
SENATE BILL 5148

State of Washington

69th Legislature

2025 Regular Session

By Senator Bateman

Prefiled 01/07/25.

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.320, and 36.70A.130; reenacting and amending RCW 36.70A.280
4 and 43.21C.495; adding a new section 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) A county or city that is required or chooses to plan under
10 RCW 36.70A.040 must submit any 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 (5) of this section.

16 (b) A county or city must submit its application to the
17 department as follows:

18 (i) Within 10 days after any final action to amend, repeal, or
19 replace the housing element or housing development regulations; and

20 (ii) No later than six months after the date that: (A) Each
21 comprehensive plan update is due under RCW 36.70A.130; and (B) each

1 five-year implementation progress report is due under RCW
2 36.70A.130(9)(a).

3 (c) Notwithstanding (a) of this subsection, the department may
4 review housing development regulations adopted or amended before the
5 effective date of this section if amendments to those regulations are
6 necessary to implement the housing element or any laws and
7 regulations identified in subsection (5) of this section.

8 (2) Notwithstanding RCW 36.70A.320(1), a housing element or
9 housing development regulation subject to review under this section
10 does not take effect until the department issues a final decision
11 determining that the housing element or housing development
12 regulation complies with the laws and regulations identified in
13 subsection (5) of this section.

14 (3)(a) An application for review must include, at a minimum, the
15 following:

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

18 (ii) A copy of the adopted ordinance or resolution taking the
19 legislative action or actions required to adopt the housing element
20 or housing development regulations;

21 (iii) A statement explaining how the adopted housing element or
22 housing development regulations comply with the laws and regulations
23 identified in subsection (5) of this section; and

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

27 (b) For purposes of this subsection, "action" and "meeting" have
28 the same definitions as in RCW 42.30.020.

29 (4)(a) Within 90 days of the date of receipt of an application,
30 the department shall issue a final decision determining whether the
31 housing element and any housing development regulations comply with
32 the laws and regulations identified in subsection (5) of this
33 section.

34 (b) The department must issue its final decision in the form of a
35 written statement, including findings of fact and conclusions, and
36 noting the date of the issuance of its decision. The department's
37 issued decision must conspicuously and plainly state that it is the
38 department's final decision.

39 (c) The department shall promptly publish its final decision as
40 follows:

1 (i) Notify the city or county in writing of its decision;
2 (ii) Publish a notice of action in the Washington State Register;
3 (iii) Post a notice of its decision on the agency website; and
4 (iv) Notify other relevant state agencies regarding the decision.
5 (5) (a) The department shall issue a determination of compliance
6 for a housing element or housing development regulation unless it
7 finds that the housing element or housing development regulation is
8 not consistent with any of the following laws and regulations:
9 (i) The housing planning goal set forth in RCW 36.70A.020(4);
10 (ii) The housing element requirements set forth in RCW
11 36.70A.070(2);
12 (iii) Any relevant rules adopted by the department;
13 (iv) Any relevant state environmental policy act requirements in
14 chapter 43.21C RCW;
15 (v) The county's or city's comprehensive plan;
16 (vi) Emergency shelters, transitional housing, emergency housing,
17 and permanent supportive housing requirements in RCW 35.21.683 and
18 35A.21.430;
19 (vii) Co-living housing requirements in RCW 36.70A.535;
20 (viii) Density bonuses required in RCW 36.70A.545;
21 (ix) Parking requirements in RCW 36.70A.620 and 36.70A.622; or
22 (x) Housing requirements in RCW 36.70A.635, 36.70A.636,
23 36.70A.637, 36.70A.638, 36.70A.680, 36.70A.681, 36.70A.682,
24 36.70A.696, 36.70A.697, 36.70A.698, and 36.70A.699.
25 (b) Within six months of the effective date of this section, the
26 department shall publish a defined set of minimum objective standards
27 that jurisdictions must meet in order to comply with this section.
28 (6) (a) The department shall publish and regularly update a local
29 government compliance list that includes, at minimum, the following
30 information for each city or county:
31 (i) Whether the city or county is subject to the requirements in
32 this section;
33 (ii) Whether the city or county has applied for a determination
34 of compliance and, if so, the date of the application; and
35 (iii) Whether the department has issued a final decision on
36 compliance for the city or county and, if so, the nature of the
37 decision, the date that the decision was issued, and the status or
38 outcome of any appeals.
39 (b) The local government compliance list must be made publicly
40 available on the department's website.

1 (7) The department's final decision on compliance, and any
2 housing element or housing development regulations subject to review
3 under this section, may be appealed to the growth management hearings
4 board by filing a petition as provided in RCW 36.70A.290.

5 (8)(a) A city or county subject to the requirements in this
6 section may not deny an affordable or moderate-income housing
7 development, or approve an affordable or moderate-income housing
8 development with conditions or restrictions that have a substantial
9 adverse impact on the viability of the development or the degree of
10 affordability of the development unless at least one of the following
11 conditions is met:

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

16 (ii) The denial of the affordable or moderate-income housing
17 development, or the approval of the affordable or moderate-income
18 housing development with conditions or restrictions that have a
19 substantial adverse impact on the viability of the development or the
20 degree of affordability of the development, is required in order to
21 comply with specific state or federal law;

22 (iii) The affordable or moderate-income housing development or
23 proposed development site is located outside an urban growth area, in
24 a critical area, in a critical area buffer, or in an area where
25 residential uses are not allowed by the applicable shoreline master
26 program; or

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

31 (b) The county or city must require the developer of an
32 affordable or moderate-income housing development to include legally
33 binding, enforceable restrictions on the development, recorded as a
34 covenant or deed restriction, to ensure that the measures of
35 affordability described in subsection (10)(a) of this section are met
36 for a minimum 25-year period. The county or city must periodically
37 audit compliance with the restrictions or provide another mechanism
38 to ensure that the units committed to affordable or moderate-income
39 housing meet the measures of affordability described in subsection
40 (10)(a) of this section during the agreed term.

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

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

5 (a) "Affordable or moderate-income housing development" means a
6 residential housing development where the developer has agreed to
7 include legally binding, enforceable restrictions on the development,
8 recorded as a covenant or deed restriction, to ensure that for at
9 least 25-years:

10 (i) At least 20 percent of the units are for rental housing with
11 monthly costs that do not exceed 30 percent of the monthly income of
12 a household whose income is at 60 percent of the median household
13 income adjusted for household size, for the county where the
14 household is located, as reported by the United States department of
15 housing and urban development;

16 (ii) At least 20 percent of the units are for owner-occupied
17 housing with monthly costs that do not exceed 30 percent of the
18 monthly income of a household whose income is at 80 percent of the
19 median household income adjusted for household size, for the county
20 where the household is located, as reported by the United States
21 department of housing and urban development;

22 (iii) All of the units are for rental housing with monthly costs
23 that do not exceed 30 percent of the monthly income of a household
24 whose income is at 100 percent of the median household income
25 adjusted for household size, for the county where the household is
26 located, as reported by the United States department of housing and
27 urban development; or

28 (iv) All of the units are for owner-occupied housing with monthly
29 costs that do not exceed 30 percent of the monthly income of a
30 household whose income is at 120 percent of the median household
31 income adjusted for household size, for the county where the
32 household is located, as reported by the United States department of
33 housing and urban development.

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

1 nonresidential buildings to residential use, and any zoning maps and
2 zoning districts.

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

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

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

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

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

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

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

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

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

36 (h) That the department's final decision on the compliance of a
37 housing element and any related housing development regulations under
38 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(5) 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.320 and 2023 c 228 s 8 are each amended to
17 read as follows:

18 (1) Except as provided in subsections (5) ~~((and (6)))~~ through (7)
19 of this section, comprehensive plans and development regulations, and
20 amendments thereto, adopted under this chapter are presumed valid
21 upon adoption.

22 (2) Except as otherwise provided in subsection (4) of this
23 section, the burden is on the petitioner to demonstrate that any
24 action taken by a state agency, county, or city under this chapter is
25 not in compliance with the requirements of this chapter.

26 (3) In any petition under this chapter, the board, after full
27 consideration of the petition, shall determine whether there is
28 compliance with the requirements of this chapter. In making its
29 determination, the board shall consider the criteria adopted by the
30 department under RCW 36.70A.190(4). The board shall find compliance
31 unless it determines that the action by the state agency, county, or
32 city is clearly erroneous in view of the entire record before the
33 board and in light of the goals and requirements of this chapter.

34 (4) A county or city subject to a determination of invalidity
35 made under RCW 36.70A.300 or 36.70A.302 has the burden of
36 demonstrating that the ordinance or resolution it has enacted in
37 response to the determination of invalidity will no longer
38 substantially interfere with the fulfillment of the goals of this
39 chapter under the standard in RCW 36.70A.302(1).

1 (5) The shoreline element of a comprehensive plan and the
2 applicable development regulations adopted by a county or city shall
3 take effect as provided in chapter 90.58 RCW.

4 (6) The greenhouse gas emissions reduction subelement required by
5 RCW 36.70A.070 shall take effect as provided in RCW 36.70A.096.

6 (7) Any housing element and any housing development regulations
7 subject to review under section 1 of this act take effect as provided
8 in section 1 of this act.

9 **Sec. 5.** RCW 36.70A.130 and 2024 c 17 s 1 are each amended to
10 read as follows:

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

19 (b)(i) A city or town located within a county planning under RCW
20 36.70A.040 may opt out of a full review and revisions of its
21 comprehensive plan established in this section if the city or town
22 meets the following criteria:

23 (A) Has a population fewer than 500;

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

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

28 (D) Has provided the department with notice of its intent to
29 participate in a partial review and revision of its comprehensive
30 plan.

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

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

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

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

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

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

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

38 (ii) The development of an initial subarea plan for economic
39 development located outside of the 100 year floodplain in a county

1 that has completed a state-funded pilot project that is based on
2 watershed characterization and local habitat assessment;

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

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

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

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

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

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

36 (b) The county comprehensive plan designating urban growth areas,
37 and the densities permitted in the urban growth areas by the
38 comprehensive plans of the county and each city located within the
39 urban growth areas, shall be revised to accommodate the urban growth
40 projected to occur in the county for the succeeding 20-year period.

1 The review required by this subsection may be combined with the
2 review and evaluation required by RCW 36.70A.215.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (6)(a) Nothing in this section precludes a county or city from
37 conducting the review and evaluation required by this section before
38 the deadlines established in subsections (4) and (5) of this section.
39 Counties and cities may begin this process early and may be eligible

1 for grants from the department, subject to available funding, if they
2 elect to do so.

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

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

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

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

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

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

39 (iii) The county or city demonstrates substantial progress
40 towards compliance with the deadlines in this section for any housing

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

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

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

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

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

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

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

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

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

39 (c) Beginning 10 years from the date of receipt of funding, a
40 county that has made the election under RCW 36.70A.710(1) must review

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

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

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

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

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

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

34 (ii) Permit processing timelines; and

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

39 (c) If a city or county required to provide an implementation
40 progress report under this subsection (9) has not implemented any

1 specifically identified regulations, zoning and land use changes, or
2 taken other legislative or administrative action necessary to
3 implement any changes in the most recent periodic update in their
4 comprehensive plan by the due date for the implementation progress
5 report, the city or county must identify the need for such action in
6 the implementation progress report. Cities and counties must adopt a
7 work plan to implement any necessary regulations, zoning and land use
8 changes, or take other legislative or administrative action
9 identified in the implementation progress report and complete all
10 work necessary for implementation within two years of submission of
11 the implementation progress report.

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

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

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

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

38 (3) Adoption of ordinances, development regulations and
39 amendments to such regulations, and other nonproject actions taken by

1 a city or county consistent with the requirements of RCW 36.70A.680
2 and 36.70A.681 are not subject to administrative or judicial appeals
3 under this chapter.

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

9 NEW SECTION. Sec. 7. This act may be known and cited as the
10 housing accountability act.

11 NEW SECTION. Sec. 8. If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

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