

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SECOND SUBSTITUTE SENATE BILL 5148**

69th Legislature  
2025 Regular Session

Passed by the Senate April 17, 2025  
Yeas 48 Nays 1

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**President of the Senate**

Passed by the House April 14, 2025  
Yeas 78 Nays 19

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**Speaker of the House of  
Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5148** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED SECOND SUBSTITUTE SENATE BILL 5148**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2025 Regular Session

**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 36.70A.320, and 36.70A.130; reenacting and amending RCW 36.70A.280  
4 and 43.21C.495; adding new sections to chapter 36.70A RCW; and  
5 creating a new section.

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

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

9 (1) A county or city that is required or chooses to plan under  
10 RCW 36.70A.040 may submit their housing element required under RCW  
11 36.70A.070(2) and any housing development regulations adopted or  
12 amended on or after the effective date of this section to the  
13 department for review to determine whether the housing element or  
14 housing development regulations comply with the laws and regulations  
15 identified in subsection (7) of this section.

16 (2)(a) Not less than 120 days prior to applying for approval of a  
17 housing element, the county or city must notify the department in  
18 writing that it intends to apply for approval under subsection (1) of  
19 this section. The department shall review proposed housing elements  
20 prior to final adoption and advise the county or city of the actions  
21 necessary to receive approval.

1 (b) Prior to advising the county or city of the actions necessary  
2 to receive approval under (a) of this subsection, the department,  
3 along with the county or city, may consult with other relevant state  
4 agencies in making its determination.

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

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

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

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

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

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

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

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

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

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

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

6 (6) (a) Within 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 its 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 selects the city or county for targeted review under this  
32 subsection. The department may select up to 10 cities or counties for  
33 targeted review each calendar year and must prioritize selections for  
34 review based on criteria including, but not limited to, the  
35 following:

36 (A) The city or county has not planned for and accommodated for  
37 its portion of the countywide housing need determined by the county;

38 (B) The city's or county's housing production is less than 50  
39 percent of the annual housing being produced within the county or  
40 regional council area, as applicable, adjusted by population;

1 (C) The city's or county's housing production consists of greater  
2 than 80 percent single-family homes aimed at primarily households  
3 whose income is at or greater than 120 percent of the median  
4 household income adjusted for household size for the city or county  
5 where the household is located.

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

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

11 (b) (i) If the department determines that a city or county subject  
12 to targeted review under this subsection is not in compliance with  
13 the laws and regulations identified in subsection (7) of this  
14 section, the department shall notify the city or county of the  
15 deficiencies identified and propose amendments to correct any  
16 deficiencies. The city or county has 120 days to amend its housing  
17 element and any relevant housing development regulations to address  
18 any deficiencies noted by the department in its decision issued under  
19 subsection (6) (a) of this section and must submit any amendments to  
20 its housing element or housing development regulations to the  
21 department in the same manner of the initial application for review  
22 under subsection (5) (a) of this section. The department may extend  
23 the 120-day correction period with written agreement of the city or  
24 county.

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (i) Does not take amendatory actions under subsection (9)(b)(i)  
39 of this section following a determination from the department that  
40 the city's or county's housing element or housing development

1 regulations do not comply with the laws and regulations identified in  
2 subsection (7) of this section; or

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

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

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

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

18 (a) "Affordable housing" has the same meaning as in RCW  
19 36.70A.030.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **Sec. 4.** RCW 36.70A.320 and 2023 c 228 s 8 are each amended to  
13 read as follows:

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

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

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

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

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

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

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

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

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

16 (b)(i) A city or town located within a county planning under RCW  
17 36.70A.040 may opt out of a full review and revisions of its  
18 comprehensive plan established in this section if the city or town  
19 meets the following criteria:

20 (A) Has a population fewer than 500;

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

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

25 (D) Has provided the department with notice of its intent to  
26 participate in a partial review and revision of its comprehensive  
27 plan.

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

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

36 (c) Except as otherwise provided, a county or city not planning  
37 under RCW 36.70A.040 shall take action to review and, if needed,  
38 revise its policies and development regulations regarding critical  
39 areas and natural resource lands adopted according to this chapter to

1 ensure these policies and regulations comply with the requirements of  
2 this chapter according to the deadlines in subsections (4) and (5) of  
3 this section. Legislative action means the adoption of a resolution  
4 or ordinance following notice and a public hearing indicating at a  
5 minimum, a finding that a review and evaluation has occurred and  
6 identifying the revisions made, or that a revision was not needed and  
7 the reasons therefor.

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

13 (e) Any amendment of or revision to a comprehensive land use plan  
14 shall conform to this chapter. Any amendment of or revision to  
15 development regulations shall be consistent with and implement the  
16 comprehensive plan.

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

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

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

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

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

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

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

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

20 (3) (a) Each county that designates urban growth areas under RCW  
21 36.70A.110 shall review, according to the schedules established in  
22 subsections (4) and (5) of this section, its designated urban growth  
23 area or areas, patterns of development occurring within the urban  
24 growth area or areas, and the densities permitted within both the  
25 incorporated and unincorporated portions of each urban growth area.  
26 In conjunction with this review by the county, each city located  
27 within an urban growth area shall review the densities permitted  
28 within its boundaries, and the extent to which the urban growth  
29 occurring within the county has located within each city and the  
30 unincorporated portions of the urban growth areas.

31 (b) The county comprehensive plan designating urban growth areas,  
32 and the densities permitted in the urban growth areas by the  
33 comprehensive plans of the county and each city located within the  
34 urban growth areas, shall be revised to accommodate the urban growth  
35 projected to occur in the county for the succeeding 20-year period.  
36 The review required by this subsection may be combined with the  
37 review and evaluation required by RCW 36.70A.215.

38 (c) If, during the county's review under (a) of this subsection,  
39 the county determines revision of the urban growth area is not  
40 required to accommodate the urban growth projected to occur in the

1 county for the succeeding 20-year period, but does determine that  
2 patterns of development have created pressure in areas that exceed  
3 available, developable lands within the urban growth area, the urban  
4 growth area or areas may be revised to accommodate identified  
5 patterns of development and likely future development pressure for  
6 the succeeding 20-year period if the following requirements are met:

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

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

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

14 (iv) The areas added to the urban growth areas are suitable for  
15 urban growth;

16 (v) The transportation element and capital facility plan element  
17 have identified the transportation facilities, and public facilities  
18 and services needed to serve the urban growth area and the funding to  
19 provide the transportation facilities and public facilities and  
20 services;

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

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

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

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

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

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



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

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

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

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

20 (b) On or before December 31, 2025, with the following review  
21 and, if needed, revision on or before June 30, 2035, and then every  
22 10 years thereafter, for Clallam, Clark, Island, Jefferson, Lewis,  
23 Mason, San Juan, Skagit, Thurston, and Whatcom counties and the  
24 cities within those counties;

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

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

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

39 (b) A county that is subject to a deadline established in  
40 subsection (5)(b) through (d) of this section and meets the following

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

7 (c) A city 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 city has a population of no more than 5,000  
12 and has had its population increase by the greater of either no more  
13 than 100 persons or no more than 17 percent in the 10 years preceding  
14 the deadline established in subsection (5) of this section as of that  
15 date.

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

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

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

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

35 (iii) The county or city demonstrates substantial progress  
36 towards compliance with the deadlines in this section for any housing  
37 element and any housing development regulations required to be  
38 submitted to the department for review under section 1 of this act.  
39 For the purposes of this subsection (7)(a)(iii), a county or city  
40 that applies to the department for review within the timelines

1 specified under section 1 of this act demonstrates substantial  
2 progress towards compliance with the deadlines in this section and is  
3 eligible for grants, loans, pledges, or financial guarantees under  
4 chapter 43.155 or 70A.135 RCW until the department or the growth  
5 management hearings board issues a final decision determining that  
6 the county's or city's housing element or any related housing  
7 development regulations are not in compliance with the laws and  
8 regulations identified in section 1(7) of this act.

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

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

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

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

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

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

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

32 (v) Three or more years have elapsed since the receipt of  
33 funding.

34 (c) Beginning 10 years from the date of receipt of funding, a  
35 county that has made the election under RCW 36.70A.710(1) must review  
36 and, if necessary, revise development regulations to protect critical  
37 areas as they specifically apply to agricultural activities in a  
38 participating watershed in accordance with the review and revision  
39 requirements and timeline in subsection (5) of this section. This  
40 subsection (8)(c) does not apply to a participating watershed that

1 has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's  
2 goals and benchmarks for protection have been met.

3 (9)(a) Counties subject to planning deadlines established in  
4 subsection (5) of this section that are required or that choose to  
5 plan under RCW 36.70A.040 and that meet either criteria of (a)(i) or  
6 (ii) of this subsection, and cities with a population of more than  
7 6,000 as of April 1, 2021, within those counties, must provide to the  
8 department an implementation progress report detailing the progress  
9 they have achieved in implementing their comprehensive plan five  
10 years after the review and revision of their comprehensive plan. Once  
11 a county meets the criteria in (a)(i) or (ii) of this subsection, the  
12 implementation progress report requirements remain in effect  
13 thereafter for that county and the cities therein with populations  
14 greater than 6,000 as of April 1, 2021, even if the county later no  
15 longer meets either or both criteria. A county is subject to the  
16 implementation progress report requirement if it meets either of the  
17 following criteria on or after April 1, 2021:

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

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

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

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

29 (ii) Permit processing timelines; and

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

34 (c) If a city or county required to provide an implementation  
35 progress report under this subsection (9) has not implemented any  
36 specifically identified regulations, zoning and land use changes, or  
37 taken other legislative or administrative action necessary to  
38 implement any changes in the most recent periodic update in their  
39 comprehensive plan by the due date for the implementation progress  
40 report, the city or county must identify the need for such action in

1 the implementation progress report. Cities and counties must adopt a  
2 work plan to implement any necessary regulations, zoning and land use  
3 changes, or take other legislative or administrative action  
4 identified in the implementation progress report and complete all  
5 work necessary for implementation within two years of submission of  
6 the implementation progress report.

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

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

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

29 (2) Amendments to development regulations and other nonproject  
30 actions taken by a city to implement the requirements under RCW  
31 36.70A.635 pursuant to RCW 36.70A.636(3)(b) are not subject to  
32 administrative or judicial appeals under this chapter.

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

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

1 city or county to implement the housing element requirements set  
2 forth in RCW 36.70A.070(2) are not subject to administrative or  
3 judicial appeals under this chapter.

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

6 The state, through the department and the attorney general, shall  
7 represent its interest before agencies of the United States,  
8 interstate agencies, and the courts with regard to comprehensive  
9 plans, regulations, activities, or uses approved under this act.  
10 Where federal or interstate agency plans, activities, or procedures  
11 conflict with state policies, all reasonable steps available shall be  
12 taken by the state to preserve the integrity of its policies.

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

15 NEW SECTION. **Sec. 9.** If any provision of this act or its  
16 application to any person or circumstance is held invalid, the  
17 remainder of the act or the application of the provision to other  
18 persons or circumstances is not affected.

--- END ---