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**HOUSE BILL 1195**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Peterson, Macri, Alvarado, Ryu, and Berry

Prefiled 01/08/25.

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.

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

20 (3)(a) If a permit applicant is unable to site permanent  
21 supportive housing, transitional housing, indoor emergency housing,

1 or indoor emergency shelters due to a county or city comprehensive  
2 plan or development regulations, the applicant may seek a waiver of  
3 certain requirements from the local government to allow the siting of  
4 the facility. The permit application must describe any local permit  
5 processes, development standards, or permit conditions that the  
6 permit applicant asserts would deny, preclude, or otherwise have a  
7 preclusive effect on the siting, construction, or operation of the  
8 proposed facility, including:

9 (i) The specific local permit processes, development standards,  
10 or permit conditions that have a preclusive effect on the siting,  
11 construction, or operation of the proposed facility;

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

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

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

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

28 (5) For the purposes of this section, "preclusive effect" means  
29 an action or condition that is incapable of being accomplished by  
30 means available to a permit applicant or developer.

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

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

35 (a) An applicant seeking a project permit or development  
36 agreement to site or construct permanent supportive housing,  
37 transitional housing, indoor emergency housing, or indoor emergency  
38 shelters; or

1 (b) A developer of permanent supportive housing, transitional  
2 housing, indoor emergency housing, or indoor emergency shelters that  
3 alleges a zoning ordinance or development regulations adopted by the  
4 county or city either:

5 (i) Prevents the siting, construction, or operation of housing or  
6 shelter in violation of RCW 35.21.683, 35A.21.430, 36.130.020, or  
7 36.70A.070(2)(c); or

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

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

15 (3) If dispute resolution is unsuccessful, the county or city  
16 must submit the project permit application, any development  
17 agreement, any zoning ordinance and related development regulations,  
18 or any other relevant documents, including a statement of the reason  
19 for any denial, rescission, or conditions of approval, the  
20 requirements necessary to fulfill the development agreement or  
21 development regulations, or how the adopted ordinance and development  
22 regulations comply with RCW 35.21.683, 35A.21.430, 36.130.020,  
23 36.70A.070(2)(c), and section 1 of this act, to the department for  
24 review.

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

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

1 ordinance or development regulation to the county or city for  
2 corrective legislative action within 60 days.

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

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

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

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

13 (ii) Amend its zoning ordinance and related development  
14 regulations to comply with RCW 35.21.683, 35A.21.430, 36.130.020,  
15 36.70A.070(2) (c), and 36.70A.200 within 60 days of a determination of  
16 noncompliance under subsection (4) (b) of this section.

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

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

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

36 (8) The department may adopt any rules necessary to implement  
37 this section.

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

1       (1) A city shall not prohibit transitional housing or permanent  
2 supportive housing in any zones in which residential dwelling units  
3 or hotels are allowed. Effective September 30, 2021, a city shall not  
4 prohibit indoor emergency shelters and indoor emergency housing in  
5 any zones in which hotels are allowed, except in such cities that  
6 have adopted an ordinance authorizing indoor emergency shelters and  
7 indoor emergency housing in a majority of zones within a one-mile  
8 proximity to transit. Reasonable occupancy, spacing, and intensity of  
9 use requirements may be imposed by ordinance on permanent supportive  
10 housing, transitional housing, indoor emergency housing, and indoor  
11 emergency shelters to protect public health and safety. Any such  
12 requirements on occupancy, spacing, and intensity of use may not  
13 prevent the siting of a sufficient number of permanent supportive  
14 housing, transitional housing, indoor emergency housing, or indoor  
15 emergency shelters necessary to accommodate each city's projected  
16 need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

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

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

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

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

--- **END** ---