

Proposed Substitute House Bill 1576 (H-1498.1)

House Local Government Committee

By Representative Duerr

Original Bill:

- Prohibits cities from designating a property as a historic landmark outside of a historic district if the property is less than 40 years old or if the designation would restrict the use of the property, if the property owner has not given written consent to the designation.
 - Exempts a city's actions to comply with these restrictions from review under the State Environmental Policy Act.
-

Proposed Substitute House Bill (H-1498.1) compared to the Original Bill:

- Provides that historical landmark designations made by a city before the effective date of the bill are not affected by the prohibitions in the bill;
- Allows a property to be designated as a historic landmark without the owner's consent if the property is more than 100 years old; and
- Provides that a city or code city is not precluded from allowing a property that is less than 100 years old to be nominated as a historic landmark outside of a designated historic district without the consent of the property owner, as long as such consent is obtained prior to the nomination being approved and the designation applied..

Staff: Kellen Wright

Date: February 17, 2025

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-1498.1/25

ATTY/TYPIST: MFW:jlb

BRIEF DESCRIPTION: Concerning the designation of historic landmarks
by cities.

1 AN ACT Relating to the designation of historic landmarks by
2 cities; reenacting and amending RCW 43.21C.495; adding a new section
3 to chapter 35.21 RCW; and adding a new section to chapter 35A.21 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21
6 RCW to read as follows:

7 (1) (a) Except as provided for in subsection (3) of this section,
8 cities must adopt or amend by ordinance, and incorporate into their
9 development regulations, zoning regulations, preservation ordinances,
10 and other official controls the requirements of subsection (2) of
11 this section for properties that are zoned for residential or mixed
12 use no later than one year after the effective date of this section.

13 (b) Except as provided in subsection (3) of this section, the
14 requirements of subsection (2) of this section apply and take effect
15 in any city that has not adopted or amended ordinances, regulations,
16 or other official controls as required under this section by the
17 timeline in (a) of this subsection and supersede, preempt, and
18 invalidate any conflicting local regulations.

19 (2) No city may designate a property as a historic landmark if:

20 (a) The property that would be designated as a historic landmark
21 is less than 40 years old; or

1 (b) The designation would restrict the use, alteration, or
2 demolition of the property, and the written consent of the owner of
3 the property has not been obtained. Such a designation made after the
4 effective date of this section without the written consent of the
5 property owner is void unless and until such consent is obtained.
6 Nothing in this act affects such a designation made prior to the
7 effective date of this section.

8 (3) The limitations in subsection (2) of this section do not
9 apply if the property that would be designated as a historic landmark
10 is within a historic district established through a local
11 preservation ordinance, or if the property that would be designated
12 as a historic landmark is more than 100 years old.

13 (4) Nothing in this section prevents a city from allowing a
14 property to be nominated as a historic landmark without the consent
15 of the property owner. Except as provided in subsection (3) of this
16 section, such consent must be obtained prior to the nomination being
17 approved and the property being designated as a landmark.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21
19 RCW to read as follows:

20 (1)(a) Except as provided for in subsection (3) of this section,
21 code cities must adopt or amend by ordinance, and incorporate into
22 their development regulations, zoning regulations, preservation
23 ordinances, and other official controls, the requirements of
24 subsection (2) of this section for properties that are zoned for
25 residential or mixed use no later than one year after the effective
26 date of this section.

27 (b) Except as provided in subsection (3) of this section, the
28 requirements of subsection (2) of this section apply and take effect
29 in any code city that has not adopted or amended ordinances,
30 regulations, or other official controls as required under this
31 section by the timeline in (a) of this subsection and supersede,
32 preempt, and invalidate any conflicting local regulations.

33 (2) No code city may designate a property as a historic landmark
34 if:

35 (a) The property that would be designated as a historic landmark
36 is less than 40 years old; or

37 (b) The designation would restrict the use, alteration, or
38 demolition of the property, and the written consent of the owner of
39 the property has not been obtained. Such a designation made after the

1 effective date of this section without the written consent of the
2 property owner is void unless and until such consent is obtained.
3 Nothing in this act affects such a designation made prior to the
4 effective date of this section.

5 (3) The limitations in subsection (2) of this section do not
6 apply if the property that would be designated as a historic landmark
7 is within a historic district established through a local
8 preservation ordinance, or if the property that would be designated
9 as a historic landmark is more than 100 years old.

10 (4) Nothing in this section prevents a code city from allowing a
11 property to be nominated as a historic landmark without the consent
12 of the property owner. Except as provided in subsection (3) of this
13 section, such consent must be obtained prior to the nomination being
14 approved and the property being designated as a landmark.

15 **Sec. 3.** RCW 43.21C.495 and 2023 c 334 s 6 and 2023 c 3 s 8 are
16 each reenacted and amended to read as follows:

17 (1) Adoption of ordinances, development regulations and
18 amendments to such regulations, and other nonproject actions taken by
19 a city to implement: The actions specified in section 2, chapter 246,
20 Laws of 2022 unless the adoption of such ordinances, development
21 regulations and amendments to such regulations, or other nonproject
22 actions has a probable significant adverse impact on fish habitat;
23 and the increased residential building capacity actions identified in
24 RCW 36.70A.600(1), with the exception of the action specified in RCW
25 36.70A.600(1)(f), are not subject to administrative or judicial
26 appeals under this chapter.

27 (2) Amendments to development regulations and other nonproject
28 actions taken by a city to implement the requirements under RCW
29 36.70A.635 pursuant to RCW 36.70A.636(3)(b) are not subject to
30 administrative or judicial appeals under this chapter.

31 (3) Adoption of ordinances, development regulations and
32 amendments to such regulations, and other nonproject actions taken by
33 a city or county consistent with the requirements of RCW 36.70A.680
34 and 36.70A.681, or such actions taken by a city pursuant to section 1
35 or 2 of this act, are not subject to administrative or judicial
36 appeals under this chapter.

--- END ---