

---

**HOUSE BILL 2049**

---

**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Representatives Barkis, Bateman, Boehnke, Gilday, Hoff, Robertson, Rude, Shewmake, Walen, Wicks, Dufault, Sutherland, Eslick, Macri, Peterson, Simmons, and Young

Read first time 01/19/22. Referred to Committee on Local Government.

1 AN ACT Relating to encouraging construction of affordable housing  
2 by eliminating redundancies and streamlining the permitting process;  
3 amending RCW 19.27.095, 36.70B.030, 36.70B.050, 36.70B.080,  
4 36.70B.120, and 36.70B.140; adding a new section to chapter 19.27  
5 RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** Washington state has the fewest housing  
8 units per household in the nation according to a presentation by the  
9 lieutenant governor. The permitting of buildings is one area that has  
10 been identified as a hindrance to increasing the number of housing  
11 units in Washington state. The legislature finds that streamlining  
12 the processing of building permits is a powerful way to combat the  
13 lack of housing in this state.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.27  
15 RCW to read as follows:

16 (1) Any building permit application submitted with plans,  
17 computations, or specifications prepared, stamped, and signed by a  
18 professional engineer or architect, licensed under the laws of the  
19 state of Washington in the appropriate discipline, is deemed complete  
20 by the local government with authority to enforce the building code

1 under RCW 19.27.050. The local government may review the application  
2 for general compliance with the zoning or other land use control  
3 ordinances in effect but may not impose substantial modifications or  
4 conditions on submittals prepared, stamped, and signed by a licensed  
5 architect, landscape architect, soils engineer, civil engineer,  
6 structural engineer, or combination thereof.

7 (2) This section applies only when the professional engineer or  
8 architect, duly licensed under Title 18 RCW, maintains professional  
9 liability errors and omissions insurance in an amount not less than  
10 \$1,000,000 executed by an insurer authorized to do business in the  
11 state of Washington.

12 **Sec. 3.** RCW 19.27.095 and 1991 c 281 s 27 are each amended to  
13 read as follows:

14 (1) A valid and fully complete building permit application for a  
15 structure, that is permitted under the zoning or other land use  
16 control ordinances in effect on the date of the application shall be  
17 considered under the building permit ordinance in effect at the time  
18 of application, and the zoning or other land use control ordinances  
19 in effect on the date of application.

20 (2) The requirements for a fully completed application shall be  
21 defined by local ordinance but for any construction project costing  
22 more than five thousand dollars the application shall include, at a  
23 minimum:

24 (a) The legal description, or the tax parcel number assigned  
25 pursuant to RCW 84.40.160, and the street address if available, and  
26 may include any other identification of the construction site by the  
27 prime contractor;

28 (b) The property owner's name, address, and phone number;

29 (c) The prime contractor's business name, address, phone number,  
30 current state contractor registration number; and

31 (d) Either:

32 (i) The name, address, and phone number of the office of the  
33 lender administering the interim construction financing, if any; or

34 (ii) The name and address of the firm that has issued a payment  
35 bond, if any, on behalf of the prime contractor for the protection of  
36 the owner, if the bond is for an amount not less than fifty percent  
37 of the total amount of the construction project.

38 (3) (a) The construction drawings element of a complete building  
39 application is deemed approved by the local government with authority

1 to enforce the building code under RCW 19.27.050 when the building  
2 permit application is submitted with plans, computations, or other  
3 required specifications prepared, stamped, and signed by a  
4 professional engineer or architect, licensed under the laws of the  
5 state of Washington in the appropriate discipline.

6 (b) This subsection applies only where the professional engineer  
7 or architect, duly licensed under Title 18 RCW, maintains  
8 professional liability errors and omissions insurance in an amount  
9 not less than \$1,000,000 executed by an insurer authorized to do  
10 business in the state of Washington.

11 (4) The information required on the building permit application  
12 by subsection (2)(a) through (d) of this section shall be set forth  
13 on the building permit document which is issued to the owner, and on  
14 the inspection record card which shall be posted at the construction  
15 site.

16 ~~((4))~~ (5) The information required by subsection (2) of this  
17 section and information supplied by the applicant after the permit is  
18 issued under subsection ~~((5))~~ (6) of this section shall be kept on  
19 record in the office where building permits are issued and made  
20 available to any person on request. If a copy is requested, a  
21 reasonable charge may be made.

22 ~~((5))~~ (6) If any of the information required by subsection  
23 (2)(d) of this section is not available at the time the application  
24 is submitted, the applicant shall so state and the application shall  
25 be processed forthwith and the permit issued as if the information  
26 had been supplied, and the lack of the information shall not cause  
27 the application to be deemed incomplete for the purposes of vesting  
28 under subsection (1) of this section. However, the applicant shall  
29 provide the remaining information as soon as the applicant can  
30 reasonably obtain such information.

31 ~~((6))~~ (7) The limitations imposed by this section shall not  
32 restrict conditions imposed under chapter 43.21C RCW.

33 **Sec. 4.** RCW 36.70B.030 and 1995 c 347 s 404 are each amended to  
34 read as follows:

35 (1) Fundamental land use planning choices made in adopted  
36 comprehensive plans and development regulations shall serve as the  
37 foundation for project review. The review of a proposed project's  
38 consistency with applicable development regulations, or in the  
39 absence of applicable regulations the adopted comprehensive plan,

1 under RCW 36.70B.040 shall incorporate the determinations under this  
2 section.

3 (2) During project review, a local government or any subsequent  
4 reviewing body shall determine whether the items listed in this  
5 subsection are defined in the development regulations applicable to  
6 the proposed project or, in the absence of applicable regulations the  
7 adopted comprehensive plan. At a minimum, such applicable regulations  
8 or plans shall be determinative of the:

9 (a) Type of land use permitted at the site, including uses that  
10 may be allowed under certain circumstances, such as planned unit  
11 developments and conditional and special uses, if the criteria for  
12 their approval have been satisfied;

13 (b) Density of residential development in urban growth areas; and

14 (c) Availability and adequacy of public facilities identified in  
15 the comprehensive plan, if the plan or development regulations  
16 provide for funding of these facilities as required by chapter 36.70A  
17 RCW.

18 (3) During project review, the local government or any subsequent  
19 reviewing body shall not reexamine alternatives to or hear appeals on  
20 the items identified in subsection (2) of this section, except for  
21 issues of code interpretation. As part of its project review process,  
22 a local government shall provide a procedure for obtaining a code  
23 interpretation as provided in RCW 36.70B.110.

24 (4) Pursuant to RCW 43.21C.240, a local government may determine  
25 that the requirements for environmental analysis and mitigation  
26 measures in development regulations and other applicable laws provide  
27 adequate mitigation for some or all of the project's specific adverse  
28 environmental impacts to which the requirements apply.

29 (5) (a) Any building permit application submitted with plans,  
30 computations, or specifications prepared, stamped, and signed by a  
31 professional engineer or architect, licensed under the laws of the  
32 state of Washington in the appropriate discipline is deemed complete  
33 by the local government with authority to enforce the building code  
34 under RCW 19.27.050. The local government may review the application  
35 for general compliance with the zoning or other land use control  
36 ordinances in effect but may not impose substantial modifications or  
37 conditions on submittals prepared, stamped, and signed by a licensed  
38 architect, landscape architect, soils engineer, civil engineer,  
39 structural engineer, or combination thereof.

1 (b) This subsection applies only where the professional engineer  
2 or architect, duly licensed under Title 18 RCW, maintains  
3 professional liability errors and omissions insurance in an amount  
4 not less than \$1,000,000 executed by an insurer authorized to do  
5 business in the state of Washington.

6 (6) Nothing in this section limits the authority of a permitting  
7 agency to approve, condition, or deny a project as provided in its  
8 development regulations adopted under chapter 36.70A RCW and in its  
9 policies adopted under RCW 43.21C.060. Project review shall be used  
10 to identify specific project design and conditions relating to the  
11 character of development, such as the details of site plans, curb  
12 cuts, drainage swales, transportation demand management, the payment  
13 of impact fees, or other measures to mitigate a proposal's probable  
14 adverse environmental impacts, if applicable.

15 ~~((6))~~ (7) Subsections (1) through ~~((4))~~ (5) of this section  
16 apply only to local governments planning under RCW 36.70A.040.

17 **Sec. 5.** RCW 36.70B.050 and 1995 c 347 s 406 are each amended to  
18 read as follows:

19 Not later than March 31, 1996, each local government shall  
20 provide by ordinance or resolution for review of project permit  
21 applications to achieve the following objectives:

22 (1) Combine the environmental review process, both procedural and  
23 substantive, with the procedure for review of project permits; and

24 (2) Except for the appeal of a determination of significance as  
25 provided in RCW 43.21C.075, provide for no more than one open record  
26 hearing and one closed record appeal.

27 (3) A project permit application that is consistent with adopted  
28 development regulations and within the capacity of systemwide  
29 infrastructure improvement is deemed approved following three reviews  
30 or requests for additional information by the local government unless  
31 a clear violation of substantive and procedural requirements is  
32 demonstrated by the reviewing local government.

33 **Sec. 6.** RCW 36.70B.080 and 2004 c 191 s 2 are each amended to  
34 read as follows:

35 (1) Development regulations adopted pursuant to RCW 36.70A.040  
36 must establish and implement time periods for local government  
37 actions for each type of project permit application and provide  
38 timely and predictable procedures to determine whether a completed

1 project permit application meets the requirements of those  
2 development regulations. The time periods for local government  
3 actions for each type of complete project permit application or  
4 project type should not exceed one hundred twenty days, unless the  
5 local government makes written findings that a specified amount of  
6 additional time is needed to process specific complete project permit  
7 applications or project types.

8 The development regulations must, for each type of permit  
9 application, specify the contents of a completed project permit  
10 application necessary for the complete compliance with the time  
11 periods and procedures.

12 (2)(a) Counties subject to the requirements of RCW 36.70A.215 and  
13 the cities within those counties that have populations of at least  
14 twenty thousand must, for each type of permit application, identify  
15 the total number of project permit applications for which decisions  
16 are issued according to the provisions of this chapter. For each type  
17 of project permit application identified, these counties and cities  
18 must establish and implement a deadline for issuing a notice of final  
19 decision as required by subsection (1) of this section and minimum  
20 requirements for applications to be deemed complete under RCW  
21 36.70B.070 as required by subsection (1) of this section.

22 (b) Counties and cities subject to the requirements of this  
23 subsection also must prepare annual performance reports that include,  
24 at a minimum, the following information for each type of project  
25 permit application identified in accordance with the requirements of  
26 (a) of this subsection:

27 (i) Total number of complete applications received during the  
28 year;

29 (ii) Number of complete applications received during the year for  
30 which a notice of final decision was issued before the deadline  
31 established under this subsection;

32 ~~(iii) ((Number of applications received during the year for which  
33 a notice of final decision was issued after the deadline established  
34 under this subsection;~~

35 ~~(iv) Number of applications received during the year for which an  
36 extension of time was mutually agreed upon by the applicant and the  
37 county or city;~~

38 ~~(v) Variance of actual performance, excluding applications for  
39 which mutually agreed time extensions have occurred, to the deadline  
40 established under this subsection during the year; and~~

1 ~~(vi) The mean processing time and the number standard deviation~~  
2 ~~from the mean)) For all approvals or rejections within the prior~~  
3 ~~calendar year, the mean average time between the date of submission~~  
4 ~~of an application for a land subdivision and the date the subdivision~~  
5 ~~was approved or rejected;~~

6 (iv) For all approvals or rejections within the prior calendar  
7 year, the mean average time between the date of submission to meet  
8 the first mandatory requirement for an application for construction  
9 of a single-family home, duplex, triplex, fourplex, or townhome and  
10 the date the certificate of occupancy was issued;

11 (v) The number of applications for land subdivisions which were  
12 not approved or were rejected within 12 months of the initial  
13 application during the prior calendar year; and

14 (vi) The number of applications for construction of a single-  
15 family home, duplex, triplex, fourplex, or townhome for which a  
16 certificate of occupancy was not issued within 12 months of the  
17 submission to meet the first mandatory requirement for the  
18 application of construction.

19 (c) Counties and cities subject to the requirements of this  
20 subsection must ((÷

21 ~~(i) Provide notice of and access to the)) provide annual~~  
22 ~~performance reports ((through the county's or city's website; and~~

23 ~~(ii) Post electronic facsimiles of the annual performance reports~~  
24 ~~through the county's or city's website. Postings on a county's or~~  
25 ~~city's website indicating that the reports are available by~~  
26 ~~contacting the appropriate county or city department or official do~~  
27 ~~not comply with the requirements of this subsection.~~

28 ~~If a county or city subject to the requirements of this~~  
29 ~~subsection does not maintain a website, notice of the reports must be~~  
30 ~~given by reasonable methods, including but not limited to those~~  
31 ~~methods specified in RCW 36.70B.110(4)) to the department of~~  
32 commerce no later than March 1st for the prior period of January 1st  
33 through December 31st. Reports shall be provided in a form and manner  
34 specified by the department of commerce.

35 (3) Nothing in this section prohibits a county or city from  
36 extending a deadline for issuing a decision for a specific project  
37 permit application for any reasonable period of time mutually agreed  
38 upon by the applicant and the local government.

39 (4) The department of ~~((community, trade, and economic~~  
40 ~~development shall work with the counties and cities to review the~~

1 ~~potential implementation costs of the requirements of subsection (2)~~  
2 ~~of this section. The department, in cooperation with the local~~  
3 ~~governments, shall prepare a report summarizing the projected costs,~~  
4 ~~together with recommendations for state funding assistance for~~  
5 ~~implementation costs, and provide the report to the governor and~~  
6 ~~appropriate committees of the senate and house of representatives by~~  
7 ~~January 1, 2005)) commerce shall publish on a publicly available~~  
8 ~~website all reports submitted by cities and counties. The reports~~  
9 ~~must be easily searchable by date and by the name of the city or~~  
10 ~~county.~~

11 (5) The department of commerce shall not release any funding  
12 available under chapter 43.155 RCW or assist in compliance under  
13 chapter 36.70A RCW to a city or county that has not reported to the  
14 department of commerce annually by the date specified in this  
15 section.

16 **Sec. 7.** RCW 36.70B.120 and 1995 c 347 s 416 are each amended to  
17 read as follows:

18 (1) Each local government planning under RCW 36.70A.040 shall  
19 establish a permit review process that provides for the integrated  
20 and consolidated review and decision on two or more project permits  
21 relating to a proposed project action, including a single application  
22 review and approval process covering all project permits requested by  
23 an applicant for all or part of a project action and a designated  
24 permit coordinator. If an applicant elects the consolidated permit  
25 review process, the determination of completeness, notice of  
26 application, and notice of final decision must include all project  
27 permits being reviewed through the consolidated permit review  
28 process.

29 (2) Consolidated permit review may provide different procedures  
30 for different categories of project permits, but if a project action  
31 requires project permits from more than one category, the local  
32 government shall provide for consolidated permit review with a single  
33 open record hearing and no more than one closed record appeal as  
34 provided in RCW 36.70B.060. Each local government shall determine  
35 which project permits are subject to an open record hearing and a  
36 closed record appeal. Examples of categories of project permits  
37 include but are not limited to:



1 (a) Proposals that are categorically exempt from chapter 43.21C  
2 RCW, such as construction permits, that do not require environmental  
3 review or public notice;

4 (b) Permits that require environmental review, but no open record  
5 predecision hearing; and

6 (c) Permits that require a threshold determination and an open  
7 record predecision hearing and may provide for a closed record appeal  
8 to a hearing body or officer or to the local government legislative  
9 body.

10 (3) A local government may provide by ordinance or resolution for  
11 the same or a different decision maker or hearing body or officer for  
12 different categories of project permits. In the case of consolidated  
13 project permit review, the local government shall specify which  
14 decision makers shall make the decision or recommendation, conduct  
15 the hearing, or decide the appeal to ensure that consolidated permit  
16 review occurs as provided in this section. The consolidated permit  
17 review may combine an open record predecision hearing on one or more  
18 permits with an open record appeal hearing on other permits. In such  
19 cases, the local government by ordinance or resolution shall specify  
20 which project permits, if any, shall be subject to a closed record  
21 appeal.

22 (4) Each local government planning under RCW 36.70A.040 shall  
23 establish a permit review process which must include a technical  
24 review of the application for conformity with the requirements by all  
25 departments, divisions, and sections of the local government with  
26 jurisdiction over the project before returning the permit to the  
27 applicant for corrections and changes.

28 **Sec. 8.** RCW 36.70B.140 and 1995 c 347 s 418 are each amended to  
29 read as follows:

30 (1) A local government by ordinance or resolution may exclude the  
31 following project permits from the provisions of RCW 36.70B.060  
32 through ((36.70B.090)) 36.70B.080 and 36.70B.110 through 36.70B.130:  
33 Landmark designations, street vacations, or other approvals relating  
34 to the use of public areas or facilities, or other project permits,  
35 whether administrative or quasi-judicial, that the local government  
36 by ordinance or resolution has determined present special  
37 circumstances that warrant a review process different from that  
38 provided in RCW 36.70B.060 through ((36.70B.090)) 36.70B.080 and  
39 36.70B.110 through 36.70B.130.

1 (2) A local government by ordinance or resolution also may  
2 exclude the following project permits from the provisions of RCW  
3 36.70B.060 and 36.70B.110 through 36.70B.130: Lot line or boundary  
4 adjustments and building and other construction permits, or similar  
5 administrative approvals, categorically exempt from environmental  
6 review under chapter 43.21C RCW, or for which environmental review  
7 has been completed in connection with other project permits.

8 (3) (a) A local government by ordinance or resolution must exclude  
9 the following project permits from the provisions of chapter 36.70B  
10 RCW:

11 (b) The expansion or remodeling of existing buildings,  
12 structures, or development, provided that:

13 (i) The alterations do not modify the existing site layout for  
14 single-family dwellings or single duplexes, except those located in  
15 critical areas, or, in cases when two or more duplexes will be built  
16 on the same lot;

17 (ii) The project involves no exterior work adding to the building  
18 footprint;

19 (iii) The door or window adjustments or replacements are allowed  
20 with no site plan needed; and

21 (iv) Total additions and alterations and detached accessory  
22 structures are less than 2,000 square feet in area without new  
23 vehicular access.

--- END ---