

Housing Accountability Act – Development Regulations Checklist

Overview: This checklist provides a detailed list of the Housing Accountability Act (HAA) development regulation requirements under [RCW 36.70A.835\(7\)](#). Together with Commerce’s [Expanded Housing Checklist](#), these checklists provide the review framework for the voluntary and selected reviews under RCW 36.70A.835.

Local governments should review their local development regulations to be consistent with these requirements.

Checklist Instructions

Please use the most recent version of your development regulations to fill out each item in the checklist and answer the following questions:

Is this item addressed in your current development regulations? If YES, fill in the form with citation(s) to where the item is addressed. If you have questions about the requirement, follow the hyperlinks to the relevant statutory provisions or rules. If you still have questions, visit the Commerce [Housing Planning webpage](#) and the topic pages within or contact Commerce housing staff on the relevant web page.

Are changes needed to meet current statute? Note YES to indicate a change to your regulations will be needed. Write NO to indicate that the GMA requirement has already been met. Local updates may not be needed depending on the size, location, or type of the jurisdiction; in this case note NA.

Use the “Notes” column to add additional information for Commerce staff review. This could include noting which sections are not applicable to your jurisdiction.

Submit your checklist! Submit your checklist with your Voluntary or Selected Review submissions.

City of Bainbridge Island
Jurisdiction
Jennifer Sutton, Senior Planner
206-780-3772 jsutton@bainbridgewa.gov
Staff contact, phone + email
Selected
HAA type (voluntary or selected)
Draft
Submission type (draft or adopted)

Need help?

Please visit Commerce’s [Housing Planning webpage](#) and the topic pages within for additional resources.

Or contact the Housing Accountability Act team at:
gmsxaa@commerce.wa.gov

Or contact:
Laura Hodgson,
Housing Planning and Data Manager
360.764.3143
Laura.Hodgson@commerce.wa.gov

Table of Contents

Housing Accountability Act – Development Regulations Checklist	1
Table of Contents	2
STEP - Emergency shelters, Transitional housing, Emergency housing, and Permanent supportive housing	3
Co-living	6
Density bonus on religious-owned land	8
Parking requirements	9
Land capacity	11
Middle housing.....	12
Accessory dwelling units (ADUs).....	12

STEP - Emergency shelters, Transitional housing, Emergency housing, and Permanent supportive housing

(required by [RCW 36.70A.835 \(7\)\(a\)\(vi\)](#))

Includes requirements in [RCW 35.21.683](#) and [RCW 35A.21.430](#)

See Commerce's [STEP Model Ordinance, User Guide and Best Practices Report](#).

Questions? Contact Laura Hodgson at Laura.Hodgson@commerce.wa.gov.

Code requirements	In current regulations? Yes / No If yes, cite citation	Changes needed to meet statute? Yes / No	Notes
<p>a. Emergency housing is defined consistent with <i>temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.</i> RCW 36.70A.030(15)</p>	NO	YES	Updates needed to BIMC Chapter 18.09 Uses & Section 18.36.030 Definitions
<p>b. Emergency shelter is defined consistent with <i>a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.</i> RCW 36.70A.030(16)</p>	NO	YES	Updates needed to BIMC Chapter 18.09 Uses & Section 18.36.030 Definitions
<p>c. Permanent supportive housing (PSH) is defined consistent with <i>as subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.</i> RCW 36.70A.030(33)</p>	NO	YES	Updates needed to BIMC Chapter 18.09 Uses & Section 18.36.030 Definitions

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(required by [RCW 36.70A.835 \(7\)\(a\)\(vi\)](#))

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Code requirements	In current regulations? Yes / No If yes, cite citation	Changes needed to meet statute? Yes / No	Notes
<p>d. Transitional housing is defined consistent with a <i>project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living</i>. RCW 84.36.043(3)(c)</p>	NO	YES	Updates needed to BIMC Chapter 18.09 Uses & Section 18.36.030 Definitions
<p>e. City and town code must allow indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed. A city may choose the alternative option to allow indoor emergency shelter and indoor emergency housing in a majority of zones within one mile of transit. RCW 35A.21.430, RCW 35.21.683</p> <p>Commerce notes:</p> <ul style="list-style-type: none"> • Even if a city or town does not allow hotels in any zone, they must allow the siting of a sufficient number of indoor emergency shelter beds and/or emergency housing units to meet their allocation of housing needs. • Counties are not subject to this requirement but must allow the siting of a sufficient number of indoor emergency shelter beds and/or emergency housing units to meet their allocation of housing needs. RCW 36.70A.070(2)(c) 	NO	YES	Updates needed to BIMC Chapter 18.09 Uses & Section 18.36.030 Definitions
<p>f. City and town code must allow permanent supportive and transitional housing in any zones which residential dwelling units or hotels are allowed. RCW 35A.21.430, RCW 35.21.683</p> <p>Commerce notes:</p> <ul style="list-style-type: none"> • This includes traditional single-family detached housing zones. • Counties are not subject to this requirement but must allow the siting of a sufficient number of permanent supportive housing units to meet their allocation of housing needs. RCW 36.70A.070(2)(c) 	NO	YES	Updates needed to BIMC Chapter 18.09 Uses & Section 18.36.030 Definitions

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Code requirements	In current regulations? Yes / No If yes, cite citation	Changes needed to meet statute? Yes / No	Notes
<p>g. Cities and towns may only impose reasonable occupancy, spacing and intensity of use limits on permanent supportive housing, transitional housing, indoor emergency housing and indoor emergency shelters to protect public health and safety. RCW 35A.21.430, RCW 35.21.683</p> <p>Any such limits must allow the siting of a sufficient number of PSH, transitional housing, indoor emergency housing and emergency shelter units and beds necessary to accommodate projected needs as required for the housing element. Documentation of land use capacity for these housing types is needed for both counties and cities. RCW 35A.21.430, RCW 35.21.683, RCW 36.70A.070(2)(c), Guidance for Updating your Housing Element Book 2, see pages 43-50</p>	NO	YES	Updates needed to BIMC Chapter 18.09 Uses & Section 18.36.030 Definitions

Co-living

(required by [RCW 36.70A.835 \(7\)\(a\)\(vi\)](#))

Includes requirements in [RCW 36.70A.535](#)

See Commerce’s [Co-living Guidance](#) and other resources under the “Co-living guidance” accordion on Commerce’s [Middle Housing webpage](#).

Questions? Contact Lilith Vespier at Lilith.Vespier@commerce.wa.gov.

Code requirements	In current regulations? Yes / No If yes, cite citation	Changes needed to meet statute? Yes / No	Notes
<p>a. Co-living housing is defined consistent with <i>a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building.</i></p> <p>Local governments may use other names to refer to co-living housing, such as congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, or residential suites. RCW 36.70A.535(11)(a)</p>	NO, City code is currently silent on this type of living arrangement. The City reviews development when new or remodel construction is proposed, or “use” of building changes.	Yes	Updates needed to BIMC Chapter 18.09 Uses & Section 18.36.030 Definitions. Proposing to describe this use as “Microunit Multifamily” instead of co-living housing to avoid confusion.
<p>b. Allows co-living housing as a permitted use on any lot within an urban growth area that allows at least six multifamily residential units. This includes lots zoned for mixed-use development. RCW 36.70A.535(1)</p>	NO	YES	Updates needed to BIMC Chapter 18.09 Uses & Section 18.36.030 Definitions
<p>c. Treats a sleeping unit in co-living housing as less than or equal to one-quarter of a dwelling unit for purposes of calculating dwelling unit density. RCW 36.70A.535(7)</p>	NO	YES	Updates needed to BIMC Section 18.09.030.B
<p>d. Does not require co-living housing to contain room dimensional standards larger than those required by the state building code. This includes dwelling unit size, sleeping unit size, room area, and habitable space. RCW 36.70A.535(2)(a)</p>	NO	YES	Adding reference to RCW 36.70A.535 to New BIMC Section 18.09.030.B
<p>e. Does not require co-living housing to provide a mix of unit sizes or number of bedrooms. RCW 36.70A.525(2)(b)</p>	NO	YES	Adding reference to RCW 36.70A.535 to New BIMC Section 18.09.030.B
<p>f. Does not require co-living housing to include other uses. RCW 36.70A.535(2)(c)</p>	NO	YES	Adding reference to RCW 36.70A.535 to New BIMC Section 18.09.030.B

Co-living

(required by [RCW 36.70A.835 \(7\)\(a\)\(vi\)](#))

Includes requirements in [RCW 36.70A.535](#)

See Commerce’s [Co-living Guidance](#) and other resources under the “Co-living guidance” accordion on Commerce’s [Middle Housing webpage](#).

Questions? Contact Lilith Vespier at Lilith.Vespier@commerce.wa.gov.

Code requirements	In current regulations? Yes / No If yes, cite citation	Changes needed to meet statute? Yes / No	Notes
g. Does not require any development regulations for co-living housing that are more restrictive than those required for other types of multifamily housing in the same zone. RCW 36.70A.535(4)	NO	NO	Adding reference to RCW 36.70A.535 to New BIMC Section 18.09.030.B
h. May 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. This includes shoreline regulations under RCW 90.58. RCW 36.70A.535(5)	YES	NO	
i. Does not exclude co-living housing from participating in affordable housing incentive programs under RCW 36.70A.540. RCW 36.70A.535(6)	YES, by omission	NO	
j. Treats a sleeping unit in co-living housing as no more than one-half of a dwelling unit for purposes of calculating fees for sewer connections. Exception: if the city or county makes a finding, based on facts, that the connection fees should exceed the one-half threshold. RCW 36.70A.535(8)	NO	YES	Will consider adding language to BIMC 13.16.040 & Fee Schedule
k. The following parking standards apply to co-living housing: <ul style="list-style-type: none"> No off-street parking may be required within one-half mile walking distance of a major transit stop. RCW 36.70A.535(3)(a)(i) No more than 0.25 off-street parking spaces may be required per sleeping unit. RCW 36.70A.535(3)(a)(ii) Exceptions: <ul style="list-style-type: none"> If Commerce certifies an empirical parking study demonstrating that meeting these requirements would be significantly less safe to pedestrians, drivers etc. RCW 36.70A.535(3)(b)(i) Does not apply to portions of cities within a one-mile radius of Seattle-Tacoma International Airport. RCW 36.70A.535(3)(b)(ii) 	NO; Note that the City does not have a major transit stop as defined by RCW 36.70A.535(3)(a)(i)	YES	Adding language to BIMC Tables 18.15.020-1 and 18.15.020-2

Density bonus on religious-owned land

(required by [RCW 36.70A.835 \(7\)\(a\)\(vii\)](#))

Includes requirements in [RCW 36.70A.545](#)

Questions? Contact Laura Hodgson at Laura.Hodgson@commerce.wa.gov.

Code requirements	In current regulations? Yes / No If yes, cite citation	Changes needed to meet statute? Yes / No	Notes
<p>a. Jurisdictions must allow an increased density bonus consistent with local needs for any affordable housing development located on real property owned or controlled by a religious organization. RCW 36.70A.545(1)</p> <p>Provided that:</p> <ul style="list-style-type: none"> • The affordable housing development is for or occupied by low-income households (those earning less than 80-% of area median income, adjusted for household size) • The affordable housing development is for affordable housing for at least 50 years, and • The affordable housing development does not discriminate against any person who qualifies under the list provided in RCW 36.70A.545(1)(c) 	<p>YES BIMC Section 18.21.050</p>	<p>NO</p>	
<p>b. Religious organization is defined consistent with <i>the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property</i>. RCW 36.01.290(6)(c)</p>	<p>NO</p>	<p>YES</p>	<p>Although BIMC Section 18.21.050 refers over to RCW 36.70A.545 for “religious organization”, City has a separate definition for “Religious Facility” in BIMC Section 18.36.030.</p>

Parking requirements

(required by [RCW 36.70A.835 \(7\)\(a\)\(ix\)](#))

Includes requirements in [RCW 36.70A.622](#). (RCW 36.70A.620 was repealed in 2025 with [SB 5184](#))

See Commerce's [Residential Parking Factsheet](#) and other parking resources under the Residential Parking heading on Commerce's [Middle Housing webpage](#).

Note that jurisdictions over 30,000 in population are subject to RCW 35.21.994, but this is not a component of HAA.

Questions? Contact Hannah Johnston at Hannah.Johnston@commerce.wa.gov.

Code requirements	In current regulations? Yes / No If yes, cite citation	Changes needed to meet statute? Yes / No	Notes
a. Garages and carports are not required to meet minimum parking requirements for residential development. RCW 36.70A.622(1)(a)	YES, by omission BIMC Section 18.15.020	NO	
b. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed. RCW 36.70A.622(1)(b)	YES, by omission BIMC Section 18.15.020	NO	
c. Parking spaces in tandem (having two or more vehicles, one in front of or behind the others with a single means of egress or ingress) count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius. RCW 36.70A.622(1)(c)	YES, BIMC Section 18.15.020.B.9	NO	
d. Existing designated parking areas with legally nonconforming gravel surfacing may be used to meet local parking standards, up to a maximum of six parking spaces. RCW 36.70A.622(1)(d)	NO	YES	
e. Parking spaces are not required to exceed eight feet by 20 feet, except for required parking for people with disabilities. RCW 36.70A.622(1)(e)	NO	YES	
f. For fully planning counties and cities within those counties that have a population over 6,000, off-street parking is not required as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible. RCW 36.70A.622(1)(f)	NO	YES	
g. Parking spaces that consist of grass block pavers count toward minimum parking requirements. RCW 36.70A.622(1)(g)	YES, BIMC Section 18.15.020.B.4	NO	

Parking requirements

(required by [RCW 36.70A.835 \(7\)\(a\)\(ix\)](#))

Includes requirements in [RCW 36.70A.622](#). (RCW 36.70A.620 was repealed in 2025 with [SB 5184](#))

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Note that jurisdictions over 30,000 in population are subject to RCW 35.21.994, but this is not a component of HAA.

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Code requirements	In current regulations? Yes / No	Changes needed to meet statute?	Notes
<p>If yes, cite citation</p> <p>* Existing parking spaces that do not conform to the above standards by June 6, 2024, are not required to be modified or resized, except to comply with the Americans with Disabilities Act. Spaces in existing paved parking lots are not required to be resized during resurfacing if doing so will be costly or require significant reconfiguration of the parking space locations. RCW 36.70A.622(2)</p> <p>* Note: this standard should be applied to all areas, including within a one-mile radius of Seattle-Tacoma International Airport</p>	<p>YES, by omission</p>	<p>NO</p>	

Land capacity

(required by [RCW 36.70A.835 \(7\)\(a\)\(x\)](#))

Includes requirements in [RCW 36.70A.115](#)

See Commerce’s [Guidance for Updating Your Housing Element](#), Chapter 3 (pages 18-50, specifically pages 40-43 and 50).

Questions? Contact Laura Hodgson at Laura.Hodgson@commerce.wa.gov

Code requirements	In current regulations? Yes / No If yes, cite citation	Changes needed to meet statute? Yes / No	Notes
<p>a. Counties and cities must ensure their development regulations provide sufficient capacity of land suitable for development within their jurisdiction to accommodate their allocation of housing for all income segments. RCW 36.70A.115(1)</p> <p>If subject to RCW 36.70A.215 (buildable lands program), the land capacity analysis shall include reasonable measures findings. RCW 36.70A.115(2)</p>	NO	YES	<p>The City nearly finished with its periodic update to its Comprehensive Plan and Winslow Subarea Plan. These updates are planning land use boundary, density changes, and affordable housing program and incentive updates that will enable sufficient capacity of land to accommodate the City’s allocation of housing for all income segments.</p> <p>The City has submitted 2 separate LCA documents for review for the current Draft Preferred Alternative: within the Winslow Subarea & outside the Winslow Subarea (noted as 2024 Comprehensive Plan Periodic Update LCA)</p>

Middle housing

(required by [RCW 36.70A.835 \(7\)\(a\)\(x\)](#))

Includes requirements in [RCW 36.70A.635](#), [RCW 36.70A.636](#), and [RCW 36.70A.637](#)

See Commerce’s middle housing resources on the [Middle Housing webpage](#).

Questions? Contact Lilith Vespier at Lilith.Vespier@commerce.wa.gov.

Code requirements	In current regulations? Yes / No	Changes needed to meet statute?	Notes
<p>The City of Bainbridge Island is not subject to these Middle Housing requirements pursuant to RCW 36.70A.635(8)(b).</p>	<p>If yes, cite citation</p>	<p>Yes / No</p>	

To see if your city is subject to the middle housing requirements and which tier’s requirements it is subject to, see p. 9-12 of the [Middle Housing Use Guide](#).

The Tier 1 provisions in this checklist apply to cities with a population of at least 75,000 based on 2020 Office of Financial Management population estimates. Tier 2 provisions apply to cities with a population of at least 25,000 but less than 75,000 based on 2020 Office of Financial Management population estimates. Tier 3 provisions apply to cities with a population of less than 25,000, that are within a contiguous urban growth area with the largest city in a county with a population of more than 275,000, based on 2020 Office of Financial Management population estimates.

Definitions: The statutory definitions in this section are needed to implement middle housing requirements under state law. Jurisdictions only need to include definitions for those middle housing types that must be allowed.

Accessory dwelling units (ADUs)

(required by [RCW 36.70A.835 \(7\)\(a\)\(x\)](#))

Includes requirements in [RCW 36.70A.680](#), [RCW 36.70A.681](#), [RCW 36.70A.682](#), [RCW 36.70A.696](#), [RCW 36.70A.697](#), [RCW 36.70A.698](#), and [RCW 36.70A.699](#)

See Commerce’s [Guidance for Accessory Dwelling Units](#) and additional guidance on Commerce’s [Accessory Dwelling Units webpage](#). Note: To address the requirements of the HAA, this checklist is expanded to include RCW 36.70A.680, .682, .696, .697, .698 and .699.

Questions? Contact Lilith Vespier at Lilith.Vespier@commerce.wa.gov.

Code requirements	In current regulations? Yes / No	Changes needed to meet statute?	Notes
<p>The City is not subject to the updated ADU regulations pursuant to RCW 36.70A.681(4), as the entirety of Bainbridge Island is classified as an aquifer recharge area (See BIMC 16.20.100.A). However, the City allows ADUs as a permitted accessory use to single-family residential development (see BIMC Table 18.090.020), and City code provides for many of the same standards outlined in recent law (e.g. 1,000 sq. ft. max size, flexible configuration attached/detached) and recently made pre-approved ADU plans available.</p>	<p>If yes, cite citation</p>	<p>Yes / No</p>	

