
HOUSE BILL 2113

State of Washington

68th Legislature

2024 Regular Session

By Representatives Bateman, Macri, Peterson, Alvarado, Leavitt, Bronoske, Ramel, Fitzgibbon, Berry, Reed, Ormsby, Taylor, Gregerson, Street, Mena, Tharinger, Berg, Lekanoff, Riccelli, and Cortes

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1 AN ACT Relating to compliance with the housing element
2 requirements of the growth management act; amending RCW 36.70A.290
3 and 36.70A.320; reenacting and amending RCW 36.70A.280, 36.70A.130,
4 and 43.21C.495; adding a new section to chapter 36.70A RCW; and
5 creating a new section.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A
8 RCW to read as follows:

9 (1) A county or city that is required or chooses to plan under
10 RCW 36.70A.040 must submit the housing element required under RCW
11 36.70A.070(2) and any related development regulations to the
12 department for a determination of housing element compliance. The
13 housing element and any related development regulations do not take
14 effect until the department issues a final decision determining that
15 the housing element and any related development regulations comply
16 with the laws and regulations identified in subsection (5) of this
17 section.

18 (2) Notice of intent to apply. (a) Not less than 120 days prior
19 to applying for a determination of housing element compliance, the
20 county or city must:

1 (i) Notify the department in writing that it intends to apply;
2 and
3 (ii) Submit the proposed housing element and any related
4 development regulations to the department.
5 (b) The department shall promptly publish notice in the
6 Washington State Register that a city or county has notified the
7 department of its intent to apply for a determination of housing
8 element compliance, and the department shall post a copy of the
9 notice on the department's website.
10 (c) The department shall review the proposed housing element and
11 any related development regulations prior to final adoption by the
12 county or city and advise the county or city of the actions necessary
13 to receive a determination of compliance.
14 (d) The department may consult with other relevant state agencies
15 in making its determination.
16 (3) Application procedures. (a) After taking final action to
17 adopt a housing element and any related development regulations, a
18 city or county must apply for a determination of compliance. A city
19 or county must submit its application to the department within 10
20 days of taking final action.
21 (b) An application must include, at a minimum, the following:
22 (i) A cover letter from the legislative authority requesting a
23 determination of housing element compliance;
24 (ii) A copy of the adopted ordinance or resolution taking the
25 legislative action or actions required to adopt the housing element
26 and any related development regulations;
27 (iii) A statement explaining how the adopted housing element and
28 any related development regulations comply with the provisions of
29 this chapter; and
30 (iv) A copy of the record developed by the city or county at any
31 public meetings or public hearings at which action was taken on the
32 housing element and any related development regulations.
33 (c) For purposes of this subsection, the terms "action" and
34 "meeting" have the same definitions as in RCW 42.30.020.
35 (4) Review procedures. (a) Within 180 days of the date of receipt
36 of an application, the department shall strive to issue a final
37 decision determining whether the housing element and any related
38 development regulations comply with the laws and regulations
39 identified in subsection (5) of this section.

1 (b) The department must issue its final decision in the form of a
2 written statement, including findings of fact and conclusions, and
3 noting the date of the issuance of its decision. The department's
4 issued decision must conspicuously and plainly state that it is the
5 department's final decision.

6 (c) The department shall promptly publish its final decision as
7 follows:

8 (i) Notify the city or county in writing of its decision;

9 (ii) Publish a notice of action in the Washington State Register;

10 (iii) Post a notice of its decision on the agency website; and

11 (iv) Notify other relevant state agencies regarding the decision.

12 (5)(a) The department shall issue a determination of housing
13 element compliance unless it determines that the housing element or
14 related development regulations, or both, are not consistent with any
15 of the following:

16 (i) The housing planning goal set forth in RCW 36.70A.020(4);

17 (ii) The housing element requirements set forth in RCW
18 36.70A.070(2);

19 (iii) Any rules adopted by the department applicable to the
20 housing element; or

21 (iv) Chapter 43.21C RCW.

22 (b) Within six months of the effective date of this section, the
23 department shall publish a defined set of minimum objective standards
24 that jurisdictions must meet in order to comply with this section.

25 (6) The department's final decision may be appealed according to
26 the following provisions:

27 (a) The department's final decision may be appealed to the growth
28 management hearings board by filing a petition as provided in RCW
29 36.70A.290.

30 (b) A decision of the growth management hearings board concerning
31 an appeal of the department's final decision must be based solely on
32 whether the housing element and any related development regulations
33 comply with the laws and regulations identified in subsection (5) of
34 this section.

35 (7)(a) The department shall publish and regularly update a local
36 government housing element compliance list that includes, at minimum,
37 the following information for each city or county that is required or
38 chooses to plan under RCW 36.70A.040:

1 (i) Whether the city or county has applied for a determination of
2 housing element compliance and, if so, the date of the application;
3 and

4 (ii) Whether the department has issued a final decision on
5 housing element compliance for the city or county and, if so, the
6 nature of the decision, the date that the decision was issued, and
7 the status or outcome of any appeals.

8 (b) The local government housing element compliance list must be
9 made publicly available on the department's website.

10 (8) (a) A city or county that is required or chooses to plan under
11 RCW 36.70A.040 may not deny an affordable housing development, or
12 approve an affordable housing development with conditions or
13 restrictions that have a substantial adverse impact on the viability
14 of the development or the degree of affordability of the development,
15 unless at least one of the following conditions is met:

16 (i) The city or county has received a final decision from the
17 department determining that its housing element and any related
18 development regulations comply with the laws and regulations
19 identified in subsection (5) of this section by the deadlines in RCW
20 36.70A.130;

21 (ii) The city or county submits to the department an empirical
22 study prepared by a public health and safety expert that clearly
23 demonstrates, and the department finds and certifies, that the
24 affordable housing development would have a significant, direct, and
25 unavoidable adverse impact on public health and safety. The
26 department must develop guidance to assist cities and counties on
27 items to include in the study;

28 (iii) The denial of the affordable housing development, or the
29 approval of the affordable housing development with conditions or
30 restrictions that have a substantial adverse impact on the viability
31 of the development or the degree of affordability of the development,
32 is required in order to comply with specific state or federal law;

33 (iv) The affordable housing development or proposed development
34 site is located outside an urban growth area, in a critical area,
35 critical area buffer, or in an area where residential uses are not
36 allowed by the applicable shoreline master program; or

37 (v) The affordable housing development or proposed development
38 site is located in an area where neither the local jurisdiction's
39 comprehensive plan nor zoning ordinance permits residential or mixed
40 uses.

1 (b) For the purposes of this subsection, "affordable housing
2 development" means a residential housing development where:

3 (i) At least 20 percent of the units are for rental housing with
4 monthly costs that do not exceed 30 percent of the monthly income of
5 a household whose income is at 60 percent of the median household
6 income adjusted for household size, for the county where the
7 household is located, as reported by the United States department of
8 housing and urban development;

9 (ii) At least 20 percent of the units are for owner-occupied
10 housing with monthly costs that do not exceed 30 percent of the
11 monthly income of a household whose income is at 80 percent of the
12 median household income adjusted for household size, for the county
13 where the household is located, as reported by the United States
14 department of housing and urban development;

15 (iii) All of the units are for rental housing with monthly costs
16 that do not exceed 30 percent of the monthly income of a household
17 whose income is at 100 percent of the median household income
18 adjusted for household size, for the county where the household is
19 located, as reported by the United States department of housing and
20 urban development; or

21 (iv) All of the units are for owner-occupied housing with monthly
22 costs that do not exceed 30 percent of the monthly income of a
23 household whose income is at 120 percent of the median household
24 income adjusted for household size, for the county where the
25 household is located, as reported by the United States department of
26 housing and urban development.

27 (9) The department may adopt any rules necessary to implement
28 this section.

29 **Sec. 2.** RCW 36.70A.280 and 2023 c 334 s 7, 2023 c 332 s 6, and
30 2023 c 228 s 7 are each reenacted and amended to read as follows:

31 (1) The growth management hearings board shall hear and determine
32 only those petitions alleging either:

33 (a) That, except as provided otherwise by this subsection, a
34 state agency, county, or city planning under this chapter is not in
35 compliance with the requirements of this chapter, chapter 90.58 RCW
36 as it relates to the adoption of shoreline master programs or
37 amendments thereto, or chapter 43.21C RCW as it relates to plans,
38 development regulations, or amendments, adopted under RCW 36.70A.040
39 or chapter 90.58 RCW. Nothing in this subsection authorizes the board

1 to hear petitions alleging noncompliance based on a city or county's
2 actions taken to implement the requirements of RCW 36.70A.680 and
3 36.70A.681 within an urban growth area;

4 (b) That the 20-year growth management planning population
5 projections adopted by the office of financial management pursuant to
6 RCW 43.62.035 should be adjusted;

7 (c) That the approval of a work plan adopted under RCW
8 36.70A.735(1)(a) is not in compliance with the requirements of the
9 program established under RCW 36.70A.710;

10 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
11 regionally applicable and cannot be adopted, wholly or partially, by
12 another jurisdiction;

13 (e) That a department certification under RCW 36.70A.735(1)(c) is
14 erroneous;

15 (f) That the department's final decision to approve or reject a
16 proposed greenhouse gas emissions reduction subelement or amendments
17 by a local government planning under RCW 36.70A.040 was not in
18 compliance with the joint guidance issued by the department pursuant
19 to RCW 70A.45.120; ((~~or~~))

20 (g) That the department's final decision to approve or reject
21 actions by a city implementing RCW 36.70A.635 is clearly erroneous;
22 or

23 (h) That the department's final decision on housing element
24 compliance under section 1 of this act is clearly erroneous.

25 (2) A petition may be filed only by: (a) The state, or a county
26 or city that plans under this chapter; (b) a person who has
27 participated orally or in writing before the county or city regarding
28 the matter on which a review is being requested; (c) a person who is
29 certified by the governor within 60 days of filing the request with
30 the board; or (d) a person qualified pursuant to RCW 34.05.530.

31 (3) For purposes of this section "person" means any individual,
32 partnership, corporation, association, state agency, governmental
33 subdivision or unit thereof, or public or private organization or
34 entity of any character.

35 (4) To establish participation standing under subsection (2)(b)
36 of this section, a person must show that his or her participation
37 before the county or city was reasonably related to the person's
38 issue as presented to the board.

39 (5) When considering a possible adjustment to a growth management
40 planning population projection prepared by the office of financial

1 management, the board shall consider the implications of any such
2 adjustment to the population forecast for the entire state.

3 The rationale for any adjustment that is adopted by the board
4 must be documented and filed with the office of financial management
5 within ten working days after adoption.

6 If adjusted by the board, a county growth management planning
7 population projection shall only be used for the planning purposes
8 set forth in this chapter and shall be known as the "board adjusted
9 population projection." None of these changes shall affect the
10 official state and county population forecasts prepared by the office
11 of financial management, which shall continue to be used for state
12 budget and planning purposes.

13 **Sec. 3.** RCW 36.70A.290 and 2011 c 277 s 1 are each amended to
14 read as follows:

15 (1) All requests for review to the growth management hearings
16 board shall be initiated by filing a petition that includes a
17 detailed statement of issues presented for resolution by the board.
18 The board shall render written decisions articulating the basis for
19 its holdings. The board shall not issue advisory opinions on issues
20 not presented to the board in the statement of issues, as modified by
21 any prehearing order.

22 (2) All petitions relating to whether or not an adopted
23 comprehensive plan, development regulation, or permanent amendment
24 thereto, is in compliance with the goals and requirements of this
25 chapter or chapter 90.58 or 43.21C RCW must be filed within sixty
26 days after publication as provided in (a) through (~~(e)~~) (d) of this
27 subsection.

28 (a) Except as provided in (c) and (d) of this subsection, the
29 date of publication for a city shall be the date the city publishes
30 the ordinance, or summary of the ordinance, adopting the
31 comprehensive plan or development regulations, or amendment thereto,
32 as is required to be published.

33 (b) Promptly after adoption, a county shall publish a notice that
34 it has adopted the comprehensive plan or development regulations, or
35 amendment thereto.

36 Except as provided in (c) and (d) of this subsection, for
37 purposes of this section the date of publication for a county shall
38 be the date the county publishes the notice that it has adopted the
39 comprehensive plan or development regulations, or amendment thereto.

1 (c) For local governments planning under RCW 36.70A.040, promptly
2 after approval or disapproval of a local government's shoreline
3 master program or amendment thereto by the department of ecology as
4 provided in RCW 90.58.090, the department of ecology shall publish a
5 notice that the shoreline master program or amendment thereto has
6 been approved or disapproved. For purposes of this section, the date
7 of publication for the adoption or amendment of a shoreline master
8 program is the date the department of ecology publishes notice that
9 the shoreline master program or amendment thereto has been approved
10 or disapproved.

11 (d) For purposes of this section, the date of publication for a
12 housing element and any related development regulations subject to
13 the approval requirements in section 1 of this act is the date the
14 department publishes its final decision determining housing element
15 compliance in the Washington State Register.

16 (3) All petitions relating to whether the department's final
17 decision under section 1 of this act is clearly erroneous must be
18 filed within 60 days after the department publishes its final
19 decision on housing element compliance in the Washington State
20 Register.

21 (4) Unless the board dismisses the petition as frivolous or finds
22 that the person filing the petition lacks standing, or the parties
23 have filed an agreement to have the case heard in superior court as
24 provided in RCW 36.70A.295, the board shall, within ten days of
25 receipt of the petition, set a time for hearing the matter.

26 ~~((4))~~ (5) The board shall base its decision on the record
27 developed by the city, county, or the state and supplemented with
28 additional evidence if the board determines that such additional
29 evidence would be necessary or of substantial assistance to the board
30 in reaching its decision.

31 ~~((5))~~ (6) The board, shall consolidate, when appropriate, all
32 petitions involving the review of the same comprehensive plan or the
33 same development regulation or regulations.

34 **Sec. 4.** RCW 36.70A.320 and 2023 c 228 s 8 are each amended to
35 read as follows:

36 (1) Except as provided in subsections (5) ~~((and (6)))~~ through (7)
37 of this section, comprehensive plans and development regulations, and
38 amendments thereto, adopted under this chapter are presumed valid
39 upon adoption.

1 (2) Except as otherwise provided in subsection (4) of this
2 section, the burden is on the petitioner to demonstrate that any
3 action taken by a state agency, county, or city under this chapter is
4 not in compliance with the requirements of this chapter.

5 (3) In any petition under this chapter, the board, after full
6 consideration of the petition, shall determine whether there is
7 compliance with the requirements of this chapter. In making its
8 determination, the board shall consider the criteria adopted by the
9 department under RCW 36.70A.190(4). The board shall find compliance
10 unless it determines that the action by the state agency, county, or
11 city is clearly erroneous in view of the entire record before the
12 board and in light of the goals and requirements of this chapter.

13 (4) A county or city subject to a determination of invalidity
14 made under RCW 36.70A.300 or 36.70A.302 has the burden of
15 demonstrating that the ordinance or resolution it has enacted in
16 response to the determination of invalidity will no longer
17 substantially interfere with the fulfillment of the goals of this
18 chapter under the standard in RCW 36.70A.302(1).

19 (5) The shoreline element of a comprehensive plan and the
20 applicable development regulations adopted by a county or city shall
21 take effect as provided in chapter 90.58 RCW.

22 (6) The greenhouse gas emissions reduction subelement required by
23 RCW 36.70A.070 shall take effect as provided in RCW 36.70A.096.

24 (7) The housing element required by RCW 36.70A.070(2) and any
25 related development regulations take effect as provided in section
26 1(1) of this act.

27 **Sec. 5.** RCW 36.70A.130 and 2023 c 280 s 1 and 2023 c 228 s 15
28 are each reenacted and amended to read as follows:

29 (1)(a) Each comprehensive land use plan and development
30 regulations shall be subject to continuing review and evaluation by
31 the county or city that adopted them. Except as otherwise provided, a
32 county or city shall take legislative action to review and, if
33 needed, revise its comprehensive land use plan and development
34 regulations to ensure the plan and regulations comply with the
35 requirements of this chapter according to the deadlines in
36 subsections (4) and (5) of this section.

37 (b)(i) A city or town located within (~~fa~~) a county planning
38 under RCW 36.70A.040 may opt out of a full review and revisions of

1 its comprehensive plan established in this section if the city or
2 town meets the following criteria:

3 (A) Has a population fewer than 500;

4 (B) Is not located within 10 miles of a city with a population
5 over 100,000;

6 (C) Experienced a population growth rate of fewer than 10 percent
7 in the preceding 10 years; and

8 (D) Has provided the department with notice of its intent to
9 participate in a partial review and revision of its comprehensive
10 plan.

11 (ii) The department shall review the population growth rate for a
12 city or town participating in the partial review and revision of its
13 comprehensive plan process at least three years before the periodic
14 update is due as outlined in subsection (4) of this section and
15 notify cities of their eligibility.

16 (iii) A city or town that opts out of a full review and revision
17 of its comprehensive plan must update its critical areas regulations
18 and its capital facilities element and its transportation element.

19 (c) Except as otherwise provided, a county or city not planning
20 under RCW 36.70A.040 shall take action to review and, if needed,
21 revise its policies and development regulations regarding critical
22 areas and natural resource lands adopted according to this chapter to
23 ensure these policies and regulations comply with the requirements of
24 this chapter according to the deadlines in subsections (4) and (5) of
25 this section. Legislative action means the adoption of a resolution
26 or ordinance following notice and a public hearing indicating at a
27 minimum, a finding that a review and evaluation has occurred and
28 identifying the revisions made, or that a revision was not needed and
29 the reasons therefor.

30 (d) The review and evaluation required by this subsection shall
31 include, but is not limited to, consideration of critical area
32 ordinances and, if planning under RCW 36.70A.040, an analysis of the
33 population allocated to a city or county from the most recent 10-year
34 population forecast by the office of financial management.

35 (e) Any amendment of or revision to a comprehensive land use plan
36 shall conform to this chapter. Any amendment of or revision to
37 development regulations shall be consistent with and implement the
38 comprehensive plan.

39 (2)(a) Each county and city shall establish and broadly
40 disseminate to the public a public participation program consistent

1 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and
2 schedules whereby updates, proposed amendments, or revisions of the
3 comprehensive plan are considered by the governing body of the county
4 or city no more frequently than once every year. "Updates" means to
5 review and revise, if needed, according to subsection (1) of this
6 section, and the deadlines in subsections (4) and (5) of this section
7 or in accordance with the provisions of subsection (6) of this
8 section. Amendments may be considered more frequently than once per
9 year under the following circumstances:

10 (i) The initial adoption of a subarea plan. Subarea plans adopted
11 under this subsection (2)(a)(i) must clarify, supplement, or
12 implement jurisdiction-wide comprehensive plan policies, and may only
13 be adopted if the cumulative impacts of the proposed plan are
14 addressed by appropriate environmental review under chapter 43.21C
15 RCW;

16 (ii) The development of an initial subarea plan for economic
17 development located outside of the 100 year floodplain in a county
18 that has completed a state-funded pilot project that is based on
19 watershed characterization and local habitat assessment;

20 (iii) The adoption or amendment of a shoreline master program
21 under the procedures set forth in chapter 90.58 RCW;

22 (iv) The amendment of the capital facilities element of a
23 comprehensive plan that occurs concurrently with the adoption or
24 amendment of a county or city budget; ~~((or))~~

25 (v) The adoption of comprehensive plan amendments necessary to
26 enact a planned action under RCW 43.21C.440, provided that amendments
27 are considered in accordance with the public participation program
28 established by the county or city under this subsection (2)(a) and
29 all persons who have requested notice of a comprehensive plan update
30 are given notice of the amendments and an opportunity to comment; or

31 (vi) The adoption or amendment of a housing element and any
32 related development regulations under the procedures set forth in
33 section 1 of this act.

34 (b) Except as otherwise provided in (a) of this subsection, all
35 proposals shall be considered by the governing body concurrently so
36 the cumulative effect of the various proposals can be ascertained.
37 However, after appropriate public participation a county or city may
38 adopt amendments or revisions to its comprehensive plan that conform
39 with this chapter whenever an emergency exists or to resolve an

1 appeal of a comprehensive plan filed with the growth management
2 hearings board or with the court.

3 (3) (a) Each county that designates urban growth areas under RCW
4 36.70A.110 shall review, according to the schedules established in
5 subsections (4) and (5) of this section, its designated urban growth
6 area or areas, patterns of development occurring within the urban
7 growth area or areas, and the densities permitted within both the
8 incorporated and unincorporated portions of each urban growth area.
9 In conjunction with this review by the county, each city located
10 within an urban growth area shall review the densities permitted
11 within its boundaries, and the extent to which the urban growth
12 occurring within the county has located within each city and the
13 unincorporated portions of the urban growth areas.

14 (b) The county comprehensive plan designating urban growth areas,
15 and the densities permitted in the urban growth areas by the
16 comprehensive plans of the county and each city located within the
17 urban growth areas, shall be revised to accommodate the urban growth
18 projected to occur in the county for the succeeding 20-year period.
19 The review required by this subsection may be combined with the
20 review and evaluation required by RCW 36.70A.215.

21 (c) If, during the county's review under (a) of this subsection,
22 the county determines revision of the urban growth area is not
23 required to accommodate the urban growth projected to occur in the
24 county for the succeeding 20-year period, but does determine that
25 patterns of development have created pressure in areas that exceed
26 available, developable lands within the urban growth area, the urban
27 growth area or areas may be revised to accommodate identified
28 patterns of development and likely future development pressure for
29 the succeeding 20-year period if the following requirements are met:

30 (i) The revised urban growth area may not result in an increase
31 in the total surface areas of the urban growth area or areas;

32 (ii) The areas added to the urban growth area are not or have not
33 been designated as agricultural, forest, or mineral resource lands of
34 long-term commercial significance;

35 (iii) Less than 15 percent of the areas added to the urban growth
36 area are critical areas;

37 (iv) The areas added to the urban growth areas are suitable for
38 urban growth;

39 (v) The transportation element and capital facility plan element
40 have identified the transportation facilities, and public facilities

1 and services needed to serve the urban growth area and the funding to
2 provide the transportation facilities and public facilities and
3 services;

4 (vi) The urban growth area is not larger than needed to
5 accommodate the growth planned for the succeeding 20-year planning
6 period and a reasonable land market supply factor;

7 (vii) The areas removed from the urban growth area do not include
8 urban growth or urban densities; and

9 (viii) The revised urban growth area is contiguous, does not
10 include holes or gaps, and will not increase pressures to urbanize
11 rural or natural resource lands.

12 (4) Except as otherwise provided in subsections (6) and (8) of
13 this section, counties and cities shall take action to review and, if
14 needed, revise their comprehensive plans and development regulations
15 to ensure the plan and regulations comply with the requirements of
16 this chapter as follows:

17 (a) On or before June 30, 2015, for King, Pierce, and Snohomish
18 counties and the cities within those counties;

19 (b) On or before June 30, 2016, for Clallam, Clark, Island,
20 Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom
21 counties and the cities within those counties;

22 (c) On or before June 30, 2017, for Benton, Chelan, Cowlitz,
23 Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and
24 the cities within those counties; and

25 (d) On or before June 30, 2018, for Adams, Asotin, Columbia,
26 Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln,
27 Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and
28 Whitman counties and the cities within those counties.

29 (5) Except as otherwise provided in subsections (6) ~~((and))~~, (8),
30 and (11) of this section, following the review of comprehensive plans
31 and development regulations required by subsection (4) of this
32 section, counties and cities shall take action to review and, if
33 needed, revise their comprehensive plans and development regulations
34 to ensure the plan and regulations comply with the requirements of
35 this chapter as follows:

36 (a) Except as provided in subsection (10) of this section, on or
37 before December 31, 2024, with the following review and, if needed,
38 revision on or before June 30, 2034, and then every 10 years
39 thereafter, for King, Kitsap, Pierce, and Snohomish counties and the
40 cities within those counties;

1 (b) On or before June 30, 2025, and every 10 years thereafter,
2 for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan,
3 Skagit, Thurston, and Whatcom counties and the cities within those
4 counties;

5 (c) On or before June 30, 2026, and every 10 years thereafter,
6 for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania,
7 Spokane, Walla Walla, and Yakima counties and the cities within those
8 counties; and

9 (d) On or before June 30, 2027, and every 10 years thereafter,
10 for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor,
11 Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens,
12 Wahkiakum, and Whitman counties and the cities within those counties.

13 (6)(a) Nothing in this section precludes a county or city from
14 conducting the review and evaluation required by this section before
15 the deadlines established in subsections (4) and (5) of this section.
16 Counties and cities may begin this process early and may be eligible
17 for grants from the department, subject to available funding, if they
18 elect to do so.

19 (b) A county that is subject to a deadline established in
20 subsection (5)(b) through (d) of this section and meets the following
21 criteria may comply with the requirements of this section at any time
22 within the 24 months following the deadline established in subsection
23 (5) of this section: The county has a population of less than 50,000
24 and has had its population increase by no more than 17 percent in the
25 10 years preceding the deadline established in subsection (5) of this
26 section as of that date.

27 (c) A city that is subject to a deadline established in
28 subsection (5)(b) through (d) of this section and meets the following
29 criteria may comply with the requirements of this section at any time
30 within the 24 months following the deadline established in subsection
31 (5) of this section: The city has a population of no more than 5,000
32 and has had its population increase by the greater of either no more
33 than 100 persons or no more than 17 percent in the 10 years preceding
34 the deadline established in subsection (5) of this section as of that
35 date.

36 (d) State agencies are encouraged to provide technical assistance
37 to the counties and cities in the review of critical area ordinances,
38 comprehensive plans, and development regulations.

39 (7)((~~a~~)) The requirements imposed on counties and cities under
40 this section shall be considered "requirements of this chapter" under

1 the terms of RCW 36.70A.040(1). Only those counties and cities that
2 meet the following criteria may receive grants, loans, pledges, or
3 financial guarantees under chapter 43.155 or 70A.135 RCW:

4 ~~((i) Complying))~~ (a) The county or city is in compliance with
5 the deadlines in this section; ~~((or~~

6 ~~(ii) Demonstrating))~~ (b) The county or city demonstrates
7 substantial progress towards compliance with the schedules in this
8 section for development regulations that protect critical areas.

9 ~~((b) A))~~ For purposes of this subsection (7)(b), a county or city
10 that is fewer than 12 months out of compliance with the schedules in
11 this section for development regulations that protect critical areas
12 is making substantial progress towards compliance. Only those
13 counties and cities in compliance with the schedules in this section
14 may receive preference for grants or loans subject to the provisions
15 of RCW 43.17.250; or

16 (c) The county or city demonstrates substantial progress towards
17 compliance with the deadlines in this section for a housing element
18 and any related development regulations subject to the requirements
19 in section 1 of this act. For purposes of this subsection (7)(c), a
20 county or city demonstrates substantial progress towards compliance
21 if the county or city satisfies the requirements in section 1(2) and
22 (3) of this act related to the notice of intent to apply and the
23 application procedures, but the department has not yet issued a final
24 decision on the application. Only those counties and cities that have
25 received a final decision from the department determining that their
26 housing elements and any related development regulations comply with
27 the laws and regulations identified in section 1(5) of this act may
28 receive preference for grants or loans subject to the provisions of
29 RCW 43.17.250.

30 (8)(a) Except as otherwise provided in (c) of this subsection, if
31 a participating watershed is achieving benchmarks and goals for the
32 protection of critical areas functions and values, the county is not
33 required to update development regulations to protect critical areas
34 as they specifically apply to agricultural activities in that
35 watershed.

36 (b) A county that has made the election under RCW 36.70A.710(1)
37 may only adopt or amend development regulations to protect critical
38 areas as they specifically apply to agricultural activities in a
39 participating watershed if:

1 (i) A work plan has been approved for that watershed in
2 accordance with RCW 36.70A.725;

3 (ii) The local watershed group for that watershed has requested
4 the county to adopt or amend development regulations as part of a
5 work plan developed under RCW 36.70A.720;

6 (iii) The adoption or amendment of the development regulations is
7 necessary to enable the county to respond to an order of the growth
8 management hearings board or court;

9 (iv) The adoption or amendment of development regulations is
10 necessary to address a threat to human health or safety; or

11 (v) Three or more years have elapsed since the receipt of
12 funding.

13 (c) Beginning 10 years from the date of receipt of funding, a
14 county that has made the election under RCW 36.70A.710(1) must review
15 and, if necessary, revise development regulations to protect critical
16 areas as they specifically apply to agricultural activities in a
17 participating watershed in accordance with the review and revision
18 requirements and timeline in subsection (5) of this section. This
19 subsection (8)(c) does not apply to a participating watershed that
20 has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's
21 goals and benchmarks for protection have been met.

22 (9)(a) Counties subject to planning deadlines established in
23 subsection (5) of this section that are required or that choose to
24 plan under RCW 36.70A.040 and that meet either criteria of (a)(i) or
25 (ii) of this subsection, and cities with a population of more than
26 6,000 as of April 1, 2021, within those counties, must provide to the
27 department an implementation progress report detailing the progress
28 they have achieved in implementing their comprehensive plan five
29 years after the review and revision of their comprehensive plan. Once
30 a county meets the criteria in (a)(i) or (ii) of this subsection, the
31 implementation progress report requirements remain in effect
32 thereafter for that county and the cities therein with populations
33 greater than 6,000 as of April 1, 2021, even if the county later no
34 longer meets either or both criteria. A county is subject to the
35 implementation progress report requirement if it meets either of the
36 following criteria on or after April 1, 2021:

37 (i) The county has a population density of at least 100 people
38 per square mile and a population of at least 200,000; or

1 (ii) The county has a population density of at least 75 people
2 per square mile and an annual growth rate of at least 1.75 percent as
3 determined by the office of financial management.

4 (b) The department shall adopt guidelines for indicators,
5 measures, milestones, and criteria for use by counties and cities in
6 the implementation progress report that must cover:

7 (i) The implementation of previously adopted changes to the
8 housing element and any effect those changes have had on housing
9 affordability and availability within the jurisdiction;

10 (ii) Permit processing timelines; and

11 (iii) Progress toward implementing any actions required to
12 achieve reductions to meet greenhouse gas and vehicle miles traveled
13 requirements as provided for in any element of the comprehensive plan
14 under RCW 36.70A.070.

15 (c) If a city or county required to provide an implementation
16 progress report under this subsection (9) has not implemented any
17 specifically identified regulations, zoning and land use changes, or
18 taken other legislative or administrative action necessary to
19 implement any changes in the most recent periodic update in their
20 comprehensive plan by the due date for the implementation progress
21 report, the city or county must identify the need for such action in
22 the implementation progress report. Cities and counties must adopt a
23 work plan to implement any necessary regulations, zoning and land use
24 changes, or take other legislative or administrative action
25 identified in the implementation progress report and complete all
26 work necessary for implementation within two years of submission of
27 the implementation progress report.

28 (10) Any county or city that is required by RCW 36.70A.095 to
29 include in its comprehensive plan a climate change and resiliency
30 element and that is also required by subsection (5)(a) of this
31 section to review and, if necessary, revise its comprehensive plan on
32 or before December 31, 2024, must update its transportation element
33 and incorporate a climate change and resiliency element into its
34 comprehensive plan as part of the first implementation progress
35 report required by subsection (9) of this section if funds are
36 appropriated and distributed by December 31, 2027, as required under
37 RCW 36.70A.070(10).

38 (11) For the housing element and any related development
39 regulations subject to the approval requirements in section 1 of this
40 act, a county or city is in compliance with the deadlines in

1 subsection (5) of this section if it receives the department's final
2 decision determining housing element compliance within six months
3 after its next comprehensive plan update due under this section.

4 **Sec. 6.** RCW 43.21C.495 and 2023 c 334 s 6 and 2023 c 332 s 8 are
5 each reenacted and amended to read as follows:

6 (1) Adoption of ordinances, development regulations and
7 amendments to such regulations, and other nonproject actions taken by
8 a city to implement: The actions specified in section 2, chapter 246,
9 Laws of 2022 unless the adoption of such ordinances, development
10 regulations and amendments to such regulations, or other nonproject
11 actions has a probable significant adverse impact on fish habitat;
12 and the increased residential building capacity actions identified in
13 RCW 36.70A.600(1), with the exception of the action specified in RCW
14 36.70A.600(1)(f), are not subject to administrative or judicial
15 appeals under this chapter.

16 (2) Amendments to development regulations and other nonproject
17 actions taken by a city to implement the requirements under RCW
18 36.70A.635 pursuant to RCW 36.70A.636(3)(b) are not subject to
19 administrative or judicial appeals under this chapter.

20 (3) Adoption of ordinances, development regulations and
21 amendments to such regulations, and other nonproject actions taken by
22 a city or county consistent with the requirements of RCW 36.70A.680
23 and 36.70A.681 are not subject to administrative or judicial appeals
24 under this chapter.

25 (4) Adoption of ordinances, development regulations and
26 amendments to such regulations, and other nonproject actions by a
27 city or county to implement the housing element requirements set
28 forth in RCW 36.70A.070(2) are not subject to administrative or
29 judicial appeals under this chapter.

30 NEW SECTION. **Sec. 7.** This act may be known and cited as the
31 housing accountability act.

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