

What is Middle Housing?

Middle housing is defined as buildings that are compatible in scale, form, and character within existing single-family neighborhoods, and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing. A city must allow at least 6 of the 9 types of middle housing and may allow ADUs to achieve the minimum density requirements.

This bill does not prohibit single-family homes from being built on any lots zoned for middle housing.

Allowed Housing Types



Cities with a population **under 25k**

No middle housing requirements



Cities with a population **of 25k-75k**

Must include authorization for at least:

- 2 units per lot
- 4 units per lot within 0.25 miles walking distance of a major transit stop
- 4 units per lot if at least one unit is affordable housing



Cities with a population **of at least 75k**

Must include authorization for at least:

- 4 units per lot
- 6 units per lot within 0.25 miles walking distance of a major transit stop
- 6 units per lot if at least two units are affordable housing

A major transit stop includes a stop on a high-capacity transportation system, commuter rail stops, stops on rail or fixed guideway systems, and stops on bus rapid transit routes.

To qualify as affordable housing, the unit must be maintained as affordable for at least 50 years and record a covenant or deed restriction that ensures continued affordability. The affordable units also must be comparable in size and number of bedrooms to other units and be generally distributed throughout the development.

Zero Lot Line

Cities must also allow zero lot line short subdivisions where the number of lots created is equal to the unit density required.

Parking Minimums

- Cities may not require off-street parking as a condition of permitting development of middle housing within 0.5 miles walking distance of a major transit stop.
- Cities may not require more than 1 off-street parking space per unit as a condition of permitting development of middle housing on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits.
- Cities may not require more than 2 off-street parking spaces per unit as a condition of permitting development of middle housing on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

Questions?

Contact BIAW Legislative Director
Josie Cummings at josiec@biaw.com

Alternative Optional Density Requirement Pathway for Cities

A city subject to the density requirements may choose to implement the density requirements for at least 75 percent of lots in the city that are primarily dedicated to single-family detached housing units. The 75 percent of lots allowing the minimum density requirements must include any areas:

- For which the exclusion would result in racially disparate impacts or result in zoning with a discriminatory effect
- Within 0.5 miles walking distance of a major transit stop
- Historically covered by a covenant or deed restriction excluding racial minorities from owning property or living in the area, as known to the city at the time of each comprehensive plan update

The 25 percent of lots for which the minimum density requirements are not authorized must include:

- Any areas for which Commerce has certified an extension due to the risk of displacement or lack of infrastructure capacity
- Any lots designated with critical areas or their buffers
- Any portion of a city within a 1-mile radius of a commercial airport with at least 9 million annual enplanements that is exempt from the parking requirements
- Any areas subject to sea level rise, increased flooding, susceptible to wildfires, or geological hazards over the next 100 years

Cities may ask the Department of Commerce for a delay in implementation in specific areas where a city can demonstrate that water, sewer, stormwater, transportation infrastructure—including facilities and transit services—or fire protection services lack capacity to accommodate an increased density.

To qualify for an extension, the city must have:

- Included one or more improvements, as needed, within its capital facilities plan to adequately increase capacity
- Identified which special district is responsible for providing the necessary infrastructure

Any granted extension remains in effect until the earliest of:

- The infrastructure is improved to accommodate the capacity
- The city's deadline to complete its next periodic comprehensive plan update
- The city's deadline to complete its comprehensive plan implementation progress

Implementation Date

6 months after the cities next periodic comprehensive plan update if the city meets the population threshold based on the 2020 office of financial management population data

OR

12 months after their next implementation progress report required under RCW 36.70A.130 after a determination by the office of financial management that the city has reached a population threshold established under this section.

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