

SB 5554 - S AMD 76
By Senator Torres

NOT CONSIDERED 04/27/2025

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21
4 RCW to read as follows:

5 (1) (a) Except as provided for in subsection (3) of this section,
6 cities must adopt or amend by ordinance, and incorporate into their
7 development regulations, zoning regulations, preservation ordinances,
8 and other official controls the requirements of subsection (2) of
9 this section for properties that are zoned for residential or mixed
10 use no later than one year after the effective date of this section.

11 (b) Except as provided in subsection (3) of this section, the
12 requirements of subsection (2) of this section apply and take effect
13 in any city that has not adopted or amended ordinances, regulations,
14 or other official controls as required under this section by the
15 timeline in (a) of this subsection and supersede, preempt, and
16 invalidate any conflicting local regulations.

17 (2) No city may designate a property as a historic landmark if:

18 (a) The property that would be designated as a historic landmark
19 is less than 40 years old; or

20 (b) The designation would restrict the use, alteration, or
21 demolition of the property, and the written consent of the owner of
22 the property has not been obtained. Such a designation made after the
23 effective date of this section without the written consent of the
24 property owner is void unless and until such consent is obtained.
25 Nothing in this act affects such a designation made prior to the
26 effective date of this section.

27 (3) The limitations in subsection (2) of this section do not
28 apply if the property that would be designated as a historic landmark
29 is within a historic district established through a local
30 preservation ordinance, or if the property that would be designated
31 as a historic landmark is more than 100 years old.

1 (4) Nothing in this section prevents a city from allowing a
2 property to be nominated as a historic landmark without the consent
3 of the property owner. Except as provided in subsection (3) of this
4 section, such consent must be obtained prior to the nomination being
5 approved and the property being designated as a landmark.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21
7 RCW to read as follows:

8 (1)(a) Except as provided for in subsection (3) of this section,
9 code cities must adopt or amend by ordinance, and incorporate into
10 their development regulations, zoning regulations, preservation
11 ordinances, and other official controls, the requirements of
12 subsection (2) of this section for properties that are zoned for
13 residential or mixed use no later than one year after the effective
14 date of this section.

15 (b) Except as provided in subsection (3) of this section, the
16 requirements of subsection (2) of this section apply and take effect
17 in any code city that has not adopted or amended ordinances,
18 regulations, or other official controls as required under this
19 section by the timeline in (a) of this subsection and supersede,
20 preempt, and invalidate any conflicting local regulations.

21 (2) No code city may designate a property as a historic landmark
22 if:

23 (a) The property that would be designated as a historic landmark
24 is less than 40 years old; or

25 (b) The designation would restrict the use, alteration, or
26 demolition of the property, and the written consent of the owner of
27 the property has not been obtained. Such a designation made after the
28 effective date of this section without the written consent of the
29 property owner is void unless and until such consent is obtained.
30 Nothing in this act affects such a designation made prior to the
31 effective date of this section.

32 (3) The limitations in subsection (2) of this section do not
33 apply if the property that would be designated as a historic landmark
34 is within a historic district established through a local
35 preservation ordinance, or if the property that would be designated
36 as a historic landmark is more than 100 years old.

37 (4) Nothing in this section prevents a code city from allowing a
38 property to be nominated as a historic landmark without the consent
39 of the property owner. Except as provided in subsection (3) of this

1 section, such consent must be obtained prior to the nomination being
2 approved and the property being designated as a landmark.

3 **Sec. 3.** RCW 43.21C.495 and 2023 c 334 s 6 and 2023 c 3 s 8 are
4 each reenacted and amended to read as follows:

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

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

19 (3) Adoption of ordinances, development regulations and
20 amendments to such regulations, and other nonproject actions taken by
21 a city or county consistent with the requirements of RCW 36.70A.680
22 and 36.70A.681, or such actions taken by a city pursuant to section 1
23 or 2 of this act, are not subject to administrative or judicial
24 appeals under this chapter."

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25 On page 1, line 1 of the title, after "designations;" strike the
26 remainder of the title and insert "reenacting and amending RCW
27 43.21C.495; adding a new section to chapter 35.21 RCW; and adding a
28 new section to chapter 35A.21 RCW."

EFFECT: • By July 26, 2026, cities must adopt regulations that prohibit the designation of a property as a historic landmark outside a designated historic district if the property is less than 40 years old, or, if the designation would restrict the use of the property and the property is less than 100 years old, if the property owner has not given written consent to the designation. Such a designation

made after July 26, 2025, without the property owner's consent is void unless and until consent is given.

- Provides that historical landmark designations made by a city before the effective date of the bill are not affected by the prohibitions in the bill.

- Allows a property to be designated as a historic landmark without the owner's consent if the property is more than 100 years old.

- Provides that a city or code city is not precluded from allowing a property that is less than 100 years old to be nominated as a historic landmark outside of a designated historic district without the consent of the property owner, as long as such consent is obtained prior to the nomination being approved and the designation applied.

- Clarifies that nonproject actions taken by a city to comply with these restrictions are not subject to SEPA appeal.

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