
SUBSTITUTE HOUSE BILL 1195

State of Washington

69th Legislature

2025 Regular Session

By House Housing (originally sponsored by Representatives Peterson, Macri, Alvarado, Ryu, Berry, Ramel, Fitzgibbon, Mena, Callan, Obras, Farivar, Doglio, Gregerson, Simmons, Street, Duerr, Nance, Berg, Davis, Ormsby, and Hill)

READ FIRST TIME 02/03/25.

1 AN ACT Relating to compliance with siting, development permit
2 processes and standards, and requirements for permanent supportive
3 housing, transitional housing, indoor emergency housing, or indoor
4 emergency shelters; amending RCW 35.21.683 and 35A.21.430; adding a
5 new section to chapter 36.70A RCW; and adding a new section to
6 chapter 43.330 RCW.

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

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

10 (1) A local comprehensive plan or development regulations,
11 including permit processes, development standards, or permit
12 conditions imposed under this chapter, chapter 43.21C RCW, or Title
13 35 or 35A RCW, may not deny or preclude a permit application for
14 permanent supportive housing, transitional housing, indoor emergency
15 housing, or indoor emergency shelter in any residential or commercial
16 zone within an urban growth area that includes or is contiguous with
17 a city.

18 (2) A county or city must review for compliance any permit
19 application for permanent supportive housing, transitional housing,
20 indoor emergency housing, or indoor emergency shelters using an
21 administrative process only.

1 (3) (a) If a permit applicant is unable to site permanent
2 supportive housing, transitional housing, indoor emergency housing,
3 or indoor emergency shelters due to a county or city comprehensive
4 plan or development regulation, the applicant may seek a waiver of
5 certain requirements from the local government to allow the siting of
6 the facility. The permit applicant must describe any local permit
7 processes, development standards, or permit conditions that the
8 permit applicant asserts would deny or preclude the siting,
9 construction, or operation of the proposed facility, including:

10 (i) The specific local permit processes, development standards,
11 or permit conditions that deny or preclude the siting, construction,
12 or operation of the proposed facility;

13 (ii) How the identified processes, standards, or permit
14 conditions preclude the siting, construction, or operation of the
15 proposed facility; and

16 (iii) The minimum waiver or relief to allow the siting,
17 construction, or operation of the proposed facility.

18 (b) If a county or city and a permit applicant disagree about the
19 assertions, either party may request that the department provide
20 dispute resolution services under section 2 of this act.

21 (4) Nothing in this section requires a city or county to approve
22 a permit application for permanent supportive housing, transitional
23 housing, indoor emergency housing, or indoor emergency shelters that
24 are located in a critical area, an area of natural hazards that
25 generally prohibit residential development, or on agricultural,
26 forest, or mineral lands of long-term commercial significance.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.330
28 RCW to read as follows:

29 (1) The department shall provide services to facilitate the
30 timely resolution of disputes between a county or a city and:

31 (a) An applicant seeking a project permit or development
32 agreement to site or construct permanent supportive housing,
33 transitional housing, indoor emergency housing, or indoor emergency
34 shelters; or

35 (b) A developer of permanent supportive housing, transitional
36 housing, indoor emergency housing, or indoor emergency shelters that
37 alleges a zoning ordinance or development regulations adopted by the
38 county or city either:

1 (i) Prevents the siting, construction, or operation of housing or
2 shelter in violation of RCW 35.21.683, 35A.21.430, 36.130.020, or
3 36.70A.070(2)(c); or

4 (ii) Precludes the siting, construction, or operation of a
5 facility pursuant to section 1 of this act.

6 (2) A county, city, applicant, or developer as specified in
7 subsection (1) of this section may request that the department
8 provide facilitation services to resolve issues of concern with a
9 proposed development of permanent supportive housing, transitional
10 housing, indoor emergency housing, or indoor emergency shelters.

11 (3) If dispute resolution is unsuccessful, the county or city
12 must submit the project permit application, any development
13 agreement, any zoning ordinance and related development regulations,
14 or any other relevant documents, including a statement of the reason
15 for any denial, rescission, or conditions of approval, the
16 requirements necessary to fulfill the development agreement or
17 development regulations, or how the adopted ordinance and development
18 regulations comply with RCW 35.21.683, 35A.21.430, 36.130.020,
19 36.70A.070(2)(c), and section 1 of this act, to the department for
20 review.

21 (4)(a) If the department finds that the final decision on the
22 project permit application, a development agreement, or another
23 permitting process does not comply with RCW 35.21.683, 35A.21.430,
24 36.130.020, or 36.70A.070(2)(c), or precludes the siting,
25 construction, or operation of a facility pursuant to section 1 of
26 this act, the department shall reverse and vacate the noncompliant
27 portion of the final decision and direct the county or city to take
28 corrective administrative action within 60 days.

29 (b) If the department finds that a zoning ordinance or
30 development regulations adopted by the county or city prevents the
31 siting, construction, or operation of housing or shelter in violation
32 of RCW 35.21.683, 35A.21.430, 36.130.020, or 36.70A.070(2)(c), or
33 precludes the siting, construction, or operation of a facility
34 pursuant to section 1 of this act, the department must issue a
35 determination of noncompliance and invalidity and return the zoning
36 ordinance or development regulation to the county or city for
37 corrective legislative action within 120 days.

38 (5)(a) A final decision of the department under subsection (4) of
39 this section is exempt from appeal under chapter 36.70A or 43.21C
40 RCW.

1 (b) Corrective action required under subsection (4) of this
2 section is exempt from appeal under chapter 36.70A or 43.21C RCW.

3 (6)(a) The department shall notify the state treasurer if a
4 county or city fails to:

5 (i) Issue a project permit application, development agreement, or
6 another permit or process decision within 60 days of a determination
7 of noncompliance under subsection (4)(a) of this section; or

8 (ii) Amend its zoning ordinance and related development
9 regulations to comply with RCW 35.21.683, 35A.21.430, 36.130.020,
10 36.70A.070(2)(c), and 36.70A.200 within 120 days of a determination
11 of noncompliance under subsection (4)(b) of this section.

12 (b) Upon notification, the state treasurer shall withhold the
13 following revenues to which a county or city is entitled: (i) The
14 motor vehicle fuel tax, as provided in chapter 82.38 RCW; (ii) the
15 transportation improvement account, as provided in RCW 47.26.084;
16 (iii) the rural arterial trust account, as provided in RCW 36.79.150;
17 (iv) the sales and use tax, as provided in chapter 82.14 RCW; (v) the
18 liquor profit tax, as provided in RCW 66.08.190; and (vi) the liquor
19 excise tax, as provided in RCW 82.08.170.

20 (c) The state treasurer shall resume distributions of revenues
21 withheld under (b) of this subsection when the county or city issues
22 the project permit application or amends its zoning ordinance and
23 related development regulations.

24 (7) An applicant submitting a project permit application,
25 development agreement, or other documents for permanent supportive
26 housing, transitional housing, indoor emergency housing, or indoor
27 emergency shelters may submit a copy of the project permit
28 application, development agreement, or other documents to the
29 department. An applicant also may request a review of any denial,
30 rescission, or conditions for approval by a county or city.

31 (8) The department may adopt any rules necessary to implement
32 this section.

33 **Sec. 3.** RCW 35.21.683 and 2021 c 254 s 4 are each amended to
34 read as follows:

35 (1) A city shall not prohibit transitional housing or permanent
36 supportive housing in any zones in which residential dwelling units
37 or hotels are allowed. Effective September 30, 2021, a city shall not
38 prohibit indoor emergency shelters and indoor emergency housing in
39 any zones in which hotels are allowed, except in such cities that

1 have adopted an ordinance authorizing indoor emergency shelters and
2 indoor emergency housing in a majority of zones within a one-mile
3 proximity to transit. Reasonable occupancy, spacing, and intensity of
4 use requirements may be imposed by ordinance on permanent supportive
5 housing, transitional housing, indoor emergency housing, and indoor
6 emergency shelters to protect public health and safety. Any such
7 requirements on occupancy, spacing, and intensity of use may not
8 prevent the siting of a sufficient number of permanent supportive
9 housing, transitional housing, indoor emergency housing, or indoor
10 emergency shelters necessary to accommodate each city's projected
11 need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

12 (2) A city may not approve a permit application for transitional
13 housing, permanent supportive housing, indoor emergency housing, or
14 indoor emergency shelters in an area zoned for industrial use.

15 (3) A city must process a permit application for transitional
16 housing, permanent supportive housing, indoor emergency housing, or
17 indoor emergency shelters pursuant to administrative design review as
18 defined in RCW 36.70A.030.

19 **Sec. 4.** RCW 35A.21.430 and 2021 c 254 s 3 are each amended to
20 read as follows:

21 (1) A code city shall not prohibit transitional housing or
22 permanent supportive housing in any zones in which residential
23 dwelling units or hotels are allowed. Effective September 30, 2021, a
24 code city shall not prohibit indoor emergency shelters and indoor
25 emergency housing in any zones in which hotels are allowed, except in
26 such cities that have adopted an ordinance authorizing indoor
27 emergency shelters and indoor emergency housing in a majority of
28 zones within a one-mile proximity to transit. Reasonable occupancy,
29 spacing, and intensity of use requirements may be imposed by
30 ordinance on permanent supportive housing, transitional housing,
31 indoor emergency housing, and indoor emergency shelters to protect
32 public health and safety. Any such requirements on occupancy,
33 spacing, and intensity of use may not prevent the siting of a
34 sufficient number of permanent supportive housing, transitional
35 housing, indoor emergency housing, or indoor emergency shelters
36 necessary to accommodate each code city's projected need for such
37 housing and shelter under RCW 36.70A.070(2)(a)(ii).

38 (2) A code city may not approve a permit application for
39 transitional housing, permanent supportive housing, indoor emergency

1 housing, or indoor emergency shelters in an area zoned for industrial
2 use.

3 (3) A code city must process a permit application for
4 transitional housing, permanent supportive housing, indoor emergency
5 housing, or indoor emergency shelters pursuant to administrative
6 design review as defined in RCW 36.70A.030.

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