

SENATE BILL REPORT

SB 5380

As of January 14, 2022

Title: An act relating to approval of building permits.

Brief Description: Concerning the approval of building permits.

Sponsors: Senator Fortunato.

Brief History:

Committee Activity: Housing & Local Government: 2/09/21, 2/11/21 [DPS]
Ways & Means: 1/20/22.

Brief Summary of First Substitute Bill

- Directs the Department of Commerce to work with affected stakeholders to evaluate local government project review and permit timelines and provide recommendations for streamlining the permit issuance process by December 1, 2021.

SENATE COMMITTEE ON HOUSING & LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 5380 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kuderer, Chair; Das, Vice Chair; Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Cleveland, Lovelett, Salomon and Warnick.

Staff: Jeff Olsen (786-7428)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Trevor Press (786-7446)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: Legislation enacted in 1995, required counties and cities planning under the Growth Management Act (GMA) to establish an integrated and consolidated development permit process. The permit process must include a determination of completeness of the project application within 28 days of submission. A project permit application is determined to be complete when it meets the local procedural submission requirements even if additional information is needed, because of subsequent project modifications.

Within 14 days of receiving requested additional information, the local government must notify the applicant whether the application is deemed complete. The determination of completeness does not preclude a request for additional information if new information is required or substantial project changes occur. A project permit application is deemed complete if the GMA jurisdiction does not provide a written determination to the applicant that the application is incomplete within the required time period.

Summary of Bill (First Substitute): The Department of Commerce (Commerce) must develop options for streamlining the local government project review and permitting process. Commerce must develop options by utilizing appropriate public participation by affected stakeholders in the review of the local project review and permitting process including commercial and residential builders, realtors, cities, counties, and environmental groups. The evaluation must include a report of existing actual permit timelines including the number of consecutive calendar days between the first permit submission and final permit decision and options for reducing consecutive calendar days for issuing permits. Commerce must submit a final report with recommendations for streamlining the local government project review and permitting process to the appropriate committees of the Legislature by December 1, 2021.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Housing & Local Government) (Regular Session 2021): *The committee recommended a different version of the bill than what was heard.* PRO: There needs to be more consistency in permit review and issuance. Many times there are multiple requests for additional information that result in permit delays. The changes in the bill will clarify what information the local government needs to complete the permit review. By placing sideboards of the permit process, we can eliminate the problem constantly changing what information is needed. To respond to the housing crisis and build more affordable housing, the permit process needs to be improved. With prices increasing, too many delays can price people out of their homes. There needs to be incentives to move building permits through the process.

CON: The intent of the bill is unclear to understand what permits are included, and whether permits must be considered complete or must be approved. The language is not clear that a permit can be rejected, and may result in permit approvals even if designs are deficient. Complex projects may require additional review, and it is not clear what three reviews means.

Persons Testifying (Housing & Local Government): PRO: Senator Phil Fortunato, Prime Sponsor; Jan Himebaugh, Building Industry Association of Washington; Tracy Doriot, Doriot Construction.

CON: Lee Kranz, Washington Association of Building Officials; Paul Jewell, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying (Housing & Local Government): No one.