

---

HOUSE BILL 2279

---

State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Darneille, Springer, Pettigrew, O'Brien, Hasegawa  
and Santos

Read first time 02/16/2007. Referred to Committee on Housing.

1            AN ACT Relating to prohibiting discrimination against affordable  
2 housing developments; adding a new chapter to Title 43 RCW; and  
3 creating a new section.

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

5            NEW SECTION.    **Sec. 1.** It is the public policy of the state to  
6 assist in making affordable housing available throughout the state.  
7 The legislature recognizes that despite ongoing efforts there is still  
8 a lack of affordable housing in many areas. The legislature also  
9 recognizes that some local governments have imposed development  
10 requirements on affordable housing developments that are not generally  
11 imposed on other housing developments. The intent of this legislature  
12 is to prohibit discrimination against affordable housing developments.

13            NEW SECTION.    **Sec. 2.** The definitions in this section apply  
14 throughout this chapter unless the context clearly requires otherwise.

15            (1) "Affordable housing development" means a housing development in  
16 which at least twenty-five percent of the dwelling units within the  
17 development are set aside for or are occupied by low-income households

1 at a sales price or rent amount that is considered affordable by a  
2 federal, state, or local government housing program.

3 (2) "Dwelling unit" means that part of a housing development that  
4 is used as a home, residence, or place to sleep by one person or two or  
5 more persons maintaining a common household.

6 (3) "Housing development" means a proposed or existing structure  
7 that is used as a home, residence, or place to sleep by one or more  
8 persons including, but not limited to, single-family residences,  
9 manufactured homes, multifamily housing, group homes, and foster care  
10 facilities.

11 (4) "Low-income household" means a single person, family, or  
12 unrelated persons living together whose adjusted income is less than  
13 eighty percent of the median family income, adjusted for household  
14 size, for the county where the affordable housing development is  
15 located.

16 (5) "Requirement" means any obligations or constraints in any form  
17 including, without limitation, the enactment, enforcement, application,  
18 administration, or maintenance of an ordinance, development regulation,  
19 zoning regulation, official control, policy, procedure, administrative  
20 practice, approval standard, condition, special condition, or standard  
21 of review.

22 NEW SECTION. **Sec. 3.** (1) A city, county, or other local  
23 governmental entity or agency may not adopt, impose, or enforce  
24 requirements on an affordable housing development that are different  
25 than the requirements imposed on housing developments generally.

26 (2) A city, county, or other local governmental entity or agency  
27 may not adopt, impose, or enforce requirements affecting affordable  
28 housing developments that are unclear and not objective or that, either  
29 in themselves or cumulatively, discourage housing for homeless persons,  
30 farmworkers, persons with disabilities, or other low-income households  
31 through unreasonable cost or delay or by discriminating against such  
32 housing.

33 (3) A city, county, or other local governmental entity or agency  
34 shall not prohibit or regulate any affordable housing development for  
35 any of the following reasons:

36 (a) The owner of the affordable housing development has secured a  
37 commitment for financing to acquire, construct, renovate, or otherwise

1 convert the housing development to provide housing for homeless  
2 persons, farmworkers, persons with disabilities, or low-income  
3 households, in whole or in part, from a federal, state, or local  
4 governmental entity or agency or a private nonprofit organization;

5 (b) Race, sex, color, creed, ethnicity, national origin, ancestry,  
6 lawful occupation, familial status, sexual orientation, disability, or  
7 age of the owners or intended occupants of an affordable housing  
8 development;

9 (c) The affordable housing development is intended for occupancy by  
10 homeless persons, farmworkers, persons with disabilities, or low-income  
11 households;

12 (d) On-site or off-site support services are or will be available  
13 to address the special needs of the occupants of the affordable housing  
14 development;

15 (e) The affordable housing development is owned by a nonprofit  
16 entity as defined in RCW 84.36.560(7) or by a housing authority as  
17 defined in RCW 35.82.020; or

18 (f) The affordable housing development is exempt from property  
19 taxation under chapter 35.82 or 84.36 RCW.

20 (4) An action contrary to this section by any city, county, or  
21 other local governmental entity or agency is a violation of this  
22 section. Any person or entity injured by a violation of this section,  
23 including any member of a low-income household who meets the  
24 eligibility standards for residency in the affordable housing  
25 development and is affected by such violation, may pursue a civil  
26 action in a court of competent jurisdiction to enjoin further  
27 violations or to recover actual damages sustained, or both, together  
28 with the costs of the suit, including reasonable attorneys' fees.

29 (5) The adverse treatment and the discrimination prohibited in this  
30 section includes, without limitation:

31 (a) The denial or conditioning of an affordable housing development  
32 due to, in whole or in part, any of the reasons set forth in subsection  
33 (3)(a) through (f) of this section;

34 (b) The disproportionate impact of a requirement; and

35 (c) The failure to make a decision in a timely manner or the  
36 failure to take an action.

37 (6) This section does not prohibit any city, county, or other local  
38 governmental entity or agency from extending preferential treatment to

1 affordable housing developments intended for occupancy by homeless  
2 persons, farmworkers, or low-income households. Preferential treatment  
3 may include, but is not limited to: A reduction or waiver of fees or  
4 changes in applicable requirements including, without limitation,  
5 architectural requirements, site development requirements, property  
6 line requirements, building setback requirements, or vehicle parking  
7 requirements; or other treatment that reduces or is likely to reduce  
8 the development or operating costs of an affordable housing  
9 development.

10 NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act constitute a  
11 new chapter in Title 43 RCW.

--- END ---