale. Although capacity for ADUs has not typically been measured in a land capacity analysis, they are very likely to become important in meeting housing needs.

ADUs can be added to a developed parcel with an existing single-family home, and they may provide a lower cost housing option in areas where housing is typically more expensive, providing a way to help pay for a mortgage.

The optional methodology below provides general guidance for developing a reasonable estimate of capacity for new ADU production over the planning horizon. Jurisdictions should customize the assumptions described in the methodology below based on the best information available that reflects their local regulatory and market conditions.

- **Estimate total developed single-family lots where ADUs could be added.** Jurisdictions should document the zones where ADUs are allowed and estimate how many developed lots in these zones could add ADUs (either attached, detached, or conversion), based on local conditions. The feasibility of establishing an ADU on a given property depends on many site-specific factors, as well as the type of ADU to be added. Jurisdictions should generally consider the following factors, as applicable:
  - What are the prevailing lot sizes and built square footage compared to maximum allowed lot coverage? (i.e., is there space to construct an attached or detached ADU?)
  - Are there restrictions on the development of ADUs by local Homeowners Associations (HOAs)? And are they enforced?
  - Are there septic drainfields or other utility infrastructure that would limit the construction of accessory structures?
  - Any other site-level requirements established by the jurisdiction that would affect the ability to construct an ADU (property access, setbacks, etc.)?

Jurisdictions should thoroughly document all assumptions and screening criteria used, including data sources.

- **Determine a reasonable participation factor to account for owner preferences and site constraints.** Many property owners who can legally establish new ADUs on developed lots may choose not to do so, given the

significant associated cost and effort. Recommended participation factors could be as low as 1% in relatively weak real estate markets or as high as 10% in strong markets where lot sizes and infrastructure are conducive to ADUs.<sup>31</sup>

The historic rate of ADU production or any recent gradual increase in ADU production in a jurisdiction may inform the starting point for a participation factor. Also consider the scope of changes to a city's ADU regulations that will be required based on 2023 legislative changes in HB 1337 and the impact those changes will have within the jurisdictions housing market.<sup>32</sup>

It may also be helpful to develop different participation factors for each zone based on the different characteristics of housing in each zone. For example, zones with a lot of new development may have homes that have maximized the available lot coverage and have limited ability to add ADUs, therefore a low participation factor may be more appropriate compared to a zone that is primarily a first ring suburb with lots that have more space to build an ADU.

Apply the participation factor to the number of lots where ADUs could be constructed to estimate the number of lots likely to add ADUs during the planning period. For example, if the jurisdiction estimates 4,000 lots could accommodate ADUs and sets a 10% participation factor based on local market factors and flexibility in ADU development regulations, potential ADU lots would be calculated as follows:

$$4,000 \text{ lots} \times 10\% \text{ participation factor} = 400 \text{ potential ADU lots}$$

- **Account for the average number of ADUs permitted per lot.** Within urban growth areas, jurisdictions must allow up to two ADUs per lot over the next planning period based on recent changes to ADU regulations passed in 2023.<sup>33</sup> If this is the case in your jurisdiction, look at permitting applications or trends, demographic and housing data, and/or conduct resident surveys to determine what is the best assumption for the average number of ADUs that can be expected to be developed on lots that may have ADU production. Multiply this by the number of available lots to calculate ADU capacity:

$$400 \text{ potential lots} \times 1.25 \text{ ADUs per lot} = 500 \text{ total ADUs over 20 years}$$

## 1.7 Summarize total residential capacity

Jurisdictions should compile a summary of development capacity information for each zone and for ADUs in all zones (if applicable). Exhibit 9 shows an example development capacity summary table.

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<sup>31</sup> According to a study conducted by the Turner Center for Housing Innovation and the Urban Land Institute, in Portland, Seattle, and Vancouver, BC, ADUs accounted for only 3.0%, 0.8%, and 0.6%, respectively, of issued housing permits in 2009. In 2015, following key reforms in all three cities, this share had risen to 10.9%, 2.1%, and 6.3%, respectively. See [Jumpstarting the Market for Accessory Dwelling Units](https://turnercenter.berkeley.edu/wp-content/uploads/pdfs/Jumpstarting_the_Market_-_ULL.pdf) report located here: [https://turnercenter.berkeley.edu/wp-content/uploads/pdfs/Jumpstarting\\_the\\_Market\\_-\\_ULL.pdf](https://turnercenter.berkeley.edu/wp-content/uploads/pdfs/Jumpstarting_the_Market_-_ULL.pdf).

<sup>32</sup> Seattle's ADU production rate increased significantly after ADU reforms in 2019. Total ADU permits, which had been largely steady for the past four years, increased by approximately 350% from 280 in 2019 to 988 in 2022. See Seattle's 2022 ADU Annual Report for more details: <https://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/EncouragingBackyardCottages/OPCD-ADUAnnualReport2022.pdf>. Cities such as Olympia, Burien, Tacoma and Kirkland have also seen increases in the permitting and production of ADUs after regulations were changed to make it easier to construct ADUs, but not to the extent that Seattle has.

<sup>33</sup> HB 1337 (2023), requires jurisdictions to allow two ADUs per lot within urban growth areas, by six months after the next periodic update due date. See [1337.SL.pdf \(wa.gov\)](https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/House/1337.SL.pdf?q=20230602124224) at <https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/House/1337.SL.pdf?q=20230602124224>.

## Exhibit 9. Example summary table of development capacity by zone

### Development capacity by zone

Zone	Net developable land (acres)	Assumed density (units/acre)	Gross residential capacity (units)	Existing housing on developable land (units)	Net residential capacity (units)
Single Family Residential (R-4)	2,924	2.5 units/acre	7,310	310	7,000
Medium Density Residential (R-8)	1,201	6 units/acre	7,206	206	7,000
Multifamily Residential (R-12)	611	10 units/acre	6,110	110	6,000
Multifamily Residential (R-30)	267	25 units/acre	6,675	75	6,600

### ADU Capacity (all zones)

Lots available for ADUs	Participation factor	Potential ADU lots	Average ADUs per lot	Total ADU capacity
4,000	10%	400	1.25	500

#### Accounting for vacation homes and short-term rentals (Optional)

In some communities, a significant share of housing units are used as vacation homes or short-term rentals (STRs). These homes are effectively unavailable to house full-time residents. This constrains the local housing supply. Commerce's projected housing needs data accounts for the estimated number of existing vacation homes and short-term rentals in the baseline housing stock based on available Census data, and removes them from the current supply of units available to meet projected needs. However, Commerce's calculations of net new housing need only account for housing needed for the current and projected future full-time population. They do not account for any expected future demand for additional vacation homes or short-term rentals.

Jurisdictions that expect continued demand for new homes that will not be used for full-time residents have a few options for accounting for this demand in their housing elements.

- Treat this issue as a barrier to housing availability for full-time residents and refer to [Chapter 4. Adequate provisions](#) in this guidance to identify appropriate actions to overcome this barrier and implement these actions with the comprehensive plan.
- Analyze historic trends and/or conduct a market study to estimate the demand for these kinds of units over the planning period. Then subtract this number of units from capacity in the specific zones where the demand is expected. For example, if the demand appears to be exclusively in single-family areas with large lots, then subtract the estimated demand for housing from the capacity in only those relevant zones.

It may be appropriate to use some combination of both options, particularly if it is expected that actions are expected to take several years to implement and/or will not solve the problem entirely.

Note that if a jurisdiction accounts for demand for future vacation homes and STRs in their land capacity analysis, they cannot expand urban growth areas without documenting that the expansion is needed to accommodate capacity for allocated population and employment growth only (exclusive of vacation home/STR demand). See [RCW 36.70A.115\(1\)](#) and [WAC 365-196-310\(2\)\(e\)](#).

## Step 2. Classify zones by allowed housing types and density level

Housing costs and affordability can vary significantly by housing type, and housing types and densities are determined in part by zoning and other local development regulations. For example, subsidized affordable housing projects are most feasible to produce in low-rise or mid-rise multifamily zones that allow for multi-unit housing production, such as apartment buildings.<sup>34</sup>

The next step is to identify which housing types are allowed in each zone to facilitate relating each zone category to potential affordability levels.

The simplest approach is to classify zones into three or four categories, as shown in Exhibit 10. The first three categories may be most appropriate for smaller cities or suburban areas. Larger metropolitan cities may need one or more of the remaining categories, or to make other adjustments to categories to reflect local market conditions.

### Exhibit 10. Example categories for classifying zones by housing types allowed

Zone category	Typical housing types allowed*
Low Density	Detached single-family homes
Moderate Density	Townhomes, duplex, triplex, quadplex
Low-Rise Multifamily	Walk-up apartments or condominiums (up to 3 floors)
Mid-Rise Multifamily	Apartments or condominiums in buildings with ~4-8 floors (~40-85 feet in height)
High-Rise/Tower**	Apartments or condominiums in buildings with ~9 or more floors (>85 feet in height) and requiring steel frame construction

\* Manufactured homes are not listed as a housing type because by law they should be allowed in all zones.

\*\* High-Rise/Tower zones are likely to be relevant only in major metropolitan cities.

After you identify appropriate zone categories for your jurisdiction, the next step is to associate each residential land use zone in the jurisdiction with a specific zone category. Exhibit 11 provides an example of how four different land use zones within a city could be classified using the first three zone categories from Exhibit 10.

When summarizing which housing types are allowed in each land use zone (column 2 in Exhibit 11), Commerce recommends focusing on housing types that are permitted by right, and not those that are only allowed by conditional use.<sup>35</sup> Note that there may be some level of judgement necessary to assign zone categories to appropriate land use zones. For example, the Medium Density (R-8) zone in this example allows for both single family and duplex construction. However, the zone does not allow for most of the housing types in the Moderate Density zone category. When assigning zone categories, also consider the predominant housing type developed in the zone. If historic trends show that homebuilders are almost exclusively building

<sup>34</sup> High-rise zones that allow for building heights that require steel frame construction are not typically supportive of affordable housing production due to the higher cost per square foot.

<sup>35</sup> Only allowing a certain housing type by conditional use is a barrier that reduces the likelihood that housing type is included in new residential development.

detached single-family units in this zone, then it would be most appropriate to classify it as Low Density for evaluating capacity to meet housing needs.

## Exhibit 11. Example of classifying land use zones using example zone categories

Land use zone	Housing types allowed	Max density level allowed	Assigned zone category
Single-Family Residential (R-4)	Detached single-family homes	4 units/acre	Low Density
Medium Density Residential (R-8)	Detached single-family homes, duplexes	8 units/acre	Low Density
Multifamily Residential (R-12)	Detached single-family homes, townhomes, duplexes, triplexes, quadplexes, 6-plexes	12 units/acre	Moderate Density
Multifamily Residential (R-30)	Apartments, townhomes	30 units/acre	Low-Rise Multifamily

In the Exhibit 11 example, the R-12 zone allows for several additional moderate density housing types than the R-8 zone and a maximum density level that is more typically associated with moderate density housing. This zone has characteristics that fall more clearly in the Moderate Density zone category; therefore, it should be classified that way.

Of course, it is possible historic trends could show that much of the development has been detached single-family production. If that were the case, it would still be appropriate to classify this zone as Moderate Density for summarizing capacity for future housing production because the zone allows for several moderate density housing types. However, it would be important for the jurisdiction to conduct an analysis of barriers to achieving the production of moderate density housing types and work to remove those barriers. Guidance on how to analyze these barriers and identify actions to address them are available in [Chapter 4. Adequate provisions](#).

### Step 3. Relate zone categories to potential income levels served

In order to ensure land capacity for all income segments, we need to make assumptions about the types of housing each household is likely to occupy. The goal of this step is to answer, based on local market conditions, the following questions:

- Which income levels are likely to be served by new market-rate housing production in each zone category?<sup>36</sup> For example, a zone category that allows single family housing will likely serve new market rate housing serving income levels of >120% AMI and possibly 80-120% AMI, while new multifamily housing may serve households earning 80-120% AMI and possible 50-80% AMI.
- In which zone categories is it feasible for affordable housing developers to produce new income-qualified affordable housing projects, assuming typical sources of funding and financing are available?<sup>37</sup>

<sup>36</sup> The cost of market-rate housing is dependent upon the balance of supply and demand. Housing shortages lead to increases in market-rate housing costs. If a jurisdiction provides additional capacity and reduces barriers to more market-rate housing development, this would be expected to reduce housing costs compared to taking no action. However, these market dynamics are complex and outside of the scope of a land capacity analysis.

<sup>37</sup> As discussed in [Updating Housing Targets for your Community](#) (Housing Element Book 1), some jurisdictions, working alone or in collaboration with neighboring jurisdictions, may consider the provision of vouchers to low-income households to help meet their housing needs. This kind of solution is not an alternative to showing capacity for new housing to meet projected housing needs at each income level. Vouchers are simply one way to subsidize housing, not a way to show capacity for housing at lower incomes.

- In which zone categories is it feasible to produce new permanent supportive housing (PSH), assuming typical sources of funding and financing are available?<sup>38</sup>

Answering these questions requires an analysis of local housing market conditions and housing affordability levels, as well as outreach to local affordable housing developers. Exhibit 12 provides an example of how the findings of this analysis can be summarized, based on typical housing market conditions in many parts of Washington state as of 2022. The final column summarizes a direct relationship between zone category and income level served.

**These assumptions may be used as default if they generally reflect the affordability levels of new development in your jurisdiction if a more detailed market analysis is not possible in your jurisdiction. Alternatively, you may customize the table based on the best available information for your jurisdiction as discussed in sections 3.1 and 3.2 below.**<sup>39</sup> Exhibit 13 shows a separate set of example assumptions for communities with relatively higher housing costs compared to the rest of the state (e.g., Seattle, East King County).<sup>40</sup>

### **Inclusionary zoning and capacity**

If a jurisdiction has an inclusionary zoning (IZ) program, can they include some of the capacity in that zone as <80% AMI?

–**If a jurisdiction has a mandatory IZ program**, it may assume that IZ requirement proportion as capacity in the <80% AMI bracket, so long as the IZ program requires housing at that affordability level. In other words, if a jurisdiction requires 10% of development in the H-1 zone be reserved for households making <80% AMI, 10% of the capacity in the H-1 zone can be categorized as <80% AMI housing. In this case, that proportion of capacity could be shown in a separate IZ Zone Category or added to an existing Zone Category that has an assumed affordability level of low income (<80% AMI).

–**If a jurisdiction has a voluntary IZ program**, it can include that portion of capacity that is likely to use the IZ program as low-income capacity (<80% AMI). In this case, jurisdictions should examine what their current voluntary IZ program (or a neighboring jurisdiction) has produced in terms of <80% AMI housing and use those same participation rates going forward.

In other words, if records show that only 5% of development in a zone has used the voluntary IZ program, only about 5% of the future capacity can assume to use IZ. If you layer on the requirement that 10% of that development is affordable to <80% AMI, then 0.5% of the development capacity in that zone can be assumed to qualify for the 0-80% AMI housing (10% of 5%).

A jurisdiction may also use a slightly increased amount of participation in a voluntary IZ program if it can document that market and regulations have changed enough to support that increase.

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<sup>38</sup> Based on section 3 of HB 1220 (2021), [RCW 35A.21.430](#) now states, “A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed.” Therefore, the land capacity analysis can treat PSH housing need as equivalent to other 0-30% AMI housing need in cities that do not prohibit PSH in zones that allow residential development. In other words, a zone that is suitable for providing capacity for 0-30% AMI housing should also be considered suitable for PSH. Emergency housing is treated differently in this guidance, as described under Evaluating Capacity for Emergency Housing below.

<sup>39</sup> Note that the final column in Exhibit 12 and Exhibit 13, “Assumed affordability level for capacity analysis,” is typically based on the “Lowest potential income level served with subsidies.” However, jurisdictions have discretion to select assumptions that best align with local conditions. For example, communities that expect much of the capacity in a zone would be absorbed by future market rate housing development that is more expensive than the affordability level possible with subsidies may wish to account for this fact during Step 5. One way to do this would be reviewing market-rate development trends in that zone and calculating how much of the capacity would be expected to be absorbed by new market-rate housing if those trends continue throughout the planning period. This expected housing could be added to the capacity for a higher income band and subtracted from the capacity available for lower income levels, such that the total capacity for new housing in the jurisdiction remains unchanged.

<sup>40</sup> In expensive jurisdictions with high land costs, it may be necessary to define a density level threshold for determining which zones can support feasible affordable housing projects. For example, local affordable housing developers may indicate that they need zoning that allows at least 30 units per acre to make their typical projects pencil out. In this case, it may be appropriate to include density level criteria when grouping zones by category in Step 2.

## Exhibit 12. Example of relating zone categories to housing types and income levels served in moderate-cost communities

Zone category	Typical housing types allowed	Lowest potential income level served		Assumed affordability level for capacity analysis
		Market rate	With subsidies and/or incentives	
Low Density	Detached single family homes	Higher income (>120% AMI)	Not typically feasible at scale*	Higher income (>120% AMI)
Moderate Density	Townhomes, duplex, triplex, quadplex	Moderate income (>80-120% AMI)	Not typically feasible at scale*	Moderate income (>80-120% AMI)
Low-Rise Multifamily	Walk-up apartments, condominiums (2-3-floors)	Low income (>50-80% AMI)	Extremely low and Very low income (0-50% AMI)	Low income (0-80% AMI) and PSH
Mid-Rise Multifamily	Apartments, condominiums	Low income (>50-80% AMI)	Extremely low and Very low income (0-50% AMI)	Low income (0-80% AMI) and PSH
ADUs (all zones)	Accessory Dwelling Units on developed residential lots	Low income (>50-80% AMI)	N/A	Low income (>50-80% AMI) – Group with Low-Rise and/or Mid-Rise Multifamily

\* See discussion in 3.2 below.

## Exhibit 13. Example of relating zone categories to housing types and income levels served in higher-cost communities

Zone category	Typical housing types allowed	Lowest potential income level served		Assumed affordability level for capacity analysis
		Market rate	With subsidies and/or incentives	
Low Density	Detached single family homes	Higher income (>120% AMI)	Not feasible at scale*	Higher income (>120% AMI)
Moderate Density	Townhomes, duplex, triplex, quadplex	Higher income (>120% AMI)	Not typically feasible at scale*	Higher income (>120% AMI)
Low-Rise Multifamily	Walk-up apartments, condominiums (2-3-floors)	Moderate income (>80-120% AMI)	Extremely low, Very low, and Low-income (0-80% AMI)	Low income (0-80% AMI) and PSH
Mid-Rise Multifamily	Apartments, condominiums	Moderate income (>80-120% AMI)	Extremely low, Very low, and Low-income (0-80% AMI)	Low income (0-80% AMI) and PSH
High-Rise/Tower	Apartments, condominiums	Higher income (>120% AMI)	Moderate income (>80-120% AMI)	Moderate income (>80-120% AMI)
ADUs (all zones)	ADUs on developed residential lots	Moderate income (>80-120% AMI)	N/A	Moderate income (>80-120% AMI)

\* See discussion in 3.2 below.

Note that to count a zone's capacity towards the 0-30% PSH housing need in later steps requires the jurisdiction to allow PSH to be allowed in that zone.

### 3.1 Calculate the affordability of housing by type/zone category (Optional)

To develop customized assumptions about the income levels served by different types of new housing, jurisdictions can start by reviewing available data about the median rents and list prices for housing in their communities. Exhibit 14 includes recommended data sources that are available in many communities across Washington. However, jurisdictions can also reference the rents or sales prices of newly developed homes to get a more accurate assessment of what the market is producing in their area.

#### Exhibit 14. Recommended data sources for local market-rate housing costs

Housing type / Zone category	Data sources (select one per category)	Notes
Detached Single Family	Washington Center for Real Estate Research, <a href="#">Market Data Toolkit</a> – Housing Prices by Area	Identify the median sales price for single-family homes in your city/place.
	Redfin, <a href="#">Monthly Housing Market Data</a>	
Townhome / Middle Housing	Washington Center for Real Estate Research, <a href="#">Market Data Toolkit</a> – Housing Prices by Area	Identify the median sales price for townhomes in your city/place.
	Redfin, <a href="#">Monthly Housing Market Data</a>	
Apartments and Accessory Dwelling Units (ADUs) <sup>41</sup>	Washington Center for Real Estate Research, <a href="#">Market Data Toolkit</a> – Rental Housing Markets <a href="#">Zillow Observed Rent Index</a> (ZORI)	Identify the median or average rent for your city/place.

Next, convert these median housing costs to affordability levels based on the county area median income. For rental housing, the Washington State Housing Finance Commission (WSHFC) and the U.S. Department of Housing and Urban Development (HUD) publish regional rent thresholds that determine the maximum rent that is affordable to a household of a given size with income at a given percentage of AMI.<sup>42</sup>

For ownership housing, there are many calculators online for determining the income needed to afford a new home.<sup>43</sup> For example, Fannie Mae has a [Mortgage Calculator](#) where you enter the home purchase price, down payment, loan term and interest rate.<sup>44</sup> It then calculates the total monthly payment. The formula to convert a monthly payment to household income needed is:

$$\text{Annual Household Income Needed} = (\text{Monthly payment} / 0.3) * 12$$

Then you can calculate the income level as a percentage of AMI as follows:

$$\text{Income level as percent of AMI} = \text{Annual household income needed} / \text{Area Median Income (AMI)}$$

<sup>41</sup> Assume that ADU rents are on par with apartment rents unless a better local source of information is available.

<sup>42</sup> To view income and rent limits for your county, go to <https://www.wshfc.org/managers/map.aspx> and click “Full List of 2023 Limits by County.” In these tables, “Median Income” represents AMI for the county. Income level relative to AMI is shown in the “Set-aside Percentage” column. To determine income limits by household size for 120% of AMI, simply multiply the income limit for 80% AMI by 1.5.

<sup>43</sup> Examples include [Fannie Mae Mortgage Calculator](https://fm.fanniemae.com/homeownership/resources/financial-calculators/mortgage-calculator) (<https://fm.fanniemae.com/homeownership/resources/financial-calculators/mortgage-calculator>), [Zillow Mortgage Calculator](https://www.zillow.com/mortgage-calculator) (<https://www.zillow.com/mortgage-calculator>) or Redfin’s [How much house can I afford?](https://www.redfin.com/how-much-house-can-i-afford) (<https://www.redfin.com/how-much-house-can-i-afford>).

<sup>44</sup> These calculators typically provide current interest rates, down payment and local tax assumptions that can be adjusted if you have better local data available.

You can use these formulas to calculate income levels needed to afford a single-family home or townhome using data from one of the sources listed in Exhibit 14. This approach assumes a 4-person household. However, the average household size in most jurisdictions is closer to three persons. Therefore, it may be appropriate to first adjust AMI to reflect a 3-person household. To do this, multiply AMI by 0.9.<sup>45</sup>

If your jurisdiction is too small to be included among those covered by the data sources in Exhibit 14, there are a few options to consider:

- Use the default assumptions in Exhibit 12 or Exhibit 13.
- Assume housing costs are equivalent to those of the surrounding county and use one of the data sources above to pull data about median housing costs countywide.

In Kitsap, King, Pierce and Snohomish Counties, you may choose to use a [pro-forma tool developed by Cascadia Partners](#) in coordination with Commerce to determine how affordable housing might be with custom regulatory inputs<sup>46</sup>. In other words, a jurisdiction can enter information about the density, height, setback, parking and other restrictions of a zone, in combination with land values, and determine what income level housing in that zone could serve. More details on this tool are available on Commerce's middle housing webpage under "[Middle Housing Resources](#)."<sup>47</sup>

### 3.2 Identify zone categories that can support feasible subsidized affordable and supportive housing (Optional)

There are two primary sources of information to help jurisdictions identify zoning characteristics that make subsidized affordable housing projects most feasible, including permanent supportive housing (PSH).<sup>48</sup> First, review completed affordable housing projects built in your jurisdiction or other jurisdictions with similar market characteristics and identify the types of housing and achieved densities (units/acre) that have proven feasible in the past.<sup>49</sup> Second, conduct outreach to local or regional affordable housing developers and ask what zoning

#### Middle housing legislation and additional capacity for affordable units

With the next periodic update, jurisdictions required to implement middle housing with HB 1110 (2023) must allow increased development potential if some of the units are affordable. Although generally middle housing will not support households earning under 80% of AMI, in these specific circumstances that assumption would not remain true.

#### So how much capacity under 80% AMI can a jurisdiction count with HB 1110 middle housing legislative updates?

If there is a precedent in a jurisdiction for affordable housing density bonuses to yield affordable housing, or a comparable jurisdiction with a similar housing market yields such housing, a jurisdiction may use this information to assume a very small percentage of new units might develop in the <80% AMI income bracket.

For general recommendations on projecting capacity under HB 1110 (2023), see the sidebar with [Step 1.4 Calculate gross residential capacity by zone](#) (above).

<sup>45</sup> This is consistent with HUD's methodology for adjusting HUD Median Family Income for household size.

<sup>46</sup> Pro-forma tool for PSRC region: <https://deptofcommerce.box.com/s/cspjhl2vbr47yovggxtszdd5s7w03g9o>.

<sup>47</sup> <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/planning-for-middle-housing/>.

<sup>48</sup> The 2021 housing element updates identify permanent supportive housing (PSH) and emergency housing as housing types localities must plan for and accommodate. Permanent supportive housing is subsidized, leased housing for people who are experiencing homelessness or are at risk of homelessness and living with a disabling condition. PSH a long-term housing solution and included in the housing need projections as a subset of 0-30% AMI housing units. Emergency housing is temporary accommodations for households who are experiencing homelessness or are at imminent risk of becoming homeless. These facilities are described in a later section of this guidance, and the ability of localities to accommodate projected needs for emergency housing is evaluated independently from permanent housing supply.

<sup>49</sup> Note that development feasibility for affordable housing projects depends upon more than just density level. Other development regulations such as parking requirements can also have a major impact. The impacts of these regulations are considered in the following chapter on identifying barriers to housing production.

characteristics they look for when identifying locations for feasible affordable housing projects, given the kinds of funding and financing resources that are typically available.

Keep in mind, in some communities, nonprofit affordable housing developers such as Habitat for Humanity build affordable housing projects at moderate or low-density levels. However, these projects are typically very small in scale, particularly compared to the overall volume of housing need. Higher density zoning that allows for multi-unit housing types like apartments is typically necessary to support projects that make the most efficient use of subsidies by reducing the cost of new housing per unit.

The findings of this analysis may prompt reconsideration of the categories or thresholds in Step 2. For example, if local affordable housing providers indicate that they really need at least 30 units per acre in allowed density to make their projects feasible, it may make sense to include density level thresholds for grouping land use zones by zone category. It may also make sense to add an additional zone category in Step 2.

## Step 4. Summarize capacity by zone category

The next step is to summarize land capacity for housing unit production by zone category. Exhibit 15 provides a simple example that builds on the land use zones and zone categories shown in Exhibit 11.

### Exhibit 15. Example of summarizing capacity by zone category

Zone	Unit capacity	Assigned zone category	Capacity in zone category
Single Family Residential (R-4)	7,000	Low Density	14,000
Medium Density Residential (R-8)	7,000		
Multifamily Residential (R-12)	6,000	Moderate Density	6,000
Multifamily Residential (R-30)	6,600	Low-Rise Multifamily	6,600
ADUs	500	ADUs	500

## Step 5. Compare projected housing needs to capacity

In this step, compare the jurisdiction’s projected housing needs by income level to capacity to determine if there is sufficient capacity to accommodate needs at all income levels. Exhibit 16 extends the same example from above to show this comparison.

The “Projected housing need” column shows the jurisdiction’s allocation of need by income group, as well as for PSH. These needs are aggregated into the zone categories that match those in the leftmost column of Exhibit 12. Next, it shows total housing needs for all income levels in each zone category in the “Aggregated housing needs” column and the capacity for those zone categories from Exhibit 15. The rightmost column simply compares capacity to housing need to calculate the surplus or deficit of capacity by zone category.

## Exhibit 16. Example comparison of projected housing needs to capacity

Income level (% AMI)	Projected housing need	Zone categories serving these needs	Aggregated housing needs	Total capacity (From Exhibit 15)	Capacity surplus or deficit
0-30% PSH	2,000	Low-Rise Multifamily + ADUs	13,000	7,100	<b>-5,900</b>
0-30% Other	4,000				
>30-50%	3,000				
>50-80%	4,000				
>80-100%	2,000	Moderate Density	5,000	6,000	1,000
>100-120%	3,000				
>120%	6,000	Low Density	6,000	14,000	8,000
<b>Total</b>	<b>24,000</b>		<b>24,000</b>	<b>27,100</b>	<b>3,100</b>

When total projected housing needs (24,000) are compared to total capacity for housing growth (27,100), this analysis shows a surplus of capacity overall. However, when capacity for each zone category is compared to housing need at the associated income levels, this analysis shows a significant deficit of capacity for housing with potential to serve households at 80% AMI or below, and a significant surplus of units in the Low-Density category. This indicates there is not enough appropriately zoned capacity to meet all the housing needs in this jurisdiction. The jurisdiction will need to do additional work to show how it can provide capacity to meet all housing needs and document the necessary actions in its housing element. Step 6 below provides a detailed discussion of the process for applying corrective actions to address a lack of capacity.

### Contributing funds to regional affordable housing

Creation of affordable housing involves many funding sources and organizations. Therefore, some jurisdictions in Washington have decided to pool resources and local funding streams to fund affordable housing in a region, even though the affordable housing may not be developed in every jurisdiction that contributes resources. In this and similar cases, jurisdictions may decide collectively how the contribution to affordable housing can be documented consistently by all jurisdictions who have pooled resources.

This contribution does not change each jurisdiction's responsibility to plan for and accommodate the housing needs allotted to the jurisdiction with respect to land capacity. In other words, each jurisdiction must still have sufficient land capacity for their share of countywide housing needs, irrespective of contributions. It may, however, provide a way to shift needs to the recipient jurisdiction at the countywide level in the allocation process.

Each jurisdiction may acknowledge their contribution in their housing element to show part of their efforts to "make adequate provisions for existing and projected housing needs." Nevertheless, this documentation of contribution does not eliminate the need for a jurisdiction to complete the identification of barriers and actions to address affordable housing needs.

## Addressing residential growth in the development pipeline and development since 2020

As described in Step 1.1, properties in the permit pipeline should be assumed to develop consistent with their permit applications and should be excluded from the land capacity analysis. While these properties do not provide capacity for future residential development yet, the anticipated development may be counted toward meeting a jurisdiction's projected housing needs.

Similarly, residential development that has occurred since 2020 (the base year for the projected housing needs) may be classified as pipeline development and counted toward meeting projected housing needs. For example, if a city or county prepares their LCA using 2023 parcel data, properties that were developed in 2021-2023 would be classified as pipeline, and these housing units would be deducted from the jurisdiction's projected housing needs.

When comparing projected housing needs to capacity in Step 5, jurisdictions should account for pipeline development as follows:

- **Assign pipeline units to potential income levels served:** Using the guidelines in Step 3, assign the housing units for each pipeline project to the income level they are likely to serve, as shown in Exhibit 12, Exhibit 13, or the cities custom developed crosswalk table. This assignment should be based on the type of housing units (rather than zoning) and whether the units are market-rate or subject to subsidies/incentives.
- **Calculate remaining projected housing need by income category:** Calculate the total number of pipeline housing units in each of the income categories shown in Exhibit 16 and deduct these units from the corresponding projected housing need by income category. This represents the housing need remaining to be met during the planning period.
- **Compare residential capacity to remaining housing need:** Compare the available residential capacity in each income category to the remaining housing need, as described in Step 5.

## Step 6. Revise zoning if needed to address unmet housing needs

If the comparison in Step 5 above shows a lack of capacity in one or more income categories, jurisdictions must identify and implement actions to address the projected deficit. This could be accomplished by rezoning selected developable lands to higher densities (e.g., from Single Family Residential (R-4) to Multifamily Residential (R-12)) or by amending existing zones to allow greater density (e.g., change the maximum density for the entire Moderate Density Residential zone from 8 units per acre to 12 units per acre).

Under GMA, it is required that any zoning changes necessary to show sufficient capacity be implemented prior to or concurrent with the adoption of the comprehensive plan or periodic update.<sup>50</sup> The action could be in connection with major planning efforts already scheduled or in progress (subarea plans, planned actions, comprehensive plan periodic updates, etc.). Jurisdictions should also be aware that amendments to zoning or associated development regulations may also require additional time for environmental review under the State Environmental Policy Act (SEPA), including analysis of infrastructure conditions.

Jurisdictions should document the extent of any such zoning actions, the anticipated net increase in capacity as a result, and the assumptions used to calculate the additional capacity, including analysis of infrastructure conditions.

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<sup>50</sup> [RCW 36.70A.115](#) states that "Cities and counties must "ensure that, taken collectively, adoption of and amendments to their comprehensive plans **and development regulations** provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth..."

Exhibit 17 illustrates example rezoning adjustments to residential capacity to address an identified deficit. In this example, a jurisdiction chose to increase zoning capacity across zones, focused on increasing capacity around transit and amenity areas. By increasing zoning capacity in these areas, the jurisdiction is adding capacity in areas with increased transit options, supporting services and infrastructure. Overall, this approach results in a net increase in capacity in the Multifamily Residential (R-30) zone that offsets the identified deficit in the under 80% AMI housing need category.

Specifically, these changes include:

- Shifting 200 acres from the Single Family Residential (R-4) zone to the Medium Density Residential (R-8) zone,
- Shifting 200 acres from the Medium Density Residential (R-8) zone to the Multifamily Residential (R-12) zone, and
- Shifting 240 acres from the Multifamily Residential (R-12) zone to the Multifamily Residential (R-30) zone.

The change reduced capacity in the moderate-income category (>80-120% AMI) and the above 120% AMI category, but not enough to eliminate the existing surplus at these income levels.

### Exhibit 17. Example of adjusted residential development capacity by zone

Zone	Zoning changes (developable acres)*	Net zoning changes (acres)	Assumed density (units/acre)	Residential capacity adjustment (units)	Zone category
Single Family Residential (R-4)	-200 ac (to R-8)	-200	2.5 units/acre	-500	Low Density
Medium Density Residential (R-8)	+200 ac (from R-4) -200 ac (to R-12)	0	6 units/acre	0	Low Density
Multifamily Residential (R-12)	+200 ac (from R-8) -240 ac (to R-30)	-40	10 units/acre	-400	Moderate Density
Multifamily Residential (R-30)	+240 ac (from R-12)	+240	25 units/acre	+6,000	Low-Rise Multifamily

#### What if capacity exceeds housing needs?

It is likely with zoning changes to allow increased capacity for lower-income housing needs, jurisdictions may have more capacity than their housing needs allocation. Although comprehensive plans are to plan for a twenty-year period, land use decisions extend beyond twenty years. It is important that we make the best use of land that is designated for urban uses, recognizing that urban growth areas can only be increased if they lack capacity for twenty years of growth. Therefore, as long as jurisdictions have sufficient capacity to meet their housing needs at all income levels, there is no requirement that jurisdictions need to downzone other areas if capacity exceeds housing needs.

Jurisdictions should consider the above information collectively with any countywide and/or multicounty planning policies that direct growth patterns. For jurisdictions in the Central Puget Sound area, please see [PSRC Plan Review and Comprehensive Plan's Frequently Asked Questions](#), specifically the questions on Growth Targets, Capacity and Housing.

Income level (% AMI)	Zone categories serving these needs	Aggregated housing needs	Capacity prior to zoning adjustment (From Exhibit 15)	Rezoning capacity adjustments	Adjusted capacity surplus or deficit
0-30% PSH	Low-Rise Multifamily + ADUs	13,000	7,100	+6,000	100
0-30% Other					
>30-50%					
>50-80%					
>80-100%	Moderate Density	5,000	6,000	-400	600
>100-120%					
>120%	Low Density	6,000	14,000	-500	7,500
<b>Total</b>		<b>24,000</b>	<b>27,100</b>	<b>+5,100</b>	<b>8,200</b>

\* Note: This column refers to the number of acres that would need to be rezoned after accounting for any relevant deductions for critical areas, infrastructure, or market factor. Therefore, the full gross acres rezones would likely need to be higher. This table is simplified and shows the net acres (after deduction).

When developing a re-zoning proposal, jurisdictions must consider the potential for displacement as well as appropriate mitigation strategies. See Commerce’s [Guidance for Addressing Racially Disparate Impacts](#) for guidance on policies to reduce or mitigate displacement risk.

## What if there is not enough capacity?

If your land capacity analysis shows there is insufficient capacity to meet new housing demand, or does not allow for the types of housing in greatest need, you should first consider increasing allowed residential densities and housing types within existing zones to increase capacity. When new capacity is added, it is beneficial for jurisdictions to evaluate if the new capacity is in areas with the greatest opportunity. To do this, map land capacity along with "opportunity" factors such as public transportation, job centers, schools and amenity clusters. Note the areas in the community where zoned capacity is low, while opportunities are present. These may be focus areas for zoning and land use changes.

These zoning changes should consider the housing types and densities that will meet the unmet capacity needs identified in Step 5. To be consistent with GMA goals, these increases in density and housing types should first be focused around areas with jobs, transit and infrastructure to allow more people close access to these community services.

Other options to explore additional capacity for housing needs include the following:

- Examine other zones that are under-developed, such as areas with excess commercially-zoned land that have the potential for mixed-use or residential development. Increasing densities in existing zones or encouraging redevelopment of excess commercial land can leverage your existing infrastructure investments.
- Consider increasing capacity in areas that are low density that have infrastructure or planning new infrastructure for area with under-developed or undeveloped parcels. In the case of planning new infrastructure to serve capacity, address needed public investments in infrastructure in the capital facilities element.
- Jurisdictions may also consider expanding the UGA boundary in areas suitable for development in coordination with neighboring jurisdictions and the county. Expanding UGA boundaries should include

consideration for the cost of providing infrastructure in new areas. For more information, refer to Commerce’s [Urban Growth Area Guidebook](#).

- If an examination of affordability shows there are not enough ownership units at the low end of the spectrum, then increasing density through land use and zoning changes to allow smaller and more attached units may be an important strategy. When adding attached units as an allowed use, it may be useful to reconsider the use of unit-per-acre based densities (e.g., seven units per acre). Instead consider minimum lot size (e.g., 6,000 square feet) or "unit density" (e.g., minimum number of dwelling units on a lot, not on a per acre basis<sup>51</sup>) so that a given parcel is able to add units through attached housing types and not be limited by density restrictions. Consider infrastructure with these changes.

## Land available to meet other housing needs

In addition to reviewing land capacity for all income levels, jurisdictions should also review if they have land zoned to allow for the development of other housing types within the jurisdiction. The housing element requires local governments to identify “sufficient land for housing, including, but not limited to, ... manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, [and] permanent supportive housing” ([RCW 36.70A.070\(2\)](#)).

In response to HB 1220 (2021), jurisdictions will need to allow emergency housing and shelters as discussed in the following section and allow permanent supportive housing (PSH) and transitional housing in all zones that allow residential development and hotels.<sup>52</sup>

Additionally, this is the opportunity for communities to examine the gap between the community's housing needs and housing inventory in a jurisdiction's housing needs analysis to see if there are sufficient facilities for community needs such as group homes, memory care or assisted living facilities, or unique other housing needs such as behavioral health care facilities. The land capacity analysis provides the opportunity to determine whether there is enough land zoned to allow construction of these other types of needed housing.

During this analysis, jurisdictions should also consider if available land for these housing types is located in areas with sufficient infrastructure and amenities, such as transit and other services.

## Evaluating capacity for emergency housing needs

This section provides guidance on demonstrating capacity for emergency housing needs. This guidance treats these needs somewhat differently in part because they are treated differently in Commerce’s housing needs projection methodology (see that titled section in Commerce’s [Establishing Housing Targets for your Community](#), 2023). Specifically, the methodology for projecting emergency housing assumes that all jurisdictions make only limited progress in addressing permanent housing needs across all income levels.

Due to that assumption, each county’s projection of future emergency housing needs is higher than it would be if that county were successful at building enough housing affordable at each income level. This is because the lack of availability of affordable housing is a primary driver of homelessness and housing instability. Therefore, if each jurisdiction planned for enough capacity to meet their entire allocation of permanent housing needs at each income level (including permanent supportive housing) and planned for enough additional capacity to accommodate its full allocation of emergency housing needs, then it would be providing more than sufficient capacity to accommodate all projected housing needs.

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<sup>51</sup> As introduced with HB 1110 (2023) or with HB 1337 (2023).

<sup>52</sup> See [RCW 35.21.683](#) and [RCW 35A.21.430](#) for these requirements.

To address this issue, this guidance for demonstrating land capacity for emergency housing needs is designed to avoid double-counting housing needs that would be accommodated if the jurisdiction were successful at providing for all permanent housing needs.

## Statutory requirements for emergency housing

While HB 1220 (2021) included requirements for all jurisdictions (counties and cities) to plan for current and projected emergency housing needs, it also added new requirements only for cities that limit development regulations related to the citing of emergency housing and emergency shelter. These requirements are codified as [RCW 35A.21.430](#) and [RCW 35.21.683](#). Specifically, a city may not prohibit indoor emergency housing (which includes traditional shelter arrangements) in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing emergency housing in a majority of zones within a one-mile proximity to transit.<sup>53, 54</sup>

While it is mandatory that cities make changes to zoning regulations to comply with this requirement, they may adopt reasonable occupancy, spacing and intensity of use requirements by ordinance on indoor emergency housing and indoor emergency shelters to protect public health and safety. However, these regulations must not be so restrictive that they prevent the development of a sufficient number of emergency housing beds to meet the community's identified need.

Additionally, the housing element updates in 2021 updated the land capacity requirements in RCW 36.70A.070(2)(c) to require that each jurisdiction identify sufficient capacity of land for a variety of housing types, including emergency housing and emergency shelters. Therefore, if a city receives an allocation of emergency housing need but does not allow indoor emergency housing or indoor emergency shelters in their jurisdiction, they will need to revise their development regulations to allow for such uses.

If a city chooses not to allow hotels and has no transit, per the two requirements of sections RCW 35A.21.430 and RCW 35.21.683, the city must still show sufficient capacity for the allocated emergency housing need to be consistent with the updated housing element requirements on land capacity (RCW 36.70A.070(2)(c)).<sup>55</sup>

Commerce recommends the same standards noted above be used by counties that must plan for emergency housing needs.

### Engagement with service providers

Prior to this capacity analysis, jurisdictions are encouraged to understand the specific emergency housing demands, constraints and opportunities within their communities by engaging with their local providers of shelter services and street outreach. These groups can inform the local details of emergency housing and shelter development feasibility and the assumptions in this capacity analysis. Feedback from these stakeholders and current providers can help the jurisdiction understand whether emergency shelters or emergency housing may be more likely to be developed and at what densities. A jurisdiction may also choose to set their local emergency housing need higher than the need allotted to them based on this local feedback.

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<sup>53</sup> In this section, "emergency housing" is inclusive of both indoor emergency shelters and indoor emergency housing as referenced in HB 1220 (2021).

<sup>54</sup> [HB 1220 \(2021\)](#) – see Sections 3 and 4, now codified as RCW 35A.21.430 and RCW 35.21.683.

<sup>55</sup> Some jurisdictions may choose to coordinate with neighboring jurisdictions to collectively address emergency housing needs. While such actions are encouraged, these actions do not release individual jurisdictions from the requirement to show capacity to address their own allocation.

## Guidance for occupancy, spacing and intensity regulations

Jurisdictions may adopt reasonable occupancy, spacing and intensity of use requirements by ordinance on indoor emergency housing and indoor emergency shelters to protect public health and safety. When considering these regulations, the jurisdictions should carefully consider [RCW 35A.63.240](#) (code cities) and [RCW 36.70.990](#) (counties). These statutes state no city or county “may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals.” As used in these sections, “handicaps” are as defined in the federal fair housing amendments act of 1988.<sup>56</sup>

Consider the following additional guidance when placing occupancy, spacing and/or intensity of use requirements on emergency housing or emergency shelters.

### Occupancy

Commerce recommends occupancy for emergency shelters and emergency housing be established as required by the jurisdiction’s adopted building, fire and safety codes. Jurisdictions should carefully consider [RCW 35.21.682](#), [RCW 35A.21.314](#), and [RCW 36.01.227](#). These statutes state cities and counties may not regulate or limit the number of unrelated persons that may occupy a dwelling unit except as provided for in state law, for short-term rentals or by occupant load per square foot.

### Spacing

Spacing with respect to emergency housing refers to the distance between facilities. Emergency housing and shelters meet a broad spectrum of service needs and may have an unpredictable demand for services. Therefore, requiring spacing between uses of a similar type or between emergency housing and shelters and support services may increase the likelihood of loitering, littering and camping around service delivery sites. This is particularly true in communities where there is a significantly higher demand for services than can be met. Allowing for campus type settings, where a variety of services can be provided at the same site, will likely remove some of the external impacts felt by neighbors.

If any spacing requirement is adopted, Commerce recommends connecting any spacing requirements directly to public health and safety, but they should not exceed the spacing required by RCWs [9.94A.030](#) and [9.94A.703](#), which create community protection zones of 880 feet from incompatible uses that have a clear connection to public safety.

### Intensity

Intensity with respect to emergency housing refers to the total number or density of people in a single location or facility. Commerce does not recommend any blanket intensity regulations for these use types. Some neighborhoods may feel they are being asked to accommodate more than their fair share of these housing types because of a unique combination of historical development trends, market conditions, property values, zoning and land use regulations. Standards adopted to encourage a scattered approach to the siting of these services to ensure they are not located in only one area of the jurisdiction may become necessary. Other appropriate intensity regulations may include encouraging emergency shelter and housing close to transit, employment, social and health services, and other resources that help in stabilization.

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<sup>56</sup> The [1988 amendments](#) add protections for families with children and persons with physical or mental disabilities. It defines handicap as: (1) a substantially limiting physical or mental impairment; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. The law stipulates that the following shall not be considered a handicap: (1) current illegal use of or addiction to a controlled substance; and (2) transvestism. <https://www.congress.gov/bill/100th-congress/house-bill/1158>

Intensity regulations may become useful as a jurisdiction nears or exceeds achievement of the allocated emergency housing and shelter needs, supporting a focus of future development on permanent supportive housing units rather than emergency shelters and housing.<sup>57</sup>

## Determining whether an LCA for emergency housing is necessary

Jurisdictions must do a quantitative LCA for emergency housing needs unless they can provide supporting documentation demonstrating both of the following conditions:

- The jurisdiction has one or more zones that allow hotels, all of which allow for emergency housing by right.<sup>58</sup> Alternatively, this condition may be met by demonstrating that emergency housing is allowed by right in a majority of zones within a one-mile proximity to transit, per [RCW 35A.21.430](#) and [RCW 35.21.683](#) (sections 3 and 4 of [HB 1220, laws of 2021](#)).
- The jurisdiction has no regulations that limit the occupancy, spacing or intensity of emergency housing.<sup>59</sup>

If either of these conditions is not true, the jurisdiction must conduct and document an LCA to show sufficient capacity for their allotted share of countywide emergency housing needs. If an LCA for emergency housing is required, complete it at the same time as the LCA for permanent housing needs described in Steps 1-6 above. Buildable lands counties subject to RCW 36.70A.215 or those that have already completed a land capacity analysis may have already completed some of the analysis needed to perform a land use capacity analysis for emergency housing.

## Recommended LCA approach for emergency housing

The following process is the recommended approach to document sufficient land capacity for a jurisdiction's local share of countywide emergency housing needs.<sup>60</sup> This analysis should be included with the LCA performed for permanent housing needs in a jurisdiction's housing element supporting documentation. Alternative capacity analysis methods are possible with sufficient documentation.

### Recommended emergency housing capacity analysis steps

- 1) Selection 1 – Identify all parcels in zones that allow indoor emergency housing and indoor emergency shelters. It is okay if some or all of these same parcels are also included in your permanent housing land capacity analysis.
- 2) Selection 2 - From the parcels identified in Selection 1, narrow the search to vacant parcels, hotels and motels, significantly under-developed parcels or developed parcels with no active business licenses, and those sites that have been declared a nuisance.<sup>61</sup>
  - Remove any properties from the selection that are sufficiently encumbered by environmentally critical areas to preclude additional development.

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<sup>57</sup> Alternatively, Commerce recommends converting surplus emergency housing into permanent low-income housing when possible.

<sup>58</sup> "By right" in this context means a project approval process that allows projects that comply with zoning standards to receive approval without a discretionary review process.

<sup>59</sup> Similar to other building uses, local governments may set restrictions in relation to health, safety and fire codes, so long as the restrictions do not prevent the siting of a sufficient number of emergency housing units to meet the allocated need.

<sup>60</sup> The methodology for conducting an LCA for emergency housing is different from permanent housing for a number of reasons. First, in many communities, emergency housing needs are not addressed through new development. Instead, they are addressed through the acquisition and conversion of existing facilities, such as older motels or hotels or rehabilitation of underused or vacant buildings. In other cases, these emergency housing needs are met through the development of temporary shelter units in tiny home villages, which are built as a conditional use that does not conform to regular residential density standards.

<sup>61</sup> Jurisdictions use public nuisance declarations on sites to encourage redevelopment or rehabilitation of sites that endanger public health and safety. See [RCW 9.66.010: Public nuisance](#).

- In some urban areas, under-used hotels and motels can be repurposed for emergency housing. If such sites exist in the community, the jurisdiction may, after consultation with the property owner, include these sites in the selection due to their potential for future conversion to emergency shelters or emergency housing.
- 3) Selection 3 – Amend Selection 2 based on the following:
- Add any parcels that have pending development permits for emergency shelter or emergency housing. Consider these parcels in the development pipeline and, once completed, count them towards a jurisdiction’s local emergency housing need.
  - Remove any parcels that have pending development permits for land uses other than emergency housing or shelters.
- 4) Selection 4 - Apply any adopted spacing or intensity requirements to the parcels from Selection 3 to identify the maximum number of potential sites where emergency housing would be allowed. This step should account for spacing around any existing emergency housing or shelters, as well as any hotel or motel sites identified for conversion to emergency housing. Depending on the required spacing and the number of sites identified in Selections 1-3, multiple configurations may be possible.
- 5) Complete one of the two following processes to determine how many emergency shelter beds or emergency housing units could be accommodated. Your approach should consider community and/or service provider demonstrated preference for emergency shelter or emergency housing facilities. Jurisdiction calculations may reflect this preference and the associated occupancy, intensity and/or capacity considerations.
- Option A (occupancy/intensity method): Using the sites identified in Selection 4, perform a simple site-level analysis of how many emergency shelter beds or emergency housing units could be accommodated based on any adopted occupancy and intensity requirements.
    - Identify developable area of the sites. Similar to the LCA for permanent housing, exclude non-buildable areas of the site (critical areas and their buffers, required landscaping and parking areas, setbacks, etc.) from developable area.
    - Identify a building envelope based on local regulations that maximizes available building capacity on the site.
      - Assume a portion of the envelope would be used for communal support spaces and remove that from the building envelope.
      - Assume construction will not exceed local trends in building height or make reasonable assumptions based upon the height limit in the zoning code.
    - Use the jurisdiction’s maximum occupancy rate as allowed by adopted codes to determine the maximum number of emergency beds or units possible in each building envelope.<sup>62</sup>
  - Option B (assumed density method): Use assumptions about what type of emergency housing and/or emergency shelters are likely to be developed in the jurisdiction and perform a capacity analysis of the sites identified in Selection 4 based on probable development typologies that may be used.
    - First, jurisdictions should develop density assumptions (units or beds per acre) that do not exceed adopted occupancy or intensity standards based on:

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<sup>62</sup> Consult your local building official to confirm adopted occupancy by square foot standards.

- Allowed densities for hotels and motels in their local jurisdiction,
  - Densities achieved by existing emergency housing or shelters in the local region, and/or
  - A density or mix of emergency housing densities based on likely emergency housing or emergency shelter typologies in the jurisdiction, drawn from examples shown in Exhibit 18 or interviews with local developers of emergency housing.
- Based on a combination of emergency housing typologies and densities (see Exhibit 18 for some examples), or a single density assumption of the most likely emergency housing or emergency shelter typology for the community (e.g., converted hotel or motel, congregate shelter, etc.), determine the number of emergency beds or units possible on each site from Selection 4.

- 6) Add up the capacity from all available sites identified in Step 5. See Exhibit 19 for an example summary.
- 7) At the end of this calculation, document the capacity for emergency shelter and emergency housing in the jurisdiction compared to the allocated emergency housing need. If the capacity for emergency shelter and emergency housing does not meet or exceed that portion of the jurisdiction’s allocated emergency housing need, regulations will need to be amended to allow sufficient capacity and steps 1-7 will need to be repeated with the new regulations to show capacity.

Note that sites assumed to be developed for emergency shelter and housing uses in the emergency housing land capacity analysis should be removed from sites available for commercial uses and employment growth in other capacity or planning work for the comprehensive plan. This change may also affect revenue projections, specifically from travel or other hospitality taxes if hotels are converted to shelters or other types of housing.

### Exhibit 18. Example densities of emergency shelters and emergency housing

Project name	Location & context	Zoning	Housing type	Units/beds	Site size (acres)	Density	Facility characteristics
<b>Emergency congregate<sup>63</sup> shelter</b>							
<b>Tri-City Union Gospel Mission</b>	Pasco, urban	Light Industrial District	Emergency congregate shelter	162 beds	6.3 acres	25 beds/acre	New 1 story building, lots of parking, open space
<b>Serenity House of Clallam County</b>	Port Angeles, suburban	Residential Moderate Density (RMD)	Emergency congregate shelter	70 beds	1.89 acres	37 beds/acre	Clustered 2 story buildings, parking, open space
<b>Benedict House</b>	Bremerton, suburban	Residential-10	Emergency congregate shelter	24 beds, + 3 respite beds	0.21 acres	128 beds/acre	2-story single family home conversion
<b>House of Charity</b>	Spokane, urban	Downtown General	Emergency congregate shelter	108 beds	0.71 acres	152 beds/acre	2 stories, very small outdoor space, parking space for staff
<b>Hope House</b>	Spokane, urban	Downtown South	Emergency shelter on 1st floor, 3 floors PSH above	100 beds	0.45 acres	200 beds/acre	4 story multi-family style development, no parking or outdoor spaces

<sup>63</sup> Congregate housing means more than one household per room.

Project name	Location & context	Zoning	Housing type	Units/beds	Site size (acres)	Density	Facility characteristics
<b>Emergency housing</b>							
<b>North King County Enhanced Shelter</b>	Shoreline, suburban	Mixed Business	Nursing home conversion	60 beds,	2.66 acres (used area: 2.39 acres)	23 beds/acre (used area: 25 beds/acre)	1-story former nursing home, open space and parking
<b>The Gateway in Honor of Tenaya Wright</b>	Seattle, urban	Commercial 1-55	Hotel conversion	115 units; 135 beds	2.25 acres	51 units/acre or 60 beds/acre	3-story former hotel with parking
<b>Quince Street Village</b>	Olympia, urban	Downtown Business	Microhomes (8ft x 8ft)	100 units	1.41 acres	71 units/acre	Common showers, restrooms, laundry, providers offices
<b>Rosy's Tiny House Village</b>	Seattle, urban	Seattle Mixed-University	Microhomes (8ft x 12ft)	36 units; 50 beds	0.41 acres	122 beds/acre or 88 units/acre	Common kitchen area, showers, laundry
<b>Permanent supportive housing at densities for consideration</b>							
<b>Orting Veterans Village</b>	Orting, small town	Public Facilities	Tiny home village	35 units, each with bathroom (single room occupancy or SRO)	3.2 acres (portion with project)	11 units/acre plus community facilities	29 homes are 176 SF, 6 are 256 SF; community building, open space, parking
<b>Quixote Village</b>	Olympia, urban	Light Industrial	Tiny home village	30 units, each with ½ bath	2.17 acres	14 units/acre plus community facilities	All homes are 144 SF; 2,500 SF community building; open space, garden and parking

## Example emergency housing capacity analysis

Exhibit 19 and Exhibit 20 illustrate an example of how a community may work to complete the LCA for emergency housing. In this example, the community has an allocated emergency housing need of 300 units.

After completing steps 1-4, the jurisdiction finds that an existing hotel might convert to emergency housing in the future and three sites totaling approximately 3 acres are zoned to allow emergency housing and shelters and meet the city's 1,000 foot spacing requirements. Using the assumed density approach (Option B), with a mix of densities for emergency housing likely to be built in the jurisdiction based on example densities in this report and neighboring jurisdictions, Exhibit 19 illustrates how this community finds it has a capacity deficit.

## Exhibit 19. Example summary of emergency housing capacity

Site grouping	Acres	Density	Capacity (beds or units)	Total capacity	Total need	Capacity surplus or deficit
Existing hotel conversion			60	240	300	-60
Tiny shelter villages	3	60 units/acre	180			

Based on this deficit, the city reviews its spacing requirements, which had limited the number of available sites to three based on a 1,000-foot spacing requirement. The city evaluates a spacing requirement of 500 feet instead and recalculates the LCA for emergency housing as shown in Exhibit 20.

## Exhibit 20. Example summary of revised emergency housing capacity

Site grouping	Acres	Density	Capacity (beds or units)	Total capacity	Total need	Adjusted capacity surplus or deficit
Existing hotel conversion			60	312	300	12
Tiny shelter villages	4.2	60 units/acre	252			

The changes to spacing allow the jurisdiction to have sufficient emergency housing capacity to meet the allocated need. The jurisdiction reduces the spacing requirements for emergency housing and emergency shelters in the community from 1,000 feet to 500 feet with the development regulation updates that accompany the comprehensive plan periodic update.

## Chapter 4. Adequate provisions

RCW 36.70A.070(2)(d) requires jurisdictions planning under the GMA to include in their comprehensive plan a housing element that “[m]akes adequate provisions for existing and projected needs of all economic segments of the community, including:

- (i) Incorporating consideration for low, very low, extremely low, and moderate-income households;
- (ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;
- (iii) Consideration of housing locations in relation to employment location; and
- (iv) Consideration of the role of accessory dwelling units in meeting housing needs.”

The following guidance helps jurisdictions address these requirements. Several checklists in [Appendix B: Adequate provisions checklist](#) support documentation of a jurisdiction’s analysis.

# Consideration for low, very low, extremely low and moderate-income households

There are two ways in which jurisdictions should present and incorporate “consideration for low, very low, extremely low and moderate-income households.” Each of these overlaps with other requirements, so as jurisdictions document compliance with the other sections of RCW 36.70A.070, they are also addressing RCW 36.70A.070(2)(d)(i).

- 1) **Identify in their housing element the number of housing units necessary to manage both current and projected housing needs, broken down by income bracket.** These housing needs will be identified through the countywide allocation process discussed in [Establishing Housing Targets for your Community](#) (Housing Element Book 1) using Commerce's published countywide housing needs found in the [Housing for All Planning Tool \(HAPT\)](#).<sup>64</sup> Exhibit 21 shows an example of allocated housing needs. This presentation should include each income level as well as PSH and emergency housing needs.<sup>65</sup>
- 2) **Document sufficient land capacity to accommodate appropriate housing types for meeting the housing needs** identified in #1 above, as discussed in [Chapter 3. Land capacity analysis](#). The capacity findings should be included in the housing element and indicate that with any necessary amendments to their development regulations, a jurisdiction has sufficient capacity for their allocated housing needs.<sup>66</sup> More detailed documentation of the land capacity analysis can be presented in an appendix to the comprehensive plan.

## Exhibit 21. Example presentation of projected housing needs by income level

Income level	Percent area median income	Net new units needed, 2020-2045
<b>Extremely Low</b>	0-30% Permanent Supportive Housing (PSH)	2,000
	0-30% Other (non-PSH)	4,000
<b>Very Low</b>	>30-50%	3,000
<b>Low</b>	>50-80%	4,000
<b>Moderate</b>	>80-100%	2,000
	>100-120%	3,000
<b>Above Moderate</b>	>120%	6,000
<b>Total</b>		24,000

Temporary housing needs*	Net new beds needed, 2020-2045
<b>Emergency Housing/Shelter</b>	1,000

\* Note that emergency housing/shelter projections and allocation assume current trends with regards to meeting all housing needs at each income level. If the jurisdiction succeeds in providing enough housing to meet all permanent housing needs at all income levels, then it is not expected to need as many emergency housing beds.

<sup>64</sup> Housing for All Planning Tool (HAPT): <https://deptofcommerce.box.com/s/48o8fzedzxn63xth6aofi2jc2npcjoa>

<sup>65</sup> Emergency housing needs includes both emergency housing and emergency shelter housing needs required under statute.

<sup>66</sup> [RCW 36.70A.115](#) reads “Counties and cities that are required or choose to plan under RCW 36.70A.040 shall ensure that, taken collectively, adoption of and amendments to their comprehensive plans and/or development regulations provide sufficient capacity of land suitable for development within their jurisdiction to accommodate their allocated housing and employment growth, ...”

# Documenting programs and actions needed to achieve housing availability

Jurisdictions are not required to construct housing or ensure housing is produced. However, they are required to identify barriers to housing production and make adequate provisions to accommodate all housing needs. This means they must use the tools at their disposal to create the conditions that make it feasible for developers to build the kinds of housing needed at all income levels.

RCW 36.70A.070(2)(d)(ii) states that jurisdictions must assess "barriers such as development regulations, and other limitations" as part of "documenting programs and actions needed to achieve housing availability." This section describes how jurisdictions are to identify barriers to production and appropriate actions to remove those barriers.

Just as the land capacity assessment breaks down total housing unit capacity by zone category based on housing types or density levels allowed, your barriers assessment should consider factors that may negatively affect production for each type of housing allowed in your community.

For example, a city may be seeing a lot of detached single-family housing production on vacant land, and therefore determine that there are no significant barriers to single-family home construction. However, the same city may be seeing very little production of moderate density housing types such as townhomes or triplexes in zones where those types are allowed. If the city's housing element is relying on capacity for those housing types to meet the needs of moderate-income households, then its housing element should also assess barriers specific to those housing types as well as actions to help overcome those barriers.

Exhibit 22 provides a summary of Commerce's recommended steps for documenting programs and actions to achieve housing availability. Conduct these three steps each housing type and affordability level. However, it is possible that the types of barriers identified and the actions to overcome them will be relevant to more than one housing type or affordability level.

Appendix B: Adequate provisions checklist provides checklists to use in documenting barriers and programs and actions to achieve housing availability, as well as examples of how to complete each of these steps and document the work. Documentation of the barriers to housing availability and the programs or actions needed to overcome these barriers must be in a public document and typically should be included as an appendix to the comprehensive plan housing element.

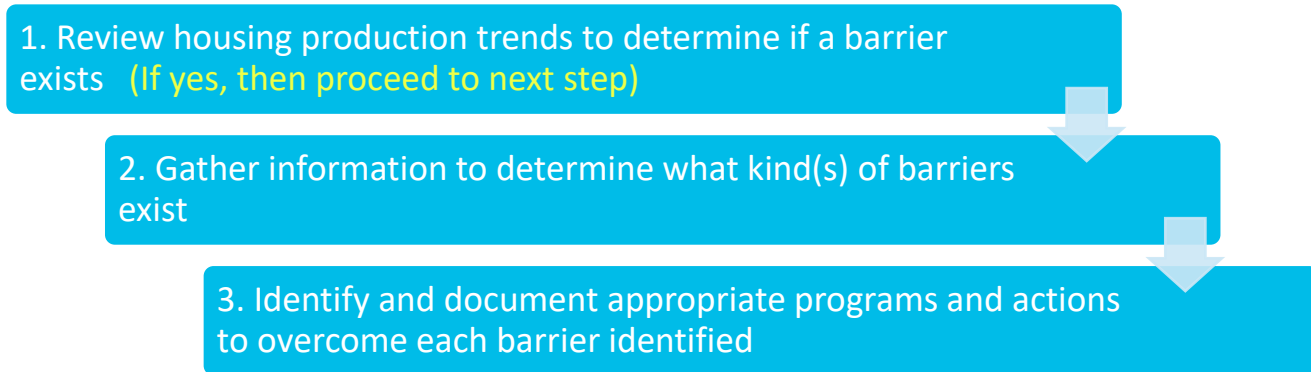
## **The role of local jurisdictions in housing production**

While local governments do not typically build housing, they do influence the regulatory environment in which housing is built. Local governments set requirements for building uses, parking and site design, aesthetics, scale, density and other characteristics that constrain what developers can build, regardless of market demand. Local governments also impose fees for development and control key parts of the permitting process.

In these and other ways, local government decisions affect the cost of development and the predictability of the process, and ultimately influence which housing projects are feasible.

Jurisdictions can encourage certain housing development types by amending these regulations, offering density bonuses, cost reductions or other incentives that impact the developers' bottom line.

## Exhibit 22. Recommended steps for documenting programs and actions to achieve housing availability



### Step 1: Review housing production trends to determine if a barrier exists

The first step to completing a housing barriers assessment is to review production trends and compare them to the average annual housing production needed. Conduct this review for each type of housing identified in your land capacity analysis as necessary to meet your jurisdiction’s allocated housing needs.

Exhibit 23 provides an example comparison of production trends to housing needs. It follows from the same example used through the land capacity guidance to show how a jurisdiction can build on their land capacity analysis work when evaluating if barriers exist.

- In this example, projected housing needs are first aggregated in three groups based on the zone category and housing type(s) assumed to be most appropriate for meeting the need, based on the LCA.
- Next, it divides the total need by 25 years (2020-2045)<sup>67</sup> to calculate annual unit production needed.
- Then it includes data about actual historic average annual unit production. This information could come from an analysis of completed building permits for each type of housing over the past five to ten years.
- The final column summarizes if a barrier is found through this analysis. If annual unit production needed is higher than historic average annual unit production, then the column shows a “Yes” to indicate there is a barrier present. If annual unit production needed is lower than historic average annual unit production, then the column shows a “No” indicating there is no significant barrier to building enough of that type of housing to meet housing needs.

This example shows there are barriers to production for Low-Rise, Mid-Rise and Moderate Density housing types, and there are no barriers for Low Density housing types. Therefore, this jurisdiction should move on to the next step to identify relevant barriers for Low-Rise, Mid-Rise and Moderate Density housing.

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<sup>67</sup> Although comprehensive plans plan for a twenty-year period, the best available data for projecting housing needs was the decennial Census. Therefore, the base year for the projected housing needs is 2020.

## Exhibit 23. Example comparison of production trends to housing needs to determine if barriers exist

Income level (% AMI)	Projected housing need (2020-2045)	Housing type(s) that best serve these needs	Aggregated housing need (2020-2045)	Annual unit production needed	Historical average annual unit production	Is there a barrier to sufficient production?
0-30% PSH	2,000	Low-Rise and Mid-Rise (walk-ups up to 3 stories, apartments and condominiums)	13,000	520	120	Yes
0-30% Other	4,000					
>30-50%	3,000					
>50-80%	4,000					
>80-100%	2,000	Moderate Density (townhomes, duplex, triplex, 4-plex) + ADUs	5,000	200	80	Yes
>100-120%	3,000					
>120%	6,000	Low Density (single family)	6,000	240	720	No

A jurisdiction should also conduct additional analysis to identify whether housing production is meeting the affordability levels of the allocated housing needs, as well as PSH. This analysis is needed because it is possible that a jurisdiction has seen sufficient production of a housing type such as apartments to meet projected housing needs, but the production may be entirely or predominantly market-rate units that do not meet lower income housing needs.<sup>68</sup> This indicates there are still barriers to meeting needs at affordability levels below which the market is typically providing, such as 0-30% AMI and 30-50% AMI.

Exhibit 24 provides an example of this analysis. It compares annual unit production needed for four affordability levels of housing not likely to be served by the market to historical average annual unit production. In this case, base the production trend only on the historical production of relevant housing types, such as PSH units or subsidized affordable units for households with incomes at or below 50% of AMI.

Data collection on historical production may come from multiple sources, such as local affordable housing and emergency housing/permanent supportive housing facility developers or records from incentive programs. In addition to local data availability, the Washington Center for Real Estate Research (WCRER) publishes an inventory of the supply of subsidized rental housing in cities with populations greater than 10,000 as well as all counties in Washington.<sup>69</sup> Each county's Five Year Homeless Housing Plan also has information on PSH and

<sup>68</sup> Although filtering may help free up units at lower price points, the number of lower-income units created as higher-income or market rate inventory comes online is generally small.

<sup>69</sup> The focus of the WCRER inventory is on the supply of subsidized rental housing; hence, the inventory seeks to list units in projects that receive subsidies as distinct from units rented by households who receive demand-side subsidies (such as housing vouchers). See <https://wcrer.be.uw.edu/housing-market-data-toolkit/subsidized-rental-housing-profile/>.

emergency housing facilities.<sup>70</sup> PSRC also has a database of subsidized rental housing in the four-county region ([Income Restricted Housing Inventory](#)).<sup>71</sup>

## Exhibit 24. Example comparison of sub-market rate housing needs to production trends to determine if barriers exist

Income level (% AMI) and supportive housing needs	Projected housing need (2020-2045)	Annual unit production needed	Historical average annual unit production	Is there a barrier to sufficient production?
Emergency housing/shelter*	1,000	40	25	Yes
0-30% PSH	2,000	80	0	Yes
0-30% Other	4,000	160	40	Yes
>30-50%	3,000	120	80	Yes

\*Projected emergency housing and shelter needs may be accommodated through conversion of existing buildings such as hotels and not solely new production.

For any housing type or affordability level where a barrier to sufficient production is identified, the jurisdiction should proceed to the following step and gather information to determine what kind(s) of barriers exist.

If you are already certain there are barriers that need to be addressed for a given housing type or income level, this step can be skipped. However, jurisdictions should document this review to support any claim that no barrier exists for a given housing type, and therefore no action is needed to ensure housing availability.

### Step 2: Gather information to determine what kind(s) of barriers exist

There are several types of barriers that can limit or effectively prohibit the production of housing needed to serve all economic segments. Barriers to housing production will vary by community based on local context. Typically, these barriers increase the cost of development, which makes some projects infeasible. Jurisdictions have various options on how to reduce barriers and therefore development costs, as described in Step 3.

Identify barriers through a combination of data collection, staff experience, code review, evaluation of existing permitting process and resources, comparisons with neighboring jurisdictions and developer interviews. Developer feedback should include for-profit, non-profit, affordable housing, emergency housing, permanent supportive housing and small developers (such as residential property owners) to ensure a thorough understanding of the potential barriers to housing development. Guiding questions and checklists for this review are provided in this section and [Appendix B: Adequate provisions checklists for jurisdictions to reflect on and discuss with their communities.](#)

<sup>70</sup> <https://www.commerce.wa.gov/serving-communities/homelessness/local-government-5-year-plans/>.

<sup>71</sup> <https://www.psrc.org/our-work/income-restricted-housing-puget-sound-region>.

Below is a description of several of the most common kinds of barriers to consider in the review. They are organized in four categories:

- development regulations,
- process obstacles,
- limited land availability and environmental constraints, and
- funding gaps.

## Development regulations

Some development regulations limit or effectively prohibit the production of housing types needed to serve all economic segments. Examples of these limitations include:

### Unclear development regulations

Regulations should be clear and consistent. Use terms consistently across all code sections and add new definitions as codes are amended. Regulations should also clarify the code interpretation process and which code sections should take precedence in the event of a conflict, because this can help to prevent disagreements during the permitting phase.

### Restrictive development standards

Restrictive development regulations often make it more difficult, if not impossible, to construct certain types of moderate density and higher density housing types. These regulations can be a result of community opposition: see “Barriers and community buy-in” in the blue box under “Process obstacles” below for more details.

These regulatory barriers can exist in many forms, many of which may need to be addressed as the result of new legislation limiting restrictions such as design review, owner occupancy and parking:

- High minimum lot sizes<sup>72</sup>
- Low maximum densities or low maximum floor area ratio
- Low maximum building heights
- Large setback requirements
- High off-street parking requirements<sup>73</sup>
- Lack of alignment between building codes and development codes<sup>74</sup>

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<sup>72</sup> Minimum lot sizes in urban areas inflate the cost of housing by reducing supply and increasing land costs per unit. In some jurisdictions, minimum lot sizes are actually larger than historic platting patterns.

<sup>73</sup> The cost of parking minimums is high: parking in a new development can cost up to \$40,000 or more per stall depending on site characteristics. Additionally, the more parking that is required on site, the less housing that is possible. To remove barriers to housing provided by parking requirements, best practices are to set parking requirements very low and allow the market to determine how much, if any, parking is needed.

<sup>74</sup> Examples of development regulations that may not align with building codes include [limitations on the number of stories of wood frame construction](#), [sprinkler requirements](#), requirements for double-loaded corridors versus [point-access blocks](#), elevator requirements for mid-sized buildings, or articulation requirements that reduce floorplan efficiencies and increase construction and operating costs.

## Other factors outside of local jurisdiction control

In addition to the barriers described in this section, there are other factors that influence housing production and affordability that are outside of the control of local jurisdictions.

These factors might include state-level regulations, inadequate regional transit investments, lack of builder capacity and workforce to meet housing demands, disruptions to building material supply chains, rising labor and materials costs, population growth, employment trends, economic downturns, interest rates, and/or lack of service providers (such as healthcare, mental health treatment, or case management) to support affordable housing and PSH projects. Housing production is also dictated by development market preferences, as some housing types and price points are more profitable than others.

However, regardless of these other factors, under RCW 36.70A.070(2)(d)(ii), jurisdictions must document programs and actions needed to achieve housing availability. As described in

Exhibit 26: Barriers and strategies matrix, there are many actions that jurisdictions

- Restrictive ADU standards, including:
  - larger setback requirements for ADUs than the primary dwelling
  - Owner-occupancy requirements
  - Prohibiting existing structures from being converted into ADUs
  - Additional requirements for middle housing and multifamily housing that are not imposed on single-family housing, such as landscaping, parking and outdoor space regulations
- Spacing requirements, restrictions on support spaces (such as offices), arbitrary limits on number of occupants (in conflict with [RCW 35A.21.314](#)) and other restrictions on emergency shelters, emergency housing, transitional housing and permanent supportive housing that effectively prohibit or limit capacity of these housing types so they cannot meet the projected needs.
- Other barriers, depending on community context and regulation rigidity, such as ground-floor retail requirements, complex design standards, maximum impervious surface cover, tree retention regulations and historic preservation requirements.

## Process obstacles

The permitting process can be a major barrier for housing production for both larger and smaller developers. Limitations relating to permitting may be due to complex, unclear or onerous processes; high fees; lengthy review and processing times; or staffing challenges.

### Conditional use and other discretionary permit processes

Though a conditional use is not outright prohibited, the discretionary conditional use permit process adds unpredictability as well as costs and time to a proposed housing project. A range of other quasi-judicial permit public hearing processes, including planned unit development, planned residential development and special use permits, have similar effects. These processes result in strong disincentives for developers to propose a project in the first place and can make an otherwise feasible project financially infeasible.

In addition, conditional use permits have sometimes been required for transitional housing and permanent supportive housing specifically because of the use type. Communities can consider using development and design standards to control for impacts, which should be administered by staff instead of requiring a hearing. However, a city, county or other local governmental entity or agency may not adopt, impose or enforce requirements on an affordable housing development that are different than the requirements imposed on housing developments generally.<sup>75</sup> Different types of conditional use permits have different implications on the

<sup>75</sup> [RCW 36.130.020](#).

### Barriers and community buy-in

Community opposition to allowing certain housing types can be an obstacle to implementing actions and programs necessary to achieve housing availability for all income levels. Jurisdictions should consider how best to involve community members in the process. For example, community engagement during regulation and policy development allows jurisdictions to address resident concerns prior to permitting. This helps build early community buy-in and provides more predictability for housing development during the permitting process once new development regulations are adopted and implemented.

When engaging community members, it is important to seek input from a broad spectrum of residents, not just those with the loudest voices. See Chapter 2 of [Commerce’s Housing Action Plan guidance](#) and [this guidance](#) from PSRC’s Housing Innovations Program for best practices.

Community opposition can be a more significant impediment to housing production in communities with discretionary development approval processes, such as housing only allowed by conditional use, design review requirements, or the need to provide approved community benefits. Streamlining approval of housing development that meets clear objective local design standards and regulatory requirements can reduce delays for individual project proposals and increase predictability for developers.

development process: the conditional use permit public hearing process requires more steps than administrative conditional use permits.

### **Design review**

Design review, when required, can delay bringing new housing on to the market if it is complex or overly prescriptive. In more extreme instances, an overly onerous design review process may lead an applicant to withdraw a permit application or pursue development somewhere else. Providing clear guidance to developers on how to meet design review requirements can help to make this process easier and clearer.

With any design review, jurisdictions should be aware that as of 2023, fully planning counties or cities must update their regulations within six months after the next periodic update so that they apply only clear and objective design regulations to the exterior of new residential development (HB 1293, 2023).<sup>76</sup>

### **Lack of clear and accessible information about process and fees**

Transparency and clear information about fees and steps in the permitting process can help facilitate the creation of new housing and shorten the permitting process. Guidance materials that outline in plain language all submittal requirements needed for a complete application as well as costs and steps in the process, an efficient online permit processing system, and timeline estimates can help to make the process more predictable for developers and mitigate risks for constructing housing.

### **Permit fees, impact fees and utility connection fees**

The costs associated with permitting new housing can impact whether a potential housing project is feasible. This hurdle applies to for-profit developers as well as non-profit affordable housing developers. Jurisdictions may choose to reevaluate such fees or provide exceptions for needed housing types that are not as easy to develop, such as income-restricted affordable housing. Fees can also be scaled according to the impact or size of a dwelling, which can help minimize costs.<sup>77</sup>

Moving forward, six months after the next periodic comprehensive plan updates (2024-2027), local governments must publish a schedule of impact fees which reflects the proportionate impact of new housing units (SB 5258, laws of 2023, amends RCW 82.02.060). Therefore, impact fees shall reflect the proportionate impact of smaller units such as multifamily and condominium units, based on the square footage, number of bedrooms or trips generated.<sup>78</sup>

System development charges, while not required, can also be scaled to the size of the unit to encourage smaller, multi-unit housing development that is typically more affordable.

### **Processing times and staffing challenges**

Long processing times, often impacted by staffing limitations, can be an obstacle to housing development, especially if timelines are unpredictable. Jurisdictions may identify this as a barrier to development and begin

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<sup>76</sup> A clear and objective regulation “must include one or more ascertainable guideline, standard, or criterion by which an applicant can determine whether a given building design is permissible under that development regulation; and may not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations for a development proposal in the applicable zone.” See the Final Bill Report on ESHB 1293 here: <https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bill%20Reports/House/1293-S.E%20HBR%20FBR%2023.pdf?q=20230720162657>.

<sup>77</sup> For an example of this, see King County’s latest impact fee policies for wastewater charges where the capacity charge rate structure will use average persons per household as the new basis of the capacity charge effective Jan. 1, 2021. See <https://kingcounty.gov/services/environment/wastewater/capacity-charge/review-studies.aspx>.

<sup>78</sup> See section 10 of the Final Bill Report on E2SSB 5258 located here: <https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bill%20Reports/Senate/5258-S2.E%20SBR%20FBR%2023.pdf?q=20230720170239>.

to make associated changes to improve processing times, thereby encouraging more housing development by increasing permitting timeline predictability and reducing carrying costs for developers.

SB 5290 amends RCW 36.70B to improve clarity on the timelines around complete permit applications. For applications received after January 1, 2025, RCW 36.70B now sets out time periods and application fee portions for different types of permit processing. Jurisdictions will also need to report permit processing information to Commerce. Cities and counties are also encouraged to take additional measures to enable timely permit processing, with additional direction to improve permitting over time.<sup>79</sup>

### **State Environmental Policy Act (SEPA) process**

SEPA review helps agencies identify the likely environmental impacts of projects and policy decisions. The SEPA Rules (WAC 197-11-800(1)(c)) allow cities and counties to raise their exemption thresholds for minor new construction, thereby reducing costs and time in the development process. Many jurisdictions have already modified their exemption thresholds, but some have not. Not raising SEPA exemption thresholds may create additional unnecessary processing time and costs for the permitting of some new housing.<sup>80</sup> Jurisdictions may also consider using the optional Determination of Non-significance (DNS) process (under WAC 197-11-355) as appropriate, which allows for a single integrated comment period for the notice of application and the threshold determination.

### **Limited land availability and environmental constraints**

While a jurisdiction may have enough land capacity to accommodate all housing needs on paper, in some cases that land is difficult to develop. This may occur when sewer is not available to allow higher density or when most of the capacity is on under-developed parcels that would need to be assembled to provide for feasible multifamily housing development. Environmental constraints, such as the location of critical areas, may affect the feasibility of development on available lands.<sup>81</sup> If local conditions do not provide suitable sites, developers may look elsewhere. Flexible regulations, such as Planned Unit Development and cluster subdivisions, can help mitigate site constraints, or expansion of infrastructure to enable higher density development.

### **Gaps in local funding**

RCW 36.70A.070(2)(d)(ii) requires that local jurisdictions document “gaps in local funding” in their list of programs and actions needed to achieve housing availability. Typically, most affordable housing funding comes from state and federal sources.<sup>82</sup> However, local funding can also play an important role. A lack of available public funding can be a barrier to housing production and meeting all housing needs in several ways. Some examples include:

- Infrastructure or service costs: Lack of public funding can be a barrier to infrastructure or service level improvements necessary to make new housing development feasible.
- Capital costs for new affordable housing development: This gap includes public subsidies to support the development of new housing for low-income households that cannot afford local market-rate housing

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<sup>79</sup> For more information, see Final Bill Report on 2SSB 5290 here: <https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bill%20Reports/Senate/5290-S2%20SBR%20FBR%2023.pdf?q=20230720164530>.

<sup>80</sup> Several new SEPA exemptions and appeals protections have been added in the past few years. Please see Commerce’s Washington State Housing Laws of 2019 through 2022 here: <https://deptofcommerce.app.box.com/s/jfd6j7vsgpiotketm4c09eekocovd4lc>.

<sup>81</sup> PSRC has [guidance and resources](https://www.psrc.org/our-work/stormwater-parks) on stormwater facility planning, which may be relevant where stormwater capacity is an environmental constraint. See <https://www.psrc.org/our-work/stormwater-parks>.

<sup>82</sup> For a listing of federal, state and local funding options for housing available as of 2020, see [Appendix D: Resources for funding affordable housing in Washington state](#).

costs. Available federal, state and local funding and financing tools are currently insufficient to support construction of enough homes to meet the needs of all low, very low and extremely low-income households.<sup>83</sup>

- Operational costs for affordable and supportive housing: Rents for moderate (80-120% AMI) and some low-income (50-80% AMI) units are typically high enough to cover operational costs for housing. However, in many communities, rents for units affordable to very low (30-50% of AMI) and extremely low (0-30% of AMI) income households are not enough to cover operational costs. Additionally, PSH and emergency housing require additional support services for residents.<sup>84</sup> These services may include basic case management or coordination with medical, behavioral health or other service providers to remain stable and safely housed. Communities or developers may be reticent to build or acquire properties without commitments to provide services in place. Therefore, even if funding is available to build these kinds of housing, lack of funding for operational costs can make these types of housing infeasible.

To address the requirements of RCW 36.70A.070(2)(d)(ii), Commerce recommends that all jurisdictions, at minimum, complete a checklist to document which available local funding tools or incentives are already being used and which tools can be implemented to help close the funding gap. These tools may include ways to raise additional funds for supporting affordable housing development as well as tools to reduce the cost of affordable housing development, such as impact fee waivers and multifamily property tax exemption. While Commerce recognizes that local tools alone are likely to be insufficient for supporting enough subsidized housing production to meet all housing needs, local funding can play an important role. For example, local funding can often be critical during the pre-development phase to make projects more competitive in attracting additional state, federal or private funding.

Exhibit Appendix B: Adequate provisions checklists provides a recommended checklist that all jurisdictions complete and include in their housing element. Jurisdictions are welcome to add additional local options for closing the funding gap to this list. This same Appendix includes an example of this checklist completed for a hypothetical city.

### **Methodology for estimating affordable housing funding gap (Optional)**

In addition to the proposed method for identifying gaps in local funding for housing needs, the following methodology may be used to roughly estimate the gap in funding associated with capital costs for new affordable housing development. This methodology does not include operational costs and is not relevant for emergency housing.<sup>85</sup>

- 1) **Total annual affordable housing units needed:** Sum the total number of housing units needed at affordability levels below what the market will provide. This should typically include at least units affordable from 0-50% AMI, but in high-cost areas (relative to other parts of the state) it may also include a portion of the housing units affordable in the 50-80% AMI bracket. Then divide by the number of years in

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<sup>83</sup> In addition to exploring funding mechanisms for subsidized housing, jurisdictions may consider acquiring or surplus property that can be used (wholly or in part) for income-restricted, permanent supportive or emergency housing. This work is possible in partnership with one or more organizations or local governments using affordable housing funds from a local housing tax levy or sales and use tax available for income-restricted housing. In addition, some religious or nonprofit organizations have available land they would be willing to provide, either in fee simple or under a long-term lease, for needed housing. Under state law, religious organizations are entitled to a bonus density over what local zoning would otherwise permit, when the use would be for low-income housing (RCW 35A.63.300).

<sup>84</sup> In 2022, Commerce performed an analysis of the property operations and maintenance costs and tenant supportive services costs for affordable housing projects that receive funding from the Washington State Housing Trust Fund. This report, titled Washington State Investments in Housing Operations and Tenancy Support Services (2022), is located here: <https://deptofcommerce.box.com/shared/static/1eutafumw7kf5btvqw5i4p4h2lbqkas3.pdf>.

<sup>85</sup> Costs for emergency housing are not included in these figures as those needs are better planned for in the county level 5-year homeless housing plans required under [RCW 43.185C.050](#).

your planning period to determine the average number of new affordable units that are needed each year to meet your allocated needs.

- 2) **Average annual units produced:** Find data about recent affordable housing production in your community to calculate an average annual production rate.<sup>86</sup> This is the average number of affordable housing units per year developed in your community with support of any local, state, federal or philanthropic funding or financing, including low-income housing tax credits (LIHTC).
- 3) **Gap in annual affordable housing production:** Subtract your Average Annual Units Produced (#2) from Total Annual Units Needed (#1) to calculate the total gap in average annual production.
- 4) **Gap in funding:** To calculate the total gap in funding, multiply the Gap in Annual Affordable Housing Production (#3) by an assumed total cost per unit. To support this step, Commerce summarized data from the Washington State Housing Finance Commission about the average project cost per unit of LIHTC projects completed between 2015 and 2022 in Exhibit 25.<sup>87</sup> Jurisdictions can use values from this table for this calculation. A jurisdiction can either select the average cost per unit for their own county or the statewide average if data is not available for their county. If better local data is available, that cost figure may be used with documentation of the cost data per unit.

It is important to note that this methodology will result in a rough estimate of funding gaps in 2022 dollars. Construction costs and interest rates have been escalating rapidly. Therefore, expect the funding gap to grow during the projection period. The methodology also does not consider rents paid by tenants that can offset the total amount of public subsidy needed.

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<sup>86</sup> Ideally, you should analyze five or more years of data to determine the average annual rate of units produced.

<sup>87</sup> The data analyzed is based on Total Residential Project Cost, which includes the total cost of the residential portion of a project, including land, capitalized reserves and offsite infrastructure improvements. Data is available for 22 counties as well as statewide. The other 17 counties did not have LIHTC projects for new construction completed during the period for which data was available (2015-2022). Unit costs are presented in 2022 dollars. Construction costs have escalated rapidly in recent years, so the total gap in funding will quite likely be higher assuming that units are built over time during the entire planning period.

## Exhibit 25. Average cost per unit for new construction LIHTC projects completed between 2015 and 2022

County	Total project count	Average units per project	Total units	Inflation adjusted cost per unit (2022\$)
Adams	1	86	86	\$ 212,217
Benton	5	90	448	\$ 205,397
Chelan	1	67	67	\$ 274,816
Clallam	2	42	84	\$ 359,266
Clark	15	79	1,184	\$ 244,098
Franklin	1	38	38	\$ 318,104
Grant	2	50	99	\$ 242,595
Island	1	26	26	\$ 346,717
King	79	130	10,262	\$ 340,579
Kittitas	1	49	49	\$ 275,122
Lewis	1	35	35	\$ 285,141
Okanogan	4	24	96	\$ 498,625
Pierce	12	121	1,456	\$ 281,780
San Juan	1	45	45	\$ 418,433
Snohomish	23	174	4,001	\$ 297,224
Spokane	20	83	1,665	\$ 217,419
Stevens	1	40	40	\$ 349,962
Thurston	6	117	702	\$ 260,916
Walla Walla	2	54	108	\$ 316,272
Whatcom	5	42	212	\$ 475,818
Whitman	1	56	56	\$ 238,676
Yakima	6	50	302	\$ 265,586
<b>Statewide</b>	<b>190</b>	<b>111</b>	<b>21,061</b>	<b>\$ 307,407</b>

Source: Washington State Housing Finance Commission, 2022; BERK, 2022.

Note: The Inflation-Adjusted Average Cost per Unit includes all costs associated with development, such as land, construction, permit fees and financing. It also adjusts for construction cost inflation to the year 2022 based on the average of two multi-family construction cost indices [available from the Census Bureau](#): Fisher and Laspeyres (<https://www.census.gov/construction/cpi/>). There were no LIHTC projects for new construction during the analysis period for counties missing from this list. For more details about data source, see [Affordable Housing Cost Data](#) (Commerce, 2019), see: <http://www.commerce.wa.gov/wp-content/uploads/2020/01/Affordable-Housing-Cost-Data-Report.pdf>.

## Step 3: Identify and document appropriate programs and actions to overcome each barrier identified

RCW 36.70A.070(2)(d)(ii) requires that all jurisdictions document programs and actions needed to achieve housing availability. These programs and actions should be designed to address and overcome barriers to housing development identified by the jurisdiction such as those described above. It is not required that a jurisdiction implement these programs and actions in advance of adoption of the comprehensive plan.<sup>88</sup> More information about implementation planning is in [Chapter 9. Implementing and monitoring your housing element](#).

Counties and cities subject to the Review & Evaluation Program of RCW 36.70A.215 are responsible for a somewhat similar requirement to identify and implement “reasonable measures,” which are actions necessary to reduce the difference between actual development patterns and assumptions and targets that may be contained in the countywide planning policies and city and county comprehensive plans.<sup>89</sup> Some reasonable measures that focus on addressing residential development trends may also be relevant to addressing barriers to achieving housing availability. Therefore, the same action(s) can appear in both lists.

However, the requirements for reasonable measures are somewhat different than the requirements in the housing element under RCW 36.70A.070(2)(d)(ii). So, jurisdictions that have adopted reasonable measures related to residential development should carefully review the findings of their barriers analysis to determine whether additional programs and actions to achieve housing availability for all housing types and incomes is needed, and if so, which actions or programs are most appropriate.

identifies some examples of programs and actions that may be used to address the barriers to housing production discussed above. This information may support jurisdictions in identifying appropriate programs and actions based on their unique barriers. This list indicates which strategies may be more effective in addressing the identified barriers. Many of these actions overlap with strategies for addressing racially disparate impacts, displacement or exclusion required in housing elements.<sup>90</sup>

Keep in mind that market conditions vary, and some actions or programs may not be as relevant in your community. Commerce’s June 2020 [Guidance for Developing a Housing Action Plan](#) provides a more detailed discussion about selecting actions and strategies that are a good fit for your community type. It may also be appropriate for jurisdictions to select and document other programs or actions that do not appear in this list.<sup>91</sup>

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<sup>88</sup> While GMA-compliant comprehensive plans and implementing development regulations (which must provide for sufficient land capacity) must be adopted by the periodic update deadline, actions taken to “make adequate provisions” may be taken after the periodic update deadline.

<sup>89</sup> See Buildable Lands Guidelines (Commerce, 2018) for more information: <https://deptofcommerce.box.com/shared/static/3admh8ew6olyoqh48js4v6fs4lzcu664.pdf>.

<sup>90</sup> See Commerce’s [Guidance to Address Racially Disparate Impacts](#) (2023).

<sup>91</sup> <https://deptofcommerce.box.com/shared/static/pophc16jetggsctctmnbjomm0qa7tpu8.pdf>.

## Exhibit 26: Barriers and strategies matrix<sup>92</sup>

Matrix legend: Potential high impact ★ Strategy	Development regulations	Process obstacles	Limited land availability & environmental constraints	Funding gaps
<b>Reduce minimum lot sizes</b> (HAP Guidance Exhibit 22: Z-1 and page 65)	★		★	
<b>Require a minimum density</b> (HAP Guidance Exhibit 22: Z-2 and page 67)	★			
<b>Upzone</b> (HAP Guidance Exhibit 22: Z-3 and page 70)	★		★	
<b>Increase building height</b> (HAP Guidance Exhibit 22: Z-4 and page 73)	★		★	
<b>Integrate or adjust floor area ratio standards</b> (HAP Guidance Exhibit 22: Z-5 and page 75)	★		★	
<b>Increase allowed housing types in existing zones (cottages; 2, 3, 4-plexes; townhouses; micro-housing)</b> (HAP Guidance Exhibit 22: Z-6 and page 77)	★		★	
<b>Increase or remove density limits</b> (HAP Guidance Exhibit 22: Z-7 and page 93)	★		★	
<b>Revise ADU standards</b> (HAP Guidance Exhibit 22: Z-8 and page 95; see also Commerce's <a href="#">ADU Guidance</a> )	★			
<b>Offer density and/or height incentives for desired unit types</b> (HAP Guidance Exhibit 22: Z-9 and page 98)	★		★	
<b>Reduce off-street parking requirements</b> (HAP Guidance Exhibit 22: R-1 and page 99)	★		★	
<b>Relax ground floor retail requirements</b> (HAP Guidance Exhibit 22: R-2 and page 101)	★			
<b>Reduce setbacks, lot coverage and/or impervious area standards</b> (HAP Guidance Exhibit 22: R-3 and page 103)	★		★	
<b>Adopt design standards</b> (HAP Guidance Exhibit 22: R-4 and page 104)	★	★		
<b>Use a form-based approach</b> (HAP Guidance Exhibit 22: R-5 and page 108)	★	★	★	
<b>Planned Unit Development (PUD) / Planned Residential Development (PRD) and cluster subdivisions</b> (HAP Guidance Exhibit 22: R-6 and page 111)	★		★	

<sup>92</sup> More information is available in the [Guidance for Developing a Housing Action Plan](#).

<b>Matrix legend:</b> <b>Potential high impact</b> ★ <b>Strategy</b>	<b>Development regulations</b>	<b>Process obstacles</b>	<b>Limited land availability &amp; environmental constraints</b>	<b>Funding gaps</b>
<b>Manufactured home and tiny house communities</b> (HAP Guidance Exhibit 22: R-7 and page 112)	★		★	
<b>Allow a variety of housing land use types in more areas</b> (adult family homes, transitional housing, senior housing, etc.)	★		★	
<b>SEPA threshold exemptions</b> (HAP Guidance Exhibit 22: P-1 and page 115, see <a href="#">MRSC</a> for most up-to-date information)		★		
<b>SEPA infill exemption</b> (HAP Guidance Exhibit 22: P-2 and page 117)		★	★	
<b>Subarea plan with non-project environmental impact statement (EIS)</b> (HAP Guidance Exhibit 22: P-3 and page 119)		★		
<b>Planned action</b> (HAP Guidance Exhibit 22: P-4 and page 121)		★		
<b>Protection from SEPA appeals on transportation impacts</b> (HAP Guidance Exhibit 22: P-5 and page 123)		★		
<b>Permitting process streamlining</b> For all housing types or types that the community wishes to encourage, such as affordable housing. (HAP Guidance Exhibit 22: P-6 and page 124)		★		
<b>Subdivision process streamlining</b> (HAP Guidance Exhibit 22: P-7 and page 125)		★		
<b>Multifamily housing tax exemption (MFTE)</b> (HAP Guidance Exhibit 22: A-1 and page 128; <a href="#">Commerce MFTE Workbook</a> and <a href="#">webpage</a> )				★
<b>Density bonuses for affordable housing</b> (HAP Guidance Exhibit 22: A-2 and page 130)	★			★
<b>Alternative development standards for affordable housing</b> , such as reduced parking requirements (HAP Guidance Exhibit 22: A-3 and page 132)	★			
<b>Fee waivers for affordable housing</b> (HAP Guidance Exhibit 22: A-4 and page 133)				★
<b>Inclusionary zoning</b> (HAP Guidance Exhibit 22: A-5 and page 134)	★			
<b>Local option taxes, fees and levies</b> This may include: <ul style="list-style-type: none"> <li>• Housing and related services sales tax (RCW 82.14.530)</li> <li>• Affordable housing property tax levy (RCW 84.52.105)</li> </ul>				★

<b>Matrix legend:</b> <b>Potential high impact</b> ★ <b>Strategy</b>	<b>Development regulations</b>	<b>Process obstacles</b>	<b>Limited land availability &amp; environmental constraints</b>	<b>Funding gaps</b>
<ul style="list-style-type: none"> <li>Real Estate Excise Tax 2 (REET 2) (RCW 82.46.035) – GMA jurisdictions only</li> <li>Affordable Housing Sales Tax Credit (HB 1406 in 2019) – was only available to jurisdictions through July 2020</li> <li>Lodging Tax (RCW 67.28.150 and RCW 67.28.160)</li> <li>General funds (including levy lid lift for affordable housing)</li> <li>Mental Illness and Drug Dependency Tax – jurisdictions with a population over 30,000</li> </ul> <p>(See HAP Guidance Exhibit 22: F-1 and page 137, <a href="#">MRSC – Funding Local Affordable Housing Efforts</a>, <a href="#">MRSC – Affordable Housing Funding Sources</a>, and <a href="#">AWC – Homelessness and Housing Toolkit</a>)</p>				
<p><b>Surplus land and other opportunities</b> Including:</p> <ul style="list-style-type: none"> <li>Donating surplus public land for affordable housing development<sup>93</sup></li> <li>Acquiring and assembling properties and donating to an affordable housing developer</li> </ul> <p>(HAP Guidance Exhibit 22: F-3 and page 139)</p>				★
<p><b>Partner with local housing providers</b> (HAP Guidance Exhibit 22: F-4 and page 141)</p>				★
<p><b>Strategic infrastructure and service investments</b> (HAP Guidance Exhibit 22: O-1 and page 144)</p>		★	★	
<p><b>Simplify land use designation maps</b> (HAP Guidance Exhibit 22: O-2 and page 144)</p>	★			
<p><b>Local programs to help build missing middle housing</b>, including demonstration projects (HAP Guidance Exhibit 22: O-3 and page 145)</p>		★		
<p><b>Strategic marketing of housing incentives</b> (HAP Guidance Exhibit 22: O-4 and page 146)</p>	★			★
<p><b>Temporary emergency housing</b> (HAP Guidance Exhibit 22: O-5 and page 146)</p>	★			
<p><b>Accommodating emergency/PSH housing facilities</b> (for example, ensuring spacing, occupancy, parking and permitting requirements are reasonable, and not overly restricting support uses such as offices)</p>	★	★		
<p><b>Short-term rental regulations</b></p>	★			

<sup>93</sup> Affordability level of units produced can be a required condition of sale or donation under a contract with the developer.

Matrix legend: Potential high impact ★ Strategy	Development regulations	Process obstacles	Limited land availability & environmental constraints	Funding gaps
(see <a href="#">this resource</a> from MRSC and <a href="#">Regulating Short-Term Rentals: A Guidebook for Equitable Policy</a> from the Sustainable Economies Law Center)				
<b>Coordination with 5-year homelessness plans</b> This process can help identify and prioritize funding gaps, particularly gaps for support services.				★
<b>Urban growth area swaps</b> Under SB 5593, communities can swap out environmentally sensitive areas that may not develop. See <a href="#">this Commerce fact sheet</a> for more information.			★	
Other resources for potential actions include: <ul style="list-style-type: none"> <li>• <a href="#">Local Housing Solutions</a>, a library of housing strategies</li> <li>• <a href="#">PSRC Housing Innovations Program (HIP)</a>, a collection of planning resources to support housing affordability and choice</li> <li>• <a href="#">Commerce’s Guidance for Developing a Housing Action Plan</a></li> </ul>				

## Barrier review checklists and example

Checklists are a useful way to document the barrier review and findings. [Appendix B: Adequate provisions checklists](#), includes checklists for common housing types for accommodating lower- and moderate-income housing needs.

For each housing type you identified as having insufficient production to meet housing need, Commerce recommends that you make a copy of the corresponding checklist in Appendix A, and include it in your HNA. For example, if you found that there is not enough moderate density housing production to meet the projected needs of moderate-income households, you would use the Moderate Density Housing Barrier Review Checklist. For some housing types, it may be appropriate to complete multiple checklists (e.g., if you expect PSH to be built in a mid-rise zone, then you should review barriers to mid-rise development in addition to the PSH checklist). It is important that, while completing the checklists, you consider barriers to both market-rate and sub-market rate housing development.

To provide evidence to indicate the presence or absence of a barrier, you might:

- Reference your buildable lands analysis (for counties and cities that conduct this analysis)
- Document permitting timelines and interview permitting staff
- Review existing code and resources that explain the permitting process to prospective developers
- Compare your code and processes to neighboring jurisdictions
- Review data about permit processing timelines
- Interview local market rate, affordable housing, non-profit and emergency shelter/emergency housing/transitional housing/PSH developers and resident property owners that have prior experience with the needed housing type(s). You may look to developers who work in neighboring areas if there are few in your jurisdiction. Jurisdictions may also choose to work together and interview developers as a group.

Note that, although developer interviews are a source of information about barriers, jurisdictions are not expected to modify regulations to accommodate every developer request. The interview process is intended to better understand the barriers and jurisdictions have a menu of options on how to address these, as described in Exhibit 26: Barriers and strategies matrix above.

## Questions for developer barrier information

Guiding questions for developer outreach could include the following:

- Development regulations
  - What regulatory barriers, either state or local, have had a significant impact on the design, timeline or cost of projects?
  - What regulatory changes or incentives would make this housing type development more feasible to build?
  - How do the current parking minimums affect your projects? Would lowering parking requirements make projects more feasible? Could you build more units on a site if parking minimums were reduced?
- Process obstacles
  - What could be improved about the permitting process?
  - Are you able to accurately estimate permitting costs prior to application?
  - Is it easy to find clear information about permitting and what is required of applications?
  - How do permitting and impact fees compare to nearby jurisdictions?
  - Are design review requirements clear?
  - How long has it taken projects to go through design review?
  - How does the conditional use permit process impact your project(s)?
  - How do the SEPA thresholds influence your project(s)?
- Land availability and environmental constraints
  - How have environmental constraints affected your project(s)?
  - Do you experience any challenges with finding suitable land in this jurisdiction for single-family residential / moderate density / high density / emergency housing or PSH facility development?
- Affordable housing funding gaps
  - What kinds of local funding or incentives have you found to be most effective in supporting project feasibility?
- What role(s) can our jurisdiction play in more effectively supporting the financial feasibility of affordable housing projects?
  - Have you built or attempted to build (selected housing type) in this jurisdiction in the past? If yes, what processes and regulations could be improved?
  - Would you consider building new projects that are undersupplied in this jurisdiction in the future? Why or why not?
  - Are there other factors that have made affordable projects more challenging from a design, construction or permitting perspective?

Appendix B: Adequate provisions checklists includes an example of a complete barriers review checklist. Though not required, Commerce recommends that after identifying actions to address barriers, jurisdictions plan for next steps to implement them after the Comprehensive Plan periodic update. For more information on

implementation plans, see "Guidance for implementation planning" in [Chapter 9](#). Implementing and monitoring your housing element.

## Housing locations in relation to employment location

The third adequate provision required by RCW 36.70A.070(d) is the consideration of housing locations in relation to employment location. Commerce recommends jurisdictions analyze these issues and document their findings in their HNA. These questions may also prompt possible countywide planning policies and/or housing element policies.

### Allocating housing needs with consideration for employment location

First, counties and cities should consider employment location during the housing needs allocation process, as detailed in the "Allocating housing needs" chapter of Commerce's [Establishing Housing Targets for your Community](#) (2023) guidebook. Some considerations include:

- Consider increasing capacity and encouraging housing production near employment centers and areas of planned employment growth. This includes housing types that are affordable to the local workforce.
- Consider the location of transit routes and high-capacity transit serving employment centers. It may be appropriate to focus more housing growth in jurisdictions that have high quality transit serving employment centers than elsewhere in the county.
- Consider the wage level of jobs in each jurisdiction,<sup>94</sup> and the alignment with local housing affordability. This consideration can inform the allocation of housing need by income level. One great source of information about local job counts and wage levels is [Census OnTheMap](#).<sup>95</sup> You can use this tool to select a city or Census defined place, and then see a breakdown of jobs located inside those boundaries. [LEHD Origin-Destination Employment Statistics](#) are another potential source.<sup>96</sup>

For PSRC jurisdictions, additional direction is provided in [VISION 2050 and the Regional Growth Strategy](#).<sup>97</sup>

### Planning for housing within your jurisdiction

Jurisdictions can also show consideration of housing locations in relation to employment location by conducting several kinds of analysis that can be documented in your HNA and referenced in your housing element. Recommended analysis includes:

- **Evaluating housing proximity/access to employment locations within the jurisdiction.** Identify job centers within your jurisdiction as well as major transit routes that connect to job centers. Identify areas zoned for moderate and higher density housing. Are the areas zoned for higher density housing within walking or biking distance of the job centers or connected via transit? What other neighborhoods are connected to job centers either via proximity or transit? Are there opportunities for increased housing density and diversity in these areas?
- **Evaluating housing proximity/access to employment locations outside of the jurisdiction.** Identify job centers outside the jurisdiction but within reasonable commute distance. Identify major transit routes that connect to outside job centers. Identify areas zoned for higher density housing. Are the areas zoned for

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<sup>94</sup> Note that this number will be different from the median income for residents, since many residents commute to jobs outside of their own home jurisdiction.

<sup>95</sup> <https://onthemap.ces.census.gov/>.

<sup>96</sup> <https://lehd.ces.census.gov/>.

<sup>97</sup> <https://www.psrc.org/planning-2050/vision-2050>.

higher density housing within commute distance of job centers or connected via transit? What other neighborhoods are connected to job centers either via proximity or transit? Are there opportunities for increased housing density and diversity in these areas?

- **Evaluating housing needs of local workforce.** Planners should also examine the wage levels and types of jobs located inside their jurisdictional boundaries<sup>98</sup> as well as the housing needs of these workers. What kinds of housing are most affordable to people earning those wages and are those housing types available within your jurisdiction? Does a broader diversity of housing options need to be allowed and encouraged in your jurisdiction? Where do these housing units need to be located to provide adequate access to these local jobs?

## Consideration of the role of ADUs in meeting housing needs

Housing elements must also consider the role of accessory dwelling units (ADUs) in meeting housing needs according to RCW 36.70A.070(2)(d)(iv). In 2023, HB 1337 changed the way local governments planned for ADUs. See sidebar for more information on these changes and Commerce's [Periodic Update checklist](#) for what to consider when updating your ADU regulations.<sup>99</sup>

Commerce recommends all jurisdictions consider the issues and questions outlined below. Answers to the following questions, can help jurisdictions to develop defensible assumptions about the role that ADUs can realistically play in meeting housing needs. For additional guidance, see [Commerce guidance on ADUs \(2023\)](#).<sup>100</sup>

## Questions to consider

### What kinds of ADUs are likely to be developed in your community?

You can review ADU permit data to understand the types of ADUs that are being produced in your community, but be aware this will change with updates required with [HB 1337 \(2023\)](#).<sup>101</sup> Answer questions such as:

- Where are new ADUs being produced? Which zones have lots large enough for detached ADUs?
- Is the local market strong enough to produce ADUs if they are allowed?
- Is there potential for new attached or basements suites within existing housing?
- Are there students or other populations that would increase the demand for ADUs?
- Is it likely that new ADUs could be sold as condominiums for separate ownership than the primary housing unit or subdivided off from large lots in your community?

Answers to these questions will help you understand what kinds of new housing are being created through new ADU production, and therefore what kinds of households might be accommodated.

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<sup>98</sup> [Census OnTheMap](#) is a good source of information about local job counts, job types and wage levels. You can use this tool to select a city or Census defined place, and then see a breakdown of jobs located inside those boundaries. <https://onthemap.ces.census.gov/>

<sup>99</sup> <https://www.commerce.wa.gov/serving-communities/growth-management/periodic-update/>.

<sup>100</sup> Commerce's ADU guidance is available on the Middle Housing webpage: <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/planning-for-middle-housing/>.

<sup>101</sup> <https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/House/1337.SL.pdf?q=20230828130502>.

## How are ADUs being used?

While available data may be limited, it is important to understand how ADUs are being used in your community.

- What is the typical rent for ADUs? What is the affordability relative to AMI? See Step 3 in the preceding Land Capacity chapter for recommended methodology.
- What segment(s) of the population do they seem to be serving? (for example: what is the typical age or household size of residents?)
- Are many ADUs being used as short-term rentals and not available for long-term tenants?<sup>102</sup>

## Recommended steps for addressing ADUs in your housing element

Commerce recommends that jurisdictions take, at minimum, the following steps to meet this ADU requirement.

- Summarize your estimated capacity for ADU production. See the Step 1.6 in [Chapter 3. Land capacity analysis](#) for details.
- Complete the barriers checklist in [Appendix B: Adequate provisions checklists for ADUs](#), and document programs or actions to overcome those barriers.
- Identify the typical affordability level of ADUs in your jurisdiction, using best available data.<sup>103</sup>
- Include a narrative explaining the potential role of ADUs in meeting housing needs in the jurisdiction's HNA and reference in the housing element.

### Consideration of ADUs in light of HB 1337

In 2023, [HB 1337](#) directed all jurisdictions to make significant changes to ADU regulations. Among other changes, jurisdictions must allow two ADUs per lot in all GMA urban growth areas, may not require the owner to occupy the property, may not prohibit the sale as independent units, must allow an ADU of at least 1,000 square feet, and must limit required parking based on distance from transit and lot size.

Since jurisdictions are not required to make these changes until six months after the periodic update, the impacts of these changes will not be evident yet. As jurisdictions consider the role of ADUs in meeting future housing needs, Commerce recommends jurisdictions document what will change for the jurisdiction as a result of HB 1337 and the areas in which they expect an increase in ADUs. For example, newer subdivisions may be less likely for new ADU production whereas older subdivisions may have space for ADUs.

## Chapter 5. Housing element review

Any jurisdiction undergoing a comprehensive plan update should review and evaluate the current housing element. The best time to conduct this review is after completing a preliminary HNA and after the county has developed new countywide planning policies (CPPs) that address housing and population growth (see the chapter 1 titled "Countywide planning policies" in Book 1: "[Establishing Housing Targets for Your Community](#)"). This chapter provides guidance on how to carry out a housing element review.

### Purpose of a housing element review

A housing element review can serve several purposes:

- Assess the alignment of goals and policies with:
  - Growth Management Act goals

<sup>102</sup> One way to answer this question is to browse listings for your community on one or more popular short-term rental websites like Airbnb and VRBO.

<sup>103</sup> See Step 3.1 in the previous Land Capacity chapter for guidance on determining affordability. Per the footnote in that section, Commerce recommends jurisdictions assume that ADU rents are on par with apartment rents unless a better local source of information is available.

- CPPs and multi-county planning policies (MPPs) (for jurisdictions in the Central Puget Sound region)
  - New housing element requirements that require jurisdictions to address housing equity and displacement in planning<sup>104</sup>
  - Other comprehensive plan elements
  - Current and projected housing needs in your region and jurisdiction
  - Community vision and engagement findings
  - Regional plans and initiatives
- Evaluate progress in meeting housing needs or various housing types
  - Consider new opportunities that were not foreseen by the current comprehensive plan
  - Review the future land use map and designations for potential to meet housing needs
  - Identify related infrastructure or service needs, including those that are barriers to new housing development
  - Consider reasonable measures identified in buildable lands reports

The findings from a housing element review can inform the development of new goals and policies (see [Chapter 6. Updating goals and policies](#)) as well as strategies for effective implementation.

## Review of housing element goals and policies

### Alignment with GMA

First, the housing element review should determine whether the element reflects the GMA goal for housing (see sidebar). This goal directs local governments to take more action to plan for their housing needs. During this review, consider the following questions:

- Do housing element policies reflect the GMA goal for:
  - Housing production;
  - A variety of housing types, densities and price points; and
  - Housing preservation?
- Does the housing element have policies to reflect the newly added housing element requirements that jurisdictions:
  - Implement policies and regulations to address and begin to undo racially disparate impacts, displacement and exclusion in housing caused by local policies, plans and actions; and
  - Include anti-displacement policies?<sup>105</sup>
- Does the housing element update comply with the latest GMA requirements (tip – see [Commerce’s Periodic Update Webpage](#))?<sup>106</sup> The legislature frequently updates the GMA and new requirements may require policy updates.

#### GMA housing goal

In 2021, the Legislature changed the GMA housing goal from "encourage the availability of affordable housing" to "plan for and accommodate affordable housing."

The housing goal now reads: "plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock."

**Growth Management Act Housing Goal, RCW 36.70A.020(4)**

<sup>104</sup> See "[Guidance for Addressing Racially Disparate Impacts](#)" (Book 3) and the new requirements in RCW 36.70A.070(e)-(h).

<sup>105</sup> See "[Guidance for Addressing Racially Disparate Impacts](#)" (Book 3) and the new requirements in RCW 36.70A.070(e)-(h).

<sup>106</sup> <https://www.commerce.wa.gov/serving-communities/growth-management/periodic-update/>

## Alignment with CPPs and MPPs

As discussed in Commerce's "[Updating Housing Targets for Your Community](#)" guidebook, the housing element must be consistent with and help to implement countywide planning policies. Therefore, the housing element review should consider whether the goals and policies are consistent with CPPs (and MPPs, where applicable). It should also consider whether those goals and policies help to implement CPPs/MPPs at the local level.

For example, during the City of Auburn Housing Element Update (2015), planners reviewed housing policies from PSRC VISION 2040, including MPP-H-1: "Provide a range of housing types and choices to meet the housing needs of all income levels and demographic groups within the region." The city's own housing element partially implemented this policy (e.g., mixed use, ADUs, manufactured homes) and needed some adjustment to add additional housing types (e.g., single family - small lots, townhomes, cottages, and other attached homes) to further promote housing diversity.

Therefore, the city identified a new policy in its housing element update: "Policy H-11. Promote opportunities for home ownership through single family detached and semi-attached housing, fee-simple cottages and townhouses, and condominium apartments." This is an example of the types of findings that a housing element review can reveal. Exhibit 27 provides additional details about Auburn's housing element review process.

Vision 2040 has evolved into Vision 2050 and applies to King, Pierce, Snohomish and Kitsap counties, as well as cities, towns, ports, state and local transportation agencies, and tribal governments within the region. It includes 12 housing policies to guide the development of countywide planning policies and local policies (Exhibit 2 in "[Updating Housing Targets for Your Community](#)"). It also includes five local actions to address the housing policies at the local level. This progressive and comprehensive document is likely to be useful to other Washington jurisdictions as they develop countywide planning policies and comprehensive plan goals and policies.

### Ensuring vitality and character of established residential neighborhoods

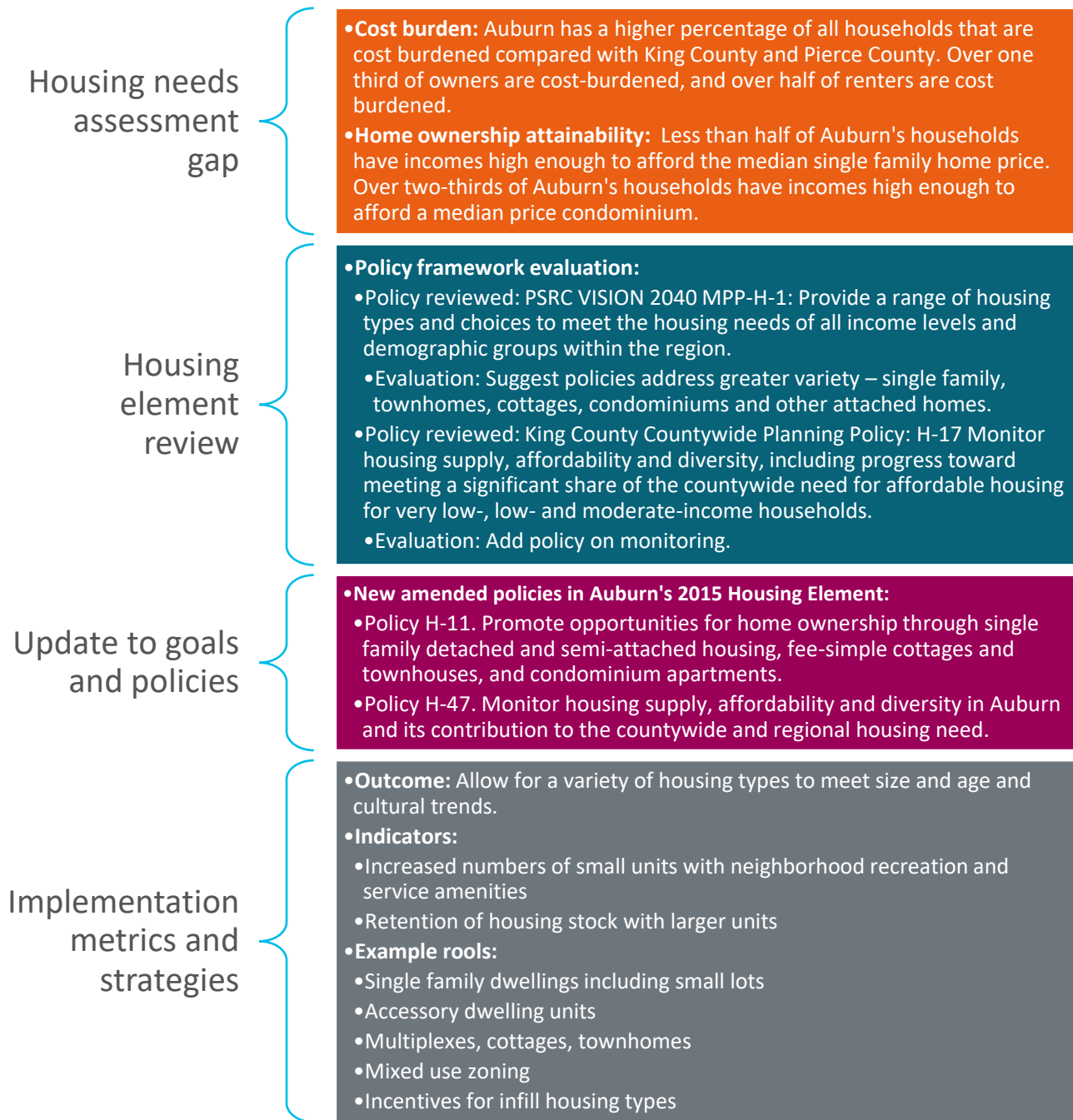
In their efforts to align with GMA, some communities approach housing policy as a balancing act between encouraging new types of housing development to meet housing needs and "ensuring the vitality and character of established residential neighborhoods" as called for in RCW 36.70A.070(2).

It is important to keep in mind that these two goals do not necessarily conflict. All neighborhoods and communities in Washington will change over time as residents come and go and the demographic profile of our population continues to change.

Planners have an important role to play in making sure that our neighborhoods can change over time to adapt to the changing needs of residents. Policies that seek to preserve neighborhoods from new forms of development can contribute to housing supply shortages, exclusion and the displacement of long-time residents when housing costs escalate. These outcomes fail to align with the GMA housing goal and can detract from the vitality and character of established neighborhoods.

WAC 365-196 defines consistency as: "...no feature of a plan or regulation is incompatible with any other feature of a plan or regulation. Consistency is indicative of a capacity for orderly integration or operation with other elements in a system."

## Exhibit 27. Example: Auburn housing element update, 2015



This example walks through how the City of Auburn's housing element review aligned with findings from their HNA, updated policies, and ultimately developed implementation metrics and strategies.

Source: City of Auburn 2015 Comprehensive Plan Update; BERK, 2020

## Alignment with housing needs

The most effective housing element policies recognize the diverse housing needs of its population including affordability, life cycle, cultural desires and others. The HNA is the primary way to identify these needs and gaps.

Review existing policies to see whether they guide and authorize actions to address these needs, or if they need updates to reflect changes in the community. The example from Auburn's [2015 Comprehensive Plan Update](#) (Exhibit 27) shows the link between gaps identified in their HNA and new housing policies selected to address those gaps.<sup>107</sup>

Many jurisdictions may not have policies to address and support development of the lowest income housing needs. See sidebar on homelessness planning and [Appendix C: Housing element policy examples](#) for some examples of policies that support a jurisdiction in accommodating the housing needs of the lowest income segments.

## Alignment with community vision and engagement findings

Through the public engagement process, planners may find qualitative housing needs not seen in data and the interrelationships of housing and services. For example, Auburn found in its [housing needs and characteristics assessment](#) a concern about the cost of assisted living with seniors, and a desire for improved safety and children's play areas affecting quality of life for a Latinx community. Insights like this help inform the housing element review and development of updated goals and policies.

## Alignment with regional plans and initiatives

The review should also consider whether the housing element is aligned with, and implements, regional plans and initiatives, such as regional transportation plans or countywide homeless housing plans (see sidebar). For example, consider questions such as:

- Does your housing element and comprehensive plan concentrate higher densities of housing in areas of opportunity such as designated centers and transit hubs?
- Does your housing element promote greater access to jobs and services, particularly among residents with low- and moderate-incomes?

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<sup>107</sup> [https://www.auburnwa.gov/city\\_hall/community\\_development/zoning\\_land\\_use/auburn\\_s\\_comprehensive\\_plan](https://www.auburnwa.gov/city_hall/community_development/zoning_land_use/auburn_s_comprehensive_plan).

### Homelessness planning

In 2006, the Washington state Legislature passed the Homeless Housing and Assistance Act ([RCW 43.185c](#)) directing Commerce to [grant document recording fees](#) to local governments to help meet the need of homeless families and individuals.

This includes writing a local five-year plan to address homelessness (due in 2024), responsibility for administering the annual [Point-in-Time Count](#), reporting client data in the [Homeless Management Information System \(HMIS\)](#), conducting outreach to landlords, ensuring [coordinated entry](#) and more. Lead grantees are also responsible for ensuring their homeless crisis response system prioritizes people most in need and that services meet funders' performance expectations.

As your housing element should consider the housing needs of people experiencing homelessness, it is important that policies be consistent with the needs identified in the local five-year and Continuum of Care (CoC) plans. Countywide planning policies should also be considering these plans to align strategies and approaches on a countywide basis. Therefore, Commerce recommends coordination between planners and the human services staff who normally develop these plans.

The [Homelessness & Housing Toolkit for Cities](#) produced by Association of Washington Cities (AWC) and Municipal Research and Services Center (MRSC) (2020) provides resources and case studies to help communities address homelessness and affordable housing issues.

- Does this analysis identify logical places for higher density housing with infrastructure or priorities for investment in capital facilities to further the regional and local land use plan?
- Are the land use, transportation and capital facilities elements also consistent with the regional plan?

### Rural housing

Rural elements must protect rural character and provide for a variety of rural densities (RCW 36.70A.070(5)). Counties should define rural development both in terms of its visual character and in terms of the density and intensity of uses (WAC 365-196-425 (2)(c)).

Clustering and density transfer are potential tools to protect rural character. Counties should establish a limit on the size of residential cluster so that a cluster does not constitute urban growth in a rural area; although it is possible to have multiple smaller clusters that are separated from each other and use a different access point (WAC 365-196-425 (5)(b)).

As of 2022, infill development or redevelopment in limited areas of more intensive rural development (LAMIRDs), which recognize pre-GMA villages, is allowed and may be encouraged if there is sufficient capacity of existing providers of public facilities and services to serve the new development or redevelopment.

Plan accessory dwelling units (ADUs) carefully in rural areas to limit service demands and extra density. Attached ADUs have not been challenged, but any detached ADUs should share sewer, well, driveways, yard and parking so they are clearly not creating an additional primary unit that increases rural density. See [Commerce's ADU Guidance](#) for more on ADUs in rural areas.

## Alignment with the comprehensive plan

Comprehensive plans must be internally consistent.<sup>108</sup> This means that all elements of the plan include goals and policies that are consistent and mutually supportive. An important step in the housing element review is to compare the goals and policies in the housing element to those in other elements, such as land use, capital facilities and economic development.

For example, this review could identify issues such as whether the land use element and future land use map designate sufficient land for higher density housing development to meet identified housing needs, and whether that housing capacity is focused in areas with investments in public transportation and other supporting facilities. Have you considered programming investments in areas that need facilities in order to develop? Along with the land use element, counties should also review rural elements at the same time as the housing element update. (See "Rural housing" sidebar above.)

## Review for new housing element requirements related to racially disparate impacts and displacement

With the passage of HB 1220 in 2021, jurisdictions need to evaluate if any of their policies contributed to or resulted in racially disparate impacts, displacement or exclusion in housing. If so, they will need to identify policies to address and begin to undo these impacts.

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<sup>108</sup> RCW 36.70A.070

If jurisdictions do not already have anti-displacement policies, they will need to add policies to prevent and address displacement. More information on how to do this work can be found in Step 3 (Evaluate Policies) of Commerce's "[Guidance to Address Racially Disparate Impacts](#)" guidebook (Book 3).

## Consider opportunities and trends not foreseen by the comprehensive plan

The housing element review can reveal new opportunities for development including surplus public land, changing land needs and other trends not addressed in the last comprehensive plan update. The need for specific land uses may have changed, and new opportunities for housing may present themselves. For example, vacant or under-used commercial areas, former military or institutional sites, power and utility properties and others can be repurposed as new housing opportunities. Major transportation investments may also bring opportunities for new transit-oriented development (TOD). See sidebar for examples.

Societal and cultural trends can also shape housing needs and land use implications. For example, previous comprehensive plans likely did not anticipate the rapid shift to widespread teleworking that occurred in 2020 due to COVID-19. This shift has permanently affected some economic sectors, including increasing use of retail delivery. Also look for increased use of short-term rentals, which may take available homes off the market. A quick review of some of the rent by owner websites can tell you whether this is an issue in your community. Municipal Research and Services Center (MRSC) provides guidance on this topic.<sup>109</sup>

Other housing trends to consider as housing costs remain high compared to wages and vacancy rates remain low is potential evictions as federal pandemic stimulus support expires. Local governments can develop policies and programs to support those who may be displaced, or at a minimum provide a zoning and land use framework to encourage more multifamily housing production. In addition, as many individuals or households have reduced housing mobility due to the tight housing market, some jurisdictions see more multigenerational households and residents living with roommates. This trend could impact household demand patterns and needed neighborhood amenities and services.<sup>110</sup>

### Examples of new opportunities

Non-residential sites converted to mixed use

- [Vista Field, Kennewick](#), former airport
- [Southport, Renton](#), former power plant

Major transportation investments and TOD

- Bothell's State Route 522 and State Route-527 improvements and [downtown revitalization plan](#)
- Seattle's Othello Station light rail station and [transit oriented development](#)

## Evaluating progress towards housing needs

With the changes to the housing element to plan for all economic segments based on housing needs provided by Commerce, jurisdictions now have targets or objectives for housing growth. These may be found in countywide planning policies, and will also now be detailed in comprehensive plans. [Chapter 4. Adequate provisions](#) provides guidance on how to measure progress towards these targets.

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<sup>109</sup> See MRSC's [12 Examples of Short-term Vacation Rental Regulations](#) and other webpages. <https://mrsc.org/Home/Stay-Informed/MRSC-Insight/November-2017/Short-Term-Vacation-Rental-Sample-Regulations.aspx>

<sup>110</sup> See American Planning Association's 2023 Trend Report for Planners, starting on page 31: [https://planning-org-uploaded-media.s3.amazonaws.com/publication/download\\_pdf/2023-Trend-Report-For-Planners.pdf](https://planning-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/2023-Trend-Report-For-Planners.pdf).

The housing element review should consider the findings of this analysis and its implications for progress towards achieving goals and policies. Jurisdictions may need to make adjustments to goals, policies or implementing actions when housing production does not keep pace with targets, or when the diversity of new housing produced does not align with housing needs.

## Review the future land use map and designations

Future land use maps and corresponding designations function like the "heart" of a comprehensive plan, and are usually found in a plan's land use element. A well-crafted land use map and corresponding designations can simplify the development process and facilitate production of the types of housing necessary to address community needs.

Using the findings from your community's HNA, including the land capacity analysis, how can you update the map and designations to meet those needs? Beyond a general need to increase the overall densities to address the lowest income housing needs, the HNA may illustrate gaps in specific types of housing that will guide map and land use designation updates. The solution likely involves a combination of strategies. Utilize the following guiding principles to review and revise land use maps and designations.

- **Alignment with goals, policies and growth targets:** As discussed above, examine whether the designations and map align with the community's allocated housing needs from the countywide process, housing needs from the HNA, vision and engagement findings, and regional transportation system and countywide planning policies. From a mapping perspective, do you need to make adjustments to:
  - Change the characteristics of a land use zone to address findings in the land capacity analysis?
  - Update the boundaries of existing designations?
  - Change to another designation?
  - Create a new designation? Sometimes, key sites or areas warrant creation of a new designation to help fit the evolving context and community needs and priorities.
  - Simplify and/or reduce the list of land use designations? Ideally, comprehensive plan future land use maps are not the same as zoning maps. When they are, each rezone will require a comprehensive plan amendment, a lengthy process that delays new housing. The plan works better when it employs broad, not narrow, land use designations. For example, two or three implementing zones under one land use designation allow more flexibility with future rezones and responses to unforeseen market changes (see Prosser sidebar at right). **Error! Reference source not found.** below illustrates an example of this.
  - Completely update the map and designations to fit new approach? In some cases, the map and designations are so out of date that communities seek a new approach to fit the evolving context and community needs and objectives.
- **Make the map and designations clear and usable.** Many land use maps and designation text are not easy to read. The best maps have:
  - Easy to follow designations and legends.
  - Logical colors, patterns and order of land use designations.
  - Simple and descriptive naming conventions.

### Example of simplifying land use designations:

The City of Prosser's recent comprehensive plan update simplifies land use designations by consolidating residential areas into two designations: (1) Residential, and (2) Steep Slope Residential. This allowed for three higher density rezones and the City's first private affordable housing development, which would have previously been prohibited.

- **Include descriptive purpose statements, including a summary of principle uses and densities.** Although not required, land use designation purpose statements can prove a useful communication tool and helpful in describing unique locational attributes and/or community intentions that may apply. It is important to provide a useful description without too much detail.

## Identify related infrastructure or service needs

When evaluating the housing element, be sure to support the type and location of housing with necessary infrastructure and capital facilities planning, or it may impede the timing, cost and quality of housing.

Evaluating infrastructure needs in already built communities can help support infill development and keep existing housing affordable. Anticipating new infrastructure needs in redeveloping or newly developing areas helps facilitate desired growth, housing variety and supply.

**Costs:** After determining what infrastructure is needed to support your growth strategy, it is important to estimate the cost. Communities then must decide how to allocate those costs between new development and existing residents and ratepayers. Impact fees, system development charges, certificates of concurrency or SEPA mitigation are all different strategies to finance the construction of needed infrastructure to bring housing plans to fruition.

To support affordable housing, local governments can structure fees to recognize differences in demand and costs and housing goals (see sidebar), as well as consider deferrals and exemptions.<sup>111</sup> Develop policy to guide these structures.

Some examples of jurisdictions with already restructured fees to support more affordable housing include the following:

- King County provides impact fee exemption/reduction for low- and moderate-income housing ([Sec 21A.43.080](#)).
- Tukwila waives park impact fees for accessory dwelling units ([Ordinance 2599](#)).
- Port Townsend allows deferrals of connection fees for affordable housing until units are occupied ([PMC 13.03.115](#)).

### Accurately assessing the effect of impact and utility connection fees

For the sake of simplicity, communities tend to base impact fees on average impacts of a residential unit when the marginal impact of a particular unit can vary greatly. The structure of how these charges are assigned to duplexes, triplexes and ADUs can influence the development of these types of units.

For example, a new unit on an existing lot near the center of town with good transit access can generate significantly less demand for infrastructure than a new unit on a relatively large lot on the edge of town. Lower average trip distance, compact development patterns and use of existing infrastructure all tend to reduce marginal cost of serving infill development.

The City of Spokane has recognized this correlation and implemented significantly reduced transportation impact fees for housing in the downtown area, compared to areas outside of the downtown.

A system reliant on average costs will tend to subsidize expensive development types (such as large single-family homes at the periphery) and overcharge less expensive development types (such as infill ADUs), creating an incentive to build more costly housing types.

Carefully examining how you calculate the charge for different housing types in different parts of the community can help identify when you are sending signals to the market at cross purposes with your community goals. This same type of review can be applied to connection fees as well.

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<sup>111</sup> See SB 5258 (2023), which requires local governments adopt impact fee schedules where there are proportionally lower impact fees for smaller housing units: <https://app.leg.wa.gov/billsummary?BillNumber=5258&Initiative=false&Year=2023>.

Find more information on reduction or waivers of fees on MSRC's webpage on [Affordable Housing Techniques and Incentives](#).<sup>112</sup>

**Gaps, phasing and urban densities:** Local governments can review gaps in the sewer, water, transportation and other systems and prioritize funding and phasing mechanisms through policies in both the housing and capital facilities elements. First, prioritize appropriate areas for infrastructure to support higher density housing.

Where urban infrastructure is not yet fully available, jurisdictions can set regulatory standards to maintain the ability to achieve urban densities in the long run while allowing for some incremental development in the meantime. Examples include requiring building placement that preserves the ability to achieve future urban densities and allowing for interim water and septic systems provided such systems allow for full-service connections in the future (called shadow platting). Example communities with such standards include Pierce County interim urban septic systems and City of Chelan rural to urban transition standards.

If certain areas are too difficult or too expensive to serve, consider their removal from the urban growth area. Review [WAC 365-195-320](#), which notes the limited circumstances in which reduced infrastructure is acceptable, and review Commerce's 2012 [Urban Growth Area Guidebook](#).

## Chapter 6. Updating goals and policies

This chapter provides guidance for designing clear and effective goals and policies for your housing element.

### What are goals and policies?

Goals and policies in a housing element describe how the community plans to address its identified needs and wants. They articulate local priorities for the production of specific housing types, housing affordability, housing design, preservation of existing housing and allocation of local resources to support housing goals.<sup>113</sup>

When updating your housing element, take a step back and consider how goals and policies differ from each other. Consider the following definitions:

- **Goal.** Goals state desired outcomes or intended achievements. For example: "Provide for a range of housing options to address the needs of all economic segments of the community."
- **Policy.** Policies establish guiding actions and commitment to these actions. Policies provide the framework for future decision making and authorization for regulations to implement the policies. Policies may express intent, such as: "Encourage townhouses and multifamily development that have a similar design and scale as the surrounding neighborhood." Policies may also describe an action to be taken. For example: "Allow townhouses and multifamily development designed and scaled consistent with the surrounding neighborhood."

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<sup>112</sup> More information and a few other examples of impact fee waivers and reductions and reduced infrastructure connection charges are available on MRSC's "Affordable Housing Techniques and Incentives" webpage located here: <https://mrsc.org/explore-topics/planning/housing/affordable-housing-techniques-and-incentives#fee-reduction>.

<sup>113</sup> Some of the content in this section is adapted from Washington's Department of Community Development's 1993 [Housing Element Guide](#). ([https://www.ezview.wa.gov/Portals/\\_1976/Documents/Guidance/Housing%20Your%20Community%20-%20A%20Housing%20Element%20Guide-1993-Commerce.pdf](https://www.ezview.wa.gov/Portals/_1976/Documents/Guidance/Housing%20Your%20Community%20-%20A%20Housing%20Element%20Guide-1993-Commerce.pdf))

Each goal may have a number of associated policies. For example, if the goal is to zone for a variety of housing densities and types, the relevant policies may address a number of related issues and local priorities regarding that goal.

Goals and policy statements intended to describe a future accomplishment may be very specific, or more general if intended to provide direction to later planning efforts and decisions. Depending on the purpose and desired outcome, communities must decide how specific to be in expressing goals and policies.

When crafting or reviewing goals and policies, the strength of the words makes a difference:

- Language like "encourage," "consider" and "should" are tentative, exploratory words that could articulate policies that the community would like to consider and include in their plan, but is not yet ready to implement.
- Language such as "allow," "ensure" or "require" are stronger and point to policies to implement in the near future.

When reviewing your housing element, consider strengthening and adjusting policies by changing the words based on alignment with state law and alignment with your community's vision.

Regardless of the degree of specificity, clearly and accurately describe the intended outcome of goals and policies. Many older comprehensive plans suffer from overly vague policy language that offers minimal guidance to future decision making. The more specific your policies, the greater likelihood to produce results that meet the desired intent. Exhibit 28 below, adapted from the City of Bellevue Transit Master Plan and illustrated in PSRC's 2014 Housing Element Guidance, provides guidance on crafting strong, active policies.

## Exhibit 28. Policy strength continuum



Source: PSRC, 2014

Housing goals and policies should be written to allow the evaluation of progress toward achieving the housing element's goals and policies.<sup>114</sup> Clear language will help the jurisdiction to review whether policies have been implemented. See [Chapter 9. Implementing and monitoring your housing element](#).

## Requirements and guidelines for housing goals and policies

The GMA provides direction on what to include in the housing element. The housing element goal is to plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types and encourage preservation of existing housing stock.

Countywide planning policies should be consistent with and reflect this statewide goal. The GMA countywide planning requirement is that these policies "consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution."<sup>115</sup> Ensure local policies align with this cascading policy hierarchy while also reflecting local needs and goals.

The GMA requirements for the housing element must include a statement of goals, policies, objectives and mandatory provisions for the preservation, improvement and development of housing, including single-family residences and moderate density housing. Given that direction, housing goals and policies should address the following:

- Working towards housing that is affordable to all economic segments of the population, with special consideration for low, very low, extremely low, and moderate-income households, recognizing that the market will not provide this without policy direction.
- Zoning for a variety of housing types and densities to allow the development of a variety of housing.
- Within urban growth areas, policies specifically for moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes.
- Ensuring the vitality and character of established residential neighborhoods, recognizing that neighborhoods will change over time.
- Preserving and improving existing housing, especially affordable housing.
- Considering other local goals for housing to address local needs.

In addition to the above guidelines for housing element goals, jurisdictions should consider the following guidelines for housing element goals and policies from WAC 365-196-410 when updating their housing element:

- Goals and policies should guide the creation and adoption of development regulations and may also guide the exercise of discretion in the permitting process.
- Housing goals and policies of counties and cities should align with countywide planning policies and, where applicable, multicounty planning policies.
- Housing goals and policies should address at least the following: affordable housing and provision of a variety of housing types along with a variety of densities.
- Housing goals and policies should allow for the evaluation of progress toward achieving the housing element's goals and policies.

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<sup>114</sup> [WAC 365-196-410\(2\)\(a\)\(iv\)](#)

<sup>115</sup> [RCW 36.70A.210\(3\)\(e\)](#)

## Recent updates to housing laws

Some things are not policy choices and are required by law. Local jurisdictions should review their policies on a regular basis to ensure they do not conflict with any housing laws. Below are some recent updates, but you should also review recent laws noted in the periodic update checklists from the [Growth Management Services \(GMS\) periodic update webpage](#). Also see [Appendix E: Housing law and case law](#). When considering policies on these topics, you may want to provide information about how your jurisdiction would apply these laws.

- **Middle housing:** Cities over 25,000 and those cities contiguous with Everett, Seattle, Spokane and Tacoma must allow middle housing in designated areas. See the [GMS middle housing web page](#). ([HB 1110](#), 2023)
- **Two ADUs in UGAs:** Fully planning cities and counties:
  - must allow two ADUs per lot within urban growth areas,
  - may not require the owner to occupy the property,
  - may not prohibit sale as independent units,
  - must allow an ADU of at least 1,000 square feet,
  - must set consistent parking based on distance from transit and lot size, and
  - may not charge more than 50% of the impact fees charged for the principal unit.

See the ADU Checklist in [Appendix B: Adequate provisions checklists](#) for a complete list of requirements and [Commerce's ADU guidance](#) (2023) for more information. ([HB 1337](#), 2023)

- **Streamlining housing development:** Local governments must streamline local design review processes, requiring “clear and objective” standards that do not reduce development capacity otherwise allowed. Any design review process must be conducted concurrently, or otherwise logically integrated, with the consolidated review and decision process for project permits set forth in RCW 36.70B.120(3). No design review process may include more than one public meeting. ([HB 1293](#), 2023)
- **Impact fees for housing:** Local governments must publish a schedule of impact fees that reflect the proportionate impact of new housing units. This includes multifamily and condominium units, based on square footage, number of bedrooms or trips generated, to produce a proportionally lower impact fee for smaller housing units. ([SB 5258](#), 2023)
- **Unit lot subdivisions:** All cities and towns must adopt procedures for unit lot subdivisions to allow division of a parent lot into separately owned unit lots, or owned in common by the owners of the lots. ([SB 5258](#), 2023)
- **Adding housing to existing multifamily buildings:** Local governments must loosen restrictions on adding housing within existing multifamily buildings by exempting the added units from density limits, parking and other regulatory requirements. ([HB 1042](#), 2023)
- **Local Areas of More Intense Rural Development (LAMIRDs):** Any development or redevelopment of building size, scale, use or intensity may be permitted within a LAMIRD, with a few retail exceptions, subject to all existing providers of public facilities and services having confirmed that the existing service capacity is sufficient to accommodate the new development or redevelopment. Changes in use are allowed if the new use is consistent with the local character. See [RCW 36.70A.070\(5\)\(d\)](#).
- **Affordable housing on religious property:** If asked, communities must provide a density bonus for affordable housing located on property owned by a religious organization. See RCW [36.70A.545](#).
- **New definitions** for affordable housing, low-, very low- and extremely low-income households at [RCW 36.70A.030](#).
- **Limits on parking requirements** for low-income, senior, disabled and market-rate housing units located near high-quality transit service at [RCW 36.70A.620](#).

- **Tiny homes and recreational vehicles:** Cities and towns may regulate tiny homes and recreational vehicles in manufactured home parks, and may regulate the creation of tiny home communities according to [RCW 35.21.686](#).
- **Surplus land for affordable housing:** local governments can sell or give land for a public benefit, defined as affordable housing in [RCW 39.33.015](#).
- **No impact fees for emergency housing:** [RCW 82.02.090](#) provides an exemption from impact fees for emergency housing.

Hearings board and court decisions also have an impact on your local housing policies. Stay current on recent decisions. Refer to [Appendix E: Housing law and case law](#) for a list of important decisions.

## Update existing housing goals and policies

Some comprehensive plan updates require only modest adjustments to the housing goals and policies, whereas other situations may call for a complete update. The nature of the update depends on a variety of factors:

- **Age and quality of the existing housing element.** Outdated or hard to read plans may warrant a complete update. These factors, along with changing housing needs and evolving community objectives, made it an easy decision for the City of Anacortes (see Exhibit 29 below) to start fresh in their most recent update.
- **Changing physical context, including growth.** Rapidly growing outer suburb communities are a good example of a type of community that may need a complete update as their housing inventory and population change. Land-locked established suburbs with slower growth or population change, on the other hand, may only require some strategic adjustments to align with changing state laws or regional policies, as well as evolving local housing needs and community priorities.
- **Alignment with GMA, CPPs and MPPs.** Review the future land use map, land use designations, and goals and policies to ensure they are consistent with changes to state law, or applicable county and multi-county planning policies. See "Countywide planning policies" in Commerce's [Establishing Housing Targets for Your Community](#) (Book 1) and **Error! Reference source not found.** for details, as well as the previous section on "Recent updates to housing laws." You may want to simplify the number of land use designations in the comprehensive plan to reduce the need to amend the comprehensive plan when a change in zoning is needed. Fewer zones are also helpful.
- **Changing demographics and housing needs.** As referenced in Chapter 2, the HNA identifies the housing needs and gaps beyond the existing housing element. Looking at the results of the land capacity analysis will also point to specific housing need gaps. It is important to integrate goals and policies to address evolving gaps, particularly lower income housing needs and special needs housing (e.g., senior housing, farmworkers, homelessness, and adults with disabilities), as discussed in Chapter 5.
- **Addressing racially disparate impacts, exclusion, displacement and displacement risk.** As of 2021, housing elements need to include policies to address and begin to undo racially disparate impacts, displacement, exclusion and displacement risk. See Steps 3 and 4 in [Guidance to Address Racially Disparate Impacts](#) (Book 3).
- **Changing community objectives.** The public engagement process is likely to lead to adjustments to goals and priorities. Examples include a greater emphasis in missing middle housing types, housing affordability, housing design and compatibility, and the location and type of growth.

In some cases, housing goals may still be valid, but new policies may be needed to address identified housing needs and priorities. For example, you may need policy support to authorize the community to adopt tax incentive programs, inclusionary zoning or other programs. [WAC 365-196-410](#) emphasizes that goals and policies serve as a guide to the creation and adoption of development regulations and may also guide

decision-making in the permitting process. See [RCW 36.70A.120](#) and [WAC 365-196-800](#) for requirements and guidance on consistency between the plan, regulations and capital budget.

## Exhibit 29. Example: housing affordability policies in Anacortes' Comprehensive Plan

The City of Anacortes's recently updated its comprehensive plan based on the age of the previous plan, the evolving housing context and changing community objectives. The plan included the following affordable housing goal and policies.

While most of the policies are advisory, they provide enough detail to guide future decision making. The column of strategies on the right provides details that do not fit in the policy format. These policies later proved useful in the land use code update and other affordable housing actions.

### **Goal H-3. Housing Affordability. Provide for a range of housing opportunities to address the needs of all economic segments of the community.**

**Policy H-3.1.** Encourage preservation, maintenance, and improvements to existing affordable housing.

**Policy H-3.2.** Develop meaningful, measurable goals and strategies that promote the development of affordable workforce housing to meet local needs and monitor progress toward meeting those goals.

**Policy H-3.3.** Support non-profit agencies and public/private partnerships to preserve or develop additional housing for very low, low and moderate income households.

**Policy H-3.4.** Support both rental and ownership forms of affordable housing in a variety of types and sizes.

**Policy H-3.5.** Locate affordable housing throughout the city and especially in areas with good access to transit, employment, education, and shopping.

**Policy H-3.6.** Consider a housing levy to provide ongoing funding for affordable housing.

**Policy H-3.7.** Consider developing an inclusionary zoning program as a means of increasing the City's affordable housing supply.

**Policy H-3.8.** Require that affordable housing achieved through public incentives or assistance remains affordable for the longest possible term.

**Policy H-3.9.** Evaluate land owned by the City and other public entities for use for affordable housing utilizing a community land trust,-or similar, -type model.

#### **Possible Workforce & Affordable Housing Strategies:**

**Incentive zoning.** Development incentives such as increased height or floor area ratio, could be tied to the provision of affordable housing or payment of a fee-in-lieu to an affordable housing fund.

**Inclusionary zoning.** Requires that a given share of new construction is set aside to be affordable to low to moderate income households.

**Multi-family Tax Exemption (MFTE) Program.** Washington state law authorizes this program, which offers a limited 12-year tax exemption from ad valorem property taxation if 20% of the housing is affordable.

**Fee reduction or waivers.** Costs associated with the development process, such as impact fees and building permit fees, can be reduced or eliminated to encourage selected types of development.

Source: City of Anacortes, 2016

# What policy changes might you need in other comprehensive plan elements?

Changes to housing element policies may make it necessary to change policy in other related elements of the comprehensive plan, and vice versa.

The community's land use element sets the future land use designations, identifies growth targets and is a key element to consider in tandem with the housing element. Housing growth is also supported by, and should be consistent with, capital facilities, utilities and transportation elements. The housing needs identified by an HNA impact and may require changes to other elements in the comprehensive plan. You may need to amend policies in other elements that address land use types and patterns to ensure consistency with the updated housing element and the GMA. Common scenarios might include:

- **Higher density land use designations and corresponding transportation and/or capital facilities investments:** Where the HNA and housing policy evaluation show greater housing affordability is required, you may need to reconsider the land use element to add higher density designations, particularly in places of opportunity. This higher density designation change may also require improvements to transportation systems, water, sewer or stormwater infrastructure.
- **Smaller dwelling units and opportunity for walkable districts with amenities:** Compact development with greater numbers of smaller housing units could increase demand for services and amenities. In many areas, you may need amenities and an improved design context to attract new housing investments. Such amenities could include strategic streetscape improvements and sidewalks along with updated standards to accommodate more intensive development patterns. More people means demand for more services, such as coffee shops, restaurants, grocery stores and daycares, and therefore the potential need to adjust zoning for neighborhood centers.
- **More public open space and connectivity:** As private open space gets smaller with compact development, access to public open space such as parks, trails or complete sidewalks becomes more important to support housing development. Amendments to the parks and recreation plan and transportation improvement plan could focus on providing more frequent park or amenity spaces, or high quality but potentially smaller amenities in proximity to higher intensity neighborhoods. Such changes could support multiple goals and policies across several elements including reducing sprawl, reducing greenhouse gas emissions, increasing walkability and supporting active living.
- **Balancing jobs with housing:** Some communities may wish to seek a greater balance of jobs and housing for more complete neighborhoods where people can live and work in the same area. This proximity improves work-life balance, reduces greenhouse gas emissions and improves overall quality of life. This may require stronger policies to support new businesses and appropriately zoned land. If the economic development strategy will attract more employers and new jobs, it should also consider housing for those new workers and their prospective incomes.

See Exhibit 30 illustrating how the housing policy framework is integrated in multiple elements of a comprehensive plan, a consideration when setting up a policy review.

## Exhibit 30. Example: Jefferson County housing policy framework integrated in multiple comprehensive plan elements



Note: \*In 2020, the state of Washington's capital budget included funding for design and engineering of the Port Hadlock sewer project.  
Source: Jefferson County, 2018

## Additional housing policy issues

Beyond those factors noted above, below are additional considerations in updating your housing goals and policies:

- Address special needs housing.** Every community contains its own mix of special needs housing issues (e.g., senior housing, permanent supportive housing, homelessness, and farmworkers). With aging populations and increasing economic pressures, addressing these needs requires increasingly proactive efforts. Policies may include barrier-free design to allow people of various abilities to use the housing stock. See Exhibit 31 for Bellingham's special needs housing goal and policies.
- Address inequality and equity.** Historic and contemporary housing and land use practices have contributed to patterns of inequality in many communities, as identified in Appendix A: Zoning and Race in Commerce's [Guidance for Addressing Racially Disparate Impacts](#) (Book 3). Policies that help expand the supply and diversity of housing, preserve existing affordable housing and protect existing communities and households are the primary ways that communities can address existing inequalities. Policies that promote diverse housing options in areas with access to transportation, parks, schools and amenities are also particularly important. Tacoma's Goal H-2 from One Tacoma Housing Element in Exhibit 32 illustrates

policies focusing on equity issues. See Step 3 and 4 of Commerce's [Guidance for Addressing Racially Disparate Impacts](#) for more policy guidance on promoting equity in housing policy.

- **Address displacement.** For the many Washington communities facing rapidly increasing rental and for-sale housing prices, displacement is a critical issue. Step 5 of Commerce's [Guidance for Addressing Racially Disparate Impacts](#) examines a great variety of strategies to minimize and mitigate displacement. Policies H-2.5 and H-2.6 illustrated in Tacoma's housing element in Exhibit 32 address displacement.
- **Monitor housing supply and affordability.** Policies that monitor progress towards achieving goals and growth targets are important to realizing your community's vision. See [Chapter 9. Implementing and monitoring your housing element](#) for more details on monitoring.
- **Address housing design and compatibility.** As many communities have limited quantities of vacant land and upzone existing neighborhoods to accommodate growth and housing that may be more affordable, policies that emphasize compatible design may become more important. Such policies could provide guidance on the types of lot and building design provisions to address in implementing zoning codes and design standards or guidelines.<sup>116</sup> While compatibility is important, design policies can add complexity and expense to housing development. Your community may wish to balance these objectives.
- **Plan for housing away from natural hazards.** Hazards could include wild fire, floods or steep slopes.
- **Encourage sustainable housing models.** Consider solar access, passive solar design, energy efficiency and net zero buildings.

## EXAMPLE POLICIES IN APPENDIX C

- Preservation (*Maintenance and Code Enforcement*)
- Variety of Housing Types (*ADUs, Tiny Homes and Manufactured Housing, Infill Development and Density Near Places of Opportunity*)
- Home Ownership
- Accommodate Growth
- Housing Location and Transportation and Land Use (*Location of Affordable Housing, Jobs/Housing Balance*)
- Infrastructure (*College Housing, Rural and Farmworker Housing*)
- Affordable or Subsidized Housing (*Incentives or Requirements, Funding or Financing, Prevent Barriers*)
- Vulnerable Populations and Homelessness (*Special Needs Housing, Homeless Focus, Aging Adults Focus, Surplus Land and Non-Profit Housing*)
- Equity, Displacement and Integration
- Regional Coordination and Fair Share
- Design and Development Standards (*Sustainable Housing, Historic Preservation*)
- Tracking and Monitoring

[Appendix C: Housing element policy examples](#) includes additional housing policy examples from jurisdictions in Washington. The National American Planning Association (APA) [Housing Policy Guide](#) (2019) also includes policies for local governments to consider.<sup>117</sup>

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<sup>116</sup> When developing housing policies regarding design, keep the following new state laws in mind. (1) Design regulations must be "clear and objective" and not reduce development capacity otherwise allowed (HB 1293, 2023). (2) For jurisdictions who are required to implement middle housing because of HB 1110 (2023), design standards must also not be more restrictive than those required for detached single-family residences.

<sup>117</sup> <https://www.planning.org/publications/document/9178529/>.

## Exhibit 31. Example: Bellingham's 2016 Comprehensive Plan special needs housing policies

### **Special housing needs and homelessness (excerpt from Bellingham's Comprehensive Plan 2016)**

Special needs citizens include people who require some assistance in their day-to-day living such as the mentally ill, people with developmental or physical disabilities, victims of domestic violence, at-risk youth, veterans and the elderly. Housing for special needs citizens may or may not incorporate supportive services, and may be permanent or transitional. Examples include adult family homes, assisted living facilities and group homes for people with developmental disabilities.

Due to rising housing costs and general unavailability of affordable housing for low-income households, homelessness is recognized as the most basic and extreme housing problem. According to the 2015 point-in-time count, there are least 651 homeless persons (a person may be part of a family household or an unaccompanied individual) and 449 homeless households (a household may include one or more persons) in Whatcom County. Twenty-six percent of all homeless households are considered chronically homeless. According to the 2015 Annual Report by the Whatcom County Coalition to End Homelessness, point-in-time counts generally underestimate the number of people who are homeless.

**GOAL H-4:** Support housing options for special needs populations.

**Policy H-46:** Work with agencies, private developers and nonprofit organizations to locate housing to serve Bellingham's special needs populations, particularly those with challenges related to age, health or disability.

**Policy H-47:** Allow housing opportunities for special needs populations in appropriate locations throughout the community.

**Policy H-48:** Encourage and consider incentives for the dedication of a portion of housing in new projects to special needs housing.

**Policy H-49:** Support implementation of the Whatcom County Plan to End Homelessness.

**Policy H-50:** Continue to encourage and support the development of emergency, transitional and permanent supportive housing with appropriate on-site services for people with special needs and the homeless throughout the City and county. Moving people into permanent housing as quickly as possible should be a priority.

**Policy H-51:** Maintain an inventory and expand the city's supply of interim housing for target populations.

**Policy H-52:** Foster and support partnerships that have proven to be successful in reducing homelessness, preventing homelessness and assisting the chronically homeless with needed care.

**Policy H-53:** Support a range of housing types for retirees and seniors, including townhomes, condominiums and assisted living and independent living communities near daily needs and transit.

**Policy H-54:** Support ways for older adults and people with disabilities to remain in their homes and the community as their housing needs change by encouraging universal design and home retrofits for lifetime use.

Source: City of Bellingham, [Bellingham Comprehensive Plan 2016](#), updated 2019

## Exhibit 32. Example: Tacoma Comprehensive Plan's anti-displacement policies

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**GOAL H-2** Ensure equitable access to housing, making a special effort to remove disparities in housing access for people of color, low-income households, diverse household types, older adults, and households that include people with disabilities.

**Policy H-2.1** Foster inclusive communities, overcome disparities in access to community assets, and enhance housing choice for people in protected classes throughout the city by coordinating plans and investments with fair housing policies.

**Policy H-2.2** Support barrier-free access for all housing consistent with the Americans for Disabilities Act (ADA). Consider additional actions to increase access such as implementation of visitability and universal design features.

**Policy H-2.3** Coordinate plans and investments with programs that prevent avoidable, involuntary evictions and foreclosures.

**Policy H-2.4** Evaluate plans and investments and other legislative land use decisions to identify potential disparate impacts on housing choice and access for protected classes.

**Policy H-2.5** Evaluate plans and investments for the potential to cause displacement in areas with concentrations of communities of color, low- and moderate-income households, and renters.

**Policy H-2.6** When plans and investments are anticipated to create neighborhood change, pursue corrective actions to address involuntary displacement of under-served and under-represented people. Use public investments, incentives, and programs, and coordinate with nonprofit housing organizations, to mitigate the impacts of market pressures that cause involuntary displacement.

**Policy H-2.7** Encourage a range of housing options and supportive environments to enable older adults to remain in their communities as their needs change.

**Policy H-2.8** Help people stay in their homes through expanded tenant's protections, providing resources for households experiencing a crisis, increasing community organizing capacity, and other means.

Source: City of Tacoma, [https://www.cityoftacoma.org/UserFiles/Servers/Server\\_6/File/cms/Planning/OneTacomaPlan/1-5%20Housing.pdf](https://www.cityoftacoma.org/UserFiles/Servers/Server_6/File/cms/Planning/OneTacomaPlan/1-5%20Housing.pdf)

## Evaluating your goals and policies

In summary, as you review existing goals and policies for a potential update, consider the following:

- Are all the goals and policies consistent with the state laws and GMA requirements?
- Are all the goals and policies consistent with countywide planning policies and multi-county planning policies (if applicable)?
- Do the goals and policies reflect the needs identified in the HNA and the jurisdiction's share of countywide allocated housing needs?
- Are some policies no longer relevant, or do some need updating due to changing community needs?
- Are there policies to address all income levels of housing need, including emergency housing and permanent supportive housing?
- Are there policies that address equity in housing and affordable housing in proximity to opportunity, specifically as it relates to racially disparate impacts, exclusion, displacement and displacement risk?
- Are any of the policies inconsistent with each other or other parts of the plan?
- Can you make policies stronger by increasing the strength of the words?
- Do policies clearly describe their implementation in your development regulations, permitting processes, development fee structures and other programs?
- How will you measure success? Identify specific goals or policies to measure, such as the number of new accessory dwelling units or the number of new units permitted at varying densities.

## Chapter 7. Identifying strategies to implement your housing policies -

To effectively implement goals and policies, select realistic strategies to help you move toward your goals. Housing strategies are individual actions that jurisdictions take to encourage and facilitate the kinds of housing production identified in policy to achieve housing element goals. Strategies are strongest when included in the policies themselves. Alternatively, they can be listed in comments associated with policies or selected later through local implementation.

Commerce's 2020 [Guidance for Developing a Housing Action Plan](#)<sup>118</sup> ("HAP Guidance")<sup>119</sup> provides detailed recommendations to identify and select strategies with the greatest potential to address housing needs given your community's unique characteristics and market conditions. It also describes a wide-range of possible strategies for jurisdictions to use to achieve housing supply, diversity and affordability goals, including case studies and tips for most effective implementation.

In addition to identifying strategies to meet specific housing needs, look at housing strategies to reduce or remove barriers to achieving housing needs. Exhibit 26: Barriers and strategies matrix identifies how the housing strategies in the HAP Guidance, plus a few new strategies, can be used to remove barriers to affordable housing needs in a community.

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<sup>118</sup> <https://deptofcommerce.box.com/shared/static/pophc16jetggsctctmnbjomm0qa7tpu8.pdf>

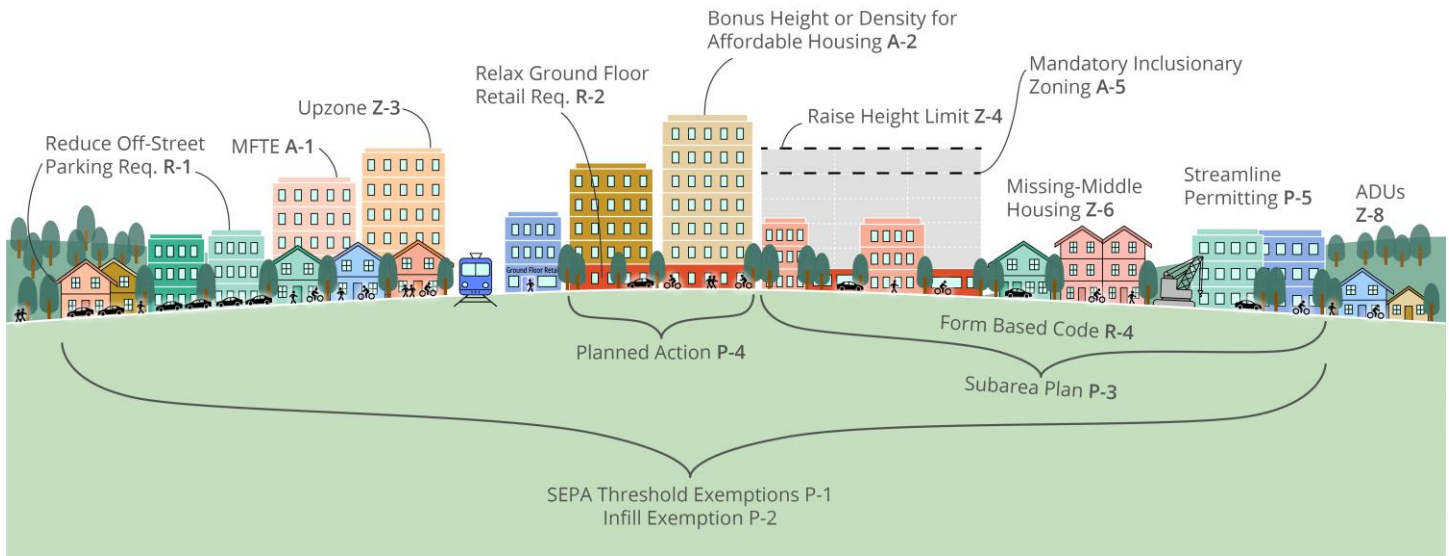
<sup>119</sup> In 2019 and 2021, funding was provided for cities to develop housing action plans as described in RCW 36.70A.600(2). Cities that received grant funding were required to identify strategies to encourage housing development that meets housing needs, as well as a plan for implementing those strategies. This chapter adapts and summarizes key material from the HAP Guidance.

# Strategies should work together

Just as no single housing policy addresses all of a community's needs, no single housing strategy is a complete solution. Housing strategies do not generally work in isolation. Multiple strategies work together to shape opportunities for development and encourage the kinds of housing production in greatest need.

The unique size, demographic, and physical and political context of each community means that the most effective combination of strategies will also be unique. Exhibit 33 shows examples of how multiple housing strategies can encourage the development needed to reach a community's housing goals and remove existing barriers to meeting a community's affordable housing needs. Exhibit 34 shows how a single housing policy may call for more than one strategy for successful implementation.

## Exhibit 33. Example: A mix of interrelated housing strategies



Note: The letters and numbers next to each strategy correspond to Commerce's [Guidance for Developing a Housing Action Plan](#) (2020)  
 Source: MAKERS, 2020

## Exhibit 34. Example: Linking housing policies to implementation strategies

**Housing policy: Promote more opportunities for home ownership through single-family detached housing, middle housing, fee-simple cottages and townhouses, accessory dwelling units, and condominium apartments.**

Strategy 1. Reduce minimum lot sizes in residential zones.

Strategy 2. Allow for additional housing types in residential zones, including fee-simple cottages, middle housing and townhouses.

Strategy 3: Add unit lot subdivisions to the subdivision ordinance to allow separate sale of ADUs and middle housing.

## Types of housing strategies

The HAP Guidance includes six categories of housing strategies, as described below. A full list of these strategies is in Exhibit 35 below. See the [HAP Guidance report](#) for detailed descriptions of individual strategies, including tips for prioritization and effective implementation.

1. **Revising zoning standards:** Strategies for regulating building heights, density levels and permitted uses.
2. **Additional regulatory strategies:** These include adjusting other regulatory standards such as parking requirements, setbacks and design standards that may affect the feasibility of projects.
3. **Process improvements:** Strategies to provide for a smoother, faster or more predictable permitting process for developers seeking to build housing that is consistent with jurisdictional goals. Many developers maintain that providing for predictability is the most important thing jurisdictions can do to encourage housing production. Therefore, jurisdictions should consider the value of discretionary processes such as design review and determine whether there are other ways to achieve similar goals.
4. **Housing incentives:** Strategies to encourage and support multifamily and affordable housing development, particularly income-restricted affordable housing, such as fee waivers, multifamily tax exemptions or inclusionary zoning. Housing incentives are important for encouraging production of lower income housing units that the market would not provide on its own.
5. **Funding options for affordable housing development:** These are options to directly fund or subsidize affordable housing production, including grants, loans and new revenue generation.
6. **Other strategies:** Such as strategic infrastructure investments or programs to support homeowners with ADU financing, design, permitting and/or construction.

Often strategies are most successful when implemented with the support of partners. Examples might include engaging a housing authority or not-for-profit developer to identify specific changes to regulations or incentives that would allow more affordable housing types to be developed.

## Identifying strategies for implementing housing policies

Several common themes and needs are identified in housing policies across the state, including the need for:

- Increasing housing supply
- Housing diversity
- Affordable homeownership
- Middle-income rental housing
- Senior housing
- Very low-income housing

Exhibit 35 provides a table to help identify housing strategies that will help to address these common themes and needs. Use this table to identify the kinds of housing strategies most effective for implementation based on your community's needs.

## Exhibit 35. Housing strategies for implementing housing policies

<b>Matrix Legend:</b> ★ Potential high impact ☆ Potential moderate impact Strategy name and number from HAP Guidance	Increase housing supply	Distinct Housing Needs				
		Housing diversity	Affordable homeownership	Middle-income rental housing	Senior housing	Very low income housing
<b>Revised Zoning Standards</b>						
Reduce Minimum Lot Sizes (Z-1)	☆	☆	★	☆		
Require a Minimum Density (Z-2)	☆		☆			
Upzone (Z-3)	★	☆	☆	☆		
Increase Building Height (Z-4)	☆			☆		
Integrate or Adjust Floor Area Ratio Standards (Z-5)	☆	☆		☆		
Increase Allowed Housing Types in Existing Zones (Z-6) (cottages; 2, 3, 4-plexes; townhouses; micro-housing)	☆	★	★	★	★	
Increase or Remove Density Limits (Z-7)	★	☆	☆	★		
Revise ADU Standards (Z-8)	☆	☆	☆	★	★	
Offer Density and/or Height Incentives for Desired Unit Types (Z-9)	☆		☆	★	☆	☆
<b>Additional Regulatory Strategies</b>						
Reduce Off-Street Parking Requirements (R-1)	☆	☆		★	★	
Relax Ground Floor Retail Requirements (R-2)	☆			☆		
Reduce Setbacks, Lot Coverage and/or Impervious Area Standards (R-3)	☆	☆	☆	☆		
Adopt Design Standards (R-4)		☆				
Use a Form-Based Approach (R-5)	☆			☆		
PUD/PRD and Cluster Subdivisions (R-6)	☆	☆				
Manufactured Home and Tiny House Communities (R-7)	☆	☆	☆	☆	☆	★
<b>Process Improvements</b>						
SEPA Threshold Exemptions (P-1)	☆	☆	☆	☆	☆	☆
SEPA Infill Exemption (P-2)	☆	☆	☆	☆		

Matrix Legend: ★ Potential high impact ☆ Potential moderate impact Strategy name and number from HAP Guidance	Increase housing supply	Distinct Housing Needs				
		Housing diversity	Affordable homeownership	Middle-income rental housing	Senior housing	Very low income housing
Subarea Plan with Non-Project EIS (P-3)		☆	☆	☆		
Planned Action (P-4)	☆☆	☆	☆	☆		
Protection from SEPA Appeals on Transportation Impacts (P-5)	☆		☆	☆		
Permitting Process Streamlining (P-6)	☆	☆	☆	☆	☆	☆
Subdivision Process Streamlining (P-7)	☆		☆			
<b>Affordable Housing Incentives</b>						
Multifamily Tax Exemption (A-1)	★		☆	★	★	☆
Density Bonuses for Affordable Housing (A-2)	★	☆	☆	☆	☆	☆
Alternative Development Standards for Affordable Housing (A-3)		☆	☆	☆		☆
Fee Waivers for Affordable Housing (A-4)			★	☆	☆	★
Inclusionary Zoning (A-5)	☆		☆	★		☆
<b>Funding Options for Affordable Housing</b>						
Local Option Taxes, Fees and Levies (F-1)	☆		☆	☆	☆	☆
Local Housing Trust Fund (F-2)	☆		☆	☆	☆	☆
"Found Land": Surplus Land and Other Opportunities (F-3)	☆		☆	☆	☆	★
Partner with Local Housing Providers (F-4)	☆		☆	★	★	★
<b>Other Strategies</b>						
Strategic Infrastructure Investments (O-1)	☆		☆	☆		☆
Simplify Land Use Designation Maps (O-2)	☆	☆	☆	☆		☆
Local Programs to Help Build Missing Middle Housing (O-3)	☆	☆	☆	☆	☆	☆
Strategic Marketing of Housing Incentives (O-4)	☆	☆	☆	☆	☆	☆
Temporary Emergency Housing (O-5)						☆

## Chapter 8. Adopting your housing element

A comprehensive plan may only be amended once per year, but must be reviewed, and if needed, updated according to the schedule in RCW 36.70A.130. Planners navigate the periodic review or annual amendment process frequently, and each agency will have its own approach to ensure a transparent and predictable review process. Routine amendments may be straightforward, while other amendments may garner more public interest. Below are some universal tips for managing the adoption process to a successful conclusion.

- **Plan for adoption at the beginning:** Preparing for adoption should begin when establishing the project plan and schedule and public participation plan at the start of the project. Establish a critical path, and work backward from desired legislative action dates with the city council. Allow for some cushion in case more time is needed to respond to public and decision maker comments. Ensure that any administrative appeal periods for environmental review are accounted for as well.
- **Engage decision makers along the way:** Addressing critical housing needs and defining strategic actions can inspire enthusiasm and concern from a range of stakeholders, including elected and appointed officials. Engaging with decision makers early and continuously will create a smoother path for the adoption process.
- **Simplify the process:** Integrating the requirements of environmental review and planning can reduce paperwork and align public comment opportunities, which creates a streamlined schedule and a more accessible process for members of the public. See discussion of SEPA/GMA integration below in the "[Adoption process](#)" section below.

### Tips for adoption success

Inform and empower participants using simple, legible graphics and narrative allowing them to critically assess the housing system.

Go on tours, either real or virtual to provide a more concrete and less threatening image of possible future outcomes.

Test preferred concepts such as with a pro-forma analysis.

Bring in experts to answer questions.

Be clear about what policy options will mean to people.

Provide strong visual examples.

Deal with controversy early, ensure diverse representation on committees, avoid jargon and use the planning process to cultivate advocates.

## Public engagement

When community members and stakeholders help shape a housing element's policies, it reflects their interests and they become its advocates. Public engagement is an important part of gathering and verifying information, highlighting and addressing inequities, and building support for policies and an implementable plan. A well-rounded public engagement approach includes developing a public participation program as one of the first steps, engaging a wide spectrum of the public and stakeholders, particularly people having trouble finding housing that meets their needs. It is important to reflect this public input in the housing element updates so it can be included in the final decision making process.

This section summarizes a more complete description of public engagement recommendations in the [Guidance for Developing a Housing Action Plan](#). As you develop a public participation program, also review Step 1 of the [Guidance to Address Racially Disparate Impacts](#) (Book 3), which covers how to identify and engage with those who have been adversely impacted by housing and land use policies.

## Develop a public participation program

RCW 36.70A.140 states: "Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments."

Though this statute refers to the whole comprehensive plan, applying this statute is also required when a single element is being revised. Regardless of whether you are updating just your housing element or your entire comprehensive plan, early and continuous public involvement is essential.

Though the public participation plan is created early to set the direction, be ready to revisit it throughout the process and update as needed to fill in emerging gaps. An engagement plan should identify:

- Public engagement goals
  - Audience(s) for engagement, including community members, stakeholders, staff, boards, commissions, council, any advisory committees and other parties involved (e.g., state agencies) Planners should also strive to identify those within the community who have been subject to historical injustices, different racial identities or those most impacted by housing struggles to ensure the housing element addresses racially disparate impacts, exclusion and displacement
- Appropriate engagement activities, such as open houses, surveys, web-interface community meetings and web pages
- Draft engagement schedule with re-evaluation opportunity(ies)
- Media contacts and timelines for communication about the project

A useful tool for considering public engagement plan goals and types of engagement is the International Association for Public Participation's (IAP2) Spectrum of Public Participation; see Exhibit 36. All stages on the spectrum are valuable. Depending on whether you are educating about options ("informing"), extracting information about community preferences ("consulting") or problem-solving together ("collaborating"), you will choose your venues and design your methods and activities for the right level of communication. Regardless of where you are on the spectrum, listening to community members with an open mind is an important skill.

## Exhibit 36. Spectrum of public participation

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
<b>GOAL</b>	To provide balanced and objective information in a timely manner.	To obtain feedback on analysis, issues, alternatives and decisions.	To work with the public to make sure that concerns and aspirations are considered and understood.	To partner with the public in each aspect of the decision-making.	To place final decision-making in the hands of the public.
<b>PROMISE</b>	"We will keep you informed"	"We will listen to and acknowledge your concerns."	"We will work with you to ensure your concerns and aspirations are directly reflected in the decisions made."	"We will look to you for advice and innovation and incorporate this in decisions as much as possible."	"We will implement what you decide."

Source: International Association for Public Participation, [www.iap2.org](http://www.iap2.org)

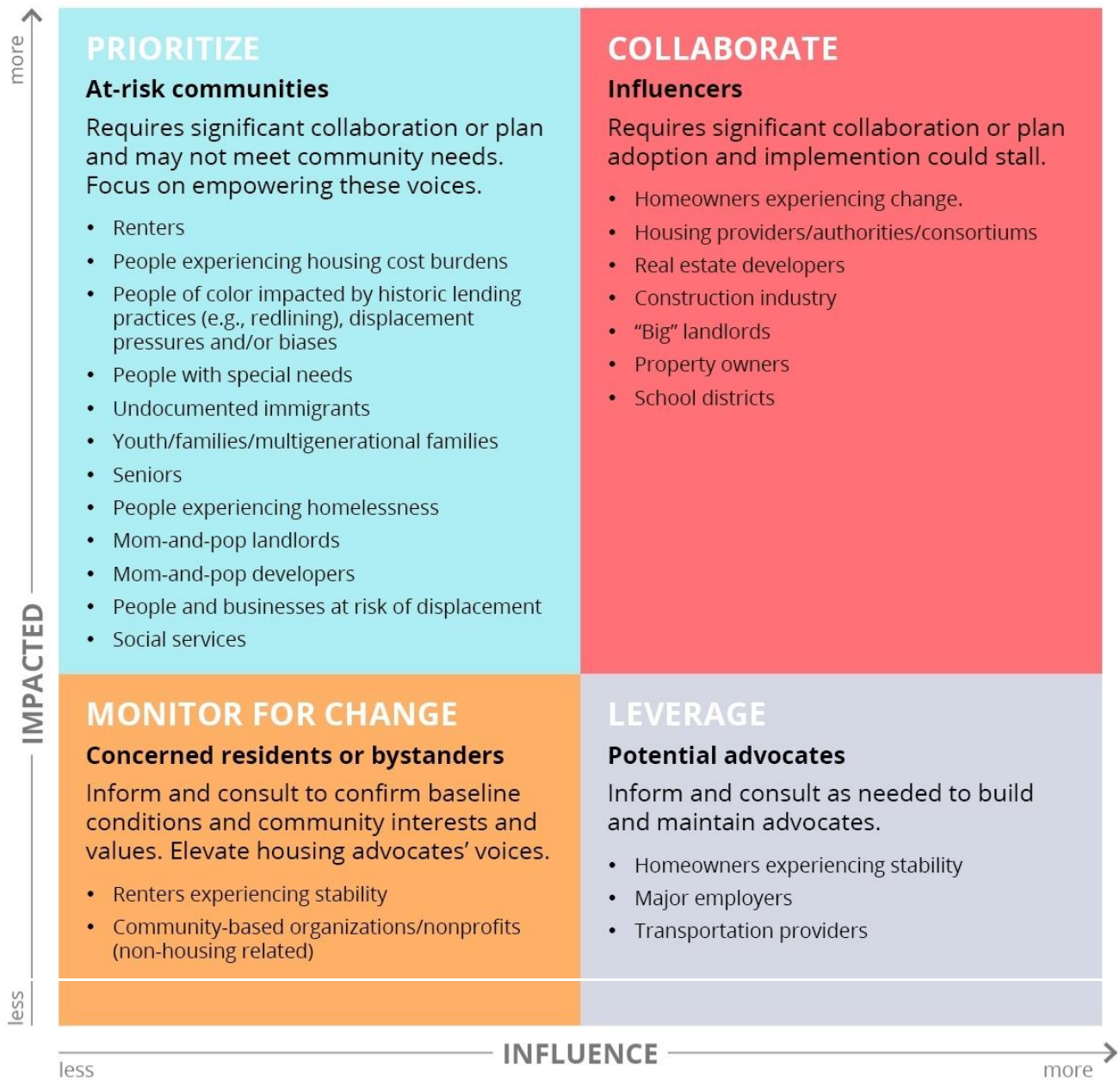
## Identify audiences

Though housing policy affects all members of a community, focusing your engagement efforts helps set a timely, budget-efficient and equitable process. The Stakeholder Prioritization Chart (Exhibit 37) offers a way to narrow your efforts by identifying important stakeholders and defining an approach to their engagement.

Shifting decision making power toward traditionally at-risk groups (the "Prioritize" quadrant) and truly listening to their needs and interests is fundamental to creating socially equitable housing policies. These steps ensure that their needs are met and help the project team to understand potential unintended consequences of housing policies.

At the same time, powerful influencers (the "Collaborate" quadrant) must also be heavily involved to ensure the policies are feasible and implementable. This means higher levels of engagement and true collaboration are important with these two groups. Those in the "Monitor for Change" and "Leverage" quadrants are important for verifying data and building advocates, so informing and consulting are appropriate levels of engagement with these groups.

## Exhibit 37. Stakeholder prioritization chart



Source: MAKERS, 2020, adapted from multiple versions, including Kapwa Consulting's emphasizing a social equity lens and the original "power-interest" matrix (Mendelow, 1991).<sup>120</sup>

### Prioritize at-risk communities

The people most impacted by housing policies — the "at-risk communities" in the stakeholder prioritization chart — often have the most challenges to participating in traditional meetings and outreach methods. For that reason, extra effort should be made to identify populations and stakeholders who could be most affected by housing policies and potential barriers to participation.

<sup>120</sup> Mendelow, A. "'Stakeholder Mapping', Proceedings of the 2nd International Conference on Information Systems." Cambridge, MA 5, no. 2 (1991): 61.

Collaboration with people who have historically been left out can lead to more creative and productive problem solving. Good practices and goals include:

- Identify communities at risk of displacement, who may have been subject to historical injustices (e.g., redlining), different racial identities, and those most impacted by housing struggles
- Build capacity of disadvantaged communities to meaningfully participate and affect decisions – i.e., prioritize engagement with at-risk communities
- Gather input from identified communities to identify root causes of disparate impacts in housing and their input on potential policy solutions
- Identify potential unintended consequences of proposed strategies (e.g., displacement of vulnerable populations and/or affordable community spaces with redevelopment, construction impacts to local businesses, etc.)
- Jointly find housing solutions and strategies to prevent and/or mitigate negative impacts

Ways to engage at-risk communities include:

- **Value participants' time and expertise:** Pay participants for their time and expertise, especially when they come from communities that have been systemically underserved. Compensation can range from stipends (e.g., \$50 per meeting) for participating in a stakeholder work group, consultant funding for engaging their community, raffles and gift cards for attending an event, to providing food at events.
- **Avoid engagement fatigue:** Some community leaders and organizations feel they have been asked for their opinion in numerous processes, but often are not seeing how their input has been used or results from their efforts. This is leading to “engagement fatigue.” The best way to prevent future engagement fatigue is to show that participants' efforts were fruitful. Throughout the process, show how participants' needs, ideas, preferences and solutions are being incorporated.
- **Make engagement methods accessible:** Consider hiring community liaisons, providing translations, offering childcare, providing food, etc.
- **Focus efforts:** When developing your plan, consider and plan for the various barriers to participation. Not every barrier can be mitigated, and regardless of how welcoming events are, people have competing demands on their time. To prioritize your efforts, consider what will help you meet these basic needs: gather the information needed to understand the full housing picture in your community, build advocates and empower at-risk communities.

## Engage stakeholders

How much you engage people will vary by audience and point in the process, as well as the nature and extent of the housing element update or amendment process. The size and type of community, complexity of housing issues and strategies under consideration will also factor into your engagement plan.

Think strategically about who will be involved, which methods to use and at what times. Consider the most basic engagement needs – to gather information, build plan “authors”/advocates and empower underserved communities. Also consider your more specific desired outcomes to match stakeholders/community members with appropriate engagement activities, timing and level of effort.

The methods listed below are ordered roughly from broadest to most in-depth and focused. More details on each of these can be found in the [HAP Guidance](#), Chapter 2. The engagement plan should include a mix of engagement methods depending on the engagement goals for different audiences and phases of the project.

- Online presence, including project website
- Focus groups and interviews

- Social media
- Online engagement platforms
- Public open house
- Public workshop
- Pop-up at community hotspot
- Piggyback on public events
- Piggyback on pre-existing meeting/community conversations
- Community liaisons

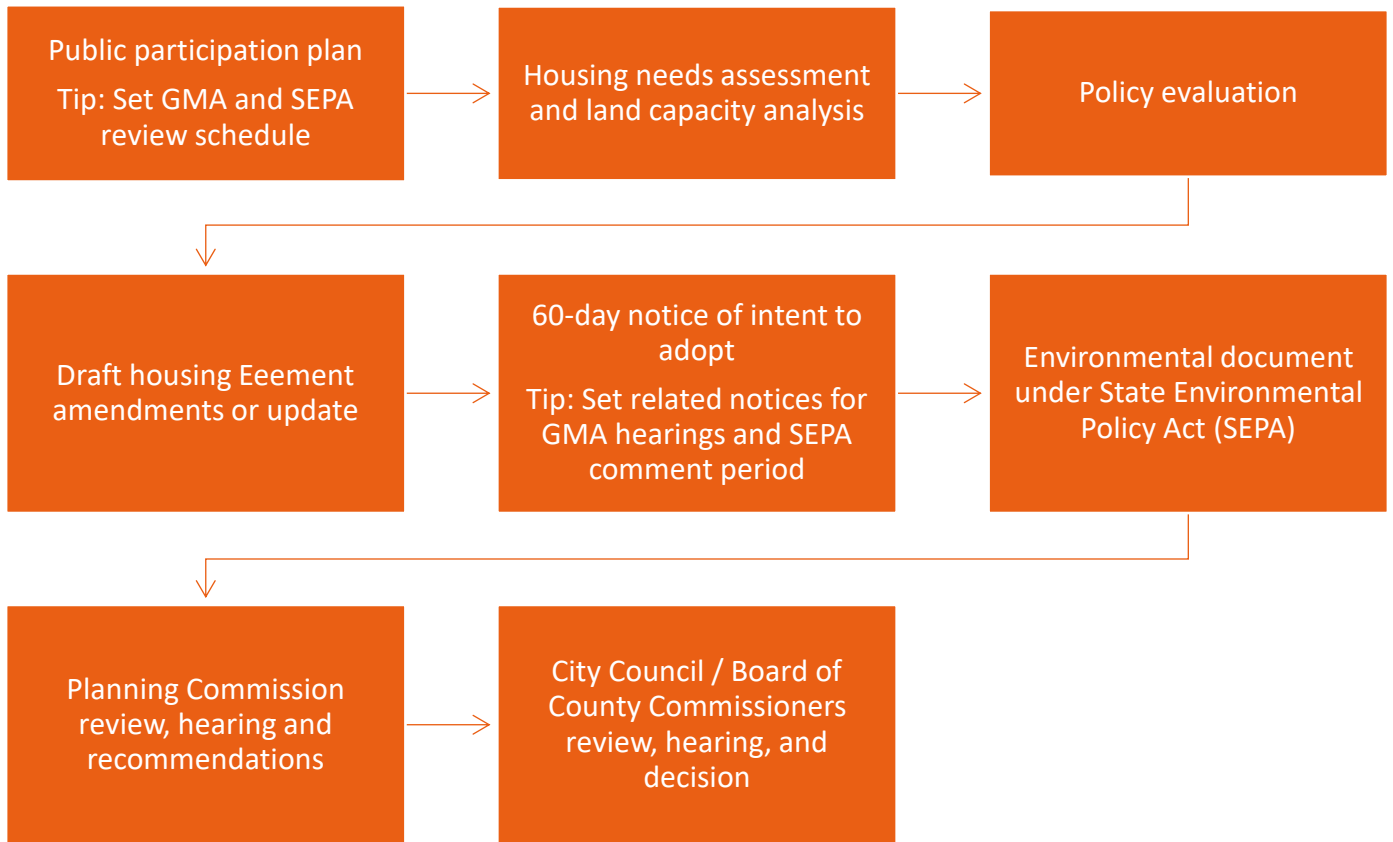
## Adoption process

Opportunities for public comment and engagement with the public and stakeholders, as well as review and recommendations by the planning commission, ultimately culminate in a review and decision by the city council. Generally, there will have been opportunities for public engagement in reviewing the HNA and considering policies. The final draft of the housing element will require at least one public hearing prior to adoption ([RCW 36.70A.130\(1\)\(b\)](#)). The planning commission typically holds a hearing, and the city council or board of county commissioners may also hold a hearing depending on whether there are substantial changes to planning commission recommendations and the nature of the local government's procedural regulations.

Adoption of a comprehensive plan or single elements must be part of the annual comprehensive plan amendments or the periodic updates, and must be adopted by ordinance. See Exhibit 38 for an example adoption process.

Two examples of adoption ordinances include [Anacortes' Ordinance 2982](#), adopting a complete update to the Comprehensive Plan in 2016, and [Island County's 2018 Ordinance C-97-18](#), updating the housing element after a comprehensive review of housing affordability. The final adopting ordinance may include key findings from the HNA as the rationale for adopting the amendments or update.

## Exhibit 38. Housing element update or amendment: adoption steps flow chart



## SEPA integration with adoption

In tandem with preparing the housing element update or amendments, planners will need to conduct non-project environmental review under the State Environmental Policy Act (SEPA) ([RCW 43.21c](#)). SEPA ([RCW 43.21c](#)) helps government agencies consider the environment before taking actions. SEPA considers the adoption of plans, policies and programs under any law to be non-project actions,<sup>121</sup> and SEPA applies to these types of actions.

Amendments to the comprehensive plan, including the housing element, are considered a non-project action and require SEPA review. A jurisdiction may have several options for completing the SEPA process:

- **Relying on existing relevant SEPA documents** and adopting, adding an addendum or supplementing them along with threshold determinations as appropriate ([WAC 197-11-600](#)).
- **Creating a new SEPA document** and threshold determination addressing the housing element update or amendments as a new non-project proposal. This may mean a determination of non-significance (DNS) and a checklist ([WAC 197-11-340](#)). Potentially a determination of significance (DS) and environmental impact statement (EIS) could be prepared if the housing element identified substantial proposed changes in policies and regulations such that it was important to review the proposals early ([WAC 197-11-360](#)).

<sup>121</sup> See description of non-project actions at [WAC 197-11-060](#). SEPA also applies to “project” actions like development proposals ([WAC 197-11-060\(3\)](#))

Local governments are encouraged to integrate SEPA and GMA requirements so that the decisions benefit from environmental information and the engagement process is seamless for the public ([WAC 197-11-235](#) et seq.). SEPA/GMA integration could include:

- Preparing studies that inform both GMA and SEPA procedures,
- Identifying early the features of the legislative proposal and potential alternatives for the decision making and environmental review process,
- Considering the likely threshold determination at the beginning,
- Preparing a complete analysis of likely impacts even if using a non-project checklist,<sup>122</sup>
- Determining the associated schedule of document and notice preparation (see [Exhibit 39](#)), and
- Early identification of policy or code-based mitigation measures (e.g., compatibility measures for different density housing types, etc.).

#### Environmental Review Resources

- [SEPA Handbook \(2018 update\)](#)
- [SEPA Frequently Asked Questions](#)
- [WAC 197-11: SEPA Rules](#)
- [WAC 197-11-210](#) thru 235: GMA / SEPA integration

See the tips on SEPA/GMA integration in [Exhibit 39](#), as well as the [SEPA Handbook](#) for more information.<sup>123</sup>

### Exhibit 39. SEPA/GMA integration tips

- **Integrated process:** Required notices and public meetings or comment opportunities can be combined to meet SEPA and GMA requirements. For example, if the local government issues a DNS with a 14-day comment period, that could overlap the periodic review or annual amendment hearing(s) so that the public comment opportunities are in alignment and people can comment on both the proposal and the environmental review.
- **Integrated document:** An integrated SEPA/GMA process can also mean an integrated document where the proposed policies and regulations are integrated with the SEPA-required analysis in one document. More commonly, GMA and SEPA documents are issued in separate volumes and at the same time for coordinated review. They could also be integrated in the same document, which may be more complex for future housing element amendments.

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<sup>122</sup> See OLYMPIANS FOR SMART DEVELOPMENT & LIVABLE NEIGHBORHOODS, et al., Petitioners, v. CITY OF OLYMPIA, Respondent: Final Decision and Order, Case No. 19-2-0002c, available at: <https://www.gmhba.wa.gov/search/case>.

<sup>123</sup> SEPA Handbook, 2018: <https://ecology.wa.gov/DOE/files/4c/4c9fec2b-5e6f-44b5-bf13-b253e72a4ea1.pdf>.

# Chapter 9. Implementing and monitoring your housing element

Adopting an updated housing element is only the first step toward achieving your new housing goals, policies and objectives. Moving from adoption of new or updated goals and policies to seeing new housing production that meets your community's needs can be more effective with an implementation and monitoring plan.

While not required for a GMA housing element, identifying implementation steps and monitoring performance are important ways to help your community work toward housing goals. [WAC 365-196-410\(2\)\(f\)](#) lists a series of potential implementation steps and suggestions for monitoring. Some communities include an implementation and monitoring plan directly in their housing element or elsewhere in the comprehensive plan. Others treat this step as separate from, and subsequent to, the adoption of the housing element or comprehensive plan. Either approach can be appropriate.

This chapter provides guidance for what is expected to be implemented with a comprehensive plan vs. after, including guidance on the GMA requirement for some counties and cities to develop implementation progress reports five years after the adoption of their periodic comprehensive plan update. This chapter also provides guidance for the development of an implementation plan and monitoring framework to help track progress towards meeting community goals and needs.

## Guidance for implementation planning

The GMA requires counties and cities required or choosing to plan under RCW 36.70A.040 to adopt a comprehensive plan including a housing element that identifies sufficient capacity of land for all housing needs. [RCW 36.70A.115](#) further clarifies that those fully planning jurisdictions shall ensure that, taken collectively, the comprehensive plan and development regulations provide sufficient land capacity to accommodate their allocated housing need. Under [RCW 36.70A.130\(1\)\(a\)](#), comprehensive plans and development regulations must be compliant with the GMA when they are adopted at the periodic update.

Based on these statutory requirements, both the comprehensive plan and implementing development regulations must be adopted no later than the periodic update deadline to ensure GMA compliance. For example, if a jurisdiction's comprehensive plan identifies a residential land capacity deficit for middle housing types to serve the projected number of low to moderate-income households, then the adopted implementing development regulations must include changes to the development regulations to allow a sufficient amount of middle housing to overcome that deficit. That additional capacity should be allowed "by right" to ensure that there are minimal hurdles to building the needed capacity.

The GMA also requires fully planning jurisdictions to make adequate provisions for existing and projected needs for all economic segments of the community, including:

- Incorporating consideration for low, very low, extremely low and moderate-income households;
- Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations and other limitations;
- Consideration of housing locations in relation to employment locations; and
- Consideration of the role of ADUs in meeting housing needs.

Therefore, while GMA-compliant comprehensive plans and implementing development regulations (which must provide for sufficient land capacity) must be adopted by the periodic update deadline, actions taken to "make adequate provisions" for a jurisdiction's housing needs that do not involve changes to the implementing

development regulations for meeting capacity may be taken after the periodic update deadline. Types of actions falling under this category include, for example, implementing regulation changes to remove barriers that may be contributing to market inactivity, or modifying permitting or fee structures to incentivize certain housing types to meet income needs.

In recognition that these steps may take some time to implement after the comprehensive plan and development regulations are adopted, [RCW 36.70A.130\(9\)](#) requires that certain jurisdictions<sup>124</sup> provide the Department of Commerce with a report detailing the progress they have achieved in implementing their comprehensive plan five years after its adoption. The implementation progress report shall cover:

- The implementation of previously adopted changes to the housing element and any effect those changes have had on housing affordability and availability,
- Permit processing timelines, and
- Progress towards implementing any actions to achieve reductions to meet greenhouse gas and vehicle miles traveled requirements as provided for in any element of the comprehensive plan under RCW 36.70A.070.

If a jurisdiction required to provide an implementation progress report has not implemented any specifically identified regulations, zoning and land use changes, or taken any other legislative or administrative action necessary to implement changes in the most recent periodic update by the deadline to submit the progress report, that jurisdiction must adopt a work plan to implement such actions. Then, according to RCW 36.70A.130(9), they must also complete all work necessary for implementation of those actions within two years of the report's submission.

Given this statutory deadline, a jurisdiction should aim to implement actions required to make adequate provisions for the jurisdiction's housing needs by the due date for the five-year implementation progress report and be prepared to demonstrate progress made towards implementing their housing element in the report. If the jurisdiction has not made additional adequate provisions (i.e., beyond basic zoning changes for capacity per RCW 36.70A.115) to accommodate its housing needs, the report must demonstrate how those actions will be taken in the next two years.

## Develop an implementation plan

An implementation plan identifies specific actions that will be needed to carry out the policies and/or strategies. It also organizes and prioritizes them in the form of a work plan that can guide next steps. When drafting your implementation plan, consider including the below components. Keep in mind that public and stakeholder engagement are essential for developing a successful implementation plan. See [Chapter 8. Adopting your housing element](#) for recommendations on stakeholder engagement.

## Implementation planning matrix

An implementation planning matrix is a useful framework for organizing and prioritizing actions needed to implement the housing element. Each housing policy and its associated strategies can require several actions to support effective implementation. A planning matrix is a way to identify, for each action, the responsible party (or parties), resources needed, implementation steps and a target timeline for completion. The same

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<sup>124</sup> Larger counties and cities within them with a population over 6,000. These larger counties include King, Pierce, Snohomish, Kitsap, Whatcom, Thurston, Clark, Benton, Franklin and Spokane.

matrix can be used to track progress toward implementation in annual reports or as a live document on your website. Topics to consider in your implementation planning matrix include:

- An action’s **priority** is determined by how critical it is for accomplishing the housing goals or objectives.
- The anticipated **timeline** for each action refers to how long it will take to implement that action. For example, categorizing actions as near-term (0-2 years), medium-term (3-5 years) and long-term (6-10 years).
- The matrix should identify **responsible parties** for each action. These can be departments or organizations that are key players in completing this step. Categorize parties as primary and secondary according to their needed level of involvement.
- The **method of accomplishing the action** is helpful to include, such as legislative, administrative or partnership development.
- It is important to assess and plan how much **investment** and the level of effort an action requires, including staff and volunteer hours and financial resources, which can affect the action’s timeline. This may be measured as a gradation of effort - minimal, moderate or significant.
- **Comments** such as potential resource needs, challenges, opportunities or other considerations.

Exhibit 40 shows a simple example format for an implementation planning matrix for organizing this information. After identifying these elements for each action, they can be grouped to reveal priorities and responsible parties. You can use this tool to begin allocating resources and starting processes necessary to accomplish the actions you have identified to meet your community’s housing needs.

### Exhibit 40. Example format for an implementation planning matrix

Policy H-3: Encourage the development of workforce housing supply in <b>mixed-use centers</b> .					
Strategy H-3.1: Create a density bonus to incentivize new workforce housing production by private developers.					
<b>Action H-3.1.1: Conduct a market study to determine which kinds of incentives would maximize impacts.</b>					
Priority	Timeline	Type	Lead Party	Who can assist?	Investment
High	6 months	Administrative	Community and Economic Development Department		Staff – 0.5 Full-time employee (FTE) or \$75,000 consultant led work
<b>Action H-3.1.2: Develop and adopt new density bonus program.</b>					
Priority	Timeline	Type	Lead Party	Who can assist?	Investment
High	1 year	Legislative	City Council	Community and Economic Development Department	Staff – 0.5 FTE

### Implementation schedule and work plan

A good example of a schedule and implementation work plan is shown in the [Bainbridge Island 2017 Comprehensive Plan](#), which identified 56 action items.<sup>125</sup> In order to provide clarity about what would be necessary to achieve these items, each element of the comprehensive plan includes a work plan. The work plans consist of a matrix describing each action, along with tasks necessary to complete the action, tasks

<sup>125</sup> See <https://www.bainbridgewa.gov/162/Comprehensive-Plan>.

currently in progress and any completed tasks. The work plan also includes a graphic schedule, showing timing and required staff effort from different departments for each high-priority action. Progress toward implementation is reported annually. Exhibit 41 shows some excerpts from the comprehensive plan and annual work plan priorities report. Beginning in 2019, the city now provides a report on progress to implement the actions identified within the comprehensive plan.

When developing your schedule, think about the following:

- Whether there are any windows of opportunity or time constraints that might motivate the scheduling of a high-priority action
- Steps, tasks and processes that will be required to implement the action
- Investment needed for each program or action (staff time, budget, etc.)
- Annual resources available (staff time, budget, partner capacity)
- Sequencing of actions with other actions, plan updates or work priorities

Next, start putting actions on the calendar, making sure to avoid overcommitting annual resources available to support implementation. The economic development draft schedule in Exhibit 41 is a simple example.

**Exhibit 41. Bainbridge Island 2017 Comprehensive Plan economic development element work plan and 2019 year-end plan priorities**

	<b>Implementing Actions</b>	<b>Tasks to Complete</b>	<b>Tasks in Progress</b>	<b>Completed Tasks</b>
15	<u>High Priority EC Action #3</u> Assure that adequate parking is available to support businesses.	Begin strategy development Develop code updates	Implement medium term strategies	Winslow parking study
16	<u>High Priority EC Action #4</u> Identify capital projects and streetscape standards to implement Policy EC 11.1, to improve non-motorized facility links between the ferry terminal, downtown Winslow, and the harbor.	Transportation Improvement Plan Update Update streetscape standards	Capital Improvements Plan (CIP) Update	

Source: [City of Bainbridge Island, Economic Development Element Workplan and Schedule, 2019, p. EC-1](#)

## ECONOMIC DEVELOPMENT DRAFT SCHEDULE

Item	2019	2020	2021	2022	2023	2024	2025	2026
13 – Economic Development Strategy								
14 – Support for Agriculture (with 20)								
15 – Parking for Business								
16 – Non-Motorized Streetscape Standards								

**Work Group Legend**

- Subarea Plans Work
- Community and Land Use Work
- Transportation Work

Source: [City of Bainbridge Island, Economic Development Element Workplan and Schedule, 2019, p. EC-2](#)

**Task 2.3.2**

Jan 01, 2019 - Dec 31, 2019 Completed Progress 100%

**EC Action #3 - Task 2**

Implement Medium Term Parking Strategies

During mid-2019, City staff met with downtown Winslow stakeholders to review options for short-term parking initiatives identified in the 2017 parking study. There was no consensus from community stakeholders to support the proposed changes. No further action is planned.

Source: City of Bainbridge Island, [2019 Year End Report Comprehensive Plan Implementation Update](#), p. 16

Another example of a housing implementation plan is included in Appendix D of [Redmond's Housing Action Plan](#), which includes the recommended actions, the phase of Redmond 2050, implementation timeframe, who is responsible, the amount of city resources needed, considerations and next steps, challenges, regulatory impacts and staff notes.<sup>126</sup>

## Develop a monitoring program

An important step of implementing your housing element is developing a program to monitor outcomes. A monitoring program can be designed to track progress toward achieving housing goals and evaluate the effectiveness of implementing actions.

## Identify performance metrics

For each implementing action, identify performance metrics to track progress or outcomes over time. To identify appropriate metrics, first consider what change the action is designed to make in your housing system. Then consider the best available data source for tracking outcomes associated with that change.

<sup>126</sup> <https://www.letsconnectredmond.com/housing>.

Exhibit 42 includes a simple example of a performance. It links a housing action to a measurable goal and an appropriate performance metric for which data is already being collected. It also provides a goal to evaluate whether the action is working well enough or whether additional actions are needed.

**WAC 365-196-410(2)(f)(iv):** "The housing element should include provisions to monitor the performance of its housing strategy."

## Exhibit 42. Example framework for performance measurement

Action	Goal	Performance metric	Performance target
Allow two ADUs in all residential zones	Increase the diversity of housing options available, particularly in historically single-family neighborhoods	ADU permits	Permit 200 new ADUs before 2028 (25 units per year)
Allow duplexes in more than 50% of single-family residential zones	Increase the diversity of housing options available in historically single-family neighborhoods	Permits with two or more units on a lot in residential zones	Permit 20 new duplexes or higher density middle housing types before 2028

Redmond's [Final Housing Action Plan \(HAP\)](#) includes another example of potential indicators to consider for monitoring housing progress that can be applied to a housing element monitoring plan. A sampling of the general performance metrics and potential indicators in that report are included in Exhibit 43.

## Exhibit 43. Redmond's Final HAP potential indicators for monitoring progress

General plan performance metrics	Potential indicators
<b>Increase affordable housing units</b>	Number of properties or units acquired/preserved by City, King County, A Regional Coalition for Housing (King County) (ARCH) or other organizations (report by AMI). Potential Data Sources: Assessor's data, ARCH, City of Redmond Data.
	Share of rent-burdened residents. Potential Data Sources: Census Data.
	Share of racial and ethnic diversity as compared to King County and region. Potential Data Sources: Census.
	Number of new affordable housing units built via MFTE and through the Inclusionary Housing/Zoning policy (report by AMI). Potential Data Sources: ARCH, City of Redmond Data.
	Number and description of affordable housing projects and partnership driven projects (describe partners and contributions). Potential Data Sources: King County, ARCH, Community Partners, City of Redmond, Assessor's Data.
<b>Increase both market-rate and affordable housing production</b>	Number of new market-rate and affordable homes in Redmond. Potential Data Sources: Assessor's Data, Agency Partners, Census Data.
<b>Support TOD and investments in transit corridors</b>	Number of new market-rate and affordable homes within ½ mile proximity/10- to 15-minute walk to transit stations. Potential Data Sources: Assessor's Data, Agency Partners, Census Data.

General plan performance metrics	Potential indicators
<b>Increase housing options and choices</b>	Number and type of new homes produced and total within the City over time - location, tenure, size, sale price/asking rent, and unit type (ADUs, backyard homes, condos, duplex, triplex, quadplex, townhome, etc.). Potential Data Sources: Assessor's Data, City of Redmond Data, CoStar, Census Data, or the State of Office of Financial Management Data.
	Share of homebuyers receiving assistance (e.g., down payment assistance). Potential Data Sources: ARCH, King County, Community Partners.
<b>Increase in home-ownership support (targeting households not considered high-income)</b>	Amount of funding and number of households supported by home-ownership programs. Potential Data Sources: ARCH, King County, Community Partners.
<b>Increase in education and awareness on housing topics</b>	Number of factsheets and educational materials released (including languages). Potential Data Sources: City of Redmond, ARCH.
	Number of meetings, training/educational workshops, events. Potential Data Sources: City of Redmond, ARCH, Community Partners.
	Number of participants, views to city website, requests for information. Potential Data Sources: City of Redmond.

Source: [Redmond's Final Housing Action Plan](#), 2021

In some cases, it does not make sense to have a unique performance metric and goal for each individual action. For instance, a city may adopt a series of different incentives for affordable housing production that are meant to work together as a package. The strategic objective of the entire package is to increase the number of new income-restricted affordable units built. Therefore, it makes sense to use an individual performance metric (affordable units built) for evaluating the effectiveness of the package.

In this case, it may also make sense to track how often developers use the individual incentives to determine if some are created in a way that makes them difficult to use. Interviews with housing developers following implementation can also be helpful to get feedback on what is working well and where there may still be barriers.

## Integrate your monitoring program with established practices

One challenge many communities face is maintaining a monitoring program after the planning process is complete. This challenge is particularly acute in smaller jurisdictions with limited or no spare capacity for taking on additional tasks. One solution is to select performance metrics and a schedule for monitoring that builds on existing activities that are already being tracked. These could include:

- Comprehensive plan monitoring programs
- Buildable lands reports
- Annual reports or updates to elected officials
- Growth monitoring

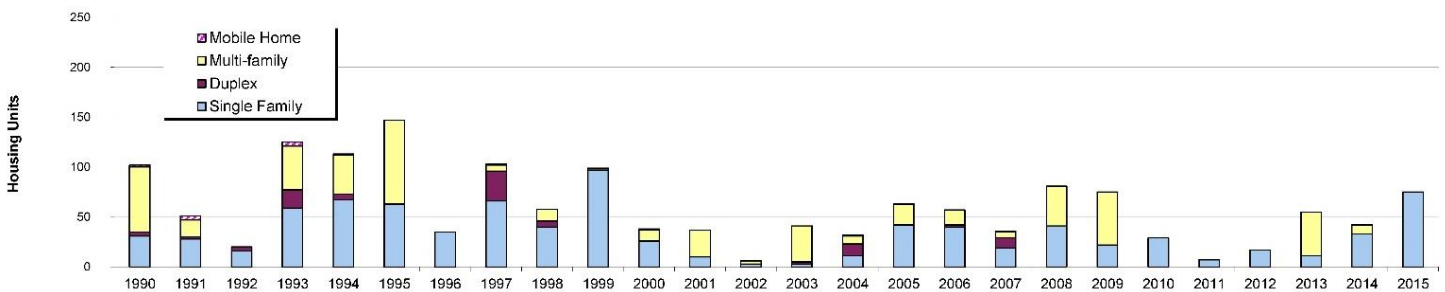
## ○ Priority-based budgeting<sup>127</sup>

By building your monitoring program on established practices or efforts within your jurisdiction, you can gain efficiencies, promote coordination and consistency between initiatives, and decrease the chances that your ongoing monitoring program will be deprioritized in years to come.

### Example: Integrating performance measures into a growth monitoring report

Snohomish County and cities have adopted housing targets [for the number of units to go into each community](#).<sup>128</sup> Snohomish County has also committed to track the provision of affordable housing units in its policy HO 4.B.1 to assess whether an adequate supply of housing affordable to residents of the county with lower incomes and special needs is being provided. Snohomish County also tracks development of residential units in its [Growth Monitoring Reports](#).<sup>129</sup> The example from the City of Snohomish and its UGA shows the numbers of duplex, multifamily and single-family units built year to year (Exhibit 44).

### Exhibit 44. Snohomish UGA (City and Unincorporated UGA) – New housing units permitted by type 1990-2015



Source: Snohomish County Tomorrow, 2016

## Report on outcomes

There are three main ways to track and report on outcomes in your monitoring program. Each serves an important purpose.

### 1. Track and report on progress

Track and report on progress toward implementation of actions identified in your plan. As discussed in the implementation plan section above, this includes identifying whether work on an action has begun, what tasks or portions of the work have been completed, or whether the action is complete. Exhibit 41 (above) includes an example from Bainbridge Island Comprehensive Plan.

### 2. Measure progress toward an outcome goal

Assess whether you are on track to achieve an outcome goal, such as a target number of new affordable units built by a certain year. The city of Tacoma does this in its [Results 253](#) website for performance monitoring across multiple city programs.<sup>130</sup> Exhibit 45 shows an example visualization of cumulative progress over time. The city also includes a discussion about the actions it has taken to achieve the goal.

<sup>127</sup> For examples see: Baily, Mike. 2015. [Building the Budget around the Community it Serves](#).

<sup>128</sup> Snohomish County Municipal Code, Appendix D: Growth Targets, <https://snohomish.county.codes/CompPlan/GPP-AxD>

<sup>129</sup> <https://snohomishcountywa.gov/1360/Growth-Monitoring-Reports>.

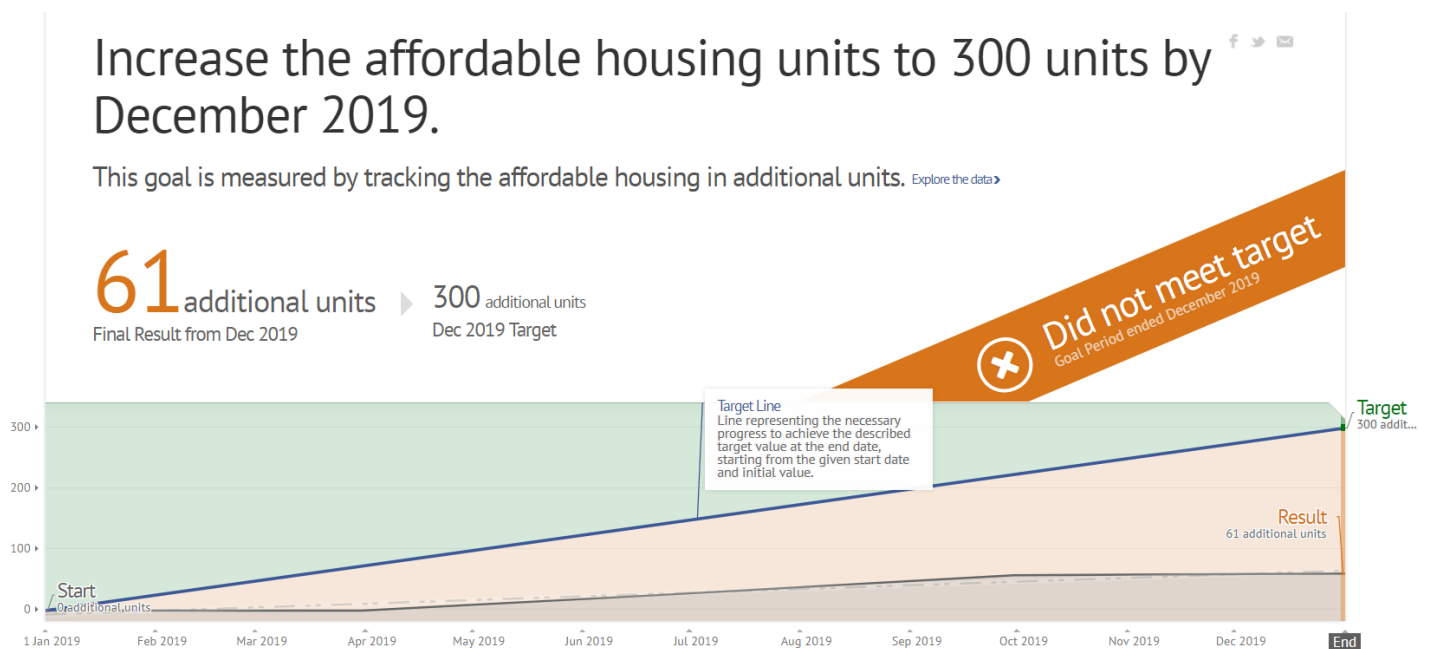
<sup>130</sup> <https://data.cityoftacoma.org/>.

### 3. Monitor outcomes over time

In addition to measuring progress from implementation toward a target goal, it can be helpful to track and visualize a performance metric over time, including before and after implementation of an action. This can be useful for understanding whether the actions taken had their intended effect or not. An example of this kind of tracking can be seen in the "[Draft Reasonable Measures Assessment](#)" conducted in support of the Kitsap County comprehensive plan update in 2015 (Exhibit 46).<sup>131</sup> The visualizations clearly show the peak of units generated in 2005 followed by fluctuation. The dotted black line showing non-single family unit permits as a percentage of all permits provides useful context, since all permit activity reduced during the last economic recession.

This kind of performance monitoring is best for supporting a diagnosis of what may be the cause of outcomes. For instance, there may have been a change in permit staffing levels one year and an inconsistency in the way applications were handled. Alternatively, a peak may be due to a single atypical development that is not expected to be a trend.

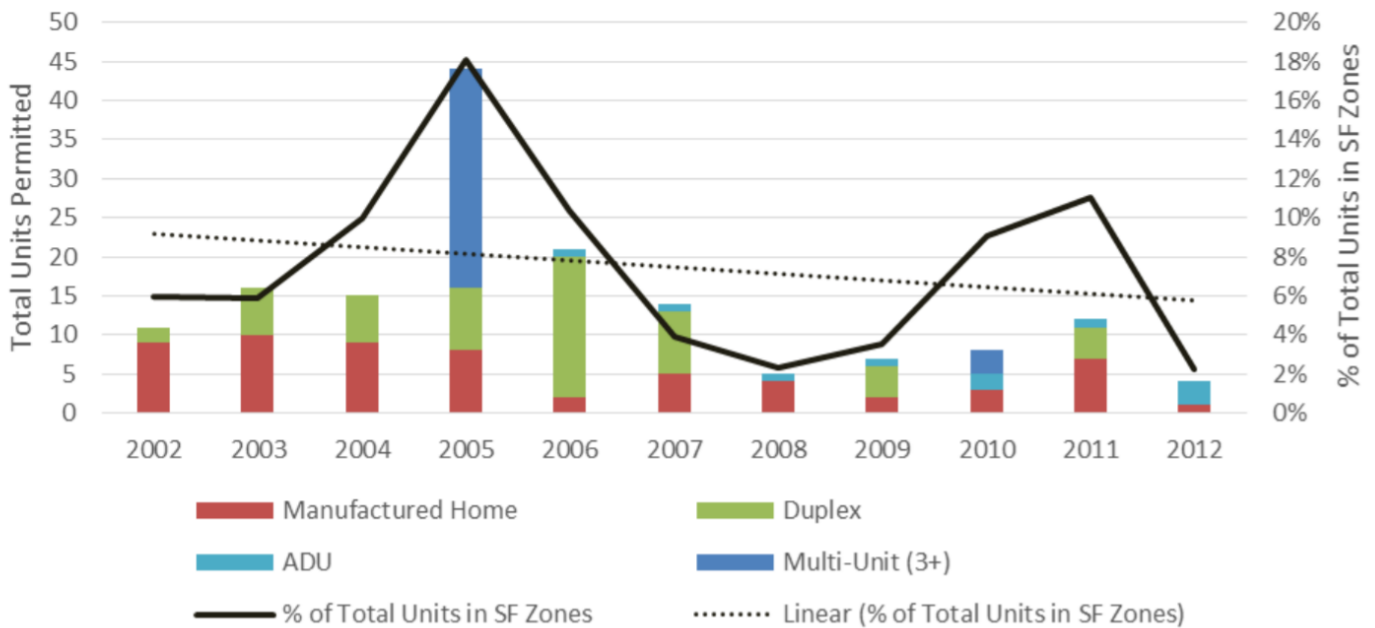
### Exhibit 45. Affordable housing stock goal in Tacoma's Results 253 data portal



Source: [City of Tacoma](#), 2020

<sup>131</sup> [http://compplan.kitsapgov.com/Documents/Appx\\_G\\_Reas\\_Meas\\_2015\\_11\\_DSEIS.pdf](http://compplan.kitsapgov.com/Documents/Appx_G_Reas_Meas_2015_11_DSEIS.pdf).

## Exhibit 46. Housing diversity: non-single-family units permitted in UGA within single-family zones by housing type: 2002-2012



Source: Kitsap County Draft Reasonable Measures Assessment, 2015

### Additional examples of monitoring programs

- Skagit County and cities: The Skagit Council of Government’s [Housing Action Plan](#) (2017) has an [annual growth monitoring report](#) that includes population, housing and jobs, as well as households by income level and units available by affordability level.<sup>132</sup>
- The city of Chelan’s [Comprehensive Plan](#) (2017) identifies measurable objectives for evaluating the implementation of the plan.<sup>133</sup> These include several measures related to housing and affordability. See Exhibit 1-4.
- Snohomish County releases annual [Growth Monitoring Reports](#) that include residential development profiles showing unit mix produced for each city/UGA.<sup>134</sup>
- King County tracks a variety of different data points on its [Regional Affordable Housing Dashboard](#) including how the county as a whole and individual cities are achieving progress on their Five Year Action Plan to address affordable housing.<sup>135</sup> This dashboard includes an assessment of how the regional actions are having their intended impact and provides jurisdictional housing affordability snapshots.

<sup>132</sup> <https://www.scog.net/skagit-county-housing-action-plan/> and <https://www.scog.net/growth-management/growth-monitoring-program/>.

<sup>133</sup> [https://cityofchelan.us/pdffdocs/2017/11/1-B\\_Consolidated\\_Elements\\_2017\\_1101\\_-\\_CleanwCover-PDF-for-web.pdf](https://cityofchelan.us/pdffdocs/2017/11/1-B_Consolidated_Elements_2017_1101_-_CleanwCover-PDF-for-web.pdf).

<sup>134</sup> <https://snohomishcountywa.gov/DocumentCenter/View/44881/9---2016-GMR---UGA-Residential-Development-Profiles?bidId=>.

<sup>135</sup> <https://kingcounty.gov/depts/community-human-services/housing/affordable-housing-committee/data.aspx>.

## What is the monitoring telling you?

As you conduct annual monitoring, you should be looking at what the results are telling you about policy implementation. Are you noticing the trends you expected because of policy changes? Are there other sources of data that might inform your progress and understanding of the trends you are seeing? Are there ways you can tweak the performance metrics to help understand barriers or track new trends?

If you are not seeing progress towards your housing goals with monitoring, jurisdictions should evaluate which actions as identified in [Chapter 4. Adequate provisions](#) they have completed, which are underway, and which have had no progress and develop an updated plan to implement remaining actions. It may also be helpful to re-evaluate the barriers to affordable housing. You may also want to re-evaluate what housing strategies from [Chapter 7. Identifying strategies to implement your housing policies](#) - could help achieve your community's housing goals.

# Appendix A: Acronyms

ADU - accessory dwelling unit  
AMI - area median income  
CPP - countywide planning policies  
DNS - determination of non-significance  
EIS - environmental impact statement  
FAR - floor area ratio  
GMA - Growth Management Act  
GMS - Growth Management Services at the Department of Commerce  
HAP - housing action plan  
HB - House Bill  
HNA - housing needs assessment  
HOA - homeowners association  
HUD - Housing and Urban Development  
IZ - inclusionary zoning  
LAMIRD - local area of more intense rural development  
LCA - land capacity analysis  
LIHTC - low-income housing tax credit  
MFTE - multifamily property tax exemption  
MPP - multicounty planning policies  
MRSC - Municipal Research and Services Center  
OFM - Office of Financial Management  
PRD - planned residential development  
PSH - permanent supportive housing  
PSRC - Puget Sound Regional Council  
PUD - planned unit development  
RCW - Revised Code of Washington  
REET - real estate excise tax  
SB - Senate Bill  
SEPA - State Environmental Policy Act  
SRO - single room occupancy  
STR - short-term rental  
TOD - transit-oriented development  
UGA - urban growth area  
WAC - Washington Administrative Code  
WCRER - Washington Center for Real Estate Research  
WSHFC - Washington State Housing Finance Commission

## Appendix B: Adequate provisions checklists

This appendix provides checklists to use in documenting barriers and programs and actions to achieve housing availability (RCW 36.70A.070(2)(d)), as well as examples of how to complete each of these steps and document the work. These checklists include the following:

- Exhibit B1: Moderate Density housing barrier review checklist
- Exhibit B2: Low-Rise or Mid-Rise housing barrier review checklist
- Exhibit B3: Supplemental barrier review checklist for PSH and emergency housing
- Exhibit B4: Accessory dwelling unit barrier review checklist
- Exhibit B5: Checklist for local option tools for addressing affordable housing funding gaps
- Exhibit B6: Example completed Moderate Density barriers review checklist
- Exhibit B7: Example completed local option tools for addressing affordable housing funding gaps checklist

Documentation of the barriers to housing availability and the programs or actions needed to overcome these barriers must be in a public document and typically should be included as an appendix to the comprehensive plan housing element.

# Barrier review checklists

## Exhibit B1: Moderate Density housing barrier review checklist

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
<b>DEVELOPMENT REGULATIONS</b>			
<b>Unclear development regulations</b>			
<b>Prohibiting some moderate density housing types, such as:</b> <ul style="list-style-type: none"> <li><input type="radio"/> Duplexes</li> <li><input type="radio"/> Triplexes</li> <li><input type="radio"/> Four/five/six-plexes</li> <li><input type="radio"/> Townhomes</li> <li><input type="radio"/> Cottage housing</li> <li><input type="radio"/> Live-work units</li> <li><input type="radio"/> Manufactured home parks</li> </ul>			
<b>High minimum lot sizes</b>			
<b>Low maximum densities or low maximum FAR</b>			
<b>Low maximum building heights</b>			
<b>Large setback requirements</b>			
<b>High off-street parking requirements</b>			
<b>High impervious coverage limits</b>			
<b>Lack of alignment between building codes and development codes</b>			
<b>Other (for example: complex design standards, tree retention regulations, historic preservation requirements)</b>			

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
<b>PROCESS OBSTACLES</b>			
Conditional use permit process			
Design review			
Lack of clear and accessible information about process and fees <sup>136</sup>			
Permit fees, impact fees and utility connection fees			
Processing times and staffing challenges			
SEPA process			
<b>LIMITED LAND AVAILABILITY AND ENVIRONMENTAL CONSTRAINTS</b>			
Lack of large parcels for infill development			
Environmental constraints			

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<sup>136</sup> For example: guidance resources are unclear or difficult to find, no digital permit tracking system, staff do not provide fee estimates or permitting time estimates are unavailable or inaccurate.

## Exhibit B2: Low-Rise or Mid-Rise housing barrier review checklist

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
<b>DEVELOPMENT REGULATIONS</b>			
Unclear development regulations			
High minimum lot sizes			
Low maximum densities or low maximum FAR			
Low maximum building heights			
Large setback requirements			
High off-street parking requirements			
High impervious coverage limits			
Lack of alignment between building and development codes			
Other (for example: ground floor retail requirements, open space requirements, complex design standards, tree retention regulations, historic preservation requirements)			
<b>PROCESS OBSTACLES</b>			
Conditional use permit process			
Design review			
Lack of clear and accessible information about process and fees			

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
Permit fees, impact fees and utility connection fees			
Process times and staffing challenges			
SEPA process			
LIMITED LAND AVAILABILITY AND ENVIRONMENTAL CONSTRAINTS			
Lack of large parcels for infill development			
Environmental constraints			

### Exhibit B3: Supplementary barrier review checklist for PSH and emergency housing

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
DEVELOPMENT REGULATIONS			
Spacing requirements (for example, minimum distance from parks, schools or other emergency/PSH housing facilities) <sup>137</sup>			
Parking requirements			
On-site recreation and open space requirements			

<sup>137</sup> Note that RCW 35A.21.430 expressly states requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing or indoor emergency shelters necessary to accommodate each code city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii). The restrictions on these uses must be to protect public health and safety.

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
Restrictions on support spaces, such as office space, within a transitional or PSH building in a residential zone			
Arbitrary limits on number of occupants (in conflict with RCW <a href="#">35A.21.314</a> )			
Requirements for PSH or emergency housing that are different than the requirements imposed on housing developments generally (in conflict with <a href="#">RCW 36.130.020</a> )			
Other restrictions specific to emergency shelters, emergency housing, transitional housing and permanent supportive housing			

### Exhibit B4: Accessory dwelling unit barrier review checklist

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
<b>DEVELOPMENT REGULATIONS</b>			
<p>Consistent with HB 1337 (2023)</p> <ul style="list-style-type: none"> <li>○ Must allow two ADUs on each lot in urban growth areas;</li> <li>○ May not require the owner to occupy the property, and may not prohibit sale as independent units, but may restrict the use of ADUs as short term rentals;</li> <li>○ Must allow an ADU of at least 1,000 square feet;</li> <li>○ Must set parking requirements based on distance from transit and lot size;</li> <li>○ May not charge more than 50% of the impact fees charged for the principal unit;</li> <li>○ Must permit ADUs in structures detached from the principal unit;</li> <li>○ May not restrict roof heights of ADUs to less than 24 feet, unless that limitation applies to the principal unit;</li> <li>○ May not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for ADUs that are more restrictive than those for principal units;</li> <li>○ Must allow an ADUs on any lot that meets the minimum lot size required for the principal unit;</li> </ul>			

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
<ul style="list-style-type: none"> <li>○ Must allow detached ADUs to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley;</li> <li>○ Must allow conversions from existing structures, even if they violate current code requirements for setbacks or lot coverage; and</li> <li>○ May not require public street improvements as a condition of permitting ADUs.</li> </ul>			
Unclear development regulations			
Large setback requirements			
Off-street parking requirements			
Other (for example: burdensome design standards, tree retention regulations, historic preservation requirements, open space requirements, etc.)			
<b>PROCESS OBSTACLES</b>			
Lack of clear and accessible information about process and fees			
Permit fees, impact fees and utility connection fees that are not proportionate to impact			
Processing times and staffing challenges			

### Exhibit B5: Checklist for local option tools for addressing affordable housing funding gaps

Local option tools for addressing affordable housing funding gaps*	Implementation status	Plans for implementation
Housing and related services sales tax ( <a href="#">RCW 82.14.530</a> )		
Affordable housing property tax levy ( <a href="#">RCW 84.52.105</a> )		

Local option tools for addressing affordable housing funding gaps*	Implementation status	Plans for implementation
REET 2 ( <a href="#">RCW 82.46.035</a> ) – GMA jurisdictions only and only available through 2025		
Affordable Housing Sales Tax Credit ( <a href="#">RCW 82.14.540</a> ) – was only available to jurisdictions through July 2020		
Lodging Tax ( <a href="#">RCW 67.28.150</a> and <a href="#">RCW 67.28.160</a> ) to repay general obligation bonds or revenue bonds		
Mental Illness and Drug Dependency Tax ( <a href="#">RCW 82.14.460</a> ) – jurisdictions with a population over 30,000		
Donating surplus public lands for affordable housing projects ( <a href="#">RCW 39.33.015</a> )		
Impact fee waivers for affordable housing projects ( <a href="#">RCW 82.02.060</a> )		
Application fee waivers or other benefits for affordable housing projects ( <a href="#">RCW 36.70A.540</a> )		
Multifamily Tax Exemption (MFTE) with affordable housing requirement ( <a href="#">RCW 84.14</a> )		
General funds (including levy lid lifts to increase funds available)		

\* Some tools may be unavailable for certain jurisdictions. For example, only GMA jurisdictions can use REET 2, or the surrounding county may have already implemented the housing and related services sales tax. See MRSC’s summary of [Affordable Housing Funding Sources](#) for more details and the Association of Washington Cities (AWC)/MRSC booklet on [Homelessness & housing toolkit for cities](#) (2022).

## Completed checklist examples

### Exhibit B647. Example Moderate Density barriers review

Barrier	Is this barrier likely to affect production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
<b>DEVELOPMENT REGULATIONS</b>			
<b>Unclear development regulations</b>	Yes	We reviewed our zoning code for inconsistencies and missing definitions and found several that relate to moderate density housing.	Updates to development regulations to add missing definitions and remove inconsistencies.
<b>Prohibiting some moderate density housing types, such as:</b> <ul style="list-style-type: none"> <li>○ Duplexes</li> <li>○ Triplexes</li> <li>○ Four/five/six-plexes</li> <li>○ Townhomes</li> <li>○ Cottage housing</li> <li>○ Live-work units</li> <li>○ Stacked flats</li> <li>○ Manufactured home parks</li> </ul>	No	<p>All of these housing types, except for manufactured home parks, are allowed outright in all residential zones. Mobile home parks are allowed in the Mobile Home Park zone.</p> <p>Developers indicated that [jurisdiction name] has much more flexible zoning than surrounding jurisdictions for moderate density housing.</p>	N/A
<b>High minimum lot sizes</b>	No	This topic did not emerge in developer engagement.	N/A
<b>Low maximum densities</b>	No	This topic did not emerge in developer engagement.	N/A
<b>Low maximum building heights</b>	No	This topic did not emerge in developer engagement or discussions with development review staff.	N/A
<b>Large setback requirements</b>	Yes	Three out of four developers and all five individual property owners we spoke with indicated that required setbacks have presented a barrier for them, particularly for moderate density housing types.	New comprehensive plan policy H.2.B includes actions to add flexibility to development regulations, specifically setbacks for moderate density housing.

<b>Large off-street parking requirements</b>	Yes	Three out of four developers and all five individual property owners we spoke with indicated that parking minimums have presented a barrier for them, particularly for moderate density housing types. The developers advocated for eliminating parking minimums for all moderate density housing types.	New comprehensive plan policy H.2.C includes actions to add flexibility to parking minimums (but not eliminate them) for moderate density housing in areas served by major transit lines.
<b>High impervious coverage limits</b>	Yes	Two out of four developers and three out of five individual property owners we spoke with indicated that high impervious coverage limits presented a barrier to moderate density housing types.	New comprehensive plan policy H.2.B includes actions to add flexibility to development regulations, specifically impervious coverage limits for moderate density housing. Coordination with the Department of Ecology may be needed before changes to development regulations are implemented.
<b>Lack of alignment between building and development codes</b>	No	Developer interviews did not reveal any issues with lack of alignment between building and development codes. Staff are also not aware of any specific inconsistencies.	N/A
<b>Other (for example: complex design standards, tree retention regulations, historic preservation requirements)</b>	Yes	All four developers and all five individual property owners we spoke with indicated that the design standards were complex and difficult to meet without requesting any variances.	The jurisdiction will update its design standards to be clear and objective in response to HB 1293 (laws of 2023). The jurisdiction will work in partnership with stakeholders in this process.
<b>PROCESS OBSTACLES</b>			
<b>Conditional use permit process</b>	No	Moderate density housing types are all allowed outright in residential zones and no conditional use permit is required.	N/A
<b>Design review</b>	Yes	All four developers and all five individual property owners we spoke with indicated that the design review process was slow and costly for their projects.	New comprehensive plan policy H.4.F includes actions to clarify and simplify the steps for design review. The jurisdiction will also update its design standards to be clear and objective, include no more than one public meeting, and concurrently conduct design review

			with the consolidated review and decision process in response to HB 1293 (laws of 2023).
<b>Lack of clear and accessible information about process and fees<sup>138</sup></b>	No	<p>[Jurisdiction name] implemented a new permitting system in 2019, which addressed many of the known issues experienced by users in the past.</p> <p>Staff also provide cost estimates for permitting at pre-application meetings, which developers and property owners have said they found to be helpful and similar to final costs.</p> <p>Our discussions with developers and individual property owners revealed that the new system is working well.</p>	N/A
<b>Permit fees, impact fees and utility connection fees</b>	Yes	<p>[Jurisdiction name] revisited permit fees in 2020, substantially reducing them with special exceptions for affordable housing developers.</p> <p>However, as development has increased, so has the need for water, sewer and storm sewer infrastructure. To address this, impact fees were raised substantially in 2022.</p> <p>Our discussions with triplex and four-plex developers indicated that these impact fees are prohibitively expensive.</p>	To comply with SB 5258 (laws of 2023), the jurisdiction will study the most appropriate way to scale impact fees (based on square footage or type of unit), instead of a standard fee per unit, and implement these changes so that impact fees reflect the proportionate impact of new housing units.
<b>Processing times and staffing challenges</b>	Yes	All four developers mentioned that permit timelines have slowed since 2020 and the timeline estimates on the permit site are inaccurate in their experiences. We are currently understaffed and having trouble filling two permit technician positions.	Work with human resources to fill the two open permit technician positions and/or hire contracted technicians until permanent positions can be filled. Create streamlined onboarding training to bring new staff up to speed quickly.

<sup>138</sup> For example: guidance resources are unclear or difficult to find, no digital permit tracking system, staff do not provide fee estimates, permitting time estimates are unavailable or inaccurate.

			Also, provide better communication on permit timelines and update the permit website with more accurate estimates.
<b>SEPA process</b>	No	<p>Our jurisdiction has already modified SEPA exemptions in line with the flexible exemption thresholds (WAC 197-11-800(1)(c)).</p> <p>We typically combine the DNS and notice of application comment periods where appropriate.</p> <p>We have also engaged in a subarea plan with non-project EIS for a transit-oriented development center to simplify the SEPA process for later development.</p>	N/A
<b>LIMITED LAND AVAILABILITY AND ENVIRONMENTAL CONSTRAINTS</b>			
<b>Lack of large parcels for infill development</b>	No	When asked, developers expressed that they do not have challenges finding large enough parcels for their projects.	N/A
<b>Environmental constraints</b>	Yes	The Land Capacity Analysis found that many otherwise buildable parcels contain wetlands. Developers mentioned that, in combination with setbacks, wetland buffers sometimes make development very difficult if not impossible.	<p>Review code provisions for clustering and other site design provisions and consider modifying the regulations for more flexibility.</p> <p>Consider other areas where upzoning may be appropriate to accommodate more moderate density housing.</p> <p>Update the LCA data so that unbuildable parcels are reflected accurately in that analysis.</p>

## Exhibit B7. Example local option tools for addressing affordable housing funding gaps checklist

Local option funding tools for affordable housing	Implementation status	Plans for implementation
<b>Housing and related services sales tax (<a href="#">RCW 82.14.530</a>)</b>	Implemented. An affordable housing sales tax was adopted by ballot measure in 2019.	None.
<b>Affordable housing property tax levy (<a href="#">RCW 84.52.105</a>)</b>	Not implemented	New comprehensive plan policy H.6.E includes an action to complete a study on the feasibility of affordable housing funding tools.
<b>REET 2 (<a href="#">RCW 82.46.035</a>) – GMA jurisdictions only</b>	Not implemented	New comprehensive plan policy H.6.E includes an action to complete a study on the feasibility of affordable housing funding tools.
<b>Affordable Housing Sales Tax Credit (<a href="#">RCW 82.14.540</a>) – was only available to jurisdictions through July 2020</b>	County implemented this tool and manages these funds through an inter-jurisdictional process that our city participates in.	None.
<b>Lodging Tax (<a href="#">RCW 67.28.150</a> and <a href="#">RCW 67.28.160</a>) to repay general obligation bonds or revenue bonds</b>	Not implemented	New comprehensive plan policy H.6.F includes an action to implement affordable housing taxes, such as this lodging tax. After adoption of the comprehensive plan, the city will evaluate when imposing this tax is appropriate given a financial review of the lodging industry in the city and developing a plan for how the funds will be used.
<b>Mental Illness and Drug Dependency Tax (<a href="#">RCW 82.14.460</a>) – jurisdictions with a population over 30,000</b>	Not implemented	New comprehensive plan policy H.6.F includes an action to implement affordable housing taxes, such as this lodging tax. After adoption of the comprehensive plan, the city will authorize the tax and coordinate dispersion of funds in coordination with the county program that dedicates funds as grants to develop and operate new supportive housing with mental health treatment programs.
<b>Donating surplus public lands for affordable housing projects (<a href="#">RCW 39.33.015</a>)</b>	Not implemented	New comprehensive plan policy H.6.B prioritizes the disposal of surplus public lands for affordable housing. The city will then evaluate the feasibility of surplus public land for affordable housing and identify potential parcels for donation, as well as coordinate land assembly as needed.

Local option funding tools for affordable housing	Implementation status	Plans for implementation
<b>Impact fee waivers for affordable housing projects (<a href="#">RCW 82.02.060</a>)</b>	Implemented. Ordinance No. 14583 exempts qualified affordable housing projects from Building Fees, Traffic Impact Fees, Parks Impact Fees and Sanitary Sewer System/ Facilities Charges subject to funding availability.	Assess if the budgeted general funds are sufficient to meet all demand for fee waivers in 2023 and adjust 2024 budget accordingly.
<b>Application fee waivers or other benefits (<a href="#">RCW 36.70A.540</a>)</b>	Not implemented	Evaluate the costs and benefits of application fee waivers for affordable housing projects and determine at which scale waivers should be applied. Adopt ordinance if budgeted general funds are sufficient to meet all demand, as comprehensive plan policy H.6.D already supports this action.
<b>Multifamily Tax Exemption (MFTE) with affordable housing requirement (<a href="#">RCW 84.14</a>)</b>	Implemented. 12-year MFTE requiring at least 20% of units affordable at 80% of AMI is available in the Downtown residential target area.	New comprehensive plan policy H.6.G includes an action to review the MFTE incentive program and designate additional residential target areas within ½ mile of frequent transit service.
<b>General funds (including levy lid lifts to increase funds available)</b>	The 2023 city budget includes \$1,000,000 to offset waived impact fee revenue for qualified affordable housing projects.	See above.

# Appendix C: Housing element policy examples

The Department of Commerce has collected a variety of housing element policies as examples. **The policies are arranged by topic and then arranged from strong policies to softer, longer-range policies.** See where in the range your community would fit within the ranking of the policies, based on their strength.

- Preservation
  - Maintenance and code enforcement
- Variety of housing types
  - ADUs, tiny homes and manufactured homes
  - Infill development and density near places of opportunity
- Home ownership
- Accommodate growth
- Housing location and transportation and land use
  - Location of affordable housing
  - Jobs/housing balance
- Infrastructure
  - College housing
  - Rural and farmworker housing
- Affordable and subsidized housing
  - Incentives or requirements
  - Funding or financing
  - Prevent barriers
- Vulnerable populations and homelessness
  - Special-needs housing
  - Homeless focus
  - Aging adult focus
  - Surplus land and nonprofit housing
- Equity, displacement and integration
- Regional coordination and fair share
- Design and development standards
  - Sustainable housing
  - Historic preservation
- Tracking and monitoring

# PRESERVATION

Policy text quote	Source
Continue to fund the repair and rehabilitation of single-family and multi-family housing using federal, state, and local funding sources.	Public Service Policy PS8.1, Olympia Comprehensive Plan, 2019
Coordinate with local organizations and agencies to provide sufficient and affordable home maintenance and support services.	Housing Element - Goal H-3, Policy A, Program 2, City of Ellensburg Comprehensive Plan, 2019
Pursue public-private partnerships to preserve existing affordable housing stock and develop additional units.	Housing Element Policy H20, Shoreline Comprehensive Plan, 2012
In conjunction with public and private housing providers, the City should identify and encourage preservation of affordable units in publicly assisted (subsidized) housing developments that are at risk of converting to market rate housing.	Housing Element Policy 4.2.1, Mount Vernon Comprehensive Plan, 2016
Promote the maintenance, repair, and rehabilitation of the City's existing housing stock. Pursue financial incentives and funding for housing improvement programs, especially for low-income households.	Housing Policy H-2.2, Prosser Comprehensive Plan, 2018
Encourage and support efforts to maintain opportunities for lower-cost housing where relatively affordable housing exists through preservation or other efforts and particularly in centers where most redevelopment pressure will occur.	Housing Policy HO-41, Redmond Comprehensive Plan, 2011
Encourage homeowners to take advantage of existing maintenance and preservation programs, services, and resources including the Wenatchee Housing Rehabilitation Loan Program.	Housing Element – Maintenance & Preservation: Policy 3, Wenatchee Urban Area Comprehensive Plan, 2014
Encourage the rehabilitation, relocation and reuse, rather than demolition, of existing housing.	Housing Chapter Policy H-34, Bellingham Comprehensive Plan, 2016

NOTE: Be careful of policy language that is about protecting character or seems exclusionary.

## Maintenance and code enforcement

Policy text quote	Source
Enforce the City's Rental Registration and Safety Inspection Program to ensure that rental housing units comply with life and fire safety standards and provide a safe place for tenants to live.	Housing Chapter Policy H-30, Bellingham Comprehensive Plan, 2016
Develop minimum property maintenance standards to ensure the safety and suitability of existing housing stock.	Housing Element Policy 2.2, Walla Walla Comprehensive Plan, 2018

## VARIETY OF HOUSING TYPES

Policy text quote	Source
Accommodate changing demographic trends and housing preferences by allowing accessory units, co-housing, and other nontraditional housing types in appropriate locations.	Housing Element Policy H-3.3, Yakima Horizon 2040, 2017
Provide incentives for developers that include a mix of housing types within new housing developments such as a broader assortment of housing sizes, accessory apartments, duplexes, etc.	Housing Element Policy H-3.6, Yakima Horizon 2040, 2017
Develop and implement regulations that encourage diversity of new housing types and expand housing choices throughout Wenatchee.	Housing Element – Housing Affordability: Policy 1, Wenatchee Urban Area Comprehensive Plan, 2014
Ensure policies, codes and ordinances allow for a compatible mix of uses and housing types in neighborhoods.	Housing Element Policy H-3.1, Yakima Horizon 2040, 2017
Allow a variety of housing types to meet needs of households of varying sizes, income levels and preferences. Create regulations that allow alternatives to single-family detached housing such as attached housing, townhomes, cottage or cluster housing, accessory dwelling units, manufactured housing, floating homes, housing in multiuse projects, and other innovative housing types.	Housing Policy HO-6, Ridgefield Comprehensive Plan, 2016
Support variable lot sizes in new subdivisions and housing type diversity within development projects.	Housing Element – Housing Equity: Policy 3, Wenatchee Urban Area Comprehensive Plan, 2014
Provide an array of housing choices such as apartments, small lot single-family housing, accessory dwelling units, townhomes, manufactured homes, and cottages to meet the needs of people of all incomes throughout their lifespan.	Housing Element Policy 1.1, Walla Walla Comprehensive Plan, 2018
Provide for a range of housing types and densities for all economic segments of the population. Encourage equal and fair access to housing for renters and homeowners.	Housing Policy H-1, Vancouver Comprehensive Plan, 2011
Promote a wide range of housing types and housing diversity to meet the needs of the diverse population and ensure that this housing is available throughout the community for people of all income levels and special needs.	Housing Element Policy H 1.18, Spokane Comprehensive Plan, 2017

## ADUs, tiny homes and manufactured homes

Policy text quote	Source
Support the creation and preservation of manufactured home parks as an important source of affordable housing in the city.	Housing Element – Maintenance & Preservation: Policy 5, Wenatchee Urban Area Comprehensive Plan, 2014

Policy text quote	Source
Allow one accessory dwelling unit as an ancillary use to single-family homes in all designated residential areas as an affordable housing option.	Housing Element Policy H 1.20, Spokane Comprehensive Plan, 2017
Promote the development of accessory dwelling units (ADUs) within new and existing single-family developments. Consider incentives for new housing developments that include a percentage of ADUs as part of the new construction, as well as explore opportunities to promote ADU construction in existing homes.	Housing Policy HO-32, Redmond Comprehensive Plan, 2011
Integrate smaller housing types, such as cottages, duplexes, townhouses, and accessory dwelling units, into residential neighborhoods.	Housing Element Policy H-1.3, Anacortes Comprehensive Plan, 2016
Facilitate lifecycle or “cradle to grave” neighborhoods and community stability by promoting alternative living arrangements such as accessory dwelling units (ADUs), shared housing, cohousing, and smaller housing types.	Housing Element – Housing Equity: Policy 2, Wenatchee Urban Area Comprehensive Plan, 2014
Allow development of single-room occupancy units in downtown Spokane and in other areas where high-density housing is permitted.	Housing Element Policy H 1.21, Spokane Comprehensive Plan, 2017
Consider the potential for development of tiny houses in selected areas of the city.	Housing Element Policy H-1.4, Anacortes Comprehensive Plan, 2016
Consider regulations that would allow cottage housing in residential areas, and revise the Development Code to allow and create standards for a wider variety of housing styles.	Housing Element Policy H6, Shoreline Comprehensive Plan, 2012
Encourage demonstration projects of innovative housing types or programs, such as co-housing, tiny houses, or others.	Housing Element Policy H-1.9, Anacortes Comprehensive Plan, 2016

NOTE: Manufactured homes must be allowed on all lots. Manufactured housing must not be regulated differently from site-built housing, but jurisdictions may require certain standards. Jurisdictions may not use setbacks limits to prohibit placement of a manufactured home on an existing lot. See [RCW 35A.21.312](#), [RCW 35A.63.145](#), [RCW 35.63.160-161](#), [RCW 36.01.225](#) and [RCW 35.21.684](#).

## Infill development and density near places of opportunity

Policy text quote	Source
Actively support residential rehabilitation and infill. Incentives such as reduction of System Development Charges (SDC) and Traffic Impact Fees (TIF) for infill projects can ease the financial burden of such developments enough to make these profitable and attractive for developers. The City can also actively seek grants and funding from State and Federal sources to partially subsidize development or redevelopment of infill lots.	Housing Policy HO-9, Ridgefield Comprehensive Plan, 2016
Promote residential development of infill sites throughout the urban area by increasing densities where appropriate.	Housing Element – Housing Affordability: Policy 3, Wenatchee Urban Area Comprehensive Plan, 2014

Policy text quote	Source
Encourage residential infill development on existing lots in the City, including the preparation of an inventory of potentially available lots with utilities, adoption of a zone code amendment that facilitates development of substandard lots for infill residential development, and amendments to appropriate codes to simplify and encourage consolidation of substandard lots to facilitate residential infill.	Housing Element Policy Implementation 4.3, Fife Comprehensive Plan, 2005
Encourage infill as a redevelopment concept. Appropriate development regulations that accomplish infill should consider: 1. The Impact on older/existing neighborhoods; 2. Development that is compatible with the surrounding residential density, housing types, affordability or use characteristics; 3. Encouragement of affordable units; 4. The provision of development standards and processes for infill regardless of the sector (public, not-for-profit, or public sectors) creating it; and, 5. Compatibility with historic properties and historic districts.	Housing Element Policy H-3.2, Yakima Horizon 2040, 2017
Encourage infill housing on vacant or underutilized parcels having adequate services, and ensure that the infill development is compatible with surrounding neighborhoods.	Housing Element Policy 2.1.1, Mount Vernon Comprehensive Plan, 2016
Consider adopting regulations such as flexible lot sizes that encourage infill development on small lots consistent with the neighborhood's character.	Housing Element Policy 2.1.3, Mount Vernon Comprehensive Plan, 2016
Review commercial zoning regulations that require commercial development along with residential development. Consider adding criteria that would allow, in certain circumstances, residential uses to develop independently or within commercial flex space.	Housing Chapter Policy H-6, Bellingham Comprehensive Plan, 2016
Encourage increased density residential development in mixed-use and town center zones, especially those located within the City's Regional Growth Center, subject to compliance with appropriate development and design standards. Discourage or prohibit new detached single-family dwellings in these areas to promote more intensive use of commercial and mixed-use properties in order to accommodate an increasing share of the City's anticipated future population growth.	Housing Element Policy HS2D, University Place Comprehensive Plan, 2015

## HOME OWNERSHIP

Policy text quote	Source
Create opportunities for ownership housing in a variety of settings, styles, sizes and affordability levels throughout Redmond.	Housing Policy HO-12, Redmond Comprehensive Plan, 2011
Provide information to residents, including underserved populations, on affordable housing opportunities and first-time homeownership programs.	Housing Chapter Policy H-23, Bellingham Comprehensive Plan, 2016
Help low-income and special needs residents find ways to purchase housing, such as shared or limited-equity housing, lease-purchase options, co-housing, land trusts, and cooperatives.	Public Service Policy PS9.6, Olympia Comprehensive Plan, 2019

Policy text quote	Source
Encourage existing housing providers and private lenders to provide homebuyer education seminars for potential first-time homebuyers; include outreach to current renters.	Housing Element Policy YKH 1.2, Yakima Horizon 2040, 2017
Promote opportunities for home ownership and owner occupancy of single- and multifamily housing.	Housing Policy H-7, Vancouver Comprehensive Plan, 2011
Explore with the County, other local jurisdictions, and private lending institutions the availability and enhancement of educational programs for first time homebuyers.	Housing Element Policy 4.3.5, Mount Vernon Comprehensive Plan, 2016

## ACCOMMODATE GROWTH

Policy text quote	Source
Support increasing housing densities through the well-designed, efficient, and cost-effective use of buildable land, consistent with environmental constraints and affordability. Use both incentives and regulations, such as minimum and maximum density limits, to achieve such efficient use.	Housing Policy PL16.1, Olympia Comprehensive Plan, 2019
Provide a continuous and adequate supply of residential land to meet long-range multifamily and single-family housing needs for the City's anticipated population growth. The City shall adopt policies and regulations to meet the following objectives: <ul style="list-style-type: none"> <li>• New overall density target of six units per net acre.</li> <li>• No more than 75% of new houses shall be of a single housing type.</li> <li>• A minimum density of four units per net acre (10,890 sq. ft. average lot size) for single-family dwellings in any single development.</li> </ul>	Housing Policy HO-1, Ridgefield Comprehensive Plan, 2016
Prohibit any rezone that results in a reduction in residential capacity without first approving another rezone or rezones, resulting in at least a replacement of the lost residential capacity elsewhere in the city.	Housing Policy HO-17, Redmond Comprehensive Plan, 2011
Consider the impacts on Citywide housing capacity, affordability and diversity when making land use policy decisions and code amendments.	Housing Chapter Policy H-13, Bellingham Comprehensive Plan, 2016
Consider minimum density requirements for residential zones and commercial zones where residential development is allowed.	Housing Chapter Policy H-5, Bellingham Comprehensive Plan, 2016
Promote a mix of new residential units and use other strategies that are designed to at a minimum meet the targets called for in the King County Countywide Comprehensive Planning Policies for creating residences that are affordable to low- and moderate-income households.	Housing Policy HO-2, Redmond Comprehensive Plan, 2011

# HOUSING LOCATION AND TRANSPORTATION AND LAND USE

Policy text quote	Source
Direct new residential development into areas where community and human public services and facilities are available.	Housing Element Policy H 1.4, Spokane Comprehensive Plan, 2017
Ensure that plans provide increased physical connection between housing, employment, transportation, recreation, daily-needs services, and educational uses.	Housing Element Policy H 2.4, Spokane Comprehensive Plan, 2017
Provide for development of multifamily housing in areas close to shopping, employment, services and public transportation.	Housing Element Policy H-1.7, Anacortes Comprehensive Plan, 2016
Create opportunities for housing developments to be easily accessible from both vehicle and bike/ped transportation corridors.	Housing Policy H-5.5, Prosser Comprehensive Plan, 2018
Support high-density and mixed commercial/residential development in the City's urban villages, high capacity transit corridors connecting the villages and other appropriate areas that allow people to work, shop and recreate near where they live.	Housing Chapter Policy H-1, Bellingham Comprehensive Plan, 2016
Encourage and provide incentives for residences above businesses.	Housing Policy PL16.8, Olympia Comprehensive Plan, 2019
Encourage residential development in commercial and mixed use zones, especially those within proximity to transit.	Housing Element - Goal H-2, Policy B, City of Ellensburg Comprehensive Plan, 2019
Promote accessible and affordable housing in areas that are close to services and the rest of the community.	Housing Element - Goal H-3, Policy A, Program 1, City of Ellensburg Comprehensive Plan, 2019
Consider the impacts of transportation costs on housing affordability and accessibility of services and other opportunities when planning for housing.	Housing Chapter Policy H-17, Bellingham Comprehensive Plan, 2016
Increase the supply of affordable rental and ownership housing that is context sensitive throughout the City, especially in areas with good access to transit, employment, education and services.	Housing Chapter Policy H-16, Bellingham Comprehensive Plan, 2016

## Jobs/housing balance

Policy text quote	Source
Ensure an appropriate supply and mix of housing and affordability levels to meet the needs of people who work and desire to live in Redmond, especially near existing and planned employment centers, such as Downtown, Overlake and SE Redmond.	Housing Policy HO-18, Redmond Comprehensive Plan, 2011
Encourage development of housing at pricing levels affordable for workers in a variety of sectors in Ridgefield, to increase the percentage of people who work in Ridgefield that can also find suitable housing in Ridgefield. Work with employers to promote residential options in Ridgefield to their employees, and to understand the housing needs of their employees.	Housing Policy HO-5, Ridgefield Comprehensive Plan, 2016

Policy text quote	Source
Encourage the creation of mixed-use areas throughout the City characterized by living wage jobs, mixed income housing, and ample public open spaces all within a walkable urban context.	Housing Element Policy 3.1.1, Mount Vernon Comprehensive Plan, 2016
Encourage Redmond employers to develop employer-assisted housing programs and provide technical assistance to employers wishing to obtain information on model programs.	Housing Policy HO-20, Redmond Comprehensive Plan, 2011

## Location of affordable housing

Policy text quote	Source
Locate affordable housing throughout the city and especially in areas with good access to transit, employment, education, and shopping.	Housing Element Policy H-3.5, Anacortes Comprehensive Plan, 2016
Integrate housing for lower and moderate income households and those with special needs into a variety of geographical locations throughout the city.	Housing Element Policy 2.1, Walla Walla Comprehensive Plan, 2018

Note: Policy choices may include providing affordable housing in a variety of locations around the city, preferably with a special focus on areas close to transit and other services. Be careful of language that may seem exclusionary or “not in my backyard” (NIMBY).

## INFRASTRUCTURE

Policy text quote	Source
Provide physical infrastructure, recreational and cultural amenities, and educational facilities in Downtown and Overlake to support the creation of attractive neighborhoods for residents of all ages, incomes and household types.	Housing Policy HO-16, Redmond Comprehensive Plan, 2011
Support public and private investment in improved infrastructure and amenities in existing neighborhoods, particularly in areas with high concentrations of low-income housing.	Housing Chapter Policy H-29, Bellingham Comprehensive Plan, 2016
Leverage private investment in distressed neighborhoods through strategic infrastructure and service improvements.	Housing Element – Maintenance & Preservation: Policy 4, Wenatchee Urban Area Comprehensive Plan, 2014
Work closely with local governments and the private sector to extend infrastructure and provide other services to accommodate residential growth, particularly in Urban, Rural Settlement and Rural Transitional areas which are suitable for higher density development.	Housing Element Policy H-1.5, Yakima Horizon 2040, 2017

## College housing

Policy text quote	Source
Work with local institutions of higher education to develop a comprehensive strategy addressing issues associated with off-campus student housing, including adequate off-campus housing that is high quality and compatible with its surroundings (see Land Use Chapter).	Housing Chapter Policy H-43, Bellingham Comprehensive Plan, 2016

## Rural and farmworker housing

Policy text quote	Source
Continue to allow seasonal and accessory farm worker accommodations in rural and agricultural resource areas, with the requirement that one or more persons in each household must be employed by the property owner.	Housing Element Policy H-7.1, Yakima Horizon 2040, 2017
Work with the agricultural community to develop criteria and a process for siting permanent and migrant farm worker housing in rural and agricultural resource areas with consideration given to neighborhood and project security, health and sanitation, availability of public services, access, child care, and the availability of affordable housing in a nearby urban area.	Housing Element Policy H-7.2, Yakima Horizon 2040, 2017
Provide a siting process to expedite farm worker housing projects using preapproved designs for housing of both temporary and permanent farm workers employed by the property owner.	Housing Element Policy H-7.3, Yakima Horizon 2040, 2017
Continue to work with state and local agencies to remove barriers to providing farmworker housing, and explore innovative approaches to meeting farm worker housing needs.	Housing Element Policy H-7.4, Yakima Horizon 2040, 2017
New, residential construction adjacent to designated forest, agricultural or mineral resource lands should be designed and sited to reduce potential conflicts between residents and adjacent resource lands.	Housing Element Policy H-5.1, Yakima Horizon 2040, 2017
Housing in designated agriculture, mineral or forest lands should be considered secondary to the primary use of those areas.	Housing Element Policy H-5.2, Yakima Horizon 2040, 2017

## AFFORDABLE OR SUBSIDIZED HOUSING

Policy text quote	Source
Develop and implement a detailed affordable housing program that identifies specific actions to increase the supply of housing that is affordable to low to middle-income individuals and families.	Housing Element Policy H-3.10, Anacortes Comprehensive Plan, 2016

Policy text quote	Source
Provide affordable housing by formulating innovative policies, regulations and practices, and establishing secure funding mechanisms. Target affordability programs toward households with incomes below the median.	Housing Policy H-2, Vancouver Comprehensive Plan, 2011
Achieve a minimum of 25 percent of the Pierce County 2030 growth population allocation for University Place through affordable housing -- consistent with CPP AH-3.3.	Housing Element Policy HS3E, University Place Comprehensive Plan, 2015
Develop meaningful, measurable goals and strategies that promote the development of affordable workforce housing to meet local needs and monitor progress toward meeting those goals.	Housing Element Policy H-3.2, Anacortes Comprehensive Plan, 2016
Participate in and promote the development of educational resources and programs that assist low and moderate-income households in obtaining affordable and suitable housing.	Housing Element Policy H 1.5, Spokane Comprehensive Plan, 2017
Where affordable housing is proposed together with market rate housing, affordable housing units should be comparable in design, integrated into the whole development, and should match the tenure of the whole development.	Housing Element Policy 4.1.5, Mount Vernon Comprehensive Plan, 2016
Support both rental and ownership forms of affordable housing in a variety of types and sizes.	Housing Element Policy H-3.4, Anacortes Comprehensive Plan, 2016

## Incentives or requirements

Policy text quote	Source
Include a percentage of affordable housing within all new developments that include housing.	Housing Element Policy H 1.8, Spokane Comprehensive Plan, 2017
As part of any rezone that increases residential capacity, consider requiring a portion of units to be affordable to low- and moderate-income households.	Housing Policy HO-38, Redmond Comprehensive Plan, 2011
Maintain and explore enhancing regulatory incentives to encourage the production and preservation of affordable ownership and rental housing such as through density bonuses, impact fee reductions, permit fast-tracking, or other methods.	Housing Element Policy 4.1.6, Mount Vernon Comprehensive Plan, 2016
Provide incentives including density bonuses, parking reductions, and flexible design standards to developments that include a percentage of affordable units to households at 30%, 50%, and 80% of median income.	Housing Element – Housing Affordability: Policy 2, Wenatchee Urban Area Comprehensive Plan, 2014
Offer exemptions or reduced impact fees for construction of affordable housing units in qualifying developments.	Housing Policy HO-49, Redmond Comprehensive Plan, 2011
Create meaningful incentives to facilitate development of affordable housing in both residential and commercial zones, including consideration of exemptions from certain	Housing Element Policy H7, Shoreline Comprehensive Plan, 2012

Policy text quote	Source
development standards in instances where strict application would make incentives infeasible.	
Evaluate the adoption of zoning regulations targeted at otherwise market-rate developments that require or incentivize a minimum percentage of new dwelling units and/or lots that are created (whether multi-family or single-family) be income restricted.	Housing Element Policy 4.1.1, Mount Vernon Comprehensive Plan, 2016
Explore a variety and combination of incentives to encourage market rate and non-profit developers to build more units with deeper levels of affordability.	Housing Element Policy H8, Shoreline Comprehensive Plan, 2012
Consider developing an inclusionary zoning program as a means of increasing the City's affordable housing supply.	Housing Element Policy H-3.7, Anacortes Comprehensive Plan, 2016
Require that affordable housing achieved through public incentives or assistance remains affordable for the longest possible term.	Housing Element Policy H-38, Anacortes Comprehensive Plan, 2016
Consider mandating an affordability component in Light Rail Station Areas or other Transit-Oriented Communities.	Housing Element Policy H18, Shoreline Comprehensive Plan, 2012
Consider revising the Property Tax Exemption (PTE) incentive to include an affordability requirement in areas of Shoreline where it is not currently required, and incorporate tiered levels so that a smaller percentage of units would be required if they were affordable to lower income households.	Housing Element Policy H13, Shoreline Comprehensive Plan, 2012

## Funding or financing

Policy text quote	Source
Develop a housing assistance program that helps homeowners with low incomes with small remodeling projects to improve weatherization, increase sustainability, and provide accommodations for disabilities.	Housing Element Policy 2.7, Walla Walla Comprehensive Plan, 2018
Maintain a City housing trust fund for low- and moderate-income housing that is based on the number of affordable units needs to serve Redmond's projected population and job growth changes.	Housing Policy HO-51, Redmond Comprehensive Plan, 2011
Consider a housing levy to provide ongoing funding for affordable housing.	Housing Element Policy H-3.6, Anacortes Comprehensive Plan, 2016
Help educate builders about the availability of funding and incentive programs to promote the construction of affordable housing in Redmond.	Housing Policy HO-47, Redmond Comprehensive Plan, 2011
Use all available federal, state and county programs, as well as private and nonprofit options for financing affordable housing.	Housing Policy HO-53, Redmond Comprehensive Plan, 2011

Policy text quote	Source
Support the development of affordable housing development funding sources.	Housing Element Policy H 1.12, Spokane Comprehensive Plan, 2017
Support and expand low-income housing programs and public funding (e.g., the Housing Levy and HUD entitlement funds).	Housing Chapter Policy H-22, Bellingham Comprehensive Plan, 2016
Advocate for regional and state initiatives to increase funding for affordable housing.	Housing Chapter Policy H-27, Bellingham Comprehensive Plan, 2016

## Prevent barriers

Policy text quote	Source
Continue streamlining the regulatory review and building permit process and reviewing the cost of infrastructure improvements and their impact on housing costs.	Housing Chapter Policy H-24, Bellingham Comprehensive Plan, 2016
Periodically review and update the City's residential zoning regulations and design standards to promote quality development with timely and predictable outcomes.	Housing Chapter Policy H-44, Bellingham Comprehensive Plan, 2016
<p>Ensure that policies, codes and procedures do not create barriers to affordable housing opportunities. Ensure that existing regulations, procedures or practices do not increase the cost of housing without a corresponding public benefit. Strive to increase benefits to the community while lowering housing costs by periodically reviewing, at a minimum, the following areas for possible revision or amendment:</p> <ul style="list-style-type: none"> <li>• Comprehensive plan policies</li> <li>• Zoning and subdivision regulation</li> <li>• Infrastructure requirements</li> <li>• Development standards</li> <li>• Building and fire codes</li> <li>• Administrative procedures</li> <li>• Processing times</li> <li>• Fees and exactions</li> <li>• Inspection procedures</li> </ul>	Housing Element Policy HS3M, University Place Comprehensive Plan, 2015
Craft regulations and procedures to provide a high degree of certainty and predictability to applicants and the community-at-large to minimize unnecessary time delays in the review of residential, permits applications, while still maintaining opportunities for public involvement and review.	Housing Policy HO-29, Redmond Comprehensive Plan, 2011
Evaluate barriers to achieving increased density in multifamily residential and mixed use zones and revise regulations if appropriate.	Housing Element Policy H-1.6, Anacortes Comprehensive Plan, 2016
Consider housing cost and supply implications of proposed regulations and procedures.	Housing Element Policy H4, Shoreline Comprehensive Plan, 2012
Consider modifying codes to maximize economical wood frame construction.	Housing Chapter Policy H-8, Bellingham Comprehensive Plan, 2016

Policy text quote	Source
Minimize unnecessary housing development costs through regulations and standards contained in the Zoning Code and other City regulatory documents that are balanced with and maintained in concert with public safety considerations and all other goals of the Comprehensive Plan and Zoning Code.	Housing Policy HO-48, Redmond Comprehensive Plan, 2011

## VULNERABLE POPULATIONS AND HOMELESSNESS

Policy text quote	Source
Coordinate and collaborate with private agencies to ensure housing for people with special needs including seniors, people with physical and developmental limitation, victims of domestic violence, and homeless individuals and families.	Housing Element Policy 1.5, Walla Walla Comprehensive Plan, 2018
Continue to encourage and support the development of emergency, transitional and permanent supportive housing with appropriate on-site services for people with special needs and the homeless throughout the City and county. Moving people into permanent housing as quickly as possible should be a priority.	Housing Chapter Policy H-50, Bellingham Comprehensive Plan, 2016
Develop or amend and support codes and ordinances that allow for a continuum of care and housing opportunities for special needs populations in the same manner as standard housing.	Housing Element Policy H-2.1, Yakima Horizon 2040, 2017
Encourage opportunities for assisted housing for people with special needs by: a. Adopting land use policies and regulations that treat government-assisted housing and other low-income housing the same as housing of a similar size and density; b. Permitting group living situations, including those where residents receive such supportive services as counseling, foster care or medical supervision in accordance with State and Federal Laws; and, c. Encouraging developers and owners of assisted housing units to undertake activities to establish and maintain positive relationships with neighbors.	Housing Element Policy 5.1.1, Mount Vernon Comprehensive Plan, 2016
Through building and site plan codes, encourage the development, rehabilitation and adaptation of housing that responds to the physical needs of special populations.	Housing Element Policy H-2.2, Yakima Horizon 2040, 2017
Encourage and consider incentives for the dedication of a portion of housing in new projects to special needs housing.	Housing Chapter Policy H-48, Bellingham Comprehensive Plan, 2016

NOTE: “Treatment of residential structures occupied by persons with handicaps” is not a policy choice; it is a state law ([RCW 36.70A.410](#)). Housing needs assessment could pay attention to needs of specific groups, such as elderly and disabled residents, and support housing for those groups.

## Special-needs housing

Policy text quote	Source
Include units that are affordable for low-income special need families in all housing developments.	Housing Element Policy H 1.23, Spokane Comprehensive Plan, 2017
Ensure that facilities and services to meet the health care, treatment, social service, and transit needs of households with special needs are part of housing development plans.	Housing Element Policy 5.1.6, Mount Vernon Comprehensive Plan, 2016
Support actions to secure grants and loans tied to the provision of special needs housing by agencies, private developers and nonprofit organizations.	Housing Policy HO-23, Redmond Comprehensive Plan, 2011
Work with agencies, private developers and nonprofit organizations to locate housing in University Place intended to serve the community's special needs populations, particularly those with challenges related to age, health or disability.	Housing Element Policy HS4A, University Place Comprehensive Plan, 2015
Facilitate housing for special needs populations dispersed throughout Vancouver and the region. Such housing may consist of residential-care facilities, shelters, group homes, or low-income housing, and should be located near transportation and other services such as health care, schools, and stores.	Housing Policy H-6, Vancouver Comprehensive Plan, 2011
Encourage, assist, and support social and health service organizations that offer housing programs for targeted populations.	Housing Element Policy H25, Shoreline Comprehensive Plan, 2012

## Homeless focus

Policy text quote	Source
Coordinate with the homeless housing task force to implement short and long-term activities as identified in the Plan to End Homeless in Chelan & Douglas Counties.	Housing Element – Coordination: Policy 3, Wenatchee Urban Area Comprehensive Plan, 2014
Work with other jurisdictions and health and social service organizations to develop a coordinated, regional approach to homelessness.	Housing Element Policy HS4I, University Place Comprehensive Plan, 2015
Support development of programs that offer assistance to persons identified as being homeless.	Housing Element Policy YKH 2.1, Yakima Horizon 2040, 2017
Foster and support partnerships that have proven to be successful in reducing homelessness, preventing homelessness and assisting the chronically homeless with needed care.	Housing Chapter Policy H-52, Bellingham Comprehensive Plan, 2016
Support the development of public and private, short-term and long-term housing and services for Shoreline's population of people who are homeless.	Housing Element Policy H29, Shoreline Comprehensive Plan, 2012

Policy text quote	Source
Encourage a strong network of emergency shelter resources for homeless and at-risk families with children, childless adults, unaccompanied youth, and victims of sexual and domestic violence.	Public Service Policy PS7.1, Olympia Comprehensive Plan, 2019 (other shelter/housing policies in Olympia’s plan)

## Aging adults focus

Policy text quote	Source
<p>Provide for a variety of residential options for older adults in the community including aging in place, assisted living facilities, and age-restricted senior communities. Strategies include:</p> <ul style="list-style-type: none"> <li>Promote Universal Design and visitability standards to create new housing stock that allows aging in place.</li> <li>Review development regulations to address types of housing options allowed and permitting requirements for new construction and accessibility modifications to existing development.</li> <li>Recruit developers and offer incentives for creation of new senior-oriented residential options.</li> </ul>	Housing Policy HO-7, Ridgefield Comprehensive Plan, 2016
Support ways for older adults and people with disabilities to remain in the community as their housing needs change by encouraging universal design or retrofitting homes for lifetime use.	Housing Element Policy H-4.4, Anacortes Comprehensive Plan, 2016
Encourage the development of senior-friendly housing opportunities, particularly in areas near services and amenities.	Housing Element Policy H-4.2, Anacortes Comprehensive Plan, 2016
Encourage a range of housing types for seniors affordable at a variety of incomes, such as independent living, various degrees of assisted living and skilled nursing care facilities. Strive to increase opportunities for seniors to live in specialized housing.	Housing Element Policy HS4F, University Place Comprehensive Plan, 2015
Promote a range of housing types for seniors; e.g., adult family homes, skilled nursing facilities, assisted living, and independent living communities.	Housing Element Policy H-4.3, Anacortes Comprehensive Plan, 2016
Promote the use of universal design principles for new development or redevelopment housing projects.	Housing Element - Goal H-3, Policy A, Program 3, City of Ellensburg Comprehensive Plan, 2019

## Surplus land and nonprofit housing

Policy text quote	Source
Identify and catalogue real property owned by the City that is no longer required for its purposes and is suitable for the development of affordable housing for very-low to moderate income households.	Housing Element Policy 4.1.8, Mount Vernon Comprehensive Plan, 2016

Policy text quote	Source
Give priority to the use of surplus, publicly owned land for housing that provides for a range of household incomes, with an emphasis on encouraging housing for low-income families.	Housing Policy HO-54, Redmond Comprehensive Plan, 2011
Explore and identify opportunities for non-profit developers to build affordable housing.	Housing Element Policy Implementation 4.5, Fife Comprehensive Plan, 2005
Support non-profit agencies and public/private partnerships to preserve or develop additional housing for very low, low and moderate income households.	Housing Element Policy H-3.3, Anacortes Comprehensive Plan, 2016
Evaluate land owned by the City and other public entities for use for affordable housing utilizing a community land trust or similar type model.	Housing Element Policy H-3.9, Anacortes Comprehensive Plan, 2016
Encourage establishment and funding of a Community Affordable Land Trust to acquire land and build affordable housing within the urban area.	Housing Element – Coordination: Policy 1, Wenatchee Urban Area Comprehensive Plan, 2014
Explore and identify opportunities to reduce land costs for non-profit and for-profit developers to build affordable housing – consistent with CPP AH7.	... Housing Element Policy HS3K (sub-policies excluded), University Place Comprehensive Plan, 2015
Cooperate with nonprofit housing organizations and regional efforts to develop a long-term management strategy for creating and preserving existing subsidized affordable housing.	Housing Policy HO-42, Redmond Comprehensive Plan, 2011
Support organizations that construct, manage and provide services for affordable housing, including permanently affordable housing.	Housing Chapter Policy H-26, Bellingham Comprehensive Plan, 2016
Encourage self-help housing efforts in which people earn home equity in exchange for renovation or construction work, such as "sweat equity" volunteer programs.	Public Service Policy PS5.5, Olympia Comprehensive Plan, 2019
Pursue creative methods within existing programs, such as the City's transfer of development rights (TDR) program, impact fee waivers, ARCH Housing Trust Fund, and state enabling legislation for property tax relief, as a means to provide direct assistance to builders and leverage funds for construction of affordable housing.	Housing Policy HO-46, Redmond Comprehensive Plan, 2011

## EQUITY, DISPLACEMENT AND INTEGRATION

Policy text quote	Source
Prevent discrimination and encourage fair and equitable access to housing for all persons in accordance with state and federal law.	Housing Element Policy HS2H, University Place Comprehensive Plan, 2015
Support fair and equal access to housing for all persons, regardless of race, religion, ethnic origin, age, household composition or size, disability, marital status, sexual orientation or economic circumstances.	Housing Chapter Policy H-15, Bellingham Comprehensive Plan, 2016

Policy text quote	Source
Participate in relocation assistance to low- and moderate-income households whose housing may be displaced by condemnation or City-initiated code enforcement.	Housing Policy HO-50, Redmond Comprehensive Plan, 2011
Enforce policies <sup>139</sup> that provide financial and relocation help to people who are displaced from their homes as a result of construction and development projects using federal funds.	Public Service Policy PS8.5, Olympia Comprehensive Plan, 2019
Initiate and encourage equitable and inclusive community involvement that fosters civic pride and positive neighborhood image.	Housing Element Policy H21, Shoreline Comprehensive Plan, 2012
Strive to increase class, race, and age integration by equitably dispersing affordable housing opportunities. Discourage neighborhood segregation and the isolation of special needs populations.	Housing Element – Housing Equity: Policy 1, Wenatchee Urban Area Comprehensive Plan, 2014
When Community Development Block Grant or Housing and Urban Development-funded buildings are at risk of being converted to market-rate status, inform the tenants of any purchase and relocation options available. When possible, help the Housing Authority of Thurston County and non-profit organizations buy such housing.	Public Service Policy PS8.5, Olympia Comprehensive Plan, 2019
Encourage relocation assistance and replacement housing to be developed, where feasible, to help low-income households when displacement is unavoidable.	Housing Element Policy 4.2.2, Mount Vernon Comprehensive Plan, 2016

## REGIONAL COORDINATION AND FAIR SHARE

Policy text quote	Source
Support the Fair Share Housing allocation process and work with other jurisdictions to monitor progress toward achieving agreed upon goals.	Public Service Policy PS5.2, Olympia Comprehensive Plan, 2019
Actively coordinate with public and private partners in efforts to meet regional housing needs.	Housing Chapter Policy H-14, Bellingham Comprehensive Plan, 2016
Partner with private and not-for-profit developers, social and health service agencies, funding institutions, and all levels of government to identify and address regional housing needs.	Housing Element Policy H31, Shoreline Comprehensive Plan, 2012
Coordinate with regional jurisdictions to develop a regional assessment and report to share in the responsibility for achieving a reasonable and equitable distribution of affordable housing to meet the needs of middle and lower income persons.	Housing Element – Coordination: Policy 4, Wenatchee Urban Area Comprehensive Plan, 2014
Work regionally and with other jurisdictions to jointly fund affordable housing.	Housing Element Policy 4.3.3, Mount Vernon Comprehensive Plan, 2016

<sup>139</sup> Per section 104(d) of the Housing and Community Development Act of 1974 as amended, requiring the replacement of low- and moderate-income housing units that are demolished or converted to another use, in connection with a Community Development Block Grant project.

Policy text quote	Source
Cooperate with King County, A Regional Coalition for Housing (ARCH), and other Eastside jurisdictions and housing agencies to assess housing needs, create affordable housing opportunities, and coordinate a regional approach to funding and meeting the housing needs of Eastside Communities.	Housing Policy HO-4, Redmond Comprehensive Plan, 2011
Improve coordination among the County and other jurisdictions, housing and service providers, and funders to identify, promote, and implement local and regional strategies that increase housing opportunities.	Housing Element Policy H28, Shoreline Comprehensive Plan, 2012
Strive to implement the City's "fair share" of affordable housing units as outlined in the cooperative effort among Pierce County jurisdictions.	Housing Element Policy Implementation 5.1, Fife Comprehensive Plan, 2005
Encourage local and regional affiliations and alliances to provide affordable housing.	Housing Element Policy H-2.1, Anacortes Comprehensive Plan, 2016

## DESIGN AND DEVELOPMENT STANDARDS

Policy text quote	Source
Require effective, but not unreasonably expensive, building designs and landscaping to blend multi-family housing into neighborhoods.	Housing Policy PL16.10, Olympia Comprehensive Plan, 2019
<p>Develop design guidelines, standards or other measures to achieve the following benefits:</p> <p>A. Allow growth without sacrificing Anacortes's unique small town character.</p> <p>B. Facilitate compatibility between existing and new housing.</p> <p>C. Integrate and connect multifamily developments with surrounding development to enhance a sense of community in neighborhoods.</p> <p>D. Allow for compatible integration of attached and detached accessory dwelling units in residential neighborhoods.</p>	Housing Element Policy H-2.2, Anacortes Comprehensive Plan, 2016
Develop design guidelines to ensure that all new housing, including that for lower and middle income owners and renters, adheres to good standards of planning, design, and construction.	Housing Element Policy 2.3, Walla Walla Comprehensive Plan, 2018
Promote high quality design that is compatible with the overall style and character of established neighborhoods.	Housing Element - Goal H-1, Policy D, Program 1, City of Ellensburg Comprehensive Plan, 2019
Integrate new development, with consideration to design and scale that complements existing neighborhoods, and provides effective transitions between different uses and intensities.	Housing Element - Goal H-1, Policy A, Program 1, City of Ellensburg Comprehensive Plan, 2019

Policy text quote	Source
Allow "clustering" of housing compatible with the adjacent neighborhood to preserve and protect environmentally sensitive areas.	Housing Policy PL16.3, Olympia Comprehensive Plan, 2019
Encourage housing types and design that reinforce and enhance the character and scale of established neighborhood development patterns.	Housing Element Policy H-2.1, Anacortes Comprehensive Plan, 2016
Increase open space requirements for multi-family, high-density development. Locate required open space either on site or in public park space.	Housing Chapter Policy H-38, Bellingham Comprehensive Plan, 2016
Enhance the appearance of and maintain public spaces in residential areas.	Housing Policy H-5.2, Prosser Comprehensive Plan, 2018

## Sustainable housing

Policy text quote	Source
Plan for energy efficient housing that is designed to maximize use of renewable resources such as solar and wind power.	Housing Element Policy 2.5, Walla Walla Comprehensive Plan, 2018
Foster innovative housing and mixtures of housing types that preserve natural resources and consolidate open space (e.g., context-sensitive residential clustering).	Housing Chapter Policy H-40, Bellingham Comprehensive Plan, 2016
Encourage housing retrofits that make them more resilient to natural disasters and climate change, are more energy efficient, and provide healthier indoor environments, including good air quality.	Housing Chapter Policy H-37, Bellingham Comprehensive Plan, 2016
Encourage the use of long-lived, low-maintenance building materials; high-efficiency energy systems; and low impact development techniques that reduce housing lifecycle costs and provide better environmental performance consistent with the City's Climate Protection Action Plan.	Housing Chapter Policy H-41, Bellingham Comprehensive Plan, 2016
Encourage health-related improvements to older homes, including the removal of lead-based paint, asbestos, and other potentially harmful materials.	Housing Chapter Policy H-36, Bellingham Comprehensive Plan, 2016
Encourage adapting non-residential buildings for housing.	Housing Policy PL16.13, Olympia Comprehensive Plan, 2019

## Historic preservation

Policy text quote	Source
Support the preservation of Ellensburg's historically-significant housing through the City's historic preservation program, which maintains a list of historic properties and districts, and provides education and incentives.	Housing Element - Goal H-1, Policy D, Program 2, City of Ellensburg Comprehensive Plan, 2019

Policy text quote	Source
Encourage neighborhoods and property owners to identify high-integrity historic areas that should be protected through the local historic district program.	Housing Chapter Policy H-33, Bellingham Comprehensive Plan, 2016

## TRACKING AND MONITORING

Policy text quote	Source
Track the provision of affordable housing units to assess whether an adequate supply of housing affordable to the county's lower income and special needs residents, as defined in the Housing Characteristics and Needs report for Snohomish County, is being provided.	Snohomish County HO Policy 4.B Objective HO 4.B
In support of countywide housing policies, the county shall seek partnerships with other jurisdictions, through the Alliance for Housing Affordability, the Housing Consortium of Everett and Snohomish County, Snohomish County Tomorrow and similar forums, to track the provision of housing by type and affordability. This effort will include an assessment of progress toward meeting the county's housing goals, including housing that addresses the needs of households within the Under 30% AMI, 30-50% AMI and 51-80% AMI segments, as projected in the current Housing Characteristics and Needs Report for Snohomish County.	Snohomish County HO Policy 4.B Policy 4.B.1
Based upon the monitoring and evaluation results from Policy 4.B.1, the county shall evaluate the effectiveness of its zoning regulations to produce housing developments that meet the diverse housing needs identified in the Housing Characteristics and Needs Report for Snohomish County.	Snohomish County HO Policy 4.B Policy 4.B.2
Provide a report annually to the City Plan Commission that monitors progress toward achieving the housing goals and includes recommended policy change if positive direction toward achieving the housing goals is not occurring.	Housing Element Policy H 2.5, Spokane Comprehensive Plan, 2017
Maintain a housing database to inform city officials and the public on the status of the City's housing market and effectiveness of Redmond housing policies and regulations.	Housing Policy HO-9, Redmond Comprehensive Plan, 2011
Monitor the City's housing affordability market, including housing demand by housing type across all income levels and in all neighborhoods, and report on the effectiveness of the City's housing affordability policies.	Housing Chapter Policy H-25, Bellingham Comprehensive Plan, 2016
Monitor housing supply, type and affordability, including progress toward meeting a proportionate share of the countywide need for affordable housing for very low-, low-, and moderate-income households.	Housing Element Policy H-6.2, Anacortes Comprehensive Plan, 2016
Assess the effectiveness in meeting housing demands and monitor the achievement of the housing policies not less than once every 5 years.	Housing Element Policy Implementation 3.1, Fife Comprehensive Plan, 2005
Monitor local data and routinely reassess and adjust policies, strategies and regulations to improve effectiveness of programs to meet local housing needs.	Housing Element Policy H-6.3, Anacortes Comprehensive Plan, 2016
Monitor the number, type, and affordability of housing units being built annually to ensure consistency with the number of planned housing units, particularly in Mixed-Use zones.	Housing Policy HO-10, Redmond Comprehensive Plan, 2011

Policy text quote	Source
Provide annual information on affordable homeownership and rentals in the City, including the operative definitions of affordable housing, criteria to qualify for local, state, and federal housing assistance, data on current levels of market-rate and affordable housing, demand for market-rate and affordable housing, and progress toward meeting market-rate and affordable housing goals.	Housing Policy PL16.14, Olympia Comprehensive Plan, 2019

Jurisdictions examined for Appendix C:

Anacortes	Mount Vernon	Ridgefield	Vancouver
Bellingham	Olympia	Shoreline	Walla Walla
Ellensburg	Prosser	Spokane	Wenatchee
Fife	Redmond	University Place	Yakima

# Appendix D: Resources for funding affordable housing in Washington state

Agency	Program	Description	Eligibility and link to more information
Washington State Department of Commerce (Commerce)	Housing Trust Fund	Provides state and federal funds for affordable housing construction and preservation. HOME Investment and Partnership Program funds are also awarded through the Housing Trust Fund Process.	Low-income and special needs populations. Open to local governments, tribes and non-profits. <a href="http://www.commerce.wa.gov/building-infrastructure/housing/housing-trust-fund/">www.commerce.wa.gov/building-infrastructure/housing/housing-trust-fund/</a>  <a href="http://www.commerce.wa.gov/building-infrastructure/housing/housing-trust-fund/home-program/">www.commerce.wa.gov/building-infrastructure/housing/housing-trust-fund/home-program/</a>
Commerce	Connecting Housing to Infrastructure Program (CHIP)	Funds utility improvements for affordable housing projects.	Low-income households. The applicant must be a city, county or public utility district in partnership with an affordable housing project. Additional eligibility requirements are on the grant webpage. <a href="https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/planning-for-housing/chip/">https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/planning-for-housing/chip/</a>
Commerce	Weatherization	Commerce contracts with local agencies that weatherize low-income homes and apartments.	Qualified low-income homes and apartments. <a href="http://www.commerce.wa.gov/growing-the-economy/energy/weatherization-and-energy-efficiency/rural-rehab/">www.commerce.wa.gov/growing-the-economy/energy/weatherization-and-energy-efficiency/rural-rehab/</a>
Commerce	Washington (WA) Foreclosure Fairness Program	Provides homeowner foreclosure assistance for offering free housing counseling, civic legal aid and foreclosure mediation.	Washington state homeowners. <a href="http://www.commerce.wa.gov/building-infrastructure/housing/foreclosure-fairness/">www.commerce.wa.gov/building-infrastructure/housing/foreclosure-fairness/</a>  Low and moderate-income homeowners can also contact statewide civil legal aid at <a href="http://www.nwjustice.org/get-legal-help">www.nwjustice.org/get-legal-help</a> .
Commerce	Mobile/ Manufactured Home Relocation Assistance Program	Reimburses costs of mobile and manufactured home relocation up to \$7,500 for a single-section home and \$12,000 for a multi-section home. Also reimburses for demolition, removal and down payment for another manufactured home.	Mobile and manufactured home owners with incomes of 80% area median income (AMI). Priority is given to parks closed due to health and safety concerns or park owner fraud. <a href="http://www.commerce.wa.gov/building-infrastructure/housing/mobile-home-relocation-assistance/">www.commerce.wa.gov/building-infrastructure/housing/mobile-home-relocation-assistance/</a>
Commerce	Consolidated Homeless Grant (CHG)	The CHG provides resources to fund homeless crisis response systems to support communities in ending homelessness. Grants are made to local governments and nonprofits. Funding is from document recording fees authorized through the Homeless Housing and Assistance Act.	<a href="http://www.commerce.wa.gov/wp-content/uploads/2017/01/hau-overview-homeless-housing-system-2017.pdf">Ch. 43.185C Revised Code of Washington (RCW)</a>  <a href="http://www.commerce.wa.gov/wp-content/uploads/2017/01/hau-overview-homeless-housing-system-2017.pdf">www.commerce.wa.gov/wp-content/uploads/2017/01/hau-overview-homeless-housing-system-2017.pdf</a>  <a href="http://www.commerce.wa.gov/serving-communities/homelessness/">www.commerce.wa.gov/serving-communities/homelessness/</a>

Agency	Program	Description	Eligibility and link to more information
Commerce	Brownfield Revolving Loan Fund (BRLF)	Provides technical assistance and low interest loans for cleanup activities on contaminated properties for redevelopment activities, including affordable housing development.	Local and regional governments, ports, tribes, non-profit agencies and private businesses. <a href="http://www.commerce.wa.gov/serving-communities/brownfields-revolving-loan-fund/">www.commerce.wa.gov/serving-communities/brownfields-revolving-loan-fund/</a>
Washington State Department of Ecology	Redevelopment Opportunity Zones, Brownfield Renewal Authorities, and BRTF Account	The Brownfield Redevelopment Trust Fund (BRTF) Account can be used within a specified redevelopment opportunity zone (ROZ) designated by local governments. The mechanism allows state and local public moneys, and private or non-profit moneys, to be set aside for cleaning up brownfields located within a ROZ. Moneys in the account may be spent only after appropriation by the Legislature and approval by Ecology.	Local governments must meet the eligibility and other requirements for remedial actions grants codified in Chapter 173-322A Washington Administrative Code (WAC).  Overview: <a href="https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Brownfields#Funding">https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Brownfields#Funding</a>  See <a href="https://ecology.wa.gov/DOE/files/fe/fed0108e-520f-4158-8992-bd5078fae9f1.pdf">https://ecology.wa.gov/DOE/files/fe/fed0108e-520f-4158-8992-bd5078fae9f1.pdf</a> for a complete list of brownfield funding opportunities in Washington state.
WA Department of Archeology and Historic Preservation (DAHP)	Federal historic tax credit program	A 20% Federal income tax credit on the qualified amount of private investment spent on certified rehabilitation of a National Register listed historic buildings.	Buildings must be listed on national register of historic places, the property must produce income after rehabilitation (no owner occupied) and projects must be substantial. Rehab must be done according to secretary of the interior standards. <a href="https://dahp.wa.gov/tax-credits">https://dahp.wa.gov/tax-credits</a>  (Web site includes information on other historic tax credit programs including New Market Tax Credit, National Trust Small Deal Fund and Bank of America Historic Tax Credit Fund.)
Washington State Housing Finance Commission (WSHFC)	Low Income Housing Tax Credits (LIHTC)	The nine percent Low-Income Housing Tax Credit Program (LIHTC) allocates federal income tax credit to developers to encourage the construction and rehabilitation of affordable multifamily housing. Housing credit is allocated through an annual competitive process in which projects are evaluated and scored according to the Commission's established criteria.	Affordable housing developers serving very low, low, and moderate-income people. <a href="http://www.wshfc.org/mhcf/9percent/index.htm">www.wshfc.org/mhcf/9percent/index.htm</a>
WSHFC	Multifamily bond programs	Multifamily Housing Bonds with 4% Low Income Housing Tax Credit provides access to bond and tax credit financing for affordable housing developers.	Affordable housing developers serving very low, low and moderate-income households. <a href="http://www.wshfc.org/mhcf/4percent/index.htm">www.wshfc.org/mhcf/4percent/index.htm</a>
WSHFC	Bond financing for non-profit facilities	Helps 501(c)(3) nonprofits save money through lower-interest loans for construction, capital improvements and equipment.	Non Profits: <a href="http://www.wshfc.org/facilities/index.htm">www.wshfc.org/facilities/index.htm</a>

Agency	Program	Description	Eligibility and link to more information
WSHFC	Manufactured home community investment program	The Commission helps preserve manufactured home communities by allowing them to purchase and manage their communities.	Very low, low and moderate-income manufactured home park residents. <a href="http://wshfc.org/mhcf/manufactured.htm">wshfc.org/mhcf/manufactured.htm</a>
WSHFC	Land acquisition (for housing non-profits)	The Land Acquisition Program assists eligible nonprofit organizations in Washington state to purchase land suited for either multifamily or single family affordable housing development.	Eligible non-profits serving very low, low and moderate-income households. <a href="http://www.wshfc.org/mhcf/lap/index.htm">www.wshfc.org/mhcf/lap/index.htm</a>
WSHFC	Home mortgage loan programs	The Commission currently operates two mortgage loan programs: Home Advantage and House Key Opportunity and eleven down payment assistance programs. The Commission works through a network of participating lenders who originate and close the loans.	Low and moderate-income homebuyers. <a href="http://www.wshfc.org/buyers/HomeAdvantage.htm">www.wshfc.org/buyers/HomeAdvantage.htm</a> and <a href="http://www.wshfc.org/buyers/key.htm">www.wshfc.org/buyers/key.htm</a>  The Commission also provides training to lenders, real estate professionals and nonprofit partners on how to originate WSHFC loans and how to teach a WSHFC-sponsored homebuyer education seminar.
WSHFC	Down payment assistance	Programs vary, but the Commission offers down payment assistance loans for homebuyers who use the Commission's programs.	Low and moderate-income homebuyers. <a href="http://www.wshfc.org/buyers/downpayment.htm">www.wshfc.org/buyers/downpayment.htm</a>
WSHFC	Homeowner-ship education programs	Through local partnerships, WSHFC helps homebuyers learn how to purchase and maintain a home. Commission-sponsored homebuyer education seminars are free; open to the public; and include information about the Commission's first mortgage programs, down payment assistance, and other loan programs. Seminars are accepted by all affordable housing loan programs as meeting or exceeding educational requirements.	Low and moderate-income homebuyers. <a href="http://www.wshfc.org/buyers/education.htm">www.wshfc.org/buyers/education.htm</a>
WSHFC	Sustainable Energy Programs	The Commission offers several ways to affordably develop energy-efficient buildings, upgrade existing buildings and create or conserve energy. Smaller loans are available through the Energy Spark home loan program. The Sustainable Energy Trust (SET) provides low-interest loans for energy-efficiency or renewable energy projects and a tax-exempt or tax-credit bond for larger projects (over \$1 Million).	Homeowners, developers, multifamily property owners and non-profit facilities. <a href="http://www.wshfc.org/energy/index.htm">www.wshfc.org/energy/index.htm</a>

Agency	Program	Description	Eligibility and link to more information
US Department of Housing and Urban Development (HUD)	Section 8, Public Housing	<p>The “Section 8” housing choice voucher program is the federal government’s major program for assisting very low-income families, the elderly and the disabled to afford decent, safe and sanitary housing in the private market. Since housing assistance is provided on behalf of the family or individual, participants are able to find their own housing, including single-family homes, townhouses and apartments.</p> <p>Public (site-based) housing provides decent and safe rental housing for eligible low-income families, the elderly and persons with disabilities. Public housing comes in all sizes and types, from scattered single-family houses to high-rise apartments for elderly families.</p>	<p>Section 8 ad Public Housing programs are administered through Washington’s pubic-chartered housing authorities. Contact your local housing authority for information on eligibility, population priorities and wait lists.  <a href="https://www.awha.org/find-a-housing-authority.html">https://www.awha.org/find-a-housing-authority.html</a></p>
HUD	Home Rehabilitation Loan Program (HRLP) (2018)	Provides deferred loans to rural, low-income households that need repairs and improvements on their primary residence for health, safety or durability. Funding for the loan program comes from the Washington Capital Budget.	<p>Low-income households in specific rural areas.  <a href="http://www.commerce.wa.gov/growing-the-economy/energy/weatherization-and-energy-efficiency/rural-rehab/">www.commerce.wa.gov/growing-the-economy/energy/weatherization-and-energy-efficiency/rural-rehab/</a></p>
HUD	Continuum of Care (CoC) Program	The CoC program provide funding for efforts by nonprofit providers, and State and local governments to quickly rehouse homeless individuals and families.	<p>Adults and families with children experiencing or at risk of homelessness.  <a href="https://www.commerce.wa.gov/serving-communities/homelessness/continuum-of-care/">https://www.commerce.wa.gov/serving-communities/homelessness/continuum-of-care/</a></p>
HUD	Emergency Solutions Grants (ESG)	Grants of federal funds to provide street outreach, emergency shelter, rental assistance and related services.	<p>Adults and families with children experiencing or at risk of homelessness.  <a href="http://www.commerce.wa.gov/serving-communities/homelessness/emergency-solutions-grant/">www.commerce.wa.gov/serving-communities/homelessness/emergency-solutions-grant/</a></p>
HUD	Section 811 Project Rental Assistance (PRA) demonstration	Federal funds provide project-based rental assistance. The program creates collaboration between Commerce and Department of Social and Health Services (DSHS) that will increase rental housing units for persons with disabilities by integrating Section 811 PRA assisted units within existing, new or rehabilitated multifamily properties.	<p>Extremely low-income, non-elderly disabled households.  <a href="http://www.commerce.wa.gov/serving-communities/homelessness/hud-section-811-rental-assistance/">www.commerce.wa.gov/serving-communities/homelessness/hud-section-811-rental-assistance/</a></p>
HUD	Tenant-Based Rental Assistance (TBRA)	Uses federal funds to support communities providing utility, deposit and ongoing rental assistance. Eligible households are referred to	<p>Very low-income households (at or below 50 percent AMI). Find a list of providers at</p>

Agency	Program	Description	Eligibility and link to more information
		TBRA through local coordinated entry systems.	<a href="http://www.commerce.wa.gov/serving-communities/homelessness/tenant-based-rental-assistance-tbra/">www.commerce.wa.gov/serving-communities/homelessness/tenant-based-rental-assistance-tbra/</a>
HUD	Community Development Block Grant (CDBG)	Provides federal funds for the following activities: housing rehabilitation, homeownership assistance, local connections to sewers and affordable housing plans. Can NOT fund new housing construction, but can fund infrastructure in support of new affordable housing.	Eligible rural cities and counties serving low- and moderate-income households in CDBG non-entitlement communities. <a href="http://www.commerce.wa.gov/serving-communities/current-opportunities-2/community-development-block-grants">www.commerce.wa.gov/serving-communities/current-opportunities-2/community-development-block-grants</a>  For urban CDBG entitlement programs, contact the local CDBG program manager. <a href="http://www.hud.gov/states/washington/community/cdbg">www.hud.gov/states/washington/community/cdbg</a>
HUD	Indian Community Development Block Grant (ICDBG) Program	Provides direct grants for use in developing viable Indian Communities, including decent housing, a suitable living environment and economic opportunities, primarily for low and moderate-income persons.	Low and moderate-income persons in any Indian tribe, band, group or nation (including Alaska Indians, Aleut and Eskimos).  <a href="http://www.hud.gov/program_offices/public_indian_housing/ih/grants/icdbg">www.hud.gov/program_offices/public_indian_housing/ih/grants/icdbg</a>
US Department of Agriculture (USDA) Rural Development	Single Family Housing Guaranteed Loan Program	Assists approved lenders in providing loans to low- and moderate-income households for adequate, modest, decent, safe and sanitary dwellings as their primary residence in eligible rural areas. The program provides a 90% loan note guarantee to approved lenders in order to reduce the risk of extending 100% loans to eligible rural homebuyers.	Low- or moderate-income households living in a rural area should apply through an approved lender. Eligible applicants may build, rehabilitate, improve or relocate a dwelling in an eligible rural area. <a href="http://www.rd.usda.gov/programs-services/single-family-housing-guaranteed-loan-program">www.rd.usda.gov/programs-services/single-family-housing-guaranteed-loan-program</a>
USDA Rural Development	Single Family Housing Direct Home Loans (Section 502 Direct Loan Program)	This program, also known as the Section 502 Direct Loan Program, assists low- and very-low-income applicants to obtain decent, safe and sanitary housing in eligible rural areas by providing payment assistance to increase an applicant's repayment ability. Payment assistance is a type of subsidy that reduces the mortgage payment for a short time. The amount of assistance is determined by the adjusted family income.	Low-income individuals in rural area with population of less than 35,000. <a href="http://www.rd.usda.gov/programs-services/single-family-housing-direct-home-loans">www.rd.usda.gov/programs-services/single-family-housing-direct-home-loans</a>  <a href="https://www.rcac.org/housing/502direct-packaging-program/">https://www.rcac.org/housing/502direct-packaging-program/</a>
USDA Rural Development	Single Family Housing Repair (Section 504 Home Repair) loans and grants	This program provides loans to very-low-income homeowners to repair, improve or modernize their homes, or grants to elderly very-low-income homeowners to remove health and safety hazards.	Households with a family income below 50% AMI. Homeowner max loan is \$20,000, max grant is \$7,500, loans and grants can be combined. <a href="http://www.rd.usda.gov/programs-services/single-family-housing-repair-loans-grants">www.rd.usda.gov/programs-services/single-family-housing-repair-loans-grants</a>

Agency	Program	Description	Eligibility and link to more information
<b>USDA Rural Development</b>	Rural Community Development Initiative (RCDI) Grants	RCDI grants are awarded to help support housing, community facilities, and community and economic development projects in rural areas. Can be used to provide training, such as homeownership education, or technical assistance, such as strategic plan development.	Non-profit housing and community development organizations, low-income rural communities and federally recognized tribes. Must be in a rural area, any area other than a city or town with greater than 50,000 population, and urbanized adjacent area to such town/city. 100% match required. <a href="http://www.rd.usda.gov/programs-services/rural-community-development-initiative-grants">www.rd.usda.gov/programs-services/rural-community-development-initiative-grants</a>
<b>Community Development Financial Institution</b>	New Market Tax Credit Program	Permits taxpayers to receive a credit against federal income taxes for making qualified equity investments in designated <a href="#">Community Development Entities</a> (CDEs) in low-income communities. Substantially all of the qualified equity investment must in turn be used by the CDE to provide investments in low-income communities. Investors may not redeem their investments in CDEs prior to the conclusion of the seven-year period.	The credit provided to the investor totals 39% of the cost of the investment and is claimed over a seven-year credit allowance period. In each of the first three years, the investor receives a credit equal to five percent of the total amount paid for the stock or capital interest at the time of purchase. For the final four years, the value of the credit is six percent annually. For more information contact: - New Market Tax Credit Program, Phone: (202) 622-8662. <a href="https://www.cdfifund.gov/programs-training/Programs/new-markets-tax-credit/Pages/default.aspx">https://www.cdfifund.gov/programs-training/Programs/new-markets-tax-credit/Pages/default.aspx</a>
<b>Rural Community Assistance Cooperation (RCAC)</b>	Housing Development (Non-profits)	RCAC provides support to develop rental or for sale affordable housing and community facilities in the rural west. Support includes technical assistance in LIHTC, USDA Rural Development 515, 514/516, HOME, CDBG, AHP, tax-exempt bonds, state housing trust funds, project-based Section 8, local and state resources, and conventional financing.	Non-profit organizations in rural areas, on tribal lands and within colonias. <a href="http://www.rcac.org/housing/housing-development/">www.rcac.org/housing/housing-development/</a>
<b>RCAC</b>	Section 523 Mutual Self Help Housing	Low-income borrowers work together under the guidance of a non-profit public housing entity (self-help grantee) to build each other's homes. With a construction supervisor on site, building groups perform at least 65% of the construction work required (known as "sweat equity"). In most cases, the grantee also manages the construction loans, develops the building site, provides homeownership training, offers building plans, qualifies the borrower for his/her mortgage and markets the program in the service area.	Under the USDA contract, RCAC assists grantees in the western United States to successfully complete the production of single-family financed housing under the Mutual Self-Help Housing program. <a href="#">(See the Self-Help Western Region Grantee Guide.)</a>  <a href="http://www.rcac.org/housing/mutual-self-help-housing/">www.rcac.org/housing/mutual-self-help-housing/</a>
<b>Local</b>	Sales and use tax for affordable housing	A local vote, or council approval (as of 2020), would authorize a local sales and use tax of up to 0.1 percent per dollar spent. Funds must be used for construction of affordable	Counties (or if not used, a city) may pass a local vote or councilmanically authorize the tax. This sales tax previously required voter approval. Counties have the "right of first refusal"; if a county has not imposed this sales tax by September 30,

Agency	Program	Description	Eligibility and link to more information
		housing or behavioral health–related facilities for named groups with incomes of 60% or less of county median income.	then any city in that county may impose this tax. <a href="#">RCW 82.14.530</a> (2015), <a href="#">HB 1590</a> (laws of 2020)
Local	Free or discounted public land	Public agencies (local government or utility) can discount or gift land they own for “public benefit,” defined as affordable housing for households up to 80% AMI.	Must adopt rules to regulate transfer. <a href="#">RCW 39.33.015</a> (2018)
Local	Affordable housing property tax levy	A local vote may authorize a levy of up to \$0.50 per \$1,000 assessed value for up to ten years to finance affordable housing for very low-income households (equal to or under 50 % AMI). Must declare an affordable housing emergency and have an affordable housing financing plan. Program was expanded in 2020 to allow the use of revenues to include affordable homeownership, owner-occupied home repair, and foreclosure prevention programs for “low-income” households up to 80% of median income.	A county, city or town must pass a local vote to authorize the levy. <a href="#">RCW 84.52.105</a> (1993), <a href="#">Senate Bill (SB) 6212</a>
Local	Affordable and Supportive Housing Sales and Use Tax	RCW 82.14.540 created a revenue-sharing partnership between the state and counties and cities for affordable and supportive housing investments. It authorized a local sales tax option that is a credit against the state sales tax rate of 6.5%. Housing and services may be provided only to persons whose income is at or below 60% of the median income of the city or county imposing the tax.	A “participating” city or county is one that imposed the affordable housing sales tax credit and completed the two required steps for adoption. 1. Passed a resolution of intent by Jan. 28, 2020 2. Adopted legislation to authorize the maximum capacity of the tax by July 28, 2020
Local	Sales and Use Tax for Chemical Dependency, Mental Health Services or Therapeutic Courts	RCW 82.14.460 authorized counties to levy a one-tenth of one percent sales and use tax to fund new mental health, chemical dependency, or therapeutic court service. Any county may impose a mental health and chemical dependency sales tax up to 0.1% for mental health and drug treatment purposes.	Counties only, except for a few cities in Pierce County.
Local	Real Estate Excise Tax 2 (REET 2)	A 0.25% REET that may be imposed by any city, town or county fully planning under the Growth Management Act (GMA), to be used for “capital projects” specified in the	For jurisdictions required to fully plan under the GMA, the legislative body may impose REET 2. Any jurisdiction voluntarily planning under the GMA must have voter approval.

Agency	Program	Description	Eligibility and link to more information
		capital facilities plan element of the jurisdiction's comprehensive land use plan, including affordable housing projects through January 1, 2026. Jurisdictions may only use a portion of REET funds on affordable housing.	<a href="#">RCW 82.46.035</a>
Local	Impact fee waivers	Impact fee waiver for up to 100% of fees for permanently restricted affordable housing (for rental or purchase) for households earning less than or equal to 80% AMI. 80% may be waived; but if 100% of fees are waived, 20% must be paid with other public moneys. A school district receiving impact fees must approve any exemption.	Counties, cities, or towns charging impact fees. <a href="#">RCW 82.02.060</a>
Local	Multifamily tax exemption program	12-year property tax exemption on the value of improvements for 4+ new or rehabilitated, rental or ownership housing units if at least 20% of units are affordable to households earning 115% AMI or less. Must define a "residential targeted area" within an urban center within which the exemption would apply.	Community with a population of at least 15,000; a city or town with a population of at least 5,000 if in Clark, Thurston, Pierce, King, Snohomish, Kitsap or Whatcom Counties; or the largest city or town in a county if there is no city or town with a population of at least 15,000. <a href="#">RCW 84.14</a>
Local	Fee waivers for water or sewer connection	Waiver or delay of tap-in charges, connection or hook-up fees for low-income persons for water, sanitary or storm sewer, electricity, gas or other utility.	No specific income level is detailed (may assume less than 80% AMI). <a href="#">RCW 35.92.380</a> (1980)
Local	Sewage and solid waste fees	Assistance for sewer and solid waste fees.	<a href="#">RCW 35.92.020</a> (5) allows a city or town to provide assistance to aid-low income persons.
Local	Affordable Housing Incentive Programs	Any GMA city or county may enact or expand affordable housing incentive programs through development regulations or conditions on rezoning or permit decisions, or both, on residential, commercial, industrial, or mixed-use development. The program may include mandatory or optional elements, such as density bonuses within the urban growth area, height and bulk bonuses, fee waivers or exemptions, parking reductions, expedited permitting, or mandatory amount of affordable	Incentive or bonuses housing units are for low-income rental (50% or less of county median family income) or for purchase (80% of county median family income), or other income levels as needed to address local housing market conditions. Housing must remain affordable for 50 years or jurisdiction may accept payments in lieu of continuing affordability. Payment or property in lieu of housing is acceptable. <a href="#">RCW 36.70A.540</a> (2006)

Agency	Program	Description	Eligibility and link to more information
		housing provided by each development.	
Local	Community Revitalization Financing (CRF)	The CRF authorizes creation of tax increment areas where community revitalization projects and programs are financed by diverting a portion of the regular property taxes imposed by local governments within the tax increment area.	Counties, cities, towns and port districts. <a href="#">Chapter 39.89 RCW</a> <a href="#">HB 2497</a> (laws of 2020) added creating or preserving permanently affordable housing to the list of eligible public improvements for this funding, required for at least 40 years for rental housing and 25 years for ownership housing.
Local	Local Infrastructure Financing Tool Program (LIFT)	Provides funding for local infrastructure using sales tax, property tax and selected other excise tax increases generated by an economic development project as part of a revenue development area designated by the sponsoring local government.	<a href="#">Ch. 39.102 RCW</a> See <a href="#">HB 2497</a> (laws of 2020) amendments. Must apply to the Community Economic Revitalization Board at Commerce. Not presently authorized.
Local	Local Revitalization Tool (LRF)	Authorizes cities and counties to create “revitalization areas” and allows certain revenues to be used for payment of bonds issued for financing local public improvements within the revitalization area.	<a href="#">RCW 39.104</a> See <a href="#">HB 2497</a> (laws of 2020) amendments. Must apply to the Community Economic Revitalization Board at Commerce. Not presently authorized.
Local	Deferral of property tax	A claimant may apply to defer payment of 50% of special assessments or real property taxes, or both, provided the household’s combined disposable income is \$57,000 or less and the claimant must have paid one-half of the total assessments and taxes for the year.	Very-low and low-income households. <a href="#">RCW 84.37</a>
Local	Tax deferral for retired persons	Allows eligible agencies to provide tax relief to eligible households (less than 75% AMI).	<a href="#">RCW 84.38</a>
Local	Tax deferral for certain people	Property tax exemption for seniors or veterans with certain qualifications.	<a href="#">RCW 84.36.381</a>

## Appendix E: Housing law and case law

### Washington state housing requirements through 2020<sup>140</sup>

Requirement	GMA	Code cities	Cities & towns	Counties	General provisions
Accessory dwelling units: New GMA definitions and limits to parking limits within ¼ mile of a major transit stop. ESSB 6617 (2020)	RCW 36.70A.696 – 699.				
A local government is limited in the amount of parking it may require for certain types of development occurring within ¼ mile of a transit stop. SHB 2343 (2020)	RCW 36.70A.620				
A city may regulate religious organizations that host temporary encampments for the homeless. ESHB 1754 (2020)		RCW 35A.21.360		RCW 36.01.290	RCW 35.21.915
Group homes and inpatient facilities may not be precluded by local zoning. GMA jurisdictions should review list of essential public facilities. Updated in HB 2640 (2020)	RCW 36.70A.200 WAC 365-196-550		RCW 35.64.140		
Permanent supportive housing must not be prohibited in areas zoned for multifamily housing. Definition in RCW 36.70A.030 (16), E2SHB 1923 (2019), and SHB 2343 (2020)	SHB 2343 (2020)	RCW 35A.21.305			RCW 35.21.689
Manufactured homes must be allowed on all lots. A city or town may not discriminate against consumers' choices in the placement or use of a home. This statute sets out design requirements, but this was revised in 2019 to state that a city may not use setbacks on an existing lot to prohibit a manufactured home. It also sets standards around recreational vehicles and tiny homes. Updates by ESSB 5183 (2019)		RCW 35A.21.312 RCW 35A.63.146 For non-conforming use protections	RCW 35.63-161	RCW 36.01.225 RCW 36.70.493	RCW 35.21.684
A city or town may adopt an ordinance to regulate the creation of tiny home communities. ESSB 5383 (2019)					RCW 35.21.686

<sup>140</sup> For housing laws and requirements between 2020 and 2023, see Commerce's [2019 through 2023 Housing Laws for Planners](#).

Requirement	GMA	Code cities	Cities & towns	Counties	General provisions
Communities must allow density bonuses for affordable housing located on property owned by a religious organization. SHB 1377 (2019)	RCW 36.70A.545	RCW 35A.63.300	RCW 35.63.280		
GMA updates to definitions for “affordable housing,” “low-,” “very low-” and “extremely low-income households.” E2SHB 1923 (2019) and permanent supportive housing	RCW 36.70A.030				
Parking near transit: A local government planning under the GMA is limited in the amount of parking it may require for certain types of development occurring within ¼ mile of a transit stop. E2SHB 1923 (2019)	RCW 36.70A.620				
Residential structures that are occupied by persons with handicaps must be regulated the same as a similar residential structures occupied by a family or other unrelated individuals. (1993)	RCW 36.70A.410 WAC 365-196-860	RCW 35A.63.240	RCW 35.63.220	RCW 36.70.990	
Family day-care facilities may not be prohibited. No county or city may prohibit the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.	RCW 36.70A.450 WAC 365-196-865	RCW 35A.63.215	RCW 35.63.185	RCW 36.70.757	RCW 35.21.688
Accessory dwelling units must be allowed by communities over 20,000 and counties over 125,000 in population. <b>*NOTE:</b> This was revised with HB 1337 (2023). See <a href="#">Washington State Housing Laws of 2019 through 2023</a> or <a href="#">HB 1337</a> (2023).	RCW 36.70A.400	RCW 35A.63.230	RCW 35.63.210	RCW 36.70.677	
Rent control is prohibited. May not regulate the amount of rent to be charged for single-family or multiple-unit residential rental structures or sites other than properties in public ownership, under public management or properties providing low-income rental housing.				RCW 36.01.130	

Requirement	GMA	Code cities	Cities & towns	Counties	General provisions
<b>OPTIONAL TOOLS</b>					
GMA cities may enact affordable housing incentive programs. (2009)	RCW 36.70A.540 WAC 365-196-870				
GMA cities may adopt provisions to increase residential capacity. Such provisions are protected from SEPA and GMHB appeal until April 2023. E2SHB 1923 (2019) and SSB 2343 (2020)	RCW 36.70A.600				
Disposal of surplus government property for housing. Property may be offered at low or no cost for a public benefit of affordable housing. 3SHB 2382 (2018), RCW 39.33.015					
Exempting emergency housing from impact fees. SHB 2538 (2018)	See RCW 82.02.060 (2)-(3)				

## Legal cases to consider

**In some cases, case law sets the standard for what may or not be included in local policies.** A local government can only be held to the decisions of its regional Growth Management Hearings Board, so we recommend reviewing the digests and cases from the regional board, and any subsequent appeals, however, some general themes have emerged that can provide guidance to all jurisdictions.

**City responsibility to “set the table” for the development of affordable housing:** “Developing programs that will provide affordable housing opportunities and special needs housing opportunities for the low-income, very low-income, extremely low-income, and disabled and senior citizens of Lakewood is, as the City acknowledges, its responsibility.” [LIHI II, 01-3-0023, FDO, at 14]

“The Board recognizes too that the County is not obligated to add to the stock of low income housing but instead to set the framework in which the market can provide housing for all segments of the population.” [Campbell v. San Juan County, Case No. 09-2-0104, FDO at 14 (Jan. 27, 2010)]

**Local governments have choices in planning for housing:** “RCW 36.70A.020(4) does not require that each and every land use designation of a jurisdiction provide for affordable housing.” [LMI/Chevron, 98-3-0012, FDO, at 29.]

“The Act requires cities and counties to preserve existing housing while promoting affordable housing and a variety of residential densities and housing types. No jurisdiction is required to reconcile these seemingly inconsistent requirements by totally focusing on one requirement, for instance preserving existing housing, to the exclusion of other requirements, such as encouraging more affordable housing. Instead, jurisdictions must

reconcile the Act’s seemingly contradictory requirements by applying and necessarily balancing them.” [WSDF I, 94-3-0016, FDO, at 30.]

**“...each housing element must be considered on its own merits** under a fact-specific analysis, and each city or county necessarily plans and words its housing element differently in order to address local needs.” Each jurisdiction “has the discretion to determine the zoning required – whether small lot, duplex, multi-family, or mixed use – so long as the plan includes sufficient land for housing all economic segments of its community...” [Futurewise V, 07-3- 0014, FDO, at 8.]

**“A comprehensive plan policy regarding affordable housing must be specific and must be implemented by development regulations** to comply with the GMA.” [Friday Harbor v. San Juan County 99-2-0010 (FDO, 7-21-99)]

**Local housing elements must be consistent with countywide planning policies and must plan for all economic segments:** “The City’s Housing Element must “make adequate provision” for existing and projected housing needs of this economic segment of the community” The challenged Comprehensive Plan Housing Element was inconsistent with the Countywide Planning Policies for King County because Ordinance O2015-396 failed to establish any numeric or percentage goals for the City’s “share” of countywide housing needs in the moderate, low, and very low income housing categories, contrary to RCW 36.70A.100 and RCW 36.70A.210(1). [Paul Stickney and Richard Birgh v. City of Sammamish, Case No. 15-3-0017, affirmed by Court of Appeals of Washington, Division 1, in Stickney v. Cent. Puget Sound Growth Mgmt. Hearings Bd., 11 Wash. App. 2d 228, 453 P.3d 25 (2019)].

**More diverse residential landscape:** “In the GMA, there are a number of specific references that address housing and residential land uses, some of them more explicit and directive than others. There are at least five sections of the Act that are on point. When these sections are read together, they describe a legislatively preferred residential landscape that, compared with the past, will be less homogeneous, more diverse, more compact and better furnished with facilities and services to support the needs of the changing residential population.” [Children’s I, 95-3-0011, FDO, at 5.]

**Preserving neighborhood character:** “The GMA clearly encourages the preservation of existing housing stock (See [RCW 36.70A.020\(4\)](#)) and provides for ensuring the vitality and character of established residential neighborhoods (See [RCW 36.70A.070\(4\)](#)). However, as the Board stated, supra, “any opportunity to perpetuate an “historic low-density residential” development pattern, [in the subarea], ended in 1994 when the County included the area within the UGA.” It is clear that existing housing stock and neighborhoods may be maintained and preserved, however existing low-density patterns of development cannot be perpetuated.” [MBA/Brink, 02-3-0010, FDO, at 14-15.]

“The requirement to “ensure neighborhood vitality and character” is neither a mandate, nor an excuse, to freeze neighborhood densities at their pre-GMA levels. The Act clearly contemplates that infill development and increased residential densities are desirable in areas where service capacity already exists, i.e., in urban areas – while also requiring that such growth be accommodated in such a way as to “ensure neighborhood vitality and character.” [Benaroya I, 95-3-0072c, FDO, at 21.]

**Rural ADUs:** “All three Hearings Boards have discouraged detached accessory dwelling unit provisions without specific criteria to curtail indiscriminate increased density.” [Loon Lake, et al. v. Stevens County, EWGMHB Case No. 01-1-0002c, Order on Motions, at 10 (Oct. 25, 2007)].

**Monitoring progress:** “The Board observes that the affordable housing percentages for income levels are targets to be adjusted and/or met over the 20-year life of the Plan. One should not expect them to be achieved halfway into the Plan’s time horizons. Peaks and valleys in progress will obviously occur over time depending upon numerous factors. But monitoring progress toward the targets is essential – which the County clearly does as reflected in the Housing Appendix and Benchmarks Reports.” [S/K Realtors, 04-3- 0028, FDO, at 36.]

**Homelessness:** There has been significant work on addressing homelessness. MRSC has a number of blog articles on this topic. The fundamental point is that a local government cannot render homelessness a crime if there is not sufficient housing/shelter options available. From MRSC:

- [Is Your Camping Ordinance Constitutional?](#)
- [What Are Local Governments Doing in Response to \*Martin v. City of Boise\*?](#)
- [New Legislation on Temporary Homeless Encampments](#)
- [Homelessness and the Limits of Enforcement](#)
- [Living in Vehicles: How Homestead Rights Affect Municipal Impounds](#)

# Appendix F: Federal and state housing policy history

## Federal housing policy timeline

**1867:** In New York City, the first tenement-law regulation in America is enacted to ban the construction of rooms without ventilators and apartments without fire escapes, while also requiring one toilet per 20 people. However, these regulations were not often enforced until 1901 when the city passed the Tenement House Law, which mandated improved sanitary conditions, fire escapes and access to light.<sup>141</sup>

**1923:** The first U.S. public-housing project is constructed in Milwaukee.<sup>142</sup>

**1926:** The first significant effort in the country to offer any kind of subsidy for affordable housing when New York State passed the Limited Dividend Housing Companies Act.<sup>143</sup>

**1934:** In response to the Great Depression, the National Housing Act established the Federal Housing Administration (FHA), which was created to guarantee loans and insure mortgages for single-family homes as well as private multi-family housing. At this time, America was primarily renters, with only four in 10 households owning homes. Mortgage loan terms were limited to 50% of the property's market value, with short three- to five-year repayment schedules that ended with a balloon payment.<sup>144</sup>

**1937:** The Wagner-Steagall Housing Act established the U.S. Housing Authority, the first federal agency devoted solely to housing, and a new Low-Rent Public Housing program. Originally intended to create public housing for families with low incomes, it required partnerships between federal, state and local governments.<sup>145</sup> The U.S. Housing Authority gradually expanded from low-income housing projects to middle-class development in suburban areas during World War II.<sup>146</sup>

"The federal government has been involved in providing housing assistance to lower-income households since the 1930s. In the beginning, the federal government played a role in supporting the mortgage market (through establishment of the Federal Housing Administration [FHA] and the government-sponsored enterprises) and in promoting construction of low-rent public housing for lower-income families through local public housing authorities (PHAs). Over time, the federal government has shifted away from providing construction-based subsidies toward providing rental subsidies, and private developers and property owners have been playing a larger role."

~Congressional Research Services, "Overview of Federal Assistance Programs and Policy," Overview section

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<sup>141</sup> History.com Editors, "Tenements," (updated October 10, 2019; original April 22, 2010),

<https://www.history.com/topics/immigration/tenements>.

<sup>142</sup> Milwaukee County Historical Society, "Daniel Hoan Collection," <https://milwaukeehistory.net/unlocking-the-vault/daniel-hoan-collection-text/>.

<sup>143</sup> The Nation, "151 Years of America's Housing History," (May 24, 2018), <https://www.thenation.com/article/archive/americas-housing-history/>.

<sup>144</sup> U.S. Department of Housing and Urban Development (HUD), "The Federal Housing Administration (FHA)," [https://www.hud.gov/program\\_offices/housing/fhahistory](https://www.hud.gov/program_offices/housing/fhahistory).

<sup>145</sup> Congressional Research Service (CRS), "Overview of Federal Housing Assistance Programs and Policy," (Updated 2019), p.2, <https://crsreports.congress.gov/product/pdf/RL/RL34591>.

<sup>146</sup> National History Center, "Housing Policy in the United States," p. 3, <https://nationalhistorycenter.org/wp-content/uploads/2018/08/Housing-Policy.pdf>.

**1942:** "The Emergency Price Control Act establish[ed] federal rent control for the first time. By January 1945, Scranton, Pennsylvania, [was] the only city of more than 100,000 residents with unregulated rents."<sup>147</sup>

**1944:** The GI Bill provided mortgage-loan guarantees for home purchases by veterans.<sup>148</sup>

**1949:** Following a post-war housing shortage, the Housing Act under Truman's Fair Deal bolstered the Housing Authority's budget and capabilities, allowing the federal government to undertake larger urban renewal projects (replacing slum properties with sites for redevelopment). The Housing Act of 1949 also reactivated the public housing program for families with low incomes (which was on hold during WWII), authorizing subsidies to low-income housing authorities to build housing.<sup>149</sup>

**1955:** New York state began subsidizing the construction of moderate- and middle-income housing with the introduction of the Mitchell-Lama program that was created by the Limited Profit Housing Act. Under this program, over 105,000 apartments were generated after clearing formerly rundown parts of the city; today, about 45,000 apartments are left.<sup>150</sup>

**1959:** "The Housing Act of 1959 (P.L. 86-372) was the first significant instance where government incentives were used to persuade private developers to build housing that would be affordable to low- and moderate-income households. As part of P.L. 86-372, Congress created the Section 202 Housing for the Elderly program. Through the Section 202 program, the federal government extended low-interest loans to private nonprofit organizations for the development of affordable housing for moderate-income residents age 62 and older." <sup>151</sup>

**1960s:** Various other housing acts (1961, 1965, 1968) further expanded the role of the private sector providing housing to multifamily housing of various income levels through the federal government insuring mortgages of private developers of multifamily housing and providing loans to developers at low interest rates (1961), providing rental assistance (1965) and subsidizing private developers' mortgage interest payments (1968).<sup>152</sup>

**1965:** "The Department of Housing and Urban Development (HUD) was created in a largely symbolic move to bring housing and slum-clearance programs to the cabinet level."<sup>153</sup> It was created to manage public housing and its affairs, as the size of public housing had grown tremendously. FHA was encompassed within this new department.

**1968:** Congress passed the Fair Housing Act, which outlawed discrimination in housing and in mortgage lending and gave HUD enforcement responsibility. Up to this point, there had been years of governmental and private discrimination in the provision of housing, which limited minority households' opportunities to achieve homeownership and contributed to patterns of racial segregation.<sup>154</sup>

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<sup>147</sup> The Nation, "151 Years of America's Housing History," (May 24, 2018), <https://www.thenation.com/article/archive/americas-housing-history/>.

<sup>148</sup> Ibid. (*The Nation*)

<sup>149</sup> CRS, "Overview of Federal Housing Assistance Programs and Policy," (Updated 2019), p. 3, <https://crsreports.congress.gov/product/pdf/RL/RL34591>.

<sup>150</sup> Kamping-Carder, Leigh, "Hit the NYC jackpot: How to get an affordable Mitchell-Lama apartment to call your own," (March 15, 2018), [https://www.brickunderground.com/blog/2014/10/mitchell\\_lama\\_affordable\\_housing\\_guide](https://www.brickunderground.com/blog/2014/10/mitchell_lama_affordable_housing_guide).

<sup>151</sup> CRS, "Overview of Federal Housing Assistance Programs and Policy," (Updated 2019), p.3, <https://crsreports.congress.gov/product/pdf/RL/RL34591>.

<sup>152</sup> Ibid, p. 4. (*CRS*)

<sup>153</sup> The Nation, "151 Years of America's Housing History," (May 24, 2018), <https://www.thenation.com/article/archive/americas-housing-history/>.

<sup>154</sup> CRS, "Overview of Federal Housing Assistance Programs and Policy," (Updated 2019), p. 5, <https://crsreports.congress.gov/product/pdf/RL/RL34591>.

**1969:** "The Brooke Amendment, which was included as part of the Housing and Urban Development Act of 1969 (P.L. 91-152), limited tenant contributions toward rent in all rent assisted units (including public housing and all project-based rental assistance units) to an amount equal to 25% of tenant income (this was later raised to 30%). The Brooke Amendment is considered to be responsible for codifying an income-based rent structure in federal housing programs."<sup>155</sup>

**1970:** The Housing and Urban Development Act of 1970 introduced the Federal Experimental Housing Allowance Program (EHAP). EHAP tested two different versions of housing allowances: the "demand experiment," between 1973 and 1976, and the "supply experiment," between 1974 and 1979. Before the research was complete, Congress moved ahead with legislation in 1974 to create the housing allowance program that we know today as the Housing Choice Voucher (HCV) program (see second 1974 entry on the Section 8 program below).<sup>156</sup>

**1973:** The Nixon administration issued a moratorium on almost all subsidized-housing programs due to a number of concerns.<sup>157</sup>

**1974:** The Community Development Block Grant (CDBG) Program was authorized under Title I of the Housing and Community Development Act of 1974, as amended. Prior to this time, numerous federal programs addressed community development issues. CDBG consolidated eight programs under which communities competed nationally for funds.<sup>158</sup>

**1974:** The Housing and Community Development Act of 1974 also established Section 8 housing programs as a replacement for public housing, creating a tenant-based certificates program to increase low-income tenants' choice of housing. "Although the 1960s had seen rental assistance programs like Rent Supplement and Section 23, the scale of the Section 8 program made it the first comprehensive rental assistance program."<sup>159</sup>

**1976:** "The Supreme Court rule[d], in *Hills v. Gautreaux*, that the Chicago Housing Authority contributed to racial segregation in Chicago through discriminatory practices. HUD [began] offering vouchers in the city to address poverty and segregation."<sup>160</sup>

**1977:** The Community Reinvestment Act (CRA) "affirm[ed] that federally insured [banks] have an obligation to meet the credit needs of the communities in which they are chartered and accept deposits ... and require[d] federal banking regulators to assess the extent to which banks are meeting those needs. The enactment of the CRA grew out of concern that banking deposits were funding lending activities across the country at the expense of providing credit in certain areas where deposits were collected, thereby contributing to neighborhood disinvestment."<sup>161</sup>

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<sup>155</sup> Ibid, p. 5. (CRS)

<sup>156</sup> HUD Edge, "Message from PD&R Leadership: Blast from the Past: How the Experimental Housing Allowance Program of the 1970s Can Inform the Moving to Work Expansion Today," <https://www.huduser.gov/portal/pdredge/pdr-edge-firm-asst-sec-032017.html>.

<sup>157</sup> CRS, "Overview of Federal Housing Assistance Programs and Policy," (Updated 2019), p. 6, <https://crsreports.congress.gov/product/pdf/RL/RL34591>.

<sup>158</sup> U.S. Department of Housing and Urban Development, "Basically CDBG," (2007), [https://www.hud.gov/sites/documents/DOC\\_16470.PDF](https://www.hud.gov/sites/documents/DOC_16470.PDF).

<sup>159</sup> CRS, "Overview of Federal Housing Assistance Programs and Policy," (Updated 2019), p. 6, <https://crsreports.congress.gov/product/pdf/RL/RL34591>.

<sup>160</sup> The Nation, "151 Years of America's Housing History," (May 24, 2018), <https://www.thenation.com/article/archive/americas-housing-history/>.

<sup>161</sup> CRS, "Overview of Federal Housing Assistance Programs and Policy," (Updated 2019), p. 5-6, <https://crsreports.congress.gov/product/pdf/RL/RL34591>.

**1982:** Under President Ronald Reagan, HUD's budget was slashed to under \$40 billion, a decrease of more than 50% from 1976, when it was \$83.6 billion.<sup>162</sup>

**1983:** The Housing and Urban-Rural Recovery Act of 1983 (P.L. 98-181) limited HUD's authority to issue new Section 8 contracts to existing properties only, as the use of Section 8 in new construction and rehabilitation was found too expensive. "The act also created a new demonstration program to test a modified use of Section 8, referred to as vouchers. Vouchers were similar to the use of Section 8 rent subsidies in existing housing, but they provided more flexibility to public housing authorities, particularly by permitting families to pay more than 30% of their incomes in rent. The demonstration was made permanent in 1985."<sup>163</sup>

**1986:** The Low Income Tax Credit (LIHTC) program was created as part of the Tax Reform Act of 1986, which remains the primary source of federal funding for low-cost housing today.<sup>164</sup> Giving a large level of control over to states for the first time, the tax credits are allocated to states based on population. While states must prioritize projects to serve low-income populations, states have discretion in setting priorities as to how the credits will be used.<sup>165</sup>

**1987:** Congress passed the Stewart B. McKinney Homeless Assistance Act, which included funding for several grants that states and localities could use to assist people experiencing homelessness. Grants were available for permanent and transitional housing, as well as supportive services.<sup>166</sup>

**Mid-1980s:** "By the mid-1980s, federal housing programs had gone through a number of iterations. Some programs had been scrapped as inefficient, subject to fraud and abuse, or too expensive. Shifting federal priorities — toward reducing taxes and increasing military spending in response to the Cold War — reduced funding available for social programs, including housing assistance. Creation of assisted housing with federal funds was on the decline, with production slowing significantly between 1982 and 1988." In addition, existing affordable rental units were being lost as HUD contracts expired or owners chose to repay their low-interest mortgages and charge market rent.

**Late 1980s through 1990s:** State and local governments and other organizations began taking the initiative to develop housing within their communities as a result of reduced federal support for housing. "From the late 1980s through the 1990s, Congress acknowledged the value of local control and gave more decision-making authority over housing policy to state and local governments through the creation of block grants and tax credits."

~Congressional Research Services, "Overview of Federal Assistance Programs and Policy," p. 6-7

**1990:** Congress authorized the HOME Investment Partnership program through the National Affordable Housing Act of 1990, creating another large, flexible block grant program to states and localities. Funds were apportioned based on a formula and were to be used to assist families at or below 80% of area median income. Use of the funds was broad (including both homeowners/buyers or rental construction or assistance),

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<sup>162</sup> The Nation, "151 Years of America's Housing History," (May 24, 2018), <https://www.thenation.com/article/archive/americas-housing-history/>.

<sup>163</sup> CRS, "Overview of Federal Housing Assistance Programs and Policy," (Updated 2019), <https://crsreports.congress.gov/product/pdf/RL/RL34591>.

<sup>164</sup> The Nation, "151 Years of America's Housing History," (May 24, 2018), <https://www.thenation.com/article/archive/americas-housing-history/>.

<sup>165</sup> CRS, "Overview of Federal Housing Assistance Programs and Policy," (Updated 2019), p. 7, <https://crsreports.congress.gov/product/pdf/RL/RL34591>.

<sup>166</sup> Ibid, p. 7. (CRS)

and municipalities were required to establish plans for spending their funds, including matching requirements and partnerships with local nonprofits.<sup>167</sup>

**1992:** "Congress authorize[d] the HOPE VI urban-revitalization demonstration program to provide grants to support low-rise, mixed-income housing rather than high-rise public housing to address a severe lack of funding for repairs. Atlanta use[d] its funds to clear slums and construct mostly private housing, an approach copied by cities across the country."<sup>168</sup>

**1996:** President Clinton signed into law the Housing Opportunity Program Extension Act of 1996, which announced the "one strike and you're out" policy in public housing communities to ensure that tenants who partook in criminal or illegal drug use faced eviction. One year later, 75% of public housing authorities had One Strike policies in place.<sup>169</sup>

**1998:** As concern over the condition of public housing grew, proposals for public housing reform were considered. After several years of debate, Congress approved public housing reforms through the Quality Housing and Work Responsibility Act (QHWRA) "to reduce segregation by race and income, encourage and reward work, bring more working families into public housing, and increase the availability of subsidized housing for very poor families."<sup>170</sup> QHWRA also featured the so-called 'Faircloth Amendment,' which prohibited the use of public housing funding for the development of any net new units of public housing."<sup>171</sup>

**2004:** America's homeownership rate reached a record-high of 69%.<sup>172</sup>

**2005:** HUD conducted its first official point-in-time count of homeless people in the country.<sup>173</sup>

**2007:** The housing market crashed and nearly 3 million homes were foreclosed on in both 2009 and 2010.<sup>174</sup> "During the 'Great Recession' of 2008-2013, FHA played an important countercyclical role, propping up the housing market to supply access to mortgage credit when other sources of financing were limited and the capital markets had seized up."<sup>175</sup>

**2008:** The Housing and Economic Recovery Act of 2008 was enacted in response to the subprime mortgage and national financial crisis. The act created the Federal Housing Finance Agency and improvements in federal regulation of mortgage lending institutions.

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<sup>167</sup> Ibid, p. 7-8. (CRS)

<sup>168</sup> The Nation, "151 Years of America's Housing History," (May 24, 2018), <https://www.thenation.com/article/archive/americas-housing-history/>.

<sup>169</sup> HUD, "Meeting the Challenge: Public housing authorities respond to the 'One Strike and You're Out' initiative," (September 1997), <https://www.ncjrs.gov/pdffiles1/Photocopy/183952NCJRS.pdf>.

<sup>170</sup> HUD, "The Federal Housing Administration (FHA)," [https://www.hud.gov/program\\_offices/housing/fhahistory](https://www.hud.gov/program_offices/housing/fhahistory).

<sup>171</sup> CRS, "Overview of Federal Housing Assistance Programs and Policy," (Updated 2019), p. 8, <https://crsreports.congress.gov/product/pdf/RL/RL34591>.

<sup>172</sup> HUD, "Timeline," [https://www.huduser.gov/hud\\_timeline/](https://www.huduser.gov/hud_timeline/).

<sup>173</sup> The Nation, "151 Years of America's Housing History," (May 24, 2018), <https://www.thenation.com/article/archive/americas-housing-history/>.

<sup>174</sup> Ibid. (*The Nation*)

<sup>175</sup> HUD, "The Federal Housing Administration (FHA)," [https://www.hud.gov/program\\_offices/housing/fhahistory](https://www.hud.gov/program_offices/housing/fhahistory).

**2010:** "The Dodd-Frank Wall Street Reform and Consumer Protection Act (P.L. 111-203) instituted new rules related to mortgages intended to protect consumers and the financial system from some of the lending practices that preceded the financial crisis, among other reforms."<sup>176</sup>

**2012:** "The Obama administration create[d] the Rental Assistance Demonstration program, which authorize[d] the transformation of public housing into private-sector Section 8 housing."<sup>177</sup>

**2012:** "The Section 8 waiting lists stretch so long that nearly half of them are simply closed."<sup>178</sup>

**Today:** "Today's federal housing assistance programs fall into three main categories: rental housing assistance, assistance to state and local governments, and assistance for homeowners. Most of these programs are administered by the Department of Housing and Urban Development (HUD). Current housing assistance programs include Section 8 vouchers and project-based rental assistance, public housing, housing for the elderly (Section 202), housing for persons with disabilities (Section 811), rural rental assistance (the United States Department of Agriculture's Section 521 program), Community Development Block Grants (CDBG), HOME Investment Partnerships Block Grants, Low-Income Housing Tax Credits (LIHTC), homeless assistance programs, Federal Housing Authority (FHA) and Department of Veterans Affairs mortgage insurance, and the mortgage interest deduction in the tax code."<sup>179</sup>

"Most federal housing assistance programs are aimed at making housing affordable for low-income families. Affordability – defined as housing that costs no more than 30% of a family's income – is considered to be the largest housing problem today. Rental assistance programs, which are the largest source of direct housing assistance for low-income families, all allow families to pay affordable, income-based rents; however, different forms of assistance target different types of households including the elderly, persons with disabilities, and families with children."<sup>180</sup>

## Housing policy in Washington state

This section covers notable housing policy milestones in Washington state, with a focus on land-use policies or those policies that contribute extensively to affordable housing. Additional policies, including financial policies, can be found in the report titled "[There's No Place Like Home... Because There's No Place Like Washington! Summary of Washington State Housing-Related Legislation](#)" (2019) by the Washington State Housing Finance Commission.

**1939: Public Housing Authorities (RCW 35.82)** - In the late 1930s and early 1940s, Washington authorized the creation of public housing authorities in response to an appeal from the federal government to give greater access to affordable housing to residents.<sup>181</sup>

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<sup>176</sup> CRS, "Overview of Federal Housing Assistance Programs and Policy," (Updated 2019), p. 9, <https://crsreports.congress.gov/product/pdf/RL/RL34591>.

<sup>177</sup> The Nation, "151 Years of America's Housing History," (May 24, 2018), <https://www.thenation.com/article/archive/americas-housing-history/>.

<sup>178</sup> Ibid. (*The Nation*)

<sup>179</sup> CRS, "Overview of Federal Housing Assistance Programs and Policy," (Updated 2019), Overview, <https://crsreports.congress.gov/product/pdf/RL/RL34591>.

<sup>180</sup> CRS, "Overview of Federal Housing Assistance Programs and Policy," (Updated 2019), Overview, <https://crsreports.congress.gov/product/pdf/RL/RL34591>.

<sup>181</sup> Washington State Housing Finance Commission (WSHFC), "There's No Place Like Home... Because There's No Place Like Washington!" (July 1, 2019), p. 54, <http://wshfc.org/admin/LegislationSummary.pdf>.

**1981: Rent Control (RCW 36.01.130)** - Rent control is prohibited.

**1982: Creates and Supports Homeless Shelters (Operating Budget)** - The state committed a \$1 million appropriation for operating support of homeless shelters, the first commitment of public funds for housing in Washington state by the Legislature. Today, the Legislature continues to support homeless shelters through funding sources including the Emergency Shelter Assistance Program (ESAP), Emergency Shelter Homeless Prevention (ESHP) and Overnight Youth Shelter (OYS) programs.<sup>182</sup>

**1982: Real Estate Excise Tax 1 (RCW 82.46.010)** - Cities and counties were given the option of levying a local 0.25% real estate excise tax (REET) to pay for capital projects. "If a county imposes this tax, it is applied within the unincorporated areas only. This tax may be imposed by the legislative body and does not require voter approval. Almost all cities, towns, and counties in the state have imposed REET 1, with the exception of a few very small jurisdictions. [These] REET 1 revenues are restricted and may only be used for certain purposes. However, the exact purposes depend on the jurisdiction's population and whether or not it is fully planning under the Growth Management Act (GMA)."<sup>183</sup>

**1983: Washington State Housing Finance Commission (RCW 43.180)** - Washington became one of the last states to establish a housing finance agency, amidst a recession that included high unemployment and mortgage interest rates exceeding 20%. Housing advocates, lenders and businesspeople worked together to establish the commission as a public-private partnership with the intention of helping the economy.<sup>184</sup>

**1986: Housing Trust Fund Created (E2SSB 4626; RCW 53.185 & 43.185A)** - The Housing Trust Fund and the Housing Assistance Program were "created 'to assist low and very low-income citizens in meeting their basic housing needs.' In 1991, the Housing Trust Fund was expanded to include the Affordable Housing Program, serving households at or below 80% of area median income and creating down payment assistance opportunities. Opened with a \$1 million investment in 1986, the Washington Housing Trust Fund (HTF) has become the primary vehicle for the state's direct investment in affordable housing. The HTF supports the construction, acquisition or rehabilitation of more affordable housing every two years when fully funded; creates rental and homeownership opportunities in every region of the state for low-income people (more than 70% of units serve extremely low-income people); and supports special needs housing for clients of the Department of Social and Health Services and the Department of Health."<sup>185</sup>

**1990: Growth Management Act (SHB 2929; RCW 36.70A)** - The Growth Management Act (GMA) is a series of state statutes that required fast-growing cities and counties to develop a comprehensive plan to prepare for and manage their population growth. Comprehensive plans must address 13 goals, including affordable housing.<sup>186</sup> Within the comprehensive plans, counties that are required to or have elected to plan must develop housing policies to ensure there is adequate housing for the future.

**1993: Authorizing Conversion of Surplus Public Property to Use for Affordable Housing (EHB 1824; Amending RCW 43.63A.510, 36.34.135, and 47.12.063)** - "With concern that local governments and school districts may have under-utilized land and buildings, the Legislature directed the Department of Community

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<sup>182</sup> Ibid, p. 54. (WSHFC)

<sup>183</sup> MRSC, "Real Estate Excise Tax" (last updated January 19, 2021), <http://mrsc.org/Home/Explore-Topics/Finance/Revenues/Real-Estate-Excise-Tax.aspx>.

<sup>184</sup> Washington State Housing Finance Commission (WSHFC), "There's No Place Like Home... Because There's No Place Like Washington!" (July 1, 2019), p. 54, <http://wshfc.org/admin/LegislationSummary.pdf>.

<sup>185</sup> Ibid, p. 53. (WSHFC)

<sup>186</sup> MRSC, "Growth Management Act" (last updated January 15, 2020), <http://mrsc.org/Home/Explore-Topics/Planning/General-Planning-and-Growth-Management/Comprehensive-Planning-Growth-Management.aspx>.

Development to work on an inventory of state-owned land and buildings for possible lease as sites for affordable housing. In doing so, this act provides a centrally located inventory of state and publicly owned land and buildings that may be suitable to be marketed, sold, leased, or exchanged for the development of affordable housing; and encourages an effective use of publicly owned surplus property."<sup>187</sup>

**1993: Housing Policy Act and the Affordable Housing Advisory Board (SB 5584; RCW 43.185B.020, RCW 43.63A)** - The Housing Policy Act established "the policy base for the state's involvement in housing" and created the Affordable Housing Advisory Board (AHAB) to advise the Department of Commerce on housing policy issues. With a broad board of 19 representing various public and private housing interests, the group studies housing issues and recommends solutions. "Their recommendations have become the basis for countless pieces of successful housing legislation."<sup>188</sup> This act also established that local governments shall allow accessory apartments or accessory dwelling units in cities over 20,000 and counties over 125,000 in population.

**1993: Mobile Home Landlord Tenant Act (SB 5482)** - Allowed a qualified mobile home park tenant organization consisting of 60% of tenants to have the opportunity to purchase the park should the park be put up for sale. The tenant organization must provide a fully executed purchase sale agreement to the owner with 1% of the purchase price within 90 days.<sup>189</sup>

**1995: Property Tax Exemption Supports Urban Housing Projects (2SSB 5387; RCW 84.14.020)** - "The Legislature granted a 10-year property tax exemption for urban housing preservation and renewal projects in locally designated areas. The exemption created an incentive for housing developers to acquire and rehabilitate abandoned buildings or construct new apartments in dilapidated urban centers, bringing residents back downtown. The exemption is an economic development tool for local governments to attract multifamily rental and ownership housing in neighborhoods targeted for growth. The program was for cities with populations above 50,000."<sup>190</sup> This law has had multiple modifications over the years (1997 through SB 6094; 2000 through HB 2505; 2002 through SHB 2466; key changes in 2007 through E2SHB 1910 to create the current eligibility for cities and the current eight- and 12-year tax exemptions; 2012 through SB 6277) and has become what today is often referred to as the Multi-Family Tax Exemption (MFTE) program.

**1997: Growth Management Modifications, including Review and Evaluation or Buildable Lands Program ([ESB 6094](#), [RCW 36.70A.215](#))** - A number of modifications to the Growth Management Act (GMA) were enacted in 1997, including the Review and Evaluation Program under [RCW 36.70A.215](#), which is often referred to as the Buildable Lands Program. The Buildable Lands Program "require[d] that Clark, King, Kitsap, Pierce, Snohomish, Thurston and Whatcom (as of 2017) Counties and the cities within them complete a Buildable Lands report every eight years. The Buildable Lands reports are a look back at actual development to determine if cities and counties have designated adequate amounts of residential, commercial and industrial lands to meet the growth needs incorporated in their comprehensive plans. ... Guidelines for local governments were adopted in 2000 and technical summaries were prepared and issued in 2003 and 2007. In 2017 a number of changes were made to the Review and Evaluation Program through [E2SSB 5254](#)."<sup>191</sup>

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<sup>187</sup> Washington State Housing Finance Commission (WSHFC), "There's No Place Like Home... Because There's No Place Like Washington!" (July 1, 2019), p. 51, <http://wshfc.org/admin/LegislationSummary.pdf>.

<sup>188</sup> Ibid, p. 52. (WSHFC)

<sup>189</sup> Ibid, p. 52. (WSHFC)

<sup>190</sup> Ibid, p. 50. (WSHFC)

<sup>191</sup> Washington State Department of Commerce, "Buildable Lands Program Overview." <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/buildable-lands/>.

**1998: Public Housing Authorities (HB 2175; Amending RCW 35.82)** - This law gave the Housing Finance Commission "compliance and enforcement abilities by allowing it to impose covenants running with the land."<sup>192</sup>

**1999: Nonprofit Multifamily Low-income Rental Properties Exempt from Property Taxes (HB 1345; RCW 84.36.560)**

**2002: Real Estate Excise Tax for Affordable Housing (SB 5965; Adding a new section to 82.46 RCW)** - "An additional real estate excise tax [was] authorized for counties equal to 0.5 percent of the selling price to be used exclusively for the development of affordable housing, including the acquisition, building, rehabilitation, maintenance and operation of housing for very low, low- and moderate income persons and those with special needs."<sup>193</sup>

**2002: Low Income Housing \$10 Surcharge - The Affordable Housing for All Surcharge (HB 2060; RCW 36.22.178)** - "Recognizing the need for additional housing resources, and also understanding that affordable rents for extremely low-income people are not sufficient to cover the cost of building operations and maintenance, in 2002 the Legislature established a \$10 document recording fee to support both the development and operation of affordable housing. At the county level, this funding supports a variety of affordable housing needs for households at or below 50% of area median income. At the state level, fees are used to provide Operating and Maintenance (O&M) grants to subsidize the cost of serving households at or below 30% of area median income."<sup>194</sup> This surcharge was renamed in 2007 (E2SHB 1359) as the Affordable Housing for All Surcharge.

**2004: Manufactured Homes Regulation (SB 6593)** - "This law require[d] that cities and counties must regulate manufactured homes built to federal manufactured housing construction standards no differently than they regulate other types of homes."<sup>195</sup> See [RCW 35.21.684](#), [RCW 35A.21.312](#) and [RCW 36.01.225](#).

**2005: Homeless Housing Task Force (SSB 5787; adding a new Chapter to section 43 RCW)** - "Created a homeless housing task force in each county to develop a ten-year plan addressing short- and long-term housing solutions for the homeless; provided guidelines and other conditions for participation or opting out."<sup>196</sup>

**2005: Homeless Housing and Assistance Act (E2SHB 2163; RCW 43.185C)** - Created with a goal to reduce homelessness, this act created a requirement for a statewide homeless housing strategic plan with performance measures and goals to reduce homelessness. Thirty-seven counties also participate and create their own local homeless housing plans. "The Homeless Housing and Assistance Program is funded by a \$10 surcharge for certain documents recorded by the county auditor. The Homeless surcharge generates around \$16 million each year to support programs. Of that \$10 surcharge roughly 60% remains at the county level and 40% are deposited into the state Home Security Fund. The Department of Commerce uses these funds to create the statewide homeless housing strategic plan, administer the Homeless Housing and Assistance

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<sup>192</sup> Washington State Housing Finance Commission (WSHFC), "There's No Place Like Home... Because There's No Place Like Washington!" (July 1, 2019), p. 48, <http://wshfc.org/admin/LegislationSummary.pdf>.

<sup>193</sup> Ibid, p. 44-45. (WSHFC)

<sup>194</sup> Ibid, p. 43. (WSHFC)

<sup>195</sup> MRSC, "Local Land Use Regulation of Manufactured Housing," (last modified July 2, 2018), <http://mrsc.org/Home/Explore-Topics/Planning/Development-Regulations/Local-Land-Use-Regulation-of-Manufactured-Housing.aspx>.

<sup>196</sup> Washington State Housing Finance Commission (WSHFC), "There's No Place Like Home... Because There's No Place Like Washington!" (July 1, 2019), p. 42, <http://wshfc.org/admin/LegislationSummary.pdf>.

program, measure program performance, provide technical assistance to local governments, and manage the homeless housing grant program."<sup>197</sup>

**2006: Inclusionary Zoning Bill (ESHB 2984; Amending RCW 82.02 and adding a section to 36.70A RCW) -**

"Jurisdictions fully planning under the Growth Management Act may enact or expand affordable housing incentive programs providing for the development of low-income housing units through development regulations under certain income guidelines and other conditions (commonly referred to as the "inclusionary zoning bill")."<sup>198</sup>

**2007: Affordable Housing Land Acquisition Program (2SHB 1401; RCW 43.185A.110) -** The Affordable Housing Land Acquisition Program (LAP) was created as a revolving loan fund to meet the challenge of low-income housing developers obtaining funds quickly enough to purchase and hold land for affordable housing development.<sup>199</sup>

**2007: Affordable Housing for All Surcharges (ESHB 1359; RCW 36.22.1791) -** "This bill added an additional \$8 document recording fee surcharge to support low-income housing projects. Counties must use their funds (90% of the total funds collected) for housing activities which directly accomplish the goals of the county's local homeless housing plan. The portion of revenue due to the state (10%) is remitted to the Home Security Fund and the Department of Commerce uses these funds to provide housing and shelter for extremely low-income households and for program administration, housing and shelter assistance for homeless persons, and the Homeless Housing Grant Program."<sup>200</sup>

**2008: The Rapid Response Loan Program (EHB 3142; RCW 43.185A.210) -** Similar to the Affordable Housing for All program (2007), this local program was created "to quickly assist Washington nonprofit organizations purchase real property (including land, buildings or mobile home parks) for the preservation or development of affordable housing and community facilities. ... Applicant properties must be located in rapidly gentrifying or redeveloping areas, or in communities with a significant low-income population that is threatened with displacement."<sup>201</sup>

**2008: Protecting Apartment Dwellers in the Event of "Condominium Conversions" (SHB 2014; RCW 64.34.440) -** This program gave existing apartment tenants 120-day notice in the event of a condominium conversion. With this program, the Legislature recognized the right of property owners to convert properties, but sought a balance with renters' well-being.<sup>202</sup>

**2008: Protecting Manufactured/Mobile Home Communities (E2SHB 1621; RCW 59.20.300) -** "E2SHB 1621 require[d] landlords [of manufactured housing communities] to alert the Department of Commerce and the community's tenants if their community is for sale. The bill also require[d] that landlords negotiate in good faith either with a tenant organization, a nonprofit organization, local government or Indian tribe interested in preserving the property for manufactured housing. The Legislature went further to incentivize landlords to consider such a sale by exempting sales to these groups from the state and local Real Estate Excise Tax (REET)."<sup>203</sup>

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<sup>197</sup> Ibid, p. 41. (WSHFC)

<sup>198</sup> Ibid, p. 40. (WSHFC)

<sup>199</sup> Ibid, p. 38. (WSHFC)

<sup>200</sup> Ibid, p. 37. (WSHFC)

<sup>201</sup> Ibid, p. 36. (WSHFC)

<sup>202</sup> Ibid, p. 35. (WSHFC)

<sup>203</sup> Ibid, p. 34. (WSHFC)

**2009: Concerning Affordable Housing Incentive programs (EHB 1464; RCW 36.70A.540)** - "Within the GMA, incentive programs were encouraged, in order to facilitate the construction of affordable housing within the larger context of urban planning and zoning. The key language in EHB 1464 is that it changed 'construction' to 'development.' In so doing, the bill changed the law to allow for incentives to be granted even where no new construction was occurring, but where low-income units were being developed (i.e., acquisition/rehab or converting market rate units to affordable units). It also allowed for greater flexibility regarding location of the units (in the general area, as opposed to in adjacent buildings) as well as the type of development within which the units are located. The bill also allowed for a mechanism by which individual jurisdictions could accept money or property from developers who chose not to build affordable housing within the areas designated for the incentive programs, so long as the jurisdiction deemed said payments to achieve a result equal to or better than providing the affordable housing itself."<sup>204</sup>

**2010: Homeless Camps on Church Properties (ESHB 1956; RCW 35A.21.360, RCW 36.01.290, RCW 35.21.915)** - "ESHB 1956 authorized religious organizations to host temporary encampments for the homeless on any property owned or controlled by such organizations. It went further by precluding counties, cities and towns from enacting regulations that impose any conditions, other than those for health and safety concerns, upon religious institutions; imposing excessive fees for permitting the encampments; or requiring the religious institutions to obtain liability insurance for the encampments or from indemnifying the municipalities against such liability."<sup>205</sup> In 2020, this act was amended with [ESHB 1754](#) to institute additional limitations, public noticing requirements and safety precautions for these temporary encampments.

**2012: Creating an exemption from impact fees for low-income housing (EHB 1398; RCW Amend RCW 82.02.060)** - Twenty-eight of Washington's 39 counties, and the cities within those counties, are planning jurisdictions defined under the Growth Management Act. "Planning jurisdictions may impose impact fees on development activity as part of the financing of public facilities needed to serve new growth and development. These jurisdictions may provide an exemption for low-income housing and other development activities with a broad public purpose. These exemptions are not required to be paid from public funds other than impact fee accounts. The legislation stipulate[d] that a covenant must be recorded by the developer prohibiting the use of the property for anything other than low income housing."<sup>206</sup>

**2016: Disposing tax foreclosed property to cities for affordable housing purposes (SSB 6337)** - "Prior to disposing of tax-foreclosed property, the county legislative authority gives notice to any city in which any tax foreclosed property is located within 60 days of acquiring the property. This notice must offer the city the opportunity to purchase property for the original minimum bid under RCW 84.64.080 plus any direct costs incurred by the county in the sale."<sup>207</sup>

**2017: Clarifying the type of land eligible for purchase under the affordable housing land acquisition revolving loan program (HB 1616)** - "The type of allowable land that loans may be made for, under the Affordable Housing Land Acquisition Revolving Loan Fund Program, is expanded to include vacant or improved land."<sup>208</sup>

**2018: Expanding access to homeless housing and assistance (HB 1570)** - An additional increase in real estate document recording fees helped an additional 11,500 people who are experiencing homelessness or at risk of homelessness access housing assistance and services. This surcharge for local homeless housing and

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<sup>204</sup> Ibid, p. 32. (WSHFC)

<sup>205</sup> Ibid, p. 30. (WSHFC)

<sup>206</sup> Ibid, p. 24. (WSHFC)

<sup>207</sup> Ibid, p. 18. (WSHFC)

<sup>208</sup> Ibid, p. 14. (WSHFC)

assistance in RCW 36.22.179 "is the state's primary source for funding homelessness services and is split between the state and counties so local communities can quickly address their most pressing needs. The increase will generate approximately \$26 million each year to fight homelessness. Additionally, this bill remove[d] the expiration date on the fee so that communities have a permanent and reliable source of funding to reduce homelessness."<sup>209</sup>

**2018: Tiny homes (HB 1085)** - Gave "local governments the authority to modify minimum floor-space requirements to accommodate innovative forms of affordable housing."<sup>210</sup>

**2019: Tiny home communities (ESSB 5383)** - "Provide[d] that cities and counties may adopt ordinances regulating the creation of tiny house communities, including using the binding site plan method. They may not adopt ordinances that prevent entry or require removal of a tiny house with wheels used as a primary residence in a manufactured/mobile home community if the house contains at least one internal toilet and one internal shower unless these are provided by the community. The owner of the land must make reasonable accommodations for utility hookups in compliance with MHLTA. Tiny houses and tiny house communities are defined in the act and may be subject to certain standards and the State Building Code Council must adopt tiny house standards by the end of 2019."<sup>211</sup>

**2019: An act relating to increasing urban residential building capacity (E2SHB 1923)** - This act removed barriers to building affordable homes by providing incentives to local jurisdictions to increase housing supply and reduce barriers to developing housing. The act authorized grants to support cities developing and adopting action plan; "exempt[ed] from appeal under state SEPA and GMA certain non-project actions taken by cities to increase residential capacity; authorize[d] grants for certain cities that take certain actions to increase residential building capacity; direct[ed] the WA Center for Real Estate Research at University of Washington to prepare a biennial report on housing supply and affordability; establish[ed] minimum residential parking requirements in certain cities; and, create[d] a document recording fee to be deposited into the GMA Planning and Environmental Review Fund."<sup>212</sup> This act also updated definitions for affordable housing and mandated that cities may not prohibit permanent supportive housing in areas where multifamily housing is permitted.

**2019: An act relating to encouraging investments in affordable housing and supportive housing (SHB 1406)** - "This act authorize[d] the governing body of a county or city to impose a local sales tax, credited against the state sales tax, for affordable and supportive housing."<sup>213</sup>

**2019: Concerning affordable housing development on religious property (HB 1377)** - "Require[d] certain cities and counties engaged in comprehensive planning to allow an increased density bonus for certain affordable housing development on property owned or controlled by a religious organization."<sup>214</sup>

**2019: An act relating to providing cities and counties authority to use real estate excise taxes to support affordable housing and homeless projects (EHB 1219)** - "Authorize[d] counties and cities required to plan or who are planning under the Growth Management Act to use real estate excise tax (REET 2) revenue for the

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<sup>209</sup> Ibid, p. 11. (WSHFC)

<sup>210</sup> Ibid, p. 10. (WSHFC)

<sup>211</sup> Ibid, p. 8. (WSHFC)

<sup>212</sup> Ibid, p. 5. (WSHFC)

<sup>213</sup> Ibid, p. 3. (WSHFC)

<sup>214</sup> Ibid, p. 3. (WSHFC)

planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of facilities for persons experiencing homelessness and affordable housing projects until January 1, 2026."<sup>215</sup>

See Commerce's [Washington State Housing Laws of 2019 through 2023](#) for information on the latest housing policy updates.

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<sup>215</sup> Ibid, p. 3. (WSHFC)