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**SENATE BILL 6152**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senators Cleveland, Shewmake, Rivers, Frame, Salomon, Trudeau, Nguyen, Keiser, Llias, Pedersen, Kuderer, Nobles, Saldaña, and Valdez

Read first time 01/10/24. Referred to Committee on Local Government, Land Use & Tribal Affairs.

1 AN ACT Relating to requiring certain counties to measure the gap  
2 between estimated existing housing units and existing housing needs  
3 to meet local housing demands; amending RCW 43.155.070; adding a new  
4 section to chapter 36.70A RCW; and creating a new section.

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

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

8 (1)(a) A county subject to the review and evaluation requirements  
9 of RCW 36.70A.215 must, in consultation with its cities, provide for  
10 the annual collection of data on the progress they have achieved in  
11 closing the gap between estimated existing housing units within the  
12 county and existing housing needs. The data collected must include:

13 (i) An analysis of the estimated existing housing units and  
14 existing housing needs within the county at the following income  
15 levels: 0-30 percent of the area median income, 30-50 percent of the  
16 area median income, 50-80 percent of the area median income, 80-100  
17 percent of the area median income, 100-120 percent of the area median  
18 income, and greater than 120 percent of the area median income; and

19 (ii) The county's progress in meeting emergency housing,  
20 emergency shelters, and permanent supportive housing needs within the  
21 district.

1 (b) A county subject to the requirements of this section and RCW  
2 36.70A.130(5)(a) must report the annual data collected to the  
3 department no later than June 30, 2026, and each year thereafter.

4 (c) A county subject to the requirements of this section and RCW  
5 36.70A.130(5)(b) must report the annual data collected to the  
6 department no later than one calendar year after their comprehensive  
7 plan periodic update, and each year thereafter.

8 (d) Should a county find that the gap between estimated existing  
9 housing units and existing housing needs has not decreased from the  
10 preceding year, the county, in consultation with its cities, must  
11 limit units built for 750 percent of area median income. A  
12 jurisdiction may limit units built through a moratorium or other  
13 legislative action.

14 (2) By July 1, 2027, and each year thereafter, the department  
15 shall publish an annual report which includes a summary of the data  
16 collected by each county as required under this section, including:

17 (a) The estimated existing housing units and existing housing  
18 needs at the following income levels: 0-30 percent of the area median  
19 income, 30-50 percent of the area median income, 50-80 percent of the  
20 area median income, 80-100 percent of the area median income, 100-120  
21 percent of the area median income, and greater than 120 percent of  
22 the area median income; and

23 (b) The progress in meeting emergency housing, emergency  
24 shelters, and permanent supportive housing needs within a district.

25 (3) A county or city subject to the requirements of this section  
26 is eligible to receive funds under chapter 43.155 RCW to defray  
27 infrastructure and clean water costs related to infill development  
28 and any other increase in affordable housing units.

29 **Sec. 2.** RCW 43.155.070 and 2021 c 65 s 49 are each amended to  
30 read as follows:

31 (1) To qualify for financial assistance under this chapter the  
32 board must determine that a local government meets all of the  
33 following conditions:

34 (a) The city or county must be imposing a tax under chapter 82.46  
35 RCW at a rate of at least one-quarter of one percent;

36 (b) The local government must have developed a capital facility  
37 plan; and

1 (c) The local government must be using all local revenue sources  
2 which are reasonably available for funding public works, taking into  
3 consideration local employment and economic factors.

4 (2) Except where necessary to address a public health need or  
5 substantial environmental degradation, a county, city, or town  
6 planning under RCW 36.70A.040 may not receive financial assistance  
7 under this chapter unless it has adopted a comprehensive plan,  
8 including a capital facilities plan element, and development  
9 regulations as required by RCW 36.70A.040. This subsection does not  
10 require any county, city, or town planning under RCW 36.70A.040 to  
11 adopt a comprehensive plan or development regulations before  
12 requesting or receiving financial assistance under this chapter if  
13 such request is made before the expiration of the time periods  
14 specified in RCW 36.70A.040. A county, city, or town planning under  
15 RCW 36.70A.040 that has not adopted a comprehensive plan and  
16 development regulations within the time periods specified in RCW  
17 36.70A.040 may apply for and receive financial assistance under this  
18 chapter if the comprehensive plan and development regulations are  
19 adopted as required by RCW 36.70A.040 before executing a contractual  
20 agreement for financial assistance with the board.

21 (3) In considering awarding financial assistance for public  
22 facilities to special districts requesting funding for a proposed  
23 facility located in a county, city, or town planning under RCW  
24 36.70A.040, the board must consider whether the county, city, or town  
25 planning under RCW 36.70A.040 in whose planning jurisdiction the  
26 proposed facility is located has adopted a comprehensive plan and  
27 development regulations as required by RCW 36.70A.040.

28 (4) (a) The board must develop a process to prioritize  
29 applications and funding of loans and grants for public works  
30 projects submitted by local governments. The board must consider, at  
31 a minimum and in any order, the following factors in prioritizing  
32 projects:

33 (i) Whether the project is critical in nature and would affect  
34 the health and safety of many people;

35 (ii) The extent to which the project leverages other funds;

36 (iii) The extent to which the project is ready to proceed to  
37 construction;

38 (iv) Whether the project is located in an area of high  
39 unemployment, compared to the average state unemployment;

1 (v) Whether the project promotes the sustainable use of resources  
2 and environmental quality, as applicable;

3 (vi) Whether the project consolidates or regionalizes systems;

4 (vii) Whether the project encourages economic development through  
5 mixed-use and mixed income development consistent with chapter 36.70A  
6 RCW;

7 (viii) Whether the project encourages infill development or any  
8 other increase in affordable housing units in counties subject to the  
9 requirements of section 1 of this act. For purposes of this  
10 subsection (4)(a)(viii), "affordable housing" has the same meaning as  
11 in RCW 36.70A.030;

12 ~~(ix)~~ Whether the system is being well-managed in the present and  
13 for long-term sustainability;

14 ~~((ix))~~ (x) Achieving equitable distribution of funds by  
15 geography and population;

16 ~~((x))~~ (xi) The extent to which the project meets the following  
17 state policy objectives:

18 (A) Efficient use of state resources;

19 (B) Preservation and enhancement of health and safety;

20 (C) Abatement of pollution and protection of the environment;

21 (D) Creation of new, family-wage jobs, and avoidance of shifting  
22 existing jobs from one Washington state community to another;

23 (E) Fostering economic development consistent with chapter 36.70A  
24 RCW;

25 (F) Efficiency in delivery of goods and services and  
26 transportation; and

27 (G) Reduction of the overall cost of public infrastructure;

28 ~~((xi))~~ (xii) Whether the applicant sought or is seeking funding  
29 for the project from other sources; and

30 ~~((xii))~~ (xiii) Other criteria that the board considers  
31 necessary to achieve the purposes of this chapter.

32 (b) Before September 1, 2018, and each year thereafter, the board  
33 must develop and submit a report regarding the construction loans and  
34 grants to the office of financial management and appropriate fiscal  
35 committees of the senate and house of representatives. The report  
36 must include:

37 (i) The total number of applications and amount of funding  
38 requested for public works projects;

1 (ii) A list and description of projects approved in the preceding  
2 fiscal year with project scores against the board's prioritization  
3 criteria;

4 (iii) The total amount of loan and grants disbursements made from  
5 the public works assistance account in the preceding fiscal year;

6 (iv) The total amount of loan repayments in the preceding fiscal  
7 year for outstanding loans from the public works assistance account;

8 (v) The total amount of loan repayments due for outstanding loans  
9 for each fiscal year over the following ten-year period; and

10 (vi) The total amount of funds obligated and timing of when the  
11 funds were obligated in the preceding fiscal year.

12 (c) The maximum amount of funding that the board may provide for  
13 any jurisdiction is ten million dollars per biennium.

14 (5) Existing debt or financial obligations of local governments  
15 may not be refinanced under this chapter. Each local government  
16 applicant must provide documentation of attempts to secure additional  
17 local or other sources of funding for each public works project for  
18 which financial assistance is sought under this chapter.

19 (6) Before September 1st of each year, the board must develop and  
20 submit to the appropriate fiscal committees of the senate and house  
21 of representatives a description of the loans and grants made under  
22 RCW 43.155.065 and 43.155.068.

23 (7) The board may not sign contracts or otherwise financially  
24 obligate funds from the public works assistance account before the  
25 legislature has appropriated funds to the board for the purpose of  
26 funding public works projects under this chapter.

27 (8) To qualify for loans, grants, or pledges for solid waste or  
28 recycling facilities under this chapter, a city or county must  
29 demonstrate that the solid waste or recycling facility is consistent  
30 with and necessary to implement the comprehensive solid waste  
31 management plan adopted by the city or county under chapter 70A.205  
32 RCW.

33 (9) After January 1, 2010, any project designed to address the  
34 effects of stormwater or wastewater on Puget Sound may be funded  
35 under this section only if the project is not in conflict with the  
36 action agenda developed by the Puget Sound partnership under RCW  
37 90.71.310.

38 (10) For projects involving repair, replacement, or improvement  
39 of a wastewater treatment plant or other public works facility for  
40 which an investment grade efficiency audit is reasonably obtainable,

1 the public works board must require as a contract condition that the  
2 project sponsor undertake an investment grade efficiency audit. The  
3 project sponsor may finance the costs of the audit as part of its  
4 public works assistance account program loan or grant.

5 (11) The board must implement policies and procedures designed to  
6 maximize local government consideration of other funds to finance  
7 local infrastructure.

8 NEW SECTION. **Sec. 3.** This act may be known and cited as the  
9 affordable housing action act.

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