
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5148

State of Washington

69th Legislature

2025 Regular Session

By Senate Ways & Means (originally sponsored by Senators Bateman, Liiias, Nobles, and Stanford)

READ FIRST TIME 02/28/25.

1 AN ACT Relating to ensuring compliance with the housing element
2 requirements of the growth management act; amending RCW 36.70A.290,
3 36.70A.130, and 43.155.070; reenacting and amending RCW 36.70A.280
4 and 43.21C.495; adding new sections to chapter 36.70A RCW; and
5 creating 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) Prior to advising the county or city of the actions necessary
2 to receive approval under (a) of this subsection, the department,
3 along with the county or city, may consult with other relevant state
4 agencies in making its determination.

5 (c) Prior to advising the county or city of the actions necessary
6 to receive approval under (a) of this subsection, the department,
7 along with the county or city, may consult with housing providers,
8 developers, and builders that are located in or have completed work
9 in the county or city.

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

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

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

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

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

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

35 (ii) A copy of the adopted ordinance or resolution taking the
36 legislative action or actions required to adopt the housing element
37 or housing development regulations;

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

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

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

6 (6) (a) Within 120 days of the date of receipt of an application,
7 the department shall issue a decision determining whether the housing
8 element and any housing development regulations comply with the laws
9 and regulations identified in subsection (7) of this section. The
10 department may extend the review period with written agreement of the
11 city or county.

12 (b) The department must issue its decision in the form of a
13 written statement, including findings of fact and conclusions, and
14 noting the date of the issuance of its decision. The department's
15 issued decision must conspicuously and plainly state that it is the
16 department's final decision. In issuing a decision that finds that a
17 city's or county's housing element and any housing development
18 regulations are not in compliance with the laws and regulations
19 identified in subsection (7) of this section, the department must
20 demonstrate that the city's or county's housing element or
21 development regulations are clearly erroneous.

22 (c) The department shall promptly publish its decision as
23 follows:

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

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

- 32 (i) The housing planning goal set forth in RCW 36.70A.020(4);
- 33 (ii) The housing element requirements set forth in RCW
34 36.70A.070(2);
- 35 (iii) Any relevant rules adopted by the department;
- 36 (iv) Any relevant state environmental policy act requirements in
37 chapter 43.21C RCW;
- 38 (v) The county's or city's comprehensive plan;

1 (vi) Emergency shelters, transitional housing, emergency housing,
2 and permanent supportive housing requirements in RCW 35.21.683 and
3 35A.21.430;

4 (vii) Co-living housing requirements in RCW 36.70A.535;

5 (viii) Density bonuses required in RCW 36.70A.545;

6 (ix) Parking requirements in RCW 36.70A.620 and 36.70A.622; or

7 (x) Housing requirements in RCW 36.70A.115, 36.70A.635,
8 36.70A.636, 36.70A.637, 36.70A.638, 36.70A.680, 36.70A.681,
9 36.70A.682, 36.70A.696, 36.70A.697, 36.70A.698, and 36.70A.699.

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

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

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

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

20 (iii) Whether the department has issued a decision on compliance
21 for the city or county and, if so, the nature of the decision, the
22 date that the decision was issued, and the status or outcome of any
23 appeals.

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

26 (9) (a) (i) A city or county that is required or chooses to plan
27 under RCW 36.70A.040 and that does not voluntarily submit their
28 housing element and any housing development regulations under
29 subsection (1) of this section must submit their housing element
30 required under RCW 36.70A.070(2) and any housing development
31 regulations adopted or amended on or after the effective date of this
32 section to the department for review no later than three years after
33 enacting a new comprehensive land use plan or updating an existing
34 comprehensive land use plan.

35 (ii) During review of a city or county under this subsection, the
36 department may consult with housing developers and builders that are
37 located in or have completed work in the city or county.

38 (b) (i) If the department determines that a city or county
39 submitting its housing element and housing development regulations
40 under this section is not in compliance with the laws and regulations

1 identified in subsection (7) of this section, the department shall
2 notify the city or county of the deficiencies identified and propose
3 amendments to correct any deficiencies. The city or county has 120
4 days to amend its housing element and any relevant housing
5 development regulations to address any deficiencies noted by the
6 department in its decision issued under subsection (6)(a) of this
7 section and must submit any amendments to its housing element or
8 housing development regulations to the department in the same manner
9 of the initial application for review under subsection (5)(a) of this
10 section.

11 (ii) If the department determines that a housing element or
12 housing development regulation amended under subsection (9)(b)(i) of
13 this section does not comply with the laws and regulations identified
14 in subsection (7) of this section, the city or county has an
15 additional 120 days to address any deficiencies noted by the
16 department, and must submit any amendments to its housing element or
17 housing development regulations to the department in the same manner
18 as the initial application for review under subsection (5)(a) of this
19 section.

20 (iii) If, subsequent to the procedure under (b)(ii) of this
21 subsection, the department determines that the amended housing
22 element or housing development regulations do not comply with the
23 laws and regulations identified in subsection (7) of this section,
24 then the city or county is subject to the requirements of subsection
25 (11) of this section.

26 (c) The department may extend any correction period in this
27 subsection with written agreement of the city or county.

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

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

39 (i) The city or county has received a final decision from the
40 department determining that its housing element and any housing

1 development regulations comply with the laws and regulations
2 identified in subsection (7) of this section;

3 (ii) The denial of the affordable or moderate-income housing
4 development, or the approval of the affordable or moderate-income
5 housing development with conditions or restrictions that have a
6 substantial adverse impact on the viability of the development or the
7 degree of affordability of the development, is required in order to
8 comply with specific state or federal law;

9 (iii) The affordable or moderate-income housing development or
10 proposed development site is located outside an urban growth area, in
11 a critical area, in a critical area buffer, or in an area where
12 residential uses are not allowed by the applicable shoreline master
13 program; or

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

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

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

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

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

28 (c) The county or city must periodically audit compliance with
29 the restrictions or provide another mechanism to ensure that the
30 units committed to affordable or workforce housing meet the measures
31 of affordability described in (b) of this subsection during the
32 agreed term.

33 (d) For the purposes of this subsection, "noncompliant city or
34 county" means a city or county that:

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

1 (ii) Has a housing element or housing development regulation that
2 does not comply with the laws and regulations identified in
3 subsection (7) of this section as determined by the department under
4 subsection (9)(b)(iii) of this section or, if appealed, the board
5 under RCW 36.70A.290(3)(b).

6 (12) A city or county may not be required to submit their housing
7 element or housing development regulations for department review and
8 compliance under this section as a condition of eligibility or
9 prioritization for funds or other programs and opportunities unless a
10 city or county is required to submit their housing element or housing
11 development regulations under subsection (9)(a)(i) of this section.

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

14 (14) The definitions in this subsection apply throughout this
15 section unless the context clearly requires otherwise.

16 (a) "Affordable housing" has the same meaning as in RCW
17 36.70A.030.

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

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

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

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

31 (d) "Housing development regulations" means any development
32 regulations related to the housing element requirements under RCW
33 36.70A.070(2) including, but not limited to, development regulations
34 related to affordable housing, middle housing, co-living housing,
35 accessory dwelling units, emergency shelters, transitional housing,
36 emergency housing, permanent supportive housing, conversions of
37 nonresidential buildings to residential use, and any zoning maps and
38 zoning districts.

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

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

5 (a) That, except as provided otherwise by this subsection, a
6 state agency, county, or city planning under this chapter is not in
7 compliance with the requirements of this chapter, chapter 90.58 RCW
8 as it relates to the adoption of shoreline master programs or
9 amendments thereto, or chapter 43.21C RCW as it relates to plans,
10 development regulations, or amendments, adopted under RCW 36.70A.040
11 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
12 to hear petitions alleging noncompliance based on a city or county's
13 actions taken to implement the requirements of RCW 36.70A.680 and
14 36.70A.681 within an urban growth area;

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

18 (c) That the approval of a work plan adopted under RCW
19 36.70A.735(1)(a) is not in compliance with the requirements of the
20 program established under RCW 36.70A.710;

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

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

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

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

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

37 (2) A petition may be filed only by: (a) The state, or a county
38 or city that plans under this chapter; (b) a person who has
39 participated orally or in writing before the county or city regarding
40 the matter on which a review is being requested; (c) a person who is

1 certified by the governor within 60 days of filing the request with
2 the board; or (d) a person qualified pursuant to RCW 34.05.530.

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

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

11 (5) When considering a possible adjustment to a growth management
12 planning population projection prepared by the office of financial
13 management, the board shall consider the implications of any such
14 adjustment to the population forecast for the entire state.

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

18 If adjusted by the board, a county growth management planning
19 population projection shall only be used for the planning purposes
20 set forth in this chapter and shall be known as the "board adjusted
21 population projection." None of these changes shall affect the
22 official state and county population forecasts prepared by the office
23 of financial management, which shall continue to be used for state
24 budget and planning purposes.

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

27 (1) All requests for review to the growth management hearings
28 board shall be initiated by filing a petition that includes a
29 detailed statement of issues presented for resolution by the board.
30 The board shall render written decisions articulating the basis for
31 its holdings. The board shall not issue advisory opinions on issues
32 not presented to the board in the statement of issues, as modified by
33 any prehearing order.

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

1 (a) Except as provided in (c) and (d) of this subsection, the
2 date of publication for a city shall be the date the city publishes
3 the ordinance, or summary of the ordinance, adopting the
4 comprehensive plan or development regulations, or amendment thereto,
5 as is required to be published.

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

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

13 (c) For local governments planning under RCW 36.70A.040, promptly
14 after approval or disapproval of a local government's shoreline
15 master program or amendment thereto by the department of ecology as
16 provided in RCW 90.58.090, the department of ecology shall publish a
17 notice that the shoreline master program or amendment thereto has
18 been approved or disapproved. For purposes of this section, the date
19 of publication for the adoption or amendment of a shoreline master
20 program is the date the department of ecology publishes notice that
21 the shoreline master program or amendment thereto has been approved
22 or disapproved.

23 (d) For purposes of this section, the date of publication for a
24 housing element and any housing development regulations submitted to
25 the department for review under section 1 of this act is the date the
26 department publishes its final decision on compliance in the
27 Washington State Register or on the department's website, whichever
28 is later.

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

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

39 (4) Unless the board dismisses the petition as frivolous or finds
40 that the person filing the petition lacks standing, or the parties

1 have filed an agreement to have the case heard in superior court as
2 provided in RCW 36.70A.295, the board shall, within ten days of
3 receipt of the petition, set a time for hearing the matter.

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

9 ~~((5))~~ (6) The board, shall consolidate, when appropriate, all
10 petitions involving the review of the same comprehensive plan or the
11 same development regulation or regulations.

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

14 (1)(a) Each comprehensive land use plan and development
15 regulations shall be subject to continuing review and evaluation by
16 the county or city that adopted them. Except as otherwise provided, a
17 county or city shall take legislative action to review and, if
18 needed, revise its comprehensive land use plan and development
19 regulations to ensure the plan and regulations comply with the
20 requirements of this chapter according to the deadlines in
21 subsections (4) and (5) of this section.

22 (b)(i) A city or town located within a county planning under RCW
23 36.70A.040 may opt out of a full review and revisions of its
24 comprehensive plan established in this section if the city or town
25 meets the following criteria:

26 (A) Has a population fewer than 500;

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

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

31 (D) Has provided the department with notice of its intent to
32 participate in a partial review and revision of its comprehensive
33 plan.

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

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

4 (c) Except as otherwise provided, a county or city not planning
5 under RCW 36.70A.040 shall take action to review and, if needed,
6 revise its policies and development regulations regarding critical
7 areas and natural resource lands adopted according to this chapter to
8 ensure these policies and regulations comply with the requirements of
9 this chapter according to the deadlines in subsections (4) and (5) of
10 this section. Legislative action means the adoption of a resolution
11 or ordinance following notice and a public hearing indicating at a
12 minimum, a finding that a review and evaluation has occurred and
13 identifying the revisions made, or that a revision was not needed and
14 the reasons therefor.

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

20 (e) Any amendment of or revision to a comprehensive land use plan
21 shall conform to this chapter. Any amendment of or revision to
22 development regulations shall be consistent with and implement the
23 comprehensive plan.

24 (2)(a) Each county and city shall establish and broadly
25 disseminate to the public a public participation program consistent
26 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and
27 schedules whereby updates, proposed amendments, or revisions of the
28 comprehensive plan are considered by the governing body of the county
29 or city no more frequently than once every year. "Updates" means to
30 review and revise, if needed, according to subsection (1) of this
31 section, and the deadlines in subsections (4) and (5) of this section
32 or in accordance with the provisions of subsection (6) of this
33 section. Amendments may be considered more frequently than once per
34 year under the following circumstances:

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

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

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

7 (iv) The amendment of the capital facilities element of a
8 comprehensive plan that occurs concurrently with the adoption or
9 amendment of a county or city budget; (~~or~~)

10 (v) The adoption of comprehensive plan amendments necessary to
11 enact a planned action under RCW 43.21C.440, provided that amendments
12 are considered in accordance with the public participation program
13 established by the county or city under this subsection (2)(a) and
14 all persons who have requested notice of a comprehensive plan update
15 are given notice of the amendments and an opportunity to comment; or

16 (vi) The adoption or amendment of any housing element necessary
17 to receive a determination of compliance under section 1 of this act.

18 (b) Except as otherwise provided in (a) of this subsection, all
19 proposals shall be considered by the governing body concurrently so
20 the cumulative effect of the various proposals can be ascertained.
21 However, after appropriate public participation a county or city may
22 adopt amendments or revisions to its comprehensive plan that conform
23 with this chapter whenever an emergency exists or to resolve an
24 appeal of a comprehensive plan filed with the growth management
25 hearings board or with the court.

26 (3)(a) Each county that designates urban growth areas under RCW
27 36.70A.110 shall review, according to the schedules established in
28 subsections (4) and (5) of this section, its designated urban growth
29 area or areas, patterns of development occurring within the urban
30 growth area or areas, and the densities permitted within both the
31 incorporated and unincorporated portions of each urban growth area.
32 In conjunction with this review by the county, each city located
33 within an urban growth area shall review the densities permitted
34 within its boundaries, and the extent to which the urban growth
35 occurring within the county has located within each city and the
36 unincorporated portions of the urban growth areas.

37 (b) The county comprehensive plan designating urban growth areas,
38 and the densities permitted in the urban growth areas by the
39 comprehensive plans of the county and each city located within the
40 urban growth areas, shall be revised to accommodate the urban growth

1 projected to occur in the county for the succeeding 20-year period.
2 The review required by this subsection may be combined with the
3 review and evaluation required by RCW 36.70A.215.

4 (c) If, during the county's review under (a) of this subsection,
5 the county determines revision of the urban growth area is not
6 required to accommodate the urban growth projected to occur in the
7 county for the succeeding 20-year period, but does determine that
8 patterns of development have created pressure in areas that exceed
9 available, developable lands within the urban growth area, the urban
10 growth area or areas may be revised to accommodate identified
11 patterns of development and likely future development pressure for
12 the succeeding 20-year period if the following requirements are met:

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

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

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

20 (iv) The areas added to the urban growth areas are suitable for
21 urban growth;

22 (v) The transportation element and capital facility plan element
23 have identified the transportation facilities, and public facilities
24 and services needed to serve the urban growth area and the funding to
25 provide the transportation facilities and public facilities and
26 services;

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

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

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

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

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

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

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

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

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

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

25 (b) On or before December 31, 2025, with the following review
26 and, if needed, revision on or before June 30, 2035, and then every
27 10 years thereafter, for Clallam, Clark, Island, Jefferson, Lewis,
28 Mason, San Juan, Skagit, Thurston, and Whatcom counties and the
29 cities within those counties;

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

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

38 (6)(a) Nothing in this section precludes a county or city from
39 conducting the review and evaluation required by this section before
40 the deadlines established in subsections (4) and (5) of this section.

1 Counties and cities may begin this process early and may be eligible
2 for grants from the department, subject to available funding, if they
3 elect to do so.

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

12 (c) A city that is subject to a deadline established in
13 subsection (5)(b) through (d) of this section and meets the following
14 criteria may comply with the requirements of this section at any time
15 within the 24 months following the deadline established in subsection
16 (5) of this section: The city has a population of no more than 5,000
17 and has had its population increase by the greater of either no more
18 than 100 persons or no more than 17 percent in the 10 years preceding
19 the deadline established in subsection (5) of this section as of that
20 date.

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

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

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

31 (ii) ~~((Demonstrating))~~ The county or city demonstrates
32 substantial progress towards compliance with the ~~((schedules))~~
33 deadlines in this section for development regulations that protect
34 critical areas. ~~((b) A)~~ For the purposes of this subsection
35 (7)(a)(ii), a county or city that is fewer than 12 months out of
36 compliance with the ~~((schedules))~~ deadlines in this section for
37 development regulations that protect critical areas is making
38 substantial progress towards compliance with the deadlines in this
39 section; or

1 (iii) The county or city demonstrates substantial progress
2 towards compliance with the deadlines in this section for any housing
3 element and any housing development regulations required to be
4 submitted to the department for review under section 1 of this act.
5 For the purposes of this subsection (7)(a)(iii), a county or city
6 that applies to the department for review within the timelines
7 specified under section 1 of this act demonstrates substantial
8 progress towards compliance with the deadlines in this section and is
9 eligible for grants, loans, pledges, or financial guarantees under
10 chapter 43.155 or 70A.135 RCW until the department or the growth
11 management hearings board issues a final decision determining that
12 the county's or city's housing element or any related housing
13 development regulations are not in compliance with the laws and
14 regulations identified in section 1(7) of this act.

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

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

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

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

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

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

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

38 (v) Three or more years have elapsed since the receipt of
39 funding.

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

10 (9)(a) Counties subject to planning deadlines established in
11 subsection (5) of this section that are required or that choose to
12 plan under RCW 36.70A.040 and that meet either criteria of (a)(i) or
13 (ii) of this subsection, and cities with a population of more than
14 6,000 as of April 1, 2021, within those counties, must provide to the
15 department an implementation progress report detailing the progress
16 they have achieved in implementing their comprehensive plan five
17 years after the review and revision of their comprehensive plan. Once
18 a county meets the criteria in (a)(i) or (ii) of this subsection, the
19 implementation progress report requirements remain in effect
20 thereafter for that county and the cities therein with populations
21 greater than 6,000 as of April 1, 2021, even if the county later no
22 longer meets either or both criteria. A county is subject to the
23 implementation progress report requirement if it meets either of the
24 following criteria on or after April 1, 2021:

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

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

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

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

36 (ii) Permit processing timelines; and

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

1 (c) If a city or county required to provide an implementation
2 progress report under this subsection (9) has not implemented any
3 specifically identified regulations, zoning and land use changes, or
4 taken other legislative or administrative action necessary to
5 implement any changes in the most recent periodic update in their
6 comprehensive plan by the due date for the implementation progress
7 report, the city or county must identify the need for such action in
8 the implementation progress report. Cities and counties must adopt a
9 work plan to implement any necessary regulations, zoning and land use
10 changes, or take other legislative or administrative action
11 identified in the implementation progress report and complete all
12 work necessary for implementation within two years of submission of
13 the implementation progress report.

14 (10) Any county or city that is required by RCW 36.70A.095 to
15 include in its comprehensive plan a climate change and resiliency
16 element and that is also required by subsection (5)(a) of this
17 section to review and, if necessary, revise its comprehensive plan on
18 or before December 31, 2024, must update its transportation element
19 and incorporate a climate change and resiliency element into its
20 comprehensive plan as part of the first implementation progress
21 report required by subsection (9) of this section if funds are
22 appropriated and distributed by December 31, 2027, as required under
23 RCW 36.70A.070(10).

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

26 (1) Adoption of ordinances, development regulations and
27 amendments to such regulations, and other nonproject actions taken by
28 a city to implement: The actions specified in section 2, chapter 246,
29 Laws of 2022 unless the adoption of such ordinances, development
30 regulations and amendments to such regulations, or other nonproject
31 actions has a probable significant adverse impact on fish habitat;
32 and the increased residential building capacity actions identified in
33 RCW 36.70A.600(1), with the exception of the action specified in RCW
34 36.70A.600(1)(f), are not subject to administrative or judicial
35 appeals under this chapter.

36 (2) Amendments to development regulations and other nonproject
37 actions taken by a city to implement the requirements under RCW
38 36.70A.635 pursuant to RCW 36.70A.636(3)(b) are not subject to
39 administrative or judicial appeals under this chapter.

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

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

11 **Sec. 6.** RCW 43.155.070 and 2021 c 65 s 49 are each amended to
12 read as follows:

13 (1) To qualify for financial assistance under this chapter the
14 board must determine that a local government meets all of the
15 following conditions:

16 (a) The city or county must be imposing a tax under chapter 82.46
17 RCW at a rate of at least one-quarter of one percent;

18 (b) The local government must have developed a capital facility
19 plan; and

20 (c) The local government must be using all local revenue sources
21 which are reasonably available for funding public works, taking into
22 consideration local employment and economic factors.

23 (2) Except where necessary to address a public health need or
24 substantial environmental degradation, a county, city, or town
25 planning under RCW 36.70A.040 may not receive financial assistance
26 under this chapter unless it has adopted a comprehensive plan,
27 including a capital facilities plan element, and development
28 regulations as required by RCW 36.70A.040. This subsection does not
29 require any county, city, or town planning under RCW 36.70A.040 to
30 adopt a comprehensive plan or development regulations before
31 requesting or receiving financial assistance under this chapter if
32 such request is made before the expiration of the time periods
33 specified in RCW 36.70A.040. A county, city, or town planning under
34 RCW 36.70A.040 that has not adopted a comprehensive plan and
35 development regulations within the time periods specified in RCW
36 36.70A.040 may apply for and receive financial assistance under this
37 chapter if the comprehensive plan and development regulations are
38 adopted as required by RCW 36.70A.040 before executing a contractual
39 agreement for financial assistance with the board.

1 (3) In considering awarding financial assistance for public
2 facilities to special districts requesting funding for a proposed
3 facility located in a county, city, or town planning under RCW
4 36.70A.040, the board must consider whether the county, city, or town
5 planning under RCW 36.70A.040 in whose planning jurisdiction the
6 proposed facility is located has adopted a comprehensive plan and
7 development regulations as required by RCW 36.70A.040.

8 (4) (a) The board must develop a process to prioritize
9 applications and funding of loans and grants for public works
10 projects submitted by local governments. The board must consider, at
11 a minimum and in any order, the following factors in prioritizing
12 projects:

13 (i) Whether the project is critical in nature and would affect
14 the health and safety of many people;

15 (ii) The extent to which the project leverages other funds;

16 (iii) The extent to which the project is ready to proceed to
17 construction;

18 (iv) Whether the project is located in an area of high
19 unemployment, compared to the average state unemployment;

20 (v) Whether the project promotes the sustainable use of resources
21 and environmental quality, as applicable;

22 (vi) Whether the project consolidates or regionalizes systems;

23 (vii) Whether the project encourages economic development through
24 mixed-use and mixed income development consistent with chapter 36.70A
25 RCW;

26 (viii) Whether the system is being well-managed in the present
27 and for long-term sustainability;

28 (ix) Achieving equitable distribution of funds by geography and
29 population;

30 (x) The extent to which the project meets the following state
31 policy objectives:

32 (A) Efficient use of state resources;

33 (B) Preservation and enhancement of health and safety;

34 (C) Abatement of pollution and protection of the environment;

35 (D) Creation of new, family-wage jobs, and avoidance of shifting
36 existing jobs from one Washington state community to another;

37 (E) Fostering economic development consistent with chapter 36.70A
38 RCW;

39 (F) Efficiency in delivery of goods and services and
40 transportation; and

1 (G) Reduction of the overall cost of public infrastructure;
2 (xi) Whether the applicant sought or is seeking funding for the
3 project from other sources; (~~and~~)
4 (xii) Whether the city or county has voluntarily submitted their
5 housing element and housing development regulations under section 1
6 of this act; and
7 (xiii) Other criteria that the board considers necessary to
8 achieve the purposes of this chapter.
9 (b) Before September 1, 2018, and each year thereafter, the board
10 must develop and submit a report regarding the construction loans and
11 grants to the office of financial management and appropriate fiscal
12 committees of the senate and house of representatives. The report
13 must include:
14 (i) The total number of applications and amount of funding
15 requested for public works projects;
16 (ii) A list and description of projects approved in the preceding
17 fiscal year with project scores against the board's prioritization
18 criteria;
19 (iii) The total amount of loan and grants disbursements made from
20 the public works assistance account in the preceding fiscal year;
21 (iv) The total amount of loan repayments in the preceding fiscal
22 year for outstanding loans from the public works assistance account;
23 (v) The total amount of loan repayments due for outstanding loans
24 for each fiscal year over the following ten-year period; and
25 (vi) The total amount of funds obligated and timing of when the
26 funds were obligated in the preceding fiscal year.
27 (c) The maximum amount of funding that the board may provide for
28 any jurisdiction is ten million dollars per biennium.
29 (5) Existing debt or financial obligations of local governments
30 may not be refinanced under this chapter. Each local government
31 applicant must provide documentation of attempts to secure additional
32 local or other sources of funding for each public works project for
33 which financial assistance is sought under this chapter.
34 (6) Before September 1st of each year, the board must develop and
35 submit to the appropriate fiscal committees of the senate and house
36 of representatives a description of the loans and grants made under
37 RCW 43.155.065 and 43.155.068.
38 (7) The board may not sign contracts or otherwise financially
39 obligate funds from the public works assistance account before the

1 legislature has appropriated funds to the board for the purpose of
2 funding public works projects under this chapter.

3 (8) To qualify for loans, grants, or pledges for solid waste or
4 recycling facilities under this chapter, a city or county must
5 demonstrate that the solid waste or recycling facility is consistent
6 with and necessary to implement the comprehensive solid waste
7 management plan adopted by the city or county under chapter 70A.205
8 RCW.

9 (9) After January 1, 2010, any project designed to address the
10 effects of stormwater or wastewater on Puget Sound may be funded
11 under this section only if the project is not in conflict with the
12 action agenda developed by the Puget Sound partnership under RCW
13 90.71.310.

14 (10) For projects involving repair, replacement, or improvement
15 of a wastewater treatment plant or other public works facility for
16 which an investment grade efficiency audit is reasonably obtainable,
17 the public works board must require as a contract condition that the
18 project sponsor undertake an investment grade efficiency audit. The
19 project sponsor may finance the costs of the audit as part of its
20 public works assistance account program loan or grant.

21 (11) The board must implement policies and procedures designed to
22 maximize local government consideration of other funds to finance
23 local infrastructure.

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

26 The state, through the department and the attorney general, shall
27 represent its interest before agencies of the United States,
28 interstate agencies, and the courts with regard to comprehensive
29 plans, regulations, activities, or uses approved under this act.
30 Where federal or interstate agency plans, activities, or procedures
31 conflict with state policies, all reasonable steps available shall be
32 taken by the state to preserve the integrity of its policies.

33 NEW SECTION. **Sec. 8.** This act may be known and cited as the
34 housing accountability act.

35 NEW SECTION. **Sec. 9.** If any provision of this act or its
36 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

--- **END** ---