

Middle Housing Barriers & Solutions

Planning Directors Meeting
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MASTER BUILDERS ASSOCIATION
of King and Snohomish Counties



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Sapphire Homes

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State Law Changes Related to Housing

A few examples in recent years:

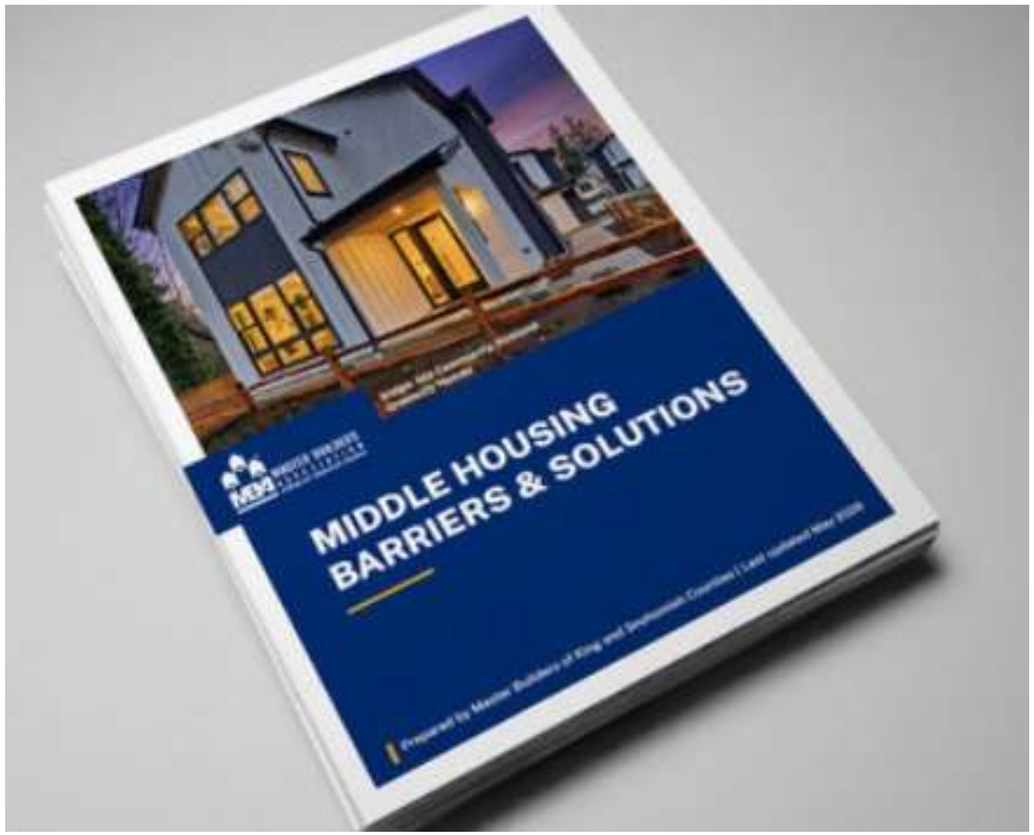
- Commercial-to-Residential flexibility
- Permit review streamlining
- Middle housing and ADUs
- Condo reform
- Self-certification
- Lot splitting
- Parking reform
- TOD
- Expanding affordable housing
- Unit lot subdivisions
- Co-living housing
- Covenant homeownership program
- Density bonus threshold changes



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Middle Housing: Barriers & Solutions



- Despite the adoption of HB 1110 in 2023, many implementation barriers remain across our region, affecting the ability to expand middle housing options more widely.
- Most barriers relate to PROCESS, INFRASTRUCTURE, & COST
- MBAKS's overarching suggestion for middle housing is to keep it simple.

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What Are The Barriers?



- Utilities & Infrastructure
- Environmental Regulations
- Building Code & Site Design
- Process
- Fees

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Utilities & Infrastructure

Barriers

- **Mandates to underground utilities**
- **Infrastructure limitations/water and sewer standards**
- **Inconsistent utility meter requirements**
- **Excessive frontage and right-of-way improvements or unreasonable off-site improvements such as ADA curb cuts**

Solutions

- Do not mandate undergrounding of utilities when doing so makes project financially infeasible or establish criteria for when undergrounding will not be required.
- Funding mechanisms for infrastructure, beyond the direct impacts of proposed projects, should be broad based.
- Allow independently metered utilities (water, power, and gas) for each unit and allow flexibility in selecting utility hook-up points on-site.
- Create targeted exemptions for small-scale infill projects.

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Environmental Regulations

Barriers

- **Overly restrictive tree retention or replacement requirements**
- **Critical Areas Regulations/excessive buffer requirements**



HeraldNet

Data shows tree canopy protected as more homes built

Op-ed by MBAKS Board President Vitaliy Gutsalo

Solutions

- Adopt flexible tree codes with a “right tree, right place” approach that is simple, predictable, and based on clear and objective criteria.
- Establish buffer widths for streams and wetlands that are consistent with Best Available Science, clearly defining buffer widths, vegetation standards, and mitigation pathways to reduce ambiguity and improve predictability.

  This can be done without compromising critical area functions!

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Building Codes & Site Design

Barriers

- **Engineering and design standards not aligned with middle housing**
- **Road widths/fire access**
- **Curb cut restrictions**
- **Floor Area Ratio (FAR), lot coverage, and other height/bulk/scale requirements**

Solutions

- Ensure that regulations and design standards are aligned with middle housing policies to facilitate development.
- Provide flexibility by allowing internal roads to be private when fire code requirements are met; Ensure codes work together to enable rear-lot access.
- Provide flexibility for curb cuts where appropriate to enable access, improve site design, and support feasible middle housing projects.
- Modernize requirements and ensure they are consistent across jurisdictions.

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Building Code Challenges

Barriers

- **Design Standards** *Design standards can limit middle housing by imposing restrictive rules on height, setbacks, lot coverage, parking and architectural elements, increasing costs and complexity and making projects infeasible.*
- **WUI / IBC Building Code Limitations** *Constant code changes add cost and uncertainty. Also, structures with three or more units fall under the International Building Code (IBC) and are subject to more extensive and costly standards than one- or two-unit structures, which fall under the International Residential Code (IRC).*

Solutions

- Limited or No design review is preferred path forward. If a city does have a process in place, it should be limited as much as possible and ensure clear and objective standards as required by RCW 36.70A.630.
- Pass state legislation, such as HB 2141, to pause frequent code updates, which would help stabilize construction costs and improve affordability. Update local building codes to allow middle housing types with up to six units to be built under the International Residential Code.

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Process Challenges



Barriers

- **Permitting Delays**
- **Local jurisdictions improperly conducting substantive analysis in making determinations of completeness on applications**
- **Unpredictable cultural resources requirements add delay and uncertainty**
- **Lack of streamlined administrative unit lot subdivision (ULS) process**

Solutions

- Adopt measures to expedite permitting processes, such as providing for administrative approval of preliminary plats and allowing concurrent review of construction/engineering plans for a subdivision while the preliminary plat application is being reviewed/approved.
- With the passage of HB 2418, local jurisdictions should review and update permit intake practices to ensure completeness determinations are based solely on checklist compliance.
- Cultural resource review should be clear, consistent, and time-bound.
- Timely local adoption of SB 5559, expanding homeownership options sooner.

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Fees

Barriers

- **Mandatory Housing Affordability /inclusionary zoning fees**
- **Excessive and redundant review fees**



Solutions

- Oppose unfunded mandatory inclusionary zoning fees. Cities should instead adopt voluntary, incentive-based strategies to facilitate more housing choices.
- Reduce the cost of middle housing by waiving or lowering permit, impact, and utility connection fees and general facilities charges.

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What Builders Face Today

- **Homebuilding carries major financial risk** — long timelines, financing costs, and regulatory uncertainty can make projects unviable.
- **Permit delays and subjective standards increase risk**, making otherwise buildable parcels too costly or too uncertain to pursue.
- **Time and predictability are essential** — every month of delay raises carrying costs and directly reduces housing production.
- **Efficient, on-time permitting is one of the most effective tools** local governments have to reduce costs and increase supply.



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Why does this matter?



For every $1,000 increase in the price of a home in the Seattle metro area, 982 people are priced out.

Source: NAHB

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Other Considerations

- Lack of uniformity across jurisdictions
- Arbitrary requirements
- Higher minimum densities than what the market will support
- Uncertainty caused by Covenants, Conditions & Restrictions (CC&Rs) that predate HB 1110's effective date

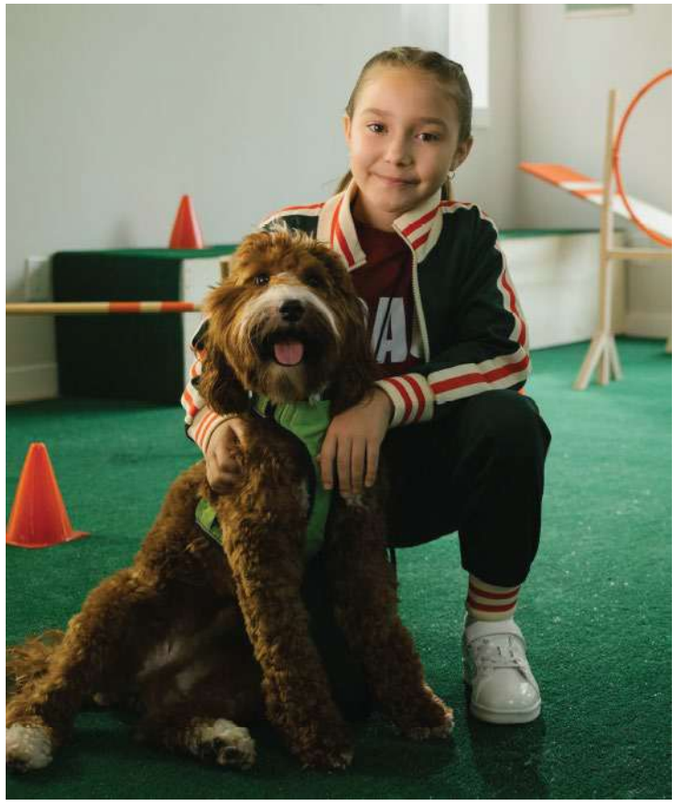


Detached accessory dwelling unit by Revolution Custom Homes
Photo: Ruum Media

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Visit mbaks.com for more resources

Check out our PR campaign: RoomForWhatMatters.com



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Resources

[Department of Commerce Guidance for Neighborhood Infill Development]

[MBAKS Report on Mandatory Affordable Housing Fees]

[MBAKS Tree Codes and Housing]

[Middle Housing Barriers and Solutions Full Document]

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