
SECOND SUBSTITUTE SENATE BILL 5148

State of Washington

69th Legislature

2025 Regular Session

By Senate Ways & Means (originally sponsored by Senators Bateman, Liias, 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 and 36.70A.130; reenacting and amending RCW 36.70A.280 and
4 43.21C.495; adding new sections to chapter 36.70A RCW; and creating a
5 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 90 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 must submit their housing element required under
28 RCW 36.70A.070(2) and any housing development regulations adopted or
29 amended on or after the effective date of this section to the
30 department for review in accordance with this section if the
31 department determines that the city or county:

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

34 (B) Housing production is less than 50 percent of the annual
35 housing being produced within the county or regional council area, as
36 applicable, adjusted by population;

37 (C) Housing production consists of greater than 80 percent
38 single-family homes aimed at primarily households whose income is at
39 or greater than 120 percent of the median household income adjusted

1 for household size for the city or county where the household is
2 located.

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

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

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

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

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

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

36 (11)(a) A noncompliant city or county may not deny an affordable
37 or moderate-income housing development, or approve an affordable or
38 moderate-income housing development with conditions or restrictions
39 that have a substantial adverse impact on the viability of the

1 development or the degree of affordability of the development unless
2 at least one of the following conditions is met:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (a) "Affordable housing" has the same meaning as in RCW
22 36.70A.030.

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

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

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

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

36 (d) "Housing development regulations" means any development
37 regulations related to the housing element requirements under RCW
38 36.70A.070(2) including, but not limited to, development regulations
39 related to affordable housing, middle housing, co-living housing,
40 accessory dwelling units, emergency shelters, transitional housing,

1 emergency housing, permanent supportive housing, conversions of
2 nonresidential buildings to residential use, and any zoning maps and
3 zoning districts.

4 **Sec. 2.** RCW 36.70A.280 and 2023 c 334 s 7, 2023 c 332 s 6, and
5 2023 c 228 s 7 are each reenacted and amended to read as follows:

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

8 (a) That, except as provided otherwise by this subsection, a
9 state agency, county, or city planning under this chapter is not in
10 compliance with the requirements of this chapter, chapter 90.58 RCW
11 as it relates to the adoption of shoreline master programs or
12 amendments thereto, or chapter 43.21C RCW as it relates to plans,
13 development regulations, or amendments, adopted under RCW 36.70A.040
14 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
15 to hear petitions alleging noncompliance based on a city or county's
16 actions taken to implement the requirements of RCW 36.70A.680 and
17 36.70A.681 within an urban growth area;

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

21 (c) That the approval of a work plan adopted under RCW
22 36.70A.735(1)(a) is not in compliance with the requirements of the
23 program established under RCW 36.70A.710;

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (2) All petitions relating to whether or not an adopted
39 comprehensive plan, development regulation, or permanent amendment

1 thereto, is in compliance with the goals and requirements of this
2 chapter or chapter 90.58 or 43.21C RCW must be filed within sixty
3 days after publication as provided in (a) through (~~(e)~~) (d) of this
4 subsection.

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

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

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

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

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

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

38 (b) A decision of the board concerning an appeal of the
39 department's final decision under section 1 of this act must be based
40 solely on whether the relevant housing element or housing development

1 regulations comply with the laws and regulations identified in
2 section 1(7) of this act.

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

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

13 ~~((5))~~ (6) The board, shall consolidate, when appropriate, all
14 petitions involving the review of the same comprehensive plan or the
15 same development regulation or regulations.

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

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

26 (b)(i) A city or town located within a county planning under RCW
27 36.70A.040 may opt out of a full review and revisions of its
28 comprehensive plan established in this section if the city or town
29 meets the following criteria:

30 (A) Has a population fewer than 500;

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

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

35 (D) Has provided the department with notice of its intent to
36 participate in a partial review and revision of its comprehensive
37 plan.

38 (ii) The department shall review the population growth rate for a
39 city or town participating in the partial review and revision of its

1 comprehensive plan process at least three years before the periodic
2 update is due as outlined in subsection (4) of this section and
3 notify cities of their eligibility.

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

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

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

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

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

38 (i) The initial adoption of a subarea plan. Subarea plans adopted
39 under this subsection (2)(a)(i) must clarify, supplement, or
40 implement jurisdiction-wide comprehensive plan policies, and may only

1 be adopted if the cumulative impacts of the proposed plan are
2 addressed by appropriate environmental review under chapter 43.21C
3 RCW;

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

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

10 (iv) The amendment of the capital facilities element of a
11 comprehensive plan that occurs concurrently with the adoption or
12 amendment of a county or city budget; (~~(v)~~)

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

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

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

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

1 (b) The county comprehensive plan designating urban growth areas,
2 and the densities permitted in the urban growth areas by the
3 comprehensive plans of the county and each city located within the
4 urban growth areas, shall be revised to accommodate the urban growth
5 projected to occur in the county for the succeeding 20-year period.
6 The review required by this subsection may be combined with the
7 review and evaluation required by RCW 36.70A.215.

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

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

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

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

24 (iv) The areas added to the urban growth areas are suitable for
25 urban growth;

26 (v) The transportation element and capital facility plan element
27 have identified the transportation facilities, and public facilities
28 and services needed to serve the urban growth area and the funding to
29 provide the transportation facilities and public facilities and
30 services;

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

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

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

39 (4) Except as otherwise provided in subsections (6) and (8) of
40 this section, counties and cities shall take action to review and, if

1 needed, revise their comprehensive plans and development regulations
2 to ensure the plan and regulations comply with the requirements of
3 this chapter as follows:

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

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

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

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

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

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

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

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

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

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

7 (b) A county that is subject to a deadline established in
8 subsection (5) (b) through (d) of this section and meets the following
9 criteria may comply with the requirements of this section at any time
10 within the 24 months following the deadline established in subsection
11 (5) of this section: The county has a population of less than 50,000
12 and has had its population increase by no more than 17 percent in the
13 10 years preceding the deadline established in subsection (5) of this
14 section as of that date.

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

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

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

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

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

1 substantial progress towards compliance with the deadlines in this
2 section; or

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

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

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

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

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

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

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

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

1 (v) Three or more years have elapsed since the receipt of
2 funding.

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

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

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

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

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

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

38 (ii) Permit processing timelines; and

39 (iii) Progress toward implementing any actions required to
40 achieve reductions to meet greenhouse gas and vehicle miles traveled

1 requirements as provided for in any element of the comprehensive plan
2 under RCW 36.70A.070.

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

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

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

28 (1) Adoption of ordinances, development regulations and
29 amendments to such regulations, and other nonproject actions taken by
30 a city to implement: The actions specified in section 2, chapter 246,
31 Laws of 2022 unless the adoption of such ordinances, development
32 regulations and amendments to such regulations, or other nonproject
33 actions has a probable significant adverse impact on fish habitat;
34 and the increased residential building capacity actions identified in
35 RCW 36.70A.600(1), with the exception of the action specified in RCW
36 36.70A.600(1)(f), are not subject to administrative or judicial
37 appeals under this chapter.

38 (2) Amendments to development regulations and other nonproject
39 actions taken by a city to implement the requirements under RCW

1 36.70A.635 pursuant to RCW 36.70A.636(3)(b) are not subject to
2 administrative or judicial appeals under this chapter.

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

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

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A
14 RCW to read as follows:

15 The state, through the department and the attorney general, shall
16 represent its interest before agencies of the United States,
17 interstate agencies, and the courts with regard to comprehensive
18 plans, regulations, activities, or uses approved under this act.
19 Where federal or interstate agency plans, activities, or procedures
20 conflict with state policies, all reasonable steps available shall be
21 taken by the state to preserve the integrity of its policies.

22 NEW SECTION. **Sec. 7.** This act may be known and cited as the
23 housing accountability act.

24 NEW SECTION. **Sec. 8.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

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