
SENATE BILL 5497

State of Washington

69th Legislature

2025 Regular Session

By Senators Alvarado, Bateman, Nobles, Saldaña, Trudeau, Wellman, and C. Wilson

Read first time 01/27/25. Referred to Committee on Housing.

1 AN ACT Relating to compliance with siting, development permit
2 processes and standards, and requirements for permanent supportive
3 housing, transitional housing, indoor emergency housing, or indoor
4 emergency shelters; amending RCW 35.21.683 and 35A.21.430; adding a
5 new section to chapter 36.70A RCW; and adding a new section to
6 chapter 43.330 RCW.

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

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

10 (1) A local comprehensive plan or development regulations,
11 including permit processes, development standards, or permit
12 conditions imposed under this chapter, chapter 43.21C RCW, or Title
13 35 or 35A RCW, may not deny or preclude a permit application for
14 permanent supportive housing, transitional housing, indoor emergency
15 housing, or indoor emergency shelter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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