
ENGROSSED SENATE BILL 5729

State of Washington

69th Legislature

2025 Regular Session

By Senators Gildon, Dozier, and Fortunato

Read first time 02/11/25. Referred to Committee on Housing.

1 AN ACT Relating to encouraging construction of affordable housing
2 by streamlining the permitting process; amending RCW 36.70B.070,
3 36.70B.050, 36.70B.140, and 18.43.035; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that there is a
6 housing crisis in Washington state. There is a need to expedite the
7 permit approval process. Permitting buildings is one area that has
8 been identified as a hindrance to increasing the number of housing
9 units. The legislature finds that streamlining processing of building
10 permits is a powerful way to combat the lack of housing in this
11 state.

12 **Sec. 2.** RCW 36.70B.070 and 2023 c 338 s 6 are each amended to
13 read as follows:

14 (1)(a) Within 28 days after receiving a project permit
15 application, a local government planning pursuant to RCW 36.70A.040
16 shall provide a written determination to the applicant.

17 (b) The written determination must state either:

18 (i) That the application is complete; or

19 (ii) That the application is incomplete and that the procedural
20 submission requirements of the local government have not been met.

1 The determination shall outline what is necessary to make the
2 application procedurally complete.

3 (c) The number of days shall be calculated by counting every
4 calendar day.

5 (d) To the extent known by the local government, the local
6 government shall identify other agencies of local, state, or federal
7 governments that may have jurisdiction over some aspect of the
8 application.

9 (2) A project permit application is complete for purposes of this
10 section when it meets the procedural submission requirements of the
11 local government, as outlined on the project permit application.
12 Additional information or studies may be required or project
13 modifications may be undertaken subsequent to the procedural review
14 of the application by the local government. The determination of
15 completeness shall not preclude the local government from requesting
16 additional information or studies either at the time of the notice of
17 completeness or subsequently if new information is required or
18 substantial changes in the proposed action occur. However, if the
19 procedural submission requirements, as outlined on the project permit
20 application have been provided, the need for additional information
21 or studies may not preclude a completeness determination.

22 (3) The determination of completeness may include or be combined
23 with the following:

24 (a) A preliminary determination of those development regulations
25 that will be used for project mitigation;

26 (b) A preliminary determination of consistency, as provided under
27 RCW 36.70B.040;

28 (c) Other information the local government chooses to include; or

29 (d) The notice of application pursuant to the requirements in RCW
30 36.70B.110.

31 (4)(a) An application shall be deemed procedurally complete on
32 the 29th day after receiving a project permit application under this
33 section if the local government does not provide a written
34 determination to the applicant that the application is procedurally
35 incomplete as provided in subsection (1)(b)(ii) of this section. When
36 the local government does not provide a written determination, they
37 may still seek additional information or studies as provided for in
38 subsection (2) of this section.

39 (b) Within 14 days after an applicant has submitted to a local
40 government additional information identified by the local government

1 as being necessary for a complete application, the local government
2 shall notify the applicant whether the application is complete or
3 what additional information is necessary.

4 (c) The notice of application shall be provided within 14 days
5 after the determination of completeness pursuant to RCW 36.70B.110.

6 (5)(a) Any project permit applications submitted with plans,
7 computations, or specifications prepared, stamped, and signed by a
8 professional engineer or architect meeting the requirements under (b)
9 of this subsection, licensed under the laws of the state of
10 Washington, in the specific discipline as appropriate, is deemed
11 complete under this section by the city or county building department
12 with authority under RCW 19.27.050. Additional information or studies
13 may be required or project modifications undertaken subsequent to the
14 procedural review of the application by the local government. The
15 determination of completeness may not preclude the local government
16 from requesting additional information or studies either at the time
17 of the notice of completeness or subsequently if new information is
18 required or substantial changes in the proposed action occur. If the
19 procedural submission requirements as outlined on the project permit
20 application have been provided, the need for additional information
21 or studies may not preclude a completeness determination.

22 (b) The professional engineer or architect must maintain
23 professional liability errors and omissions insurance in an amount of
24 not less than \$1,000,000 executed by an insurer authorized to do
25 business in the state of Washington, as determined by rule by the
26 board of registration for professional engineers and land surveyors.

27 (c)(i) A county or city may not approve a building permit
28 application that does not comply with the development regulations in
29 effect, including those required by state or federal law.

30 (ii) A county or city may not approve a building permit
31 application that does not comply with the housing affordability
32 requirements adopted by a county or city.

33 (d) The department may review the application for compliance and
34 consistency with the current building codes, zoning, critical areas,
35 shoreline master plan documentation, or other land use control
36 ordinances in effect.

37 **Sec. 3.** RCW 36.70B.050 and 1995 c 347 s 406 are each amended to
38 read as follows:

1 (1) Not later than March 31, 1996, each local government shall
2 provide by ordinance or resolution for review of project permit
3 applications to achieve the following objectives:

4 ~~((1))~~ (a) Combine the environmental review process, both
5 procedural and substantive, with the procedure for review of project
6 permits; and

7 ~~((2))~~ (b) Except for the appeal of a determination of
8 significance as provided in RCW 43.21C.075, provide for no more than
9 one open record hearing and one closed record appeal.

10 (2) A project permit application that is consistent with adopted
11 development regulations, including critical area ordinances, and
12 within the capacity of public facilities is deemed approved following
13 six reviews or requests for additional information by the local
14 government unless clear violation of substantive and procedural
15 requirements is demonstrated by the reviewing local government.
16 Nothing in this subsection removes a local government's requirements
17 to comply with the remainder of this chapter. This subsection does
18 not apply to:

19 (a) Project permit applications required to be approved by
20 hearing examiners or legislative bodies; or

21 (b) Project permit applications required by state or federal law.

22 **Sec. 4.** RCW 36.70B.140 and 2023 c 338 s 1 are each amended to
23 read as follows:

24 (1) A local government by ordinance or resolution may exclude the
25 following project permits from the provisions of RCW 36.70B.060
26 through 36.70B.090 and 36.70B.110 through 36.70B.130: Landmark
27 designations, street vacations, or other approvals relating to the
28 use of public areas or facilities, or other project permits, whether
29 administrative or quasi-judicial, that the local government by
30 ordinance or resolution has determined present special circumstances
31 that warrant a review process or time periods for approval which are
32 different from that provided in RCW 36.70B.060 through 36.70B.090 and
33 36.70B.110 through 36.70B.130.

34 (2) A local government by ordinance or resolution also may
35 exclude the following project permits from the provisions of RCW
36 36.70B.060 and 36.70B.110 through 36.70B.130: Lot line or boundary
37 adjustments and building and other construction permits, or similar
38 administrative approvals, categorically exempt from environmental

1 review under chapter 43.21C RCW, or for which environmental review
2 has been completed in connection with other project permits.

3 (3) A local government must exclude project permits for interior
4 alterations from site plan review, provided that the interior
5 alterations do not result in the following:

6 (a) Additional sleeping quarters or bedrooms;

7 (b) Nonconformity with federal emergency management agency
8 substantial improvement thresholds; or

9 (c) Increase the total square footage or valuation of the
10 structure thereby requiring upgraded fire access or fire suppression
11 systems.

12 (4) A local government, by ordinance or resolution, must exclude
13 the following project permits from the provisions of chapter 36.70B
14 RCW:

15 (a) The expansion or remodeling of existing buildings,
16 structures, or development provided:

17 (i) The alterations do not modify the existing site layout;

18 (ii) The expansion or remodeling of existing buildings,
19 structures, or development is outside the critical area or critical
20 area buffers; or

21 (iii) In cases where two or more duplexes will be built on the
22 same lot;

23 (b) The project involves no exterior work adding to the building
24 footprint;

25 (c) The door or window adjustments or replacements are allowed
26 with no site plan needed; and

27 (d) Total additions and alterations and detached accessory
28 structures are less than 2,000 square feet in area without new
29 vehicular access.

30 (5) Nothing in this section exempts interior alterations from
31 otherwise applicable building, plumbing, mechanical, or electrical
32 codes.

33 ((+5)) (6) For purposes of this section, "interior alterations"
34 include construction activities that do not modify the existing site
35 layout or its current use and involve no exterior work adding to the
36 building footprint.

37 **Sec. 5.** RCW 18.43.035 and 2020 c 47 s 1 are each amended to read
38 as follows:

1 (1) The board may adopt and amend bylaws establishing its
2 organization and method of operation, including but not limited to
3 meetings, maintenance of books and records, publication of reports,
4 code of ethics, and rosters, and adoption and use of a seal.

5 (2) Four members of the board shall constitute a quorum for the
6 conduct of any business of the board.

7 (3) The board shall appoint its director, who must hold a valid
8 Washington license as a professional engineer or professional land
9 surveyor.

10 (4) The board may employ such persons as are necessary to carry
11 out its duties under this chapter.

12 (5) It may adopt rules reasonably necessary to administer the
13 provisions of this chapter and RCW 36.70B.070(5)(b). The board shall
14 submit to the governor periodic reports as may be required. A roster,
15 showing the names and places of business of all registered
16 professional engineers and land surveyors may be published for
17 distribution, upon request, to professional engineers and land
18 surveyors registered under this chapter and to the public.

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