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**SUBSTITUTE SENATE BILL 5148**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senate Housing (originally sponsored by Senators Bateman, Lias, Nobles, and Stanford)

READ FIRST TIME 02/10/25.

1 AN ACT Relating to ensuring compliance with the housing element  
2 requirements of the growth management act; amending RCW 36.70A.290  
3 and 36.70A.130; reenacting and amending RCW 36.70A.280 and  
4 43.21C.495; adding a new section to chapter 36.70A RCW; and creating  
5 a new section.

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

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

9 (1) A county or city that is required or chooses to plan under  
10 RCW 36.70A.040 may submit their housing element required under RCW  
11 36.70A.070(2) and any housing development regulations adopted or  
12 amended on or after the effective date of this section to the  
13 department for review to determine whether the housing element or  
14 housing development regulations comply with the laws and regulations  
15 identified in subsection (7) of this section.

16 (2)(a) Not less than 120 days prior to applying for approval of a  
17 housing element, the county or city must notify the department in  
18 writing that it intends to apply for approval under subsection (1) of  
19 this section. The department shall review proposed housing elements  
20 prior to final adoption and advise the county or city of the actions  
21 necessary to receive approval.

1 (b) The department may consult with other relevant state agencies  
2 in making its determination.

3 (c) In making a determination under subsection (6)(a) of this  
4 section, the department may consult with housing developers and  
5 builders that are located in or have completed work in the city or  
6 county.

7 (d) The department shall publish notice in the Washington state  
8 register that a city or county has notified the department of its  
9 intent to apply for approval and the department shall post a copy of  
10 the notice on the department website.

11 (3)(a) A county or city submitting a housing element or housing  
12 development regulation for review under subsection (1) of this  
13 section must submit its application to the department within 10 days  
14 after any final action to amend, repeal, or replace the housing  
15 element or housing development regulations.

16 (b) Notwithstanding subsection (1) of this section, the  
17 department may review housing development regulations adopted or  
18 amended before the effective date of this section if amendments to  
19 those regulations are necessary to implement the housing element or  
20 any laws and regulations identified in subsection (7) of this  
21 section.

22 (4) Notwithstanding RCW 36.70A.320(1), a housing element or  
23 housing development regulation subject to review under this section  
24 does not take effect until the department issues a final decision  
25 determining that the housing element or housing development  
26 regulation complies with the laws and regulations identified in  
27 subsection (7) of this section.

28 (5)(a) An application for review must include, at a minimum, the  
29 following:

30 (i) A cover letter from the legislative authority requesting  
31 review of the housing element or housing development regulations;

32 (ii) A copy of the adopted ordinance or resolution taking the  
33 legislative action or actions required to adopt the housing element  
34 or housing development regulations;

35 (iii) A statement explaining how the adopted housing element or  
36 housing development regulations comply with the laws and regulations  
37 identified in subsection (7) of this section; and

38 (iv) A copy of the record developed by the city or county at any  
39 public meeting or public hearing at which action was taken on the  
40 housing element or housing development regulations.

1 (b) For the purposes of this subsection, "action" and "meeting"  
2 have the same meanings as in RCW 42.30.020.

3 (6) (a) Within 90 days of the date of receipt of an application,  
4 the department shall issue a decision determining whether the housing  
5 element and any housing development regulations comply with the laws  
6 and regulations identified in subsection (7) of this section. The  
7 department may extend the review period with written agreement of the  
8 city or county.

9 (b) The department must issue its decision in the form of a  
10 written statement, including findings of fact and conclusions, and  
11 noting the date of the issuance of its decision. The department's  
12 issued decision must conspicuously and plainly state that it is the  
13 department's final decision.

14 (c) The department shall promptly publish its decision as  
15 follows:

- 16 (i) Notify the city or county in writing of its decision;
- 17 (ii) Publish a notice of action in the Washington state register;
- 18 (iii) Post a notice of its decision on the agency website; and
- 19 (iv) Notify other relevant state agencies regarding the decision.

20 (7) (a) The department shall issue a determination of compliance  
21 for a housing element or housing development regulation unless it  
22 finds that the housing element or housing development regulation is  
23 not consistent with any of the following laws and regulations:

- 24 (i) The housing planning goal set forth in RCW 36.70A.020(4);
- 25 (ii) The housing element requirements set forth in RCW  
26 36.70A.070(2);
- 27 (iii) Any relevant rules adopted by the department;
- 28 (iv) Any relevant state environmental policy act requirements in  
29 chapter 43.21C RCW;
- 30 (v) The county's or city's comprehensive plan;
- 31 (vi) Emergency shelters, transitional housing, emergency housing,  
32 and permanent supportive housing requirements in RCW 35.21.683 and  
33 35A.21.430;
- 34 (vii) Co-living housing requirements in RCW 36.70A.535;
- 35 (viii) Density bonuses required in RCW 36.70A.545;
- 36 (ix) Parking requirements in RCW 36.70A.620 and 36.70A.622; or
- 37 (x) Housing requirements in RCW 36.70A.115, 36.70A.635,  
38 36.70A.636, 36.70A.637, 36.70A.638, 36.70A.680, 36.70A.681,  
39 36.70A.682, 36.70A.696, 36.70A.697, 36.70A.698, and 36.70A.699.

1 (b) Within six months of the effective date of this section, the  
2 department shall publish a defined set of minimum objective standards  
3 that jurisdictions must meet in order to comply with this section.

4 (8) (a) The department shall publish and regularly update a local  
5 government compliance list that includes, at minimum, the following  
6 information for each city or county:

7 (i) Whether the city or county is subject to a targeted review  
8 under subsection (9) of this section;

9 (ii) Whether the city or county has applied for a determination  
10 of compliance and, if so, the date of the application; and

11 (iii) Whether the department has issued a decision on compliance  
12 for the city or county and, if so, the nature of the decision, the  
13 date that the decision was issued, and the status or outcome of any  
14 appeals.

15 (b) The local government compliance list must be made publicly  
16 available on the department's website.

17 (9) (a) (i) A city or county that is required or chooses to plan  
18 under RCW 36.70A.040 must submit their housing element required under  
19 RCW 36.70A.070(2) and any housing development regulations adopted or  
20 amended on or after the effective date of this section to the  
21 department for review in accordance with this section if the  
22 department determines that the city or county:

23 (A) Has not planned for and accommodated for their portion of the  
24 countywide housing need determined by the county;

25 (B) Housing production is less than 50 percent of the annual  
26 housing need for all income levels, as determined under RCW  
27 36.70A.070;

28 (C) Housing production consists of greater than 80 percent  
29 single-family homes aimed at primarily households whose income is at  
30 or greater than 120 percent of the median household income adjusted  
31 for household size for the city or county where the household is  
32 located.

33 (ii) The department shall review threshold criteria under this  
34 subsection and select cities or counties for review based on these  
35 criteria, but may not select more than 10 cities or counties for  
36 review in a calendar year.

37 (iii) Upon selection for review, the department must notify any  
38 selected cities or counties within 10 days.

1 (iv) During review of a city or county under this subsection, the  
2 department may consult with housing developers and builders that are  
3 located in or have completed work in the city or county.

4 (b)(i) If the department determines that a city or county  
5 required to submit its housing element and housing development  
6 regulations under this section is not in compliance with the laws and  
7 regulations identified in subsection (7) of this section, the  
8 department shall notify the city or county of the deficiencies  
9 identified and propose amendments to correct any deficiencies. The  
10 city or county has 60 days to amend its housing element and any  
11 relevant housing development regulations to address any deficiencies  
12 noted by the department in its decision issued under subsection  
13 (6)(a) of this section and must submit any amendments to its housing  
14 element or housing development regulations to the department in the  
15 same manner of the initial application for review under subsection  
16 (5)(a) of this section. The department may extend the 60-day  
17 correction period with written agreement of the city or county.

18 (ii) If the department determines that a housing element or  
19 housing development regulation amended under subsection (9)(b)(i) of  
20 this section does not comply with the laws and regulations identified  
21 in subsection (7) of this section, the city or county is subject to  
22 the requirements of subsection (11) of this section.

23 (10) The department's decision on compliance, including  
24 subsequent reviews under subsection (9)(b) of this section, and any  
25 housing element or housing development regulations subject to review  
26 under this section, may be appealed to the growth management hearings  
27 board by filing a petition as provided in RCW 36.70A.290.

28 (11)(a) A noncompliant city or county may not deny an affordable  
29 or moderate-income housing development, or approve an affordable or  
30 moderate-income housing development with conditions or restrictions  
31 that have a substantial adverse impact on the viability of the  
32 development or the degree of affordability of the development unless  
33 at least one of the following conditions is met:

34 (i) The city or county has received a final decision from the  
35 department determining that its housing element and any housing  
36 development regulations comply with the laws and regulations  
37 identified in subsection (7) of this section;

38 (ii) The denial of the affordable or moderate-income housing  
39 development, or the approval of the affordable or moderate-income  
40 housing development with conditions or restrictions that have a

1 substantial adverse impact on the viability of the development or the  
2 degree of affordability of the development, is required in order to  
3 comply with specific state or federal law;

4 (iii) The affordable or moderate-income housing development or  
5 proposed development site is located outside an urban growth area, in  
6 a critical area, in a critical area buffer, or in an area where  
7 residential uses are not allowed by the applicable shoreline master  
8 program; or

9 (iv) The affordable or moderate-income housing development or  
10 proposed development site is located in an area where neither the  
11 local jurisdiction's comprehensive plan nor zoning ordinance permits  
12 residential or mixed uses.

13 (b) The county or city must require the developer of an  
14 affordable or moderate-income housing development to include legally  
15 binding, enforceable restrictions on the development, recorded as a  
16 covenant or deed restriction, to ensure that the following measures  
17 of affordability are met for a minimum 25-year period:

18 (i) At least 20 percent of the units are affordable housing as  
19 defined in RCW 36A.70A.030;

20 (ii) At least 50 percent of the units are workforce housing; or

21 (iii) All of the units are moderate-income housing as defined in  
22 RCW 36.70A.030.

23 (c) The county or city must periodically audit compliance with  
24 the restrictions or provide another mechanism to ensure that the  
25 units committed to affordable or workforce housing meet the measures  
26 of affordability described in (b) of this subsection during the  
27 agreed term.

28 (d) For the purposes of this subsection, "noncompliant city or  
29 county" means a city or county subject to targeted review under  
30 subsection (9) of this section that:

31 (i) Does not take amendatory actions under subsection (9)(b)(i)  
32 of this section following a determination from the department that  
33 the city or county's housing element or housing development  
34 regulations do not comply with the laws and regulations identified in  
35 subsection (7) of this section; or

36 (ii) Has a housing element or housing development regulation that  
37 does not comply with the laws and regulations identified in  
38 subsection (7) of this section as determined by the department under  
39 subsection (9)(b)(ii) of this section.

1 (12) The department may adopt any rules necessary to implement  
2 this section.

3 (13) The definitions in this subsection apply throughout this  
4 section unless the context clearly requires otherwise.

5 (a) "Affordable housing" has the same meaning as in RCW  
6 36.70A.030.

7 (b) "Workforce housing" means housing with monthly costs,  
8 including utilities other than telephone, that do not exceed 30  
9 percent of the monthly income of a household whose income is:

10 (i) For a rental: At or below 80 percent of the median household  
11 income adjusted for household size, for the county where the  
12 household is located, as reported by the United States department of  
13 housing and urban development;

14 (ii) For ownership: At or below 100 percent of the median  
15 household income adjusted for household size, for the county where  
16 the household is located, as reported by the United States department  
17 of housing and urban development.

18 (c) "Moderate-income housing" has the same meaning as "moderate-  
19 income household" in RCW 36.70A.030.

20 (d) "Housing development regulations" means any development  
21 regulations related to the housing element requirements under RCW  
22 36.70A.070(2) including, but not limited to, development regulations  
23 related to affordable housing, middle housing, co-living housing,  
24 accessory dwelling units, emergency shelters, transitional housing,  
25 emergency housing, permanent supportive housing, conversions of  
26 nonresidential buildings to residential use, and any zoning maps and  
27 zoning districts.

28 **Sec. 2.** RCW 36.70A.280 and 2023 c 334 s 7, 2023 c 332 s 6, and  
29 2023 c 228 s 7 are each reenacted and amended to read as follows:

30 (1) The growth management hearings board shall hear and determine  
31 only those petitions alleging either:

32 (a) That, except as provided otherwise by this subsection, a  
33 state agency, county, or city planning under this chapter is not in  
34 compliance with the requirements of this chapter, chapter 90.58 RCW  
35 as it relates to the adoption of shoreline master programs or  
36 amendments thereto, or chapter 43.21C RCW as it relates to plans,  
37 development regulations, or amendments, adopted under RCW 36.70A.040  
38 or chapter 90.58 RCW. Nothing in this subsection authorizes the board  
39 to hear petitions alleging noncompliance based on a city or county's

1 actions taken to implement the requirements of RCW 36.70A.680 and  
2 36.70A.681 within an urban growth area;

3 (b) That the 20-year growth management planning population  
4 projections adopted by the office of financial management pursuant to  
5 RCW 43.62.035 should be adjusted;

6 (c) That the approval of a work plan adopted under RCW  
7 36.70A.735(1)(a) is not in compliance with the requirements of the  
8 program established under RCW 36.70A.710;

9 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not  
10 regionally applicable and cannot be adopted, wholly or partially, by  
11 another jurisdiction;

12 (e) That a department certification under RCW 36.70A.735(1)(c) is  
13 erroneous;

14 (f) That the department's final decision to approve or reject a  
15 proposed greenhouse gas emissions reduction subelement or amendments  
16 by a local government planning under RCW 36.70A.040 was not in  
17 compliance with the joint guidance issued by the department pursuant  
18 to RCW 70A.45.120; ((~~or~~))

19 (g) That the department's final decision to approve or reject  
20 actions by a city implementing RCW 36.70A.635 is clearly erroneous;  
21 or

22 (h) That the department's determination of compliance of a  
23 housing element and any related housing development regulations under  
24 section 1 of this act is clearly erroneous.

25 (2) A petition may be filed only by: (a) The state, or a county  
26 or city that plans under this chapter; (b) a person who has  
27 participated orally or in writing before the county or city regarding  
28 the matter on which a review is being requested; (c) a person who is  
29 certified by the governor within 60 days of filing the request with  
30 the board; or (d) a person qualified pursuant to RCW 34.05.530.

31 (3) For purposes of this section, "person" means any individual,  
32 partnership, corporation, association, state agency, governmental  
33 subdivision or unit thereof, or public or private organization or  
34 entity of any character.

35 (4) To establish participation standing under subsection (2)(b)  
36 of this section, a person must show that his or her participation  
37 before the county or city was reasonably related to the person's  
38 issue as presented to the board.

39 (5) When considering a possible adjustment to a growth management  
40 planning population projection prepared by the office of financial



1 management, the board shall consider the implications of any such  
2 adjustment to the population forecast for the entire state.

3 The rationale for any adjustment that is adopted by the board  
4 must be documented and filed with the office of financial management  
5 within ten working days after adoption.

6 If adjusted by the board, a county growth management planning  
7 population projection shall only be used for the planning purposes  
8 set forth in this chapter and shall be known as the "board adjusted  
9 population projection." None of these changes shall affect the  
10 official state and county population forecasts prepared by the office  
11 of financial management, which shall continue to be used for state  
12 budget and planning purposes.

13 **Sec. 3.** RCW 36.70A.290 and 2011 c 277 s 1 are each amended to  
14 read as follows:

15 (1) All requests for review to the growth management hearings  
16 board shall be initiated by filing a petition that includes a  
17 detailed statement of issues presented for resolution by the board.  
18 The board shall render written decisions articulating the basis for  
19 its holdings. The board shall not issue advisory opinions on issues  
20 not presented to the board in the statement of issues, as modified by  
21 any prehearing order.

22 (2) All petitions relating to whether or not an adopted  
23 comprehensive plan, development regulation, or permanent amendment  
24 thereto, is in compliance with the goals and requirements of this  
25 chapter or chapter 90.58 or 43.21C RCW must be filed within sixty  
26 days after publication as provided in (a) through (~~(e)~~) (d) of this  
27 subsection.

28 (a) Except as provided in (c) and (d) of this subsection, the  
29 date of publication for a city shall be the date the city publishes  
30 the ordinance, or summary of the ordinance, adopting the  
31 comprehensive plan or development regulations, or amendment thereto,  
32 as is required to be published.

33 (b) Promptly after adoption, a county shall publish a notice that  
34 it has adopted the comprehensive plan or development regulations, or  
35 amendment thereto.

36 Except as provided in (c) and (d) of this subsection, for  
37 purposes of this section the date of publication for a county shall  
38 be the date the county publishes the notice that it has adopted the  
39 comprehensive plan or development regulations, or amendment thereto.

1 (c) For local governments planning under RCW 36.70A.040, promptly  
2 after approval or disapproval of a local government's shoreline  
3 master program or amendment thereto by the department of ecology as  
4 provided in RCW 90.58.090, the department of ecology shall publish a  
5 notice that the shoreline master program or amendment thereto has  
6 been approved or disapproved. For purposes of this section, the date  
7 of publication for the adoption or amendment of a shoreline master  
8 program is the date the department of ecology publishes notice that  
9 the shoreline master program or amendment thereto has been approved  
10 or disapproved.

11 (d) For purposes of this section, the date of publication for a  
12 housing element and any housing development regulations submitted to  
13 the department for review under section 1 of this act is the date the  
14 department publishes its final decision on compliance in the  
15 Washington State Register or on the department's website, whichever  
16 is later.

17 (3)(a) All petitions relating to whether the department's final  
18 decision under section 1 of this act is clearly erroneous must be  
19 filed within 60 days after the department publishes its final  
20 decision in the Washington State Register or on the department's  
21 website, whichever is later.

22 (b) A decision of the board concerning an appeal of the  
23 department's final decision under section 1 of this act must be based  
24 solely on whether the relevant housing element or housing development  
25 regulations comply with the laws and regulations identified in  
26 section 1(7) of this act.

27 (4) Unless the board dismisses the petition as frivolous or finds  
28 that the person filing the petition lacks standing, or the parties  
29 have filed an agreement to have the case heard in superior court as  
30 provided in RCW 36.70A.295, the board shall, within ten days of  
31 receipt of the petition, set a time for hearing the matter.

32 ~~((4))~~ (5) The board shall base its decision on the record  
33 developed by the city, county, or the state and supplemented with  
34 additional evidence if the board determines that such additional  
35 evidence would be necessary or of substantial assistance to the board  
36 in reaching its decision.

37 ~~((5))~~ (6) The board, shall consolidate, when appropriate, all  
38 petitions involving the review of the same comprehensive plan or the  
39 same development regulation or regulations.

1       **Sec. 4.** RCW 36.70A.130 and 2024 c 17 s 1 are each amended to  
2 read as follows:

3       (1)(a) Each comprehensive land use plan and development  
4 regulations shall be subject to continuing review and evaluation by  
5 the county or city that adopted them. Except as otherwise provided, a  
6 county or city shall take legislative action to review and, if  
7 needed, revise its comprehensive land use plan and development  
8 regulations to ensure the plan and regulations comply with the  
9 requirements of this chapter according to the deadlines in  
10 subsections (4) and (5) of this section.

11       (b)(i) A city or town located within a county planning under RCW  
12 36.70A.040 may opt out of a full review and revisions of its  
13 comprehensive plan established in this section if the city or town  
14 meets the following criteria:

15       (A) Has a population fewer than 500;

16       (B) Is not located within 10 miles of a city with a population  
17 over 100,000;

18       (C) Experienced a population growth rate of fewer than 10 percent  
19 in the preceding 10 years; and

20       (D) Has provided the department with notice of its intent to  
21 participate in a partial review and revision of its comprehensive  
22 plan.

23       (ii) The department shall review the population growth rate for a  
24 city or town participating in the partial review and revision of its  
25 comprehensive plan process at least three years before the periodic  
26 update is due as outlined in subsection (4) of this section and  
27 notify cities of their eligibility.

28       (iii) A city or town that opts out of a full review and revision  
29 of its comprehensive plan must update its critical areas regulations  
30 and its capital facilities element and its transportation element.

31       (c) Except as otherwise provided, a county or city not planning  
32 under RCW 36.70A.040 shall take action to review and, if needed,  
33 revise its policies and development regulations regarding critical  
34 areas and natural resource lands adopted according to this chapter to  
35 ensure these policies and regulations comply with the requirements of  
36 this chapter according to the deadlines in subsections (4) and (5) of  
37 this section. Legislative action means the adoption of a resolution  
38 or ordinance following notice and a public hearing indicating at a  
39 minimum, a finding that a review and evaluation has occurred and

1 identifying the revisions made, or that a revision was not needed and  
2 the reasons therefor.

3 (d) The review and evaluation required by this subsection shall  
4 include, but is not limited to, consideration of critical area  
5 ordinances and, if planning under RCW 36.70A.040, an analysis of the  
6 population allocated to a city or county from the most recent 10-year  
7 population forecast by the office of financial management.

8 (e) Any amendment of or revision to a comprehensive land use plan  
9 shall conform to this chapter. Any amendment of or revision to  
10 development regulations shall be consistent with and implement the  
11 comprehensive plan.

12 (2)(a) Each county and city shall establish and broadly  
13 disseminate to the public a public participation program consistent  
14 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and  
15 schedules whereby updates, proposed amendments, or revisions of the  
16 comprehensive plan are considered by the governing body of the county  
17 or city no more frequently than once every year. "Updates" means to  
18 review and revise, if needed, according to subsection (1) of this  
19 section, and the deadlines in subsections (4) and (5) of this section  
20 or in accordance with the provisions of subsection (6) of this  
21 section. Amendments may be considered more frequently than once per  
22 year under the following circumstances:

23 (i) The initial adoption of a subarea plan. Subarea plans adopted  
24 under this subsection (2)(a)(i) must clarify, supplement, or  
25 implement jurisdiction-wide comprehensive plan policies, and may only  
26 be adopted if the cumulative impacts of the proposed plan are  
27 addressed by appropriate environmental review under chapter 43.21C  
28 RCW;

29 (ii) The development of an initial subarea plan for economic  
30 development located outside of the 100 year floodplain in a county  
31 that has completed a state-funded pilot project that is based on  
32 watershed characterization and local habitat assessment;

33 (iii) The adoption or amendment of a shoreline master program  
34 under the procedures set forth in chapter 90.58 RCW;

35 (iv) The amendment of the capital facilities element of a  
36 comprehensive plan that occurs concurrently with the adoption or  
37 amendment of a county or city budget; (~~(e)~~)

38 (v) The adoption of comprehensive plan amendments necessary to  
39 enact a planned action under RCW 43.21C.440, provided that amendments  
40 are considered in accordance with the public participation program

1 established by the county or city under this subsection (2)(a) and  
2 all persons who have requested notice of a comprehensive plan update  
3 are given notice of the amendments and an opportunity to comment; or  
4 (vi) The adoption or amendment of any housing element necessary  
5 to receive a determination of compliance under section 1 of this act.

6 (b) Except as otherwise provided in (a) of this subsection, all  
7 proposals shall be considered by the governing body concurrently so  
8 the cumulative effect of the various proposals can be ascertained.  
9 However, after appropriate public participation a county or city may  
10 adopt amendments or revisions to its comprehensive plan that conform  
11 with this chapter whenever an emergency exists or to resolve an  
12 appeal of a comprehensive plan filed with the growth management  
13 hearings board or with the court.

14 (3)(a) Each county that designates urban growth areas under RCW  
15 36.70A.110 shall review, according to the schedules established in  
16 subsections (4) and (5) of this section, its designated urban growth  
17 area or areas, patterns of development occurring within the urban  
18 growth area or areas, and the densities permitted within both the  
19 incorporated and unincorporated portions of each urban growth area.  
20 In conjunction with this review by the county, each city located  
21 within an urban growth area shall review the densities permitted  
22 within its boundaries, and the extent to which the urban growth  
23 occurring within the county has located within each city and the  
24 unincorporated portions of the urban growth areas.

25 (b) The county comprehensive plan designating urban growth areas,  
26 and the densities permitted in the urban growth areas by the  
27 comprehensive plans of the county and each city located within the  
28 urban growth areas, shall be revised to accommodate the urban growth  
29 projected to occur in the county for the succeeding 20-year period.  
30 The review required by this subsection may be combined with the  
31 review and evaluation required by RCW 36.70A.215.

32 (c) If, during the county's review under (a) of this subsection,  
33 the county determines revision of the urban growth area is not  
34 required to accommodate the urban growth projected to occur in the  
35 county for the succeeding 20-year period, but does determine that  
36 patterns of development have created pressure in areas that exceed  
37 available, developable lands within the urban growth area, the urban  
38 growth area or areas may be revised to accommodate identified  
39 patterns of development and likely future development pressure for  
40 the succeeding 20-year period if the following requirements are met:

1 (i) The revised urban growth area may not result in an increase  
2 in the total surface areas of the urban growth area or areas;

3 (ii) The areas added to the urban growth area are not or have not  
4 been designated as agricultural, forest, or mineral resource lands of  
5 long-term commercial significance;

6 (iii) Less than 15 percent of the areas added to the urban growth  
7 area are critical areas;

8 (iv) The areas added to the urban growth areas are suitable for  
9 urban growth;

10 (v) The transportation element and capital facility plan element  
11 have identified the transportation facilities, and public facilities  
12 and services needed to serve the urban growth area and the funding to  
13 provide the transportation facilities and public facilities and  
14 services;

15 (vi) The urban growth area is not larger than needed to  
16 accommodate the growth planned for the succeeding 20-year planning  
17 period and a reasonable land market supply factor;

18 (vii) The areas removed from the urban growth area do not include  
19 urban growth or urban densities; and

20 (viii) The revised urban growth area is contiguous, does not  
21 include holes or gaps, and will not increase pressures to urbanize  
22 rural or natural resource lands.

23 (4) Except as otherwise provided in subsections (6) and (8) of  
24 this section, counties and cities shall take action to review and, if  
25 needed, revise their comprehensive plans and development regulations  
26 to ensure the plan and regulations comply with the requirements of  
27 this chapter as follows:

28 (a) On or before June 30, 2015, for King, Pierce, and Snohomish  
29 counties and the cities within those counties;

30 (b) On or before June 30, 2016, for Clallam, Clark, Island,  
31 Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom  
32 counties and the cities within those counties;

33 (c) On or before June 30, 2017, for Benton, Chelan, Cowlitz,  
34 Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and  
35 the cities within those counties; and

36 (d) On or before June 30, 2018, for Adams, Asotin, Columbia,  
37 Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln,  
38 Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and  
39 Whitman counties and the cities within those counties.

1 (5) Except as otherwise provided in subsections (6) and (8) of  
2 this section, following the review of comprehensive plans and  
3 development regulations required by subsection (4) of this section,  
4 counties and cities shall take action to review and, if needed,  
5 revise their comprehensive plans and development regulations to  
6 ensure the plan and regulations comply with the requirements of this  
7 chapter as follows:

8 (a) Except as provided in subsection (10) of this section, on or  
9 before December 31, 2024, with the following review and, if needed,  
10 revision on or before June 30, 2034, and then every 10 years  
11 thereafter, for King, Kitsap, Pierce, and Snohomish counties and the  
12 cities within those counties;

13 (b) On or before December 31, 2025, with the following review  
14 and, if needed, revision on or before June 30, 2035, and then every  
15 10 years thereafter, for Clallam, Clark, Island, Jefferson, Lewis,  
16 Mason, San Juan, Skagit, Thurston, and Whatcom counties and the  
17 cities within those counties;

18 (c) On or before June 30, 2026, and every 10 years thereafter,  
19 for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania,  
20 Spokane, Walla Walla, and Yakima counties and the cities within those  
21 counties; and

22 (d) On or before June 30, 2027, and every 10 years thereafter,  
23 for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor,  
24 Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens,  
25 Wahkiakum, and Whitman counties and the cities within those counties.

26 (6) (a) Nothing in this section precludes a county or city from  
27 conducting the review and evaluation required by this section before  
28 the deadlines established in subsections (4) and (5) of this section.  
29 Counties and cities may begin this process early and may be eligible  
30 for grants from the department, subject to available funding, if they  
31 elect to do so.

32 (b) A county that is subject to a deadline established in  
33 subsection (5) (b) through (d) of this section and meets the following  
34 criteria may comply with the requirements of this section at any time  
35 within the 24 months following the deadline established in subsection  
36 (5) of this section: The county has a population of less than 50,000  
37 and has had its population increase by no more than 17 percent in the  
38 10 years preceding the deadline established in subsection (5) of this  
39 section as of that date.

1 (c) A city that is subject to a deadline established in  
2 subsection (5)(b) through (d) of this section and meets the following  
3 criteria may comply with the requirements of this section at any time  
4 within the 24 months following the deadline established in subsection  
5 (5) of this section: The city has a population of no more than 5,000  
6 and has had its population increase by the greater of either no more  
7 than 100 persons or no more than 17 percent in the 10 years preceding  
8 the deadline established in subsection (5) of this section as of that  
9 date.

10 (d) State agencies are encouraged to provide technical assistance  
11 to the counties and cities in the review of critical area ordinances,  
12 comprehensive plans, and development regulations.

13 (7)(a) The requirements imposed on counties and cities under this  
14 section shall be considered "requirements of this chapter" under the  
15 terms of RCW 36.70A.040(1). Only those counties and cities that meet  
16 the following criteria may receive grants, loans, pledges, or  
17 financial guarantees under chapter 43.155 or 70A.135 RCW:

18 (i) ~~((Complying))~~ The county or city is in compliance with the  
19 deadlines in this section; ~~((or))~~

20 (ii) ~~((Demonstrating))~~ The county or city demonstrates  
21 substantial progress towards compliance with the ~~((schedules))~~  
22 deadlines in this section for development regulations that protect  
23 critical areas. ~~((b) — A))~~ For the purposes of this subsection  
24 (7)(a)(ii), a county or city that is fewer than 12 months out of  
25 compliance with the ~~((schedules))~~ deadlines in this section for  
26 development regulations that protect critical areas is making  
27 substantial progress towards compliance with the deadlines in this  
28 section; or

29 (iii) The county or city demonstrates substantial progress  
30 towards compliance with the deadlines in this section for any housing  
31 element and any housing development regulations required to be  
32 submitted to the department for review under section 1 of this act.  
33 For the purposes of this subsection (7)(a)(iii), a county or city  
34 that applies to the department for review within the timelines  
35 specified under section 1 of this act demonstrates substantial  
36 progress towards compliance with the deadlines in this section and is  
37 eligible for grants, loans, pledges, or financial guarantees under  
38 chapter 43.155 or 70A.135 RCW until the department or the growth  
39 management hearings board issues a final decision determining that  
40 the county or city's housing element or any related housing



1 development regulations are not in compliance with the laws and  
2 regulations identified in section 1(7) of this act.

3 (b) Only those counties and cities in compliance with the  
4 schedules in this section may receive preference for grants or loans  
5 subject to the provisions of RCW 43.17.250.

6 (8)(a) Except as otherwise provided in (c) of this subsection, if  
7 a participating watershed is achieving benchmarks and goals for the  
8 protection of critical areas functions and values, the county is not  
9 required to update development regulations to protect critical areas  
10 as they specifically apply to agricultural activities in that  
11 watershed.

12 (b) A county that has made the election under RCW 36.70A.710(1)  
13 may only adopt or amend development regulations to protect critical  
14 areas as they specifically apply to agricultural activities in a  
15 participating watershed if:

16 (i) A work plan has been approved for that watershed in  
17 accordance with RCW 36.70A.725;

18 (ii) The local watershed group for that watershed has requested  
19 the county to adopt or amend development regulations as part of a  
20 work plan developed under RCW 36.70A.720;

21 (iii) The adoption or amendment of the development regulations is  
22 necessary to enable the county to respond to an order of the growth  
23 management hearings board or court;

24 (iv) The adoption or amendment of development regulations is  
25 necessary to address a threat to human health or safety; or

26 (v) Three or more years have elapsed since the receipt of  
27 funding.

28 (c) Beginning 10 years from the date of receipt of funding, a  
29 county that has made the election under RCW 36.70A.710(1) must review  
30 and, if necessary, revise development regulations to protect critical  
31 areas as they specifically apply to agricultural activities in a  
32 participating watershed in accordance with the review and revision  
33 requirements and timeline in subsection (5) of this section. This  
34 subsection (8)(c) does not apply to a participating watershed that  
35 has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's  
36 goals and benchmarks for protection have been met.

37 (9)(a) Counties subject to planning deadlines established in  
38 subsection (5) of this section that are required or that choose to  
39 plan under RCW 36.70A.040 and that meet either criteria of (a)(i) or  
40 (ii) of this subsection, and cities with a population of more than

1 6,000 as of April 1, 2021, within those counties, must provide to the  
2 department an implementation progress report detailing the progress  
3 they have achieved in implementing their comprehensive plan five  
4 years after the review and revision of their comprehensive plan. Once  
5 a county meets the criteria in (a)(i) or (ii) of this subsection, the  
6 implementation progress report requirements remain in effect  
7 thereafter for that county and the cities therein with populations  
8 greater than 6,000 as of April 1, 2021, even if the county later no  
9 longer meets either or both criteria. A county is subject to the  
10 implementation progress report requirement if it meets either of the  
11 following criteria on or after April 1, 2021:

12 (i) The county has a population density of at least 100 people  
13 per square mile and a population of at least 200,000; or

14 (ii) The county has a population density of at least 75 people  
15 per square mile and an annual growth rate of at least 1.75 percent as  
16 determined by the office of financial management.

17 (b) The department shall adopt guidelines for indicators,  
18 measures, milestones, and criteria for use by counties and cities in  
19 the implementation progress report that must cover:

20 (i) The implementation of previously adopted changes to the  
21 housing element and any effect those changes have had on housing  
22 affordability and availability within the jurisdiction;

23 (ii) Permit processing timelines; and

24 (iii) Progress toward implementing any actions required to  
25 achieve reductions to meet greenhouse gas and vehicle miles traveled  
26 requirements as provided for in any element of the comprehensive plan  
27 under RCW 36.70A.070.

28 (c) If a city or county required to provide an implementation  
29 progress report under this subsection (9) has not implemented any  
30 specifically identified regulations, zoning and land use changes, or  
31 taken other legislative or administrative action necessary to  
32 implement any changes in the most recent periodic update in their  
33 comprehensive plan by the due date for the implementation progress  
34 report, the city or county must identify the need for such action in  
35 the implementation progress report. Cities and counties must adopt a  
36 work plan to implement any necessary regulations, zoning and land use  
37 changes, or take other legislative or administrative action  
38 identified in the implementation progress report and complete all  
39 work necessary for implementation within two years of submission of  
40 the implementation progress report.

1 (10) Any county or city that is required by RCW 36.70A.095 to  
2 include in its comprehensive plan a climate change and resiliency  
3 element and that is also required by subsection (5)(a) of this  
4 section to review and, if necessary, revise its comprehensive plan on  
5 or before December 31, 2024, must update its transportation element  
6 and incorporate a climate change and resiliency element into its  
7 comprehensive plan as part of the first implementation progress  
8 report required by subsection (9) of this section if funds are  
9 appropriated and distributed by December 31, 2027, as required under  
10 RCW 36.70A.070(10).

11 **Sec. 5.** RCW 43.21C.495 and 2023 c 334 s 6 and 2023 c 332 s 8 are  
12 each reenacted and amended to read as follows:

13 (1) Adoption of ordinances, development regulations and  
14 amendments to such regulations, and other nonproject actions taken by  
15 a city to implement: The actions specified in section 2, chapter 246,  
16 Laws of 2022 unless the adoption of such ordinances, development  
17 regulations and amendments to such regulations, or other nonproject  
18 actions has a probable significant adverse impact on fish habitat;  
19 and the increased residential building capacity actions identified in  
20 RCW 36.70A.600(1), with the exception of the action specified in RCW  
21 36.70A.600(1)(f), are not subject to administrative or judicial  
22 appeals under this chapter.

23 (2) Amendments to development regulations and other nonproject  
24 actions taken by a city to implement the requirements under RCW  
25 36.70A.635 pursuant to RCW 36.70A.636(3)(b) are not subject to  
26 administrative or judicial appeals under this chapter.

27 (3) Adoption of ordinances, development regulations and  
28 amendments to such regulations, and other nonproject actions taken by  
29 a city or county consistent with the requirements of RCW 36.70A.680  
30 and 36.70A.681 are not subject to administrative or judicial appeals  
31 under this chapter.

32 (4) Adoption of ordinances, development regulations and  
33 amendments to such regulations, and other nonproject actions by a  
34 city or county to implement the housing element requirements set  
35 forth in RCW 36.70A.070(2) are not subject to administrative or  
36 judicial appeals under this chapter.

37 NEW SECTION. **Sec. 6.** This act may be known and cited as the  
38 housing accountability act.

1        NEW SECTION.    **Sec. 7.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

--- **END** ---