

HOUSE BILL REPORT

HB 1935

As Reported by House Committee On:
Local Government

Title: An act relating to the definition of project permit and project permit application.

Brief Description: Concerning the definition of project permit and project permit application.

Sponsors: Representatives Duerr and Reed.

Brief History:

Committee Activity:

Local Government: 2/14/25, 2/18/25 [DPS].

Brief Summary of Substitute Bill

- Provides that building permits are not considered project permits for the purposes of certain local government project review requirements.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Duerr, Chair; Parshley, Vice Chair; Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey, Hunt and Zahn.

Staff: Kellen Wright (786-7134).

Background:

The Growth Management Act.

The Growth Management Act (GMA) requires that certain counties, and the cities within those counties, engage in planning for future population growth. The centerpiece of the

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planning process is the comprehensive plan. While comprehensive plans generally cover the whole jurisdiction, smaller areas may be subject to subarea plans. The city or county (local government) must adopt development regulations to implement the comprehensive plan. Development regulations include zoning ordinances, official controls, and other regulations.

Project Permits.

Before developing land, a developer must obtain permits from the local government with jurisdiction over the land allowing the development. Some of these permits are known as project permits. For the purposes of certain requirements related to local government permit review, including for deadlines for local governments planning under the GMA to complete a permit review, a project permit is any land use or environmental permit or license required from a local government in order to take action on a project. Such permits or licenses include subdivisions, binding site plans, planned unit developments, and conditional uses, but do not include comprehensive plan amendments or adoption, subarea plans, or, in general, development regulations.

Building Permits.

Building permits are generally required to ensure that a development complies with the building code requirements. The State Building Code (Code) is adopted by the State Building Code Council (Council). The Code consists of the State Energy Code, model codes adopted by reference, as well as any amendments made to the model codes by the Council. The model codes are the International Building Code, the International Residential Code, the International Mechanical Code, the International Fire Code, the Uniform Plumbing Code Standards, and portions of the International Wildland Urban Interface Code. Local governments may also adopt local amendments to the Code, though the amendments cannot diminish the minimum performance standards required by the Code.

Summary of Substitute Bill:

For the purposes of certain requirements related to local government permit review, including for deadlines for local governments planning under the GMA to complete a permit review, a building permit is not considered a project permit.

Substitute Bill Compared to Original Bill:

The substitute removes a reference to a building permit as a type of project permit.

Appropriation: None.

Fiscal Note: Requested on February 11, 2025.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is a simple technical correction to Senate Bill 5290 from 2023, which was meant to improve the permitting process and help get more housing built. That bill had removed "building permit" from the definition of project permit, but the change wasn't explicit enough and it was causing confusion, including with the Department of Commerce. Senate Bill 5290 had meant to exclude building permits, as that was part of the negotiations around the bill. It sounds counterintuitive to remove building permits from the definition, but building permits are only a small part of the overall land use development process, and they should be handled differently. Land use and civil permits are included within project permits, and these take the longest amount of time to process. Building permits are processed much more quickly. Project permits generally operate under a different timeline than building permits, so this is just a timing clarification. There are a wide variety of different building permits, and these need to be handled differently. Not making this change could lead to an early denial of building permits in order to try and avoid missing permitting timelines.

(Opposed) None.

Persons Testifying: Representative Davina Duerr, prime sponsor; Andrea Smiley, Building Industry Association of Washington; Curtis Steinhauer, Washington Association of Counties; Carl Schroeder, Association of Washington Cities; and Tim Woodard, Washington Association of Building Officials.

Persons Signed In To Testify But Not Testifying: None.