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**HOUSE BILL 1213**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Shea, McCaslin, and Young

AN ACT Relating to granting local governments the authority to make challenges related to growth management planning subject to direct review in superior court; amending RCW 36.70A.295; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec.**  This act may be known and cited as the "growth management reform act of 2019."

NEW SECTION. **Sec.**  The legislature finds that local elected officials are appropriately responsible and responsive to their citizens regarding land use decisions within their communities. The legislature also finds that citizens of these local governments have suffered significant financial and other costs resulting from reviews of disputes by the growth management hearings board that are subsequently resolved in a court of law. The legislature intends to relieve this additive burden of process by allowing jurisdictions with fewer government resources the ability to seek judicial interpretations of the growth management act without the costly and time-consuming practice of an initial review by the growth management hearings board.

**Sec.**  RCW 36.70A.295 and 2010 c 211 s 9 are each amended to read as follows:

(1)(a) The superior court may directly review a petition for review filed under RCW 36.70A.290 if all parties to the proceeding before the board have agreed to direct review in the superior court. The agreement of the parties shall be in writing and signed by all of the parties to the proceeding or their designated representatives. The agreement shall include the parties' agreement to proper venue as provided in RCW 36.70A.300(5). The parties shall file their agreement with the board within ten days after the date the petition is filed, or if multiple petitions have been filed and the board has consolidated the petitions pursuant to RCW 36.70A.300, within ten days after the board serves its order of consolidation.

((~~(2)~~)) (b) Within ten days of receiving the timely and complete agreement of the parties, the board shall file a certificate of agreement with the designated superior court and shall serve the parties with copies of the certificate. The superior court shall obtain exclusive jurisdiction over a petition when it receives the certificate of agreement. With the certificate of agreement the board shall also file the petition for review, any orders entered by the board, all other documents in the board's files regarding the action, and the written agreement of the parties.

(2)(a) As an alternative to the direct review provisions established in subsection (1) of this section, the legislative authority of a county with fewer than six hundred thousand persons may adopt an ordinance of direct review providing the superior court with exclusive jurisdiction over petitions to which the county is a party and that would otherwise qualify for filing with the board under RCW 36.70A.280.

(b) Upon the adoption of an ordinance under (a) of this subsection (2), any city within the county may also adopt an ordinance of direct review providing the superior court with exclusive jurisdiction over petitions to which the city is a party and that would otherwise qualify for filing with the board under RCW 36.70A.280.

(c) Ordinances adopted under this subsection (2) may be effective for a term of five or fewer years. A county or city legislative authority may elect to extend the term of the ordinance for one additional period of five or fewer years. A city choosing to extend the term of an ordinance may do so independently of any associated county actions. Matters pending before a court on the date an ordinance adopted under this subsection (2) expires remain subject to exclusive jurisdiction of the court.

(d) Except as provided in subsection (1) of this section, matters pending before the board on or after the effective date of an ordinance adopted under this subsection (2) remain subject to the jurisdiction of the board.

(3) For purposes of a petition that is subject to direct review, the superior court's subject matter jurisdiction shall be equivalent to that of the board. Consistent with the requirements of the superior court civil rules, the superior court may consolidate a petition subject to direct review under this section with a separate action filed in the superior court.

(4)(a) Except as otherwise provided in (b) and (c) of this subsection, the provisions of RCW 36.70A.280 through 36.70A.330, which specify the nature and extent of board review, shall apply to the superior court's review.

(b) The superior court:

(i) Shall not have jurisdiction to directly review or modify an office of financial management population projection;

(ii) Except as otherwise provided in RCW 36.70A.300(2)(b), shall render its decision on the petition within one hundred eighty days of receiving the certification of agreement; and

(iii) Shall give a compliance hearing under RCW 36.70A.330(2) the highest priority of all civil matters before the court.

(c) An aggrieved party may secure appellate review of a final judgment of the superior court under this section by the supreme court or the court of appeals. The review shall be secured in the manner provided by law for review of superior court decisions in other civil cases.

(5) If, following a compliance hearing, the court finds that the state agency, county, or city is not in compliance with the court's prior order, the court may use its remedial and contempt powers to enforce compliance.

(6) The superior court shall transmit a copy of its decision and order on direct review to the board, the department, and the governor. If the court has determined that a county or city is not in compliance with the provisions of this chapter, the governor may impose sanctions against the county or city in the same manner as if the board had recommended the imposition of sanctions as provided in RCW 36.70A.330.

(7) After the court has assumed jurisdiction over a petition for review under this section, the superior court civil rules shall govern a request for intervention and all other procedural matters not specifically provided for in this section.

NEW SECTION. **Sec.**  Section 3 of this act expires December 31, 2027.

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