
SUBSTITUTE SENATE BILL 5358

State of Washington

66th Legislature

2019 Regular Session

By Senate Housing Stability & Affordability (originally sponsored by Senators Saldaña, Fortunato, Wellman, Zeiger, Kuderer, Cleveland, Keiser, Nguyen, Conway, Hobbs, Van De Wege, Das, Dhingra, Warnick, and Hunt)

READ FIRST TIME 02/05/19.

1 AN ACT Relating to affordable housing development on religious
2 organization property; adding a new section to chapter 35.63 RCW;
3 adding a new section to chapter 35A.63 RCW; adding a new section to
4 chapter 36.70A RCW; and adding a new section to chapter 44.28 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.63
7 RCW to read as follows:

8 (1) A city planning under this chapter must allow an increased
9 density bonus consistent with local needs for any affordable housing
10 development of any single-family or multifamily residence located on
11 real property owned or controlled by a religious organization
12 provided that:

13 (a) The affordable housing development is set aside for or
14 occupied exclusively by low-income households;

15 (b) The affordable housing development is part of a lease or
16 other binding obligation that requires the development to be used
17 exclusively for affordable housing purposes for at least forty years,
18 even if the religious organization no longer owns the property; and

19 (c) The affordable housing development does not discriminate
20 against any person who qualifies as a member of a low-income
21 household based on race, creed, color, national origin, sex, veteran

1 or military status, sexual orientation, or mental or physical
2 disability; or otherwise act in violation of the federal fair housing
3 amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

4 (2) A city may develop policies to implement this section if it
5 receives a request from a religious organization for an increased
6 density bonus for an affordable housing development.

7 (3) The religious organization developing the affordable housing
8 development must pay all fees, mitigation costs, and other charges
9 required through the development of the affordable housing
10 development.

11 (4) The religious organization developing the affordable housing
12 development should work with the local transit agency to ensure
13 appropriate transit services are provided to the affordable housing
14 development.

15 (5) This section applies to any religious organization that has
16 already developed an affordable housing development for the purposes
17 of preserving or modifying the affordable housing development.

18 (6) For purposes of this section:

19 (a) "Affordable housing development" means a proposed or existing
20 structure in which one hundred percent of all single-family or
21 multifamily residential dwelling units within the development are set
22 aside for or are occupied by low-income households at a sales price
23 or rent amount that may not exceed thirty percent of the income limit
24 for the low-income housing unit;

25 (b) "Low-income household" means a single person, family, or
26 unrelated persons living together whose adjusted income is less than
27 eighty percent of the median family income, adjusted for household
28 size, for the county where the affordable housing development is
29 located; and

30 (c) "Religious organization" has the same meaning as in RCW
31 35A.21.360.

32 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.63
33 RCW to read as follows:

34 (1) A city planning under this chapter must allow an increased
35 density bonus consistent with local needs for any affordable housing
36 development of any single-family or multifamily residence located on
37 real property owned or controlled by a religious organization
38 provided that:

1 (a) The affordable housing development is set aside for or
2 occupied exclusively by low-income households;

3 (b) The affordable housing development is part of a lease or
4 other binding obligation that requires the development to be used
5 exclusively for affordable housing purposes for at least forty years,
6 even if the religious organization no longer owns the property; and

7 (c) The affordable housing development does not discriminate
8 against any person who qualifies as a member of a low-income
9 household based on race, creed, color, national origin, sex, veteran
10 or military status, sexual orientation, or mental or physical
11 disability; or otherwise act in violation of the federal fair housing
12 amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

13 (2) A city may develop policies to implement this section if it
14 receives a request from a religious organization for an increased
15 density bonus for an affordable housing development.

16 (3) The religious organization developing the affordable housing
17 development must pay all fees, mitigation costs, and other charges
18 required through the development of the affordable housing
19 development.

20 (4) The religious organization developing the affordable housing
21 development should work with the local transit agency to ensure
22 appropriate transit services are provided to the affordable housing
23 development.

24 (5) This section applies to any religious organization that has
25 already developed an affordable housing development for the purposes
26 of preserving or modifying the affordable housing development.

27 (6) For purposes of this section:

28 (a) "Affordable housing development" means a proposed or existing
29 structure in which one hundred percent of all single-family or
30 multifamily residential dwelling units within the development are set
31 aside for or are occupied by low-income households at a sales price
32 or rent amount that may not exceed thirty percent of the income limit
33 for the low-income housing unit;

34 (b) "Low-income household" means a single person, family, or
35 unrelated persons living together whose adjusted income is less than
36 eighty percent of the median family income, adjusted for household
37 size, for the county where the affordable housing development is
38 located; and

39 (c) "Religious organization" has the same meaning as in RCW
40 35A.21.360.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
2 RCW to read as follows:

3 (1) Any city or county fully planning under this chapter must
4 allow an increased density bonus consistent with local needs for any
5 affordable housing development of any single-family or multifamily
6 residence located on real property owned or controlled by a religious
7 organization provided that:

8 (a) The affordable housing development is set aside for or
9 occupied exclusively by low-income households;

10 (b) The affordable housing development is part of a lease or
11 other binding obligation that requires the development to be used
12 exclusively for affordable housing purposes for at least forty years,
13 even if the religious organization no longer owns the property; and

14 (c) The affordable housing development does not discriminate
15 against any person who qualifies as a member of a low-income
16 household based on race, creed, color, national origin, sex, veteran
17 or military status, sexual orientation, or mental or physical
18 disability; or otherwise act in violation of the federal fair housing
19 amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

20 (2) A city or county may develop policies to implement this
21 section if it receives a request from a religious organization for an
22 increased density bonus for an affordable housing development.

23 (3) An affordable housing development created by a religious
24 institution within a city or county fully planning under RCW
25 36.70A.040 must be located within an urban growth area as defined in
26 RCW 36.70A.110.

27 (4) The religious organization developing the affordable housing
28 development must pay all fees, mitigation costs, and other charges
29 required through the development of the affordable housing
30 development.

31 (5) The religious organization developing the affordable housing
32 development should work with the local transit agency to ensure
33 appropriate transit services are provided to the affordable housing
34 development.

35 (6) This section applies to any religious organization that has
36 already developed an affordable housing development for the purposes
37 of preserving or modifying the affordable housing development.

38 (7) For purposes of this section:

39 (a) "Affordable housing development" means a proposed or existing
40 structure in which one hundred percent of all single-family or

1 multifamily residential dwelling units within the development are set
2 aside for or are occupied by low-income households at a sales price
3 or rent amount that may not exceed thirty percent of the income limit
4 for the low-income housing unit;

5 (b) "Low-income household" means a single person, family, or
6 unrelated persons living together whose adjusted income is less than
7 eighty percent of the median family income, adjusted for household
8 size, for the county where the affordable housing development is
9 located; and

10 (c) "Religious organization" has the same meaning as in RCW
11 35A.21.360.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 44.28
13 RCW to read as follows:

14 The joint committee must review the efficacy of the increased
15 density bonus incentive for affordable housing development located on
16 property owned by a religious organization pursuant to this act and
17 report its findings to the appropriate committees of the legislature
18 by December 1, 2030. The review must include a recommendation on
19 whether this incentive should be continued without change or should
20 be amended or repealed.

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