

# SSAH<sup>3</sup>P Co-Living Model Ordinance

February 28<sup>th</sup>, 2024

This ordinance was drafted for South Sound Housing Affordability Partners (SSHA<sup>3</sup>P), in partnership with the Cities and Towns of DuPont, Edgewood, Fife, Fircrest, Gig Harbor, Lakewood, Puyallup, Steilacoom, and University Place, using funds from the Washington State Department of Commerce's Coordinating Low-Income Housing Planning (CLIHP) grant.

The Model Ordinance has two text styles meant to address implementation of Engrossed Substitute House Bill 1998, commonly referred to as "HB 1998":

- **Bold text in the Model Ordinance** represents provisions required by [RCW 36.70A.535](#).
- The non-bold text are standards that are optional for a city to use. Cities may choose to revise these optional standards, as well as adopt all, some, or none of the optional provisions.

## Recitals

AN ORDINANCE OF THE CITY/TOWN OF \_\_\_\_\_, WASHINGTON, IMPLEMENTING THE ENGROSSED SUBSTITUTE HOUSE BILL (ESHB) 1998, ADDING NEW SECTIONS \_\_\_\_\_, AMENDING SECTIONS \_\_\_\_\_, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 2024 the Washington State legislature passed Engrossed Substitute House Bill (ESHB) 1998 (chapter 180, Laws of 2024) related to co-living housing; and

WHEREAS, in passing ESHB 1998 (chapter 180, Laws of 2024) the State legislature found that Washington is facing a housing affordability crisis; and

WHEREAS the State legislature further found that many communities throughout Washington face a severe shortage of workforce housing, and co-living housing provides housing affordable to that income range and below, without public funding; and

WHEREAS, the State legislature further found:

Co-living housing is a residential development with sleeping units that are independently rented and provide living and sleeping space, in which residents share kitchen facilities with residents of other units in the building;

Co-living housing historically provided a healthy inventory of rental homes on the lowest rung of the private housing market;

Co-living housing reduces pressure on the limited amount of publicly funded affordable housing by providing housing that is affordable to lower income residents who might otherwise wait years for subsidized housing;

Co-living housing provides options for people who: wish to lower their housing expenses by paying less for a smaller home; prefer a living arrangement with shared community spaces that facilitate social connections; wish to trade off location for space and, by living in a small home, also get to live in a high opportunity neighborhood they could not otherwise afford; or want a low-cost, more private alternative to having a roommate in a traditional rental;

Co-living housing reduces demand for family-sized rentals from singles who would otherwise group together to rent large homes;

Co-living housing provides a good option for seniors, especially those who want to downsize, or those who desire a living arrangement that is more social than a standard apartment and when located in walkable neighborhoods, co-living housing gives mobility options to seniors who can no longer drive;

Co-living housing is well-suited for people of diverse incomes, including low and very-low income households;

State building codes have established minimum sizes and other standards to ensure that co-living housing meets modern health and safety standards;

Creating co-living housing near transit hubs, employment centers, and public amenities can help the state achieve its greenhouse gas reduction goals by increasing walkability, shortening household commutes, curtailing sprawl, and reducing the pressure to develop natural and working lands; and

Co-living housing, because the units are small, is inherently more energy efficient than standard apartments, both saving residents money and reducing the state's energy demand.

WHEREAS, on \_\_\_\_\_, the city/town transmitted a copy of the proposed ordinance to the Washington State Department of Commerce in accordance with RCW 36.70A.106 at least 60 days in advance of adoption for the required 60-day State review period; and

WHEREAS, on \_\_\_\_\_, the city/town issued a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) on the proposed ordinance, which is a non-project proposal; and

WHEREAS, during the course of developing the proposed ordinance, various means of public outreach were used including, but not limited to, \_\_\_\_\_; and

WHEREAS, the city/town planning commission held work sessions on \_\_\_\_\_ to study and review matters related to implementing RCW 36.70A.535; and

WHEREAS, on \_\_\_\_\_, the city/town Planning Commission held a duly noticed public hearing on the proposed ordinance, accepted testimony and made a recommendation to the \_\_\_\_\_city/town council; and

WHEREAS, on \_\_\_\_\_, the city/town council held a duly noticed public hearing to consider the planning commission recommendation and accept public testimony; and

WHEREAS, adoption of the ordinance will bring the city/town into compliance with RCW 36.70A.535 and will serve the general welfare of the public;

NOW THEREFORE BE IT ORDAINED BY THE CITY/TOWN COUNCIL AS FOLLOWS

## Section 1 – Purpose

The purpose of this middle housing ordinance (“ordinance”) is to implement Engrossed Substitute House Bill 1998, codified in RCW 36.70A.535, by providing land use, development, design, and other standards for co-living housing to be developed on all lots zoned to allow at least six multifamily units.

## Section 2 – General Provisions

- A. Nothing in this ordinance prevents the city from setting development regulations related to density, parking, open space, design standards, or sewer connection fees for multifamily housing.
- B. **The city shall not require through development regulations any standards for co-living housing that are more restrictive than those that are required for other types of multifamily residential uses in the same zone.**
- C. **The city shall only require a review, notice, or public meeting for co-living housing that is required for other types of residential uses in the same location, unless otherwise required by state law including, but not limited to, shoreline regulations under chapter [90.58](#) RCW.**
- D. **The city shall not exclude co-living housing from participating in affordable housing incentive programs under RCW [36.70A.540](#).**
- E. Conflicts. In the event of a conflict between this ordinance and other development regulations applicable to co-living, the standards of this ordinance control except that, this subsection shall not apply to shoreline regulations under Chapter 90.58.RCW.

## Section 3 – Definitions

The following definitions shall apply for the purposes of this ordinance, notwithstanding other definitions in the city’s development regulations:

**“Co-living” means a residential development with sleeping units that are independently rented or owned and lockable and provide living and sleeping space with residents sharing kitchen facilities with other sleeping units in the building.**

**“Major transit stop” means:**

- (a) **a stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;**
- (b) **commuter rail stops;**
- (c) **stops on rail or fixed guideway systems, including transitways;**

- (d) stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes;  
or
- (e) stops for a bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays.

**“Sleeping unit” means an independently rented or owned and lockable unit that provides living and sleeping space.**

“Kitchenette” means a room or part of a room which is used, intended, or designed to be used for basic food preparation, with a sink and at least one 120v electrical outlet.

“Kitchen” means a room or part of a room which is used, intended, or designed to be used for preparing food. The kitchen includes facilities, or utility hookups for facilities, sufficient to prepare, cook, and store food, and wash dishes, including, at a minimum, countertops, a kitchen-style sink, space and utilities sufficient for a gas or 220/240v electric stove and oven, and a refrigerator.

“Shared kitchen” means a kitchen that is used, intended, or designed to be used by residents of multiple dwelling or sleeping units for preparing food simultaneously.

## Section 4 – Permitted Uses

**Co-living is a permitted use in all zones which allow at least six units of multifamily or middle housing development, including zones which allow six multifamily units as a component of mixed-use development.**

## Section 5 – Sleeping Units and Shared Kitchens

A. Sleeping units shall be subject to the following standards:

1. All sleeping units shall be no more than 300 square feet.
2. Sleeping units may include kitchenettes, but shall not include kitchens.
3. Sleeping units must include a private bathroom.
4. All sleeping units must have access by interior or covered exterior walkway to a shared kitchen.

B. Shared kitchens shall be subject to the following standards:

1. At least one shared kitchen shall be provided for every fifteen sleeping units.
2. At least one shared kitchen shall be provided on each floor that also contains sleeping units.

## Section 6 – Density

**For the purposes of calculating density, sleeping units count as one quarter of a dwelling unit.**

## Section 7 – Open Space Standards

Where open space standards are applied based on the number of dwelling units, one half of the open space requirement will be required for sleeping units that is required of dwelling units.

## Section 8 – Parking

**A. Off-street parking for co-living housing shall be subject to the following:**

- 1. No off-street parking shall be required within one-half mile walking distance of a major transit stop.**
- 2. No more than one off-street parking space per four sleeping units shall be required**

## Section 9 – Sewer connection fees

**A. Sleeping units shall be treated as one-half of a multifamily dwelling unit for the purpose of calculating fees for sewer connections.**

## Section 10 – Severability

If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

## Section 11 – Authority to Make Necessary Corrections

The City/Town Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

## Section 12 – Effective Date

The ordinance shall take effect and be in full force five days after publication of the attached summary which is hereby approved.