

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2113

68th Legislature
2024 Regular Session

Passed by the House February 2, 2024
Yeas 0 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate February 2, 2024
Yeas 0 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2113** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2113

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By House Housing (originally sponsored by Representatives Bateman, Macri, Peterson, Alvarado, Leavitt, Bronoske, Ramel, Fitzgibbon, Berry, Reed, Ormsby, Taylor, Gregerson, Street, Mena, Tharinger, Berg, Lekanoff, Riccelli, and Cortes)

READ FIRST TIME 01/26/24.

1 AN ACT Relating to compliance with the housing element
2 requirements of the growth management act; amending RCW 36.70A.290
3 and 36.70A.320; reenacting and amending RCW 36.70A.280, 36.70A.130,
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) Within six months after its comprehensive plan update due
10 under RCW 36.70A.130, a county or city that is required or chooses to
11 plan under RCW 36.70A.040 must submit any housing development
12 regulations to the department for a determination of compliance with
13 the laws and regulations identified in subsection (5) of this
14 section. For the purposes of this section, "housing development
15 regulations" means any development regulations related to the housing
16 element requirements under RCW 36.70A.070(2) including, but not
17 limited to, development regulations related to permanent supportive
18 housing, emergency housing, emergency shelters, middle housing, and
19 accessory dwelling units, and any zoning maps and zoning districts.

20 (b) Housing development regulations adopted by a county or city
21 subject to the requirements in this section do not take effect until

1 the department issues a final decision determining that the housing
2 development regulations comply with the laws and regulations
3 identified in subsection (5) of this section.

4 (c) The adoption of any housing development regulations by a
5 county or city subject to the requirements in this section may not be
6 appealed until the department issues a final decision on compliance.
7 Any appeal of the department's final decision must comply with
8 subsection (6) of this section.

9 (2) Notice of intent to apply. (a) Not less than 120 days prior
10 to applying for a determination of compliance, the county or city
11 must:

12 (i) Notify the department in writing that it intends to apply;
13 and

14 (ii) Submit the proposed housing development regulations to the
15 department.

16 (b) The department shall promptly publish notice in the
17 Washington State Register that a city or county has notified the
18 department of its intent to apply for a determination of compliance,
19 and the department shall post a copy of the notice on the
20 department's website.

21 (c) The department shall review the proposed housing development
22 regulations prior to final adoption by the county or city and advise
23 the county or city of the actions necessary to receive a
24 determination of compliance.

25 (d) The department may consult with other relevant state agencies
26 in making its determination.

27 (3) Application procedures. (a) After taking final action to
28 adopt any housing development regulations, a city or county subject
29 to the requirements in this section must apply for a determination of
30 compliance. A city or county must submit its application to the
31 department within 10 days of taking final action.

32 (b) An application must include, at a minimum, the following:

33 (i) A cover letter from the legislative authority requesting a
34 determination of compliance;

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

38 (iii) A statement explaining how the adopted housing development
39 regulations comply with the laws and regulations identified in
40 subsection (5) of this section; and

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

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

6 (4) Review procedures. (a) Within 180 days of the date of receipt
7 of an application, the department shall strive to issue a final
8 decision determining whether the housing development regulations
9 comply with the laws and regulations identified in subsection (5) of
10 this section.

11 (b) The department must issue its final decision in the form of a
12 written statement, including findings of fact and conclusions, and
13 noting the date of the issuance of its decision. The department's
14 issued decision must conspicuously and plainly state that it is the
15 department's final decision.

16 (c) The department shall promptly publish its final decision as
17 follows:

- 18 (i) Notify the city or county in writing of its decision;
- 19 (ii) Publish a notice of action in the Washington State Register;
- 20 (iii) Post a notice of its decision on the agency website; and
- 21 (iv) Notify other relevant state agencies regarding the decision.

22 (5) (a) The department shall issue a determination of compliance
23 unless it determines that the housing development regulations are not
24 consistent with any of the following:

- 25 (i) The housing planning goal set forth in RCW 36.70A.020(4);
- 26 (ii) The housing element requirements set forth in RCW
27 36.70A.070(2);
- 28 (iii) Any relevant rules adopted by the department;
- 29 (iv) Any relevant state environmental policy act requirements in
30 chapter 43.21C RCW;
- 31 (v) The county's or city's comprehensive plan, including the
32 housing element; or
- 33 (vi) The requirements related to transitional housing, permanent
34 supportive housing, emergency shelters, and emergency housing in RCW
35 35.21.683 and 35A.21.430.

36 (b) Within six months of the effective date of this section, the
37 department shall publish a defined set of minimum objective standards
38 that jurisdictions must meet in order to comply with this section.

39 (6) The department's final decision may be appealed according to
40 the following provisions:

1 (a) The department's final decision may be appealed to the growth
2 management hearings board by filing a petition as provided in RCW
3 36.70A.290.

4 (b) A decision of the growth management hearings board concerning
5 an appeal of the department's final decision must be based solely on
6 whether the housing development regulations comply with the laws and
7 regulations identified in subsection (5) of this section.

8 (7) (a) The department shall publish and regularly update a local
9 government compliance list that includes, at minimum, the following
10 information for each city or county subject to the requirements in
11 this section:

12 (i) Whether the city or county has applied for a determination of
13 compliance and, if so, the date of the application; and

14 (ii) Whether the department has issued a final decision on
15 compliance for the city or county and, if so, the nature of the
16 decision, the date that the decision was issued, and the status or
17 outcome of any appeals.

18 (b) The local government compliance list may also include the
19 following information:

20 (i) Whether a city or county has submitted its housing element
21 for approval under section 2 of this act and, if so, the date of the
22 application; and

23 (ii) Whether the department has issued a final decision on the
24 city's or county's application for housing element approval and, if
25 so, the nature of the decision, the date that the decision was
26 issued, and the status or outcome of any appeals.

27 (c) The local government compliance list must be made publicly
28 available on the department's website.

29 (8) (a) A city or county subject to the requirements in this
30 section may not deny an affordable or moderate-income housing
31 development, or approve an affordable or moderate-income housing
32 development with conditions or restrictions that have a substantial
33 adverse impact on the viability of the development or the degree of
34 affordability of the development, unless at least one of the
35 following conditions is met:

36 (i) The city or county has received a final decision from the
37 department, the growth management hearings board, or a court of
38 competent jurisdiction determining that its housing development
39 regulations comply with the laws and regulations identified in
40 subsection (5) of this section by the deadlines in RCW 36.70A.130;

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

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

12 (iv) The affordable or moderate-income housing development or
13 proposed development site is located in an area where neither the
14 local jurisdiction's comprehensive plan nor zoning ordinance permits
15 residential or mixed uses; or

16 (v) The county or city has adopted an impact fee exemption for
17 low-income housing as authorized by RCW 82.02.060 and the conditions
18 for approval of the affordable or moderate-income housing development
19 were adopted by ordinance prior to the date a complete application
20 was submitted for land use or building permits for the affordable or
21 moderate-income housing development.

22 (b) For the purposes of this subsection, "affordable or moderate-
23 income housing development" means a residential housing development
24 where:

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

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

37 (iii) All of the units are for rental housing with monthly costs
38 that do not exceed 30 percent of the monthly income of a household
39 whose income is at 100 percent of the median household income
40 adjusted for household size, for the county where the household is

1 located, as reported by the United States department of housing and
2 urban development; or

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

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

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A
12 RCW to read as follows:

13 (1) A county or city required to complete a housing element under
14 RCW 36.70A.070(2) may submit the housing element to the department
15 for approval. When submitted to the department for approval, the
16 housing element becomes effective when approved by the department as
17 provided in this section.

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

24 (b) The department may consult with other relevant state agencies
25 in making its determination.

26 (c) The department shall publish notice in the Washington State
27 Register that a city or county has notified the department of its
28 intent to apply for approval and the department shall post a copy of
29 the notice on the department website.

30 (3) Procedures for an application for approval. (a) After taking
31 final action to adopt a housing element, a city or county may apply
32 to the department for approval. A city or county must submit its
33 application to the department within 10 days of taking final action.

34 (b) An application for approval must include, at a minimum, the
35 following:

36 (i) A cover letter from the legislative authority requesting
37 approval;

38 (ii) A copy of the adopted ordinance or resolution taking the
39 legislative action or actions required to adopt the housing element;

1 (iii) A statement explaining how the adopted housing element
2 complies with the provisions of this chapter; and

3 (iv) A copy of the record developed by the city or county at any
4 public meetings or public hearings at which action was taken on the
5 housing element.

6 (c) For purposes of this subsection, "action" and "meeting" have
7 the same definitions as in RCW 42.30.020.

8 (4) Approval procedures. (a) The department shall strive to
9 achieve final action to approve or deny an application within 180
10 days of the date of receipt of the application.

11 (b) The department must issue its decision in the form of a
12 written statement, including findings of fact and conclusions, and
13 noting the date of the issuance of its decision. The department's
14 issued decision must conspicuously and plainly state that it is the
15 department's final decision and that there will be no further
16 modifications to the proposed housing element.

17 (c) The department must promptly publish its decision on the
18 application for approval as follows:

19 (i) Notify the city or county in writing of its determination;

20 (ii) Publish a notice of action in the Washington State Register;

21 (iii) Post a notice of its decision on the agency website; and

22 (iv) Notify other relevant state agencies regarding the approval
23 decision.

24 (5) (a) The department shall approve a housing element unless it
25 determines that the housing element is not consistent with any of the
26 following:

27 (i) The housing planning goal set forth in RCW 36.70A.020(4);

28 (ii) The housing element requirements set forth in RCW
29 36.70A.070(2);

30 (iii) The requirements related to transitional housing, permanent
31 supportive housing, emergency shelters, and emergency housing in RCW
32 35.21.683 and 35A.21.430;

33 (iv) Any relevant rules adopted by the department;

34 (v) Any relevant state environmental policy act requirements in
35 chapter 43.21C RCW; or

36 (vi) The county's or city's comprehensive plan or future land use
37 map.

38 (b) Within six months of the effective date of this section, the
39 department shall publish a defined set of minimum objective standards
40 that jurisdictions must meet in order to comply with this section.

1 (6) The department's final decision to approve or reject a
2 housing element may be appealed according to the following
3 provisions:

4 (a) The department's final decision to approve or reject a
5 housing element may be appealed to the growth management hearings
6 board by filing a petition as provided in RCW 36.70A.290.

7 (b) A decision of the growth management hearings board concerning
8 an appeal of the department's final decision to approve or reject a
9 housing element must be based solely on whether or not the housing
10 element complies with the laws and regulations identified in
11 subsection (5) of this section.

12 **Sec. 3.** RCW 36.70A.280 and 2023 c 334 s 7, 2023 c 332 s 6, and
13 2023 c 228 s 7 are each reenacted and amended to read as follows:

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

16 (a) That, except as provided otherwise by this subsection, a
17 state agency, county, or city planning under this chapter is not in
18 compliance with the requirements of this chapter, chapter 90.58 RCW
19 as it relates to the adoption of shoreline master programs or
20 amendments thereto, or chapter 43.21C RCW as it relates to plans,
21 development regulations, or amendments, adopted under RCW 36.70A.040
22 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
23 to hear petitions alleging noncompliance based on a city or county's
24 actions taken to implement the requirements of RCW 36.70A.680 and
25 36.70A.681 within an urban growth area;

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

29 (c) That the approval of a work plan adopted under RCW
30 36.70A.735(1)(a) is not in compliance with the requirements of the
31 program established under RCW 36.70A.710;

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

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

37 (f) That the department's final decision to approve or reject a
38 proposed greenhouse gas emissions reduction subelement or amendments
39 by a local government planning under RCW 36.70A.040 was not in

1 compliance with the joint guidance issued by the department pursuant
2 to RCW 70A.45.120; (~~or~~)

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

6 (h) That the department's final decision on any housing
7 development regulations subject to the requirements in section 1 of
8 this act or any housing element submitted to the department for
9 approval under section 2 of this act is clearly erroneous.

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

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

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

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

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

31 If adjusted by the board, a county growth management planning
32 population projection shall only be used for the planning purposes
33 set forth in this chapter and shall be known as the "board adjusted
34 population projection." None of these changes shall affect the
35 official state and county population forecasts prepared by the office
36 of financial management, which shall continue to be used for state
37 budget and planning purposes.

38 **Sec. 4.** RCW 36.70A.290 and 2011 c 277 s 1 are each amended to
39 read as follows:

1 (1) All requests for review to the growth management hearings
2 board shall be initiated by filing a petition that includes a
3 detailed statement of issues presented for resolution by the board.
4 The board shall render written decisions articulating the basis for
5 its holdings. The board shall not issue advisory opinions on issues
6 not presented to the board in the statement of issues, as modified by
7 any prehearing order.

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

14 (a) Except as provided in (c) and (d) of this subsection, the
15 date of publication for a city shall be the date the city publishes
16 the ordinance, or summary of the ordinance, adopting the
17 comprehensive plan or development regulations, or amendment thereto,
18 as is required to be published.

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

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

26 (c) For local governments planning under RCW 36.70A.040, promptly
27 after approval or disapproval of a local government's shoreline
28 master program or amendment thereto by the department of ecology as
29 provided in RCW 90.58.090, the department of ecology shall publish a
30 notice that the shoreline master program or amendment thereto has
31 been approved or disapproved. For purposes of this section, the date
32 of publication for the adoption or amendment of a shoreline master
33 program is the date the department of ecology publishes notice that
34 the shoreline master program or amendment thereto has been approved
35 or disapproved.

36 (d) For purposes of this section, the date of publication for a
37 housing element submitted to the department for approval under
38 section 2 of this act is the date the department publishes its
39 approval decision in the Washington State Register or on the
40 department's website, whichever is later. The date of publication for

1 any housing development regulations subject to the determination of
2 compliance requirements in section 1 of this act is the date the
3 department publishes its final decision determining compliance in the
4 Washington State Register or on the department's website, whichever
5 is later.

6 (3) All petitions relating to whether the department's final
7 decision on a housing element under section 1 of this act or any
8 housing development regulations under section 2 of this act are
9 clearly erroneous must be filed within 60 days after the department
10 publishes its final decision in the Washington State Register or on
11 the department's website, whichever is later.

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

17 ~~((4))~~ (5) The board shall base its decision on the record
18 developed by the city, county, or the state and supplemented with
19 additional evidence if the board determines that such additional
20 evidence would be necessary or of substantial assistance to the board
21 in reaching its decision.

22 ~~((5))~~ (6) The board, shall consolidate, when appropriate, all
23 petitions involving the review of the same comprehensive plan or the
24 same development regulation or regulations.

25 **Sec. 5.** RCW 36.70A.320 and 2023 c 228 s 8 are each amended to
26 read as follows:

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

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

35 (3) In any petition under this chapter, the board, after full
36 consideration of the petition, shall determine whether there is
37 compliance with the requirements of this chapter. In making its
38 determination, the board shall consider the criteria adopted by the
39 department under RCW 36.70A.190(4). The board shall find compliance

1 unless it determines that the action by the state agency, county, or
2 city is clearly erroneous in view of the entire record before the
3 board and in light of the goals and requirements of this chapter.

4 (4) A county or city subject to a determination of invalidity
5 made under RCW 36.70A.300 or 36.70A.302 has the burden of
6 demonstrating that the ordinance or resolution it has enacted in
7 response to the determination of invalidity will no longer
8 substantially interfere with the fulfillment of the goals of this
9 chapter under the standard in RCW 36.70A.302(1).

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

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

15 (7) The housing element required by RCW 36.70A.070(2) takes
16 effect as provided in section 2(1) of this act if submitted to the
17 department for approval. Any housing development regulations subject
18 to the requirements in section 1 of this act take effect as provided
19 in section 1(1) of this act.

20 **Sec. 6.** RCW 36.70A.130 and 2023 c 280 s 1 and 2023 c 228 s 15
21 are each reenacted and amended to read as follows:

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

30 (b)(i) A city or town located within (~~fa~~) a county planning
31 under RCW 36.70A.040 may opt out of a full review and revisions of
32 its comprehensive plan established in this section if the city or
33 town meets the following criteria:

34 (A) Has a population fewer than 500;

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

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

1 (D) Has provided the department with notice of its intent to
2 participate in a partial review and revision of its comprehensive
3 plan.

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

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

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

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

28 (e) Any amendment of or revision to a comprehensive land use plan
29 shall conform to this chapter. Any amendment of or revision to
30 development regulations shall be consistent with and implement the
31 comprehensive plan.

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

1 section. Amendments may be considered more frequently than once per
2 year under the following circumstances:

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

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

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

15 (iv) The amendment of the capital facilities element of a
16 comprehensive plan that occurs concurrently with the adoption or
17 amendment of a county or city budget; (~~(e)~~)

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

24 (vi) The adoption of any housing element amendments necessary to
25 receive an approval decision under section 2 of this act, and the
26 adoption or amendment of any housing development regulations as
27 necessary to receive a determination of compliance under section 1 of
28 this act.

29 (b) Except as otherwise provided in (a) of this subsection, all
30 proposals shall be considered by the governing body concurrently so
31 the cumulative effect of the various proposals can be ascertained.
32 However, after appropriate public participation a county or city may
33 adopt amendments or revisions to its comprehensive plan that conform
34 with this chapter whenever an emergency exists or to resolve an
35 appeal of a comprehensive plan filed with the growth management
36 hearings board or with the court.

37 (3)(a) Each county that designates urban growth areas under RCW
38 36.70A.110 shall review, according to the schedules established in
39 subsections (4) and (5) of this section, its designated urban growth
40 area or areas, patterns of development occurring within the urban

1 growth area or areas, and the densities permitted within both the
2 incorporated and unincorporated portions of each urban growth area.
3 In conjunction with this review by the county, each city located
4 within an urban growth area shall review the densities permitted
5 within its boundaries, and the extent to which the urban growth
6 occurring within the county has located within each city and the
7 unincorporated portions of the urban growth areas.

8 (b) The county comprehensive plan designating urban growth areas,
9 and the densities permitted in the urban growth areas by the
10 comprehensive plans of the county and each city located within the
11 urban growth areas, shall be revised to accommodate the urban growth
12 projected to occur in the county for the succeeding 20-year period.
13 The review required by this subsection may be combined with the
14 review and evaluation required by RCW 36.70A.215.

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

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

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

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

31 (iv) The areas added to the urban growth areas are suitable for
32 urban growth;

33 (v) The transportation element and capital facility plan element
34 have identified the transportation facilities, and public facilities
35 and services needed to serve the urban growth area and the funding to
36 provide the transportation facilities and public facilities and
37 services;

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

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

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

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

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

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

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

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

23 (5) Except as otherwise provided in subsections (6) (~~and~~), (8),
24 and (11) of this section, following the review of comprehensive plans
25 and development regulations required by subsection (4) of this
26 section, counties and cities shall take action to review and, if
27 needed, revise their comprehensive plans and development regulations
28 to ensure the plan and regulations comply with the requirements of
29 this chapter as follows:

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

35 (b) On or before June 30, 2025, and every 10 years thereafter,
36 for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan,
37 Skagit, Thurston, and Whatcom counties and the cities within those
38 counties;

39 (c) On or before June 30, 2026, and every 10 years thereafter,
40 for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania,

1 Spokane, Walla Walla, and Yakima counties and the cities within those
2 counties; and

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

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

13 (b) A county that is subject to a deadline established in
14 subsection (5) (b) through (d) of this section and meets the following
15 criteria may comply with the requirements of this section at any time
16 within the 24 months following the deadline established in subsection
17 (5) of this section: The county has a population of less than 50,000
18 and has had its population increase by no more than 17 percent in the
19 10 years preceding the deadline established in subsection (5) of this
20 section as of that date.

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

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

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

38 ~~((i) Complying))~~ (a) The county or city is in compliance with
39 the deadlines in this section; ~~((or~~

1 ~~(ii) Demonstrating))~~ (b) The county or city demonstrates
2 substantial progress towards compliance with the schedules in this
3 section for development regulations that protect critical areas.
4 ((~~(b) A~~) For purposes of this subsection (7)(b), a county or city
5 that is fewer than 12 months out of compliance with the schedules in
6 this section for development regulations that protect critical areas
7 is making substantial progress towards compliance. Only those
8 counties and cities in compliance with the schedules in this section
9 may receive preference for grants or loans subject to the provisions
10 of RCW 43.17.250;

11 (c) The county or city demonstrates substantial progress towards
12 compliance with the deadlines in this section for any housing
13 development regulations subject to the requirements in section 1 of
14 this act. For purposes of this subsection (7)(c), a county or city
15 demonstrates substantial progress towards compliance if the county or
16 city satisfies the requirements in section 1 (2) and (3) of this act
17 related to the notice of intent to apply and the application
18 procedures, but the department has not yet issued a final decision on
19 the application. A county or city is eligible for grants, loans,
20 pledges, or financial guarantees under this subsection until the
21 department, the growth management hearings board, or a court of
22 competent jurisdiction issues a final decision determining that the
23 county's or city's housing development regulations are not in
24 compliance with the laws and regulations identified in section 1(5)
25 of this act. Only those counties and cities that have received a
26 final decision from the department, the growth management hearings
27 board, or a court of competent jurisdiction determining that their
28 housing development regulations comply with the laws and regulations
29 identified in section 1(5) of this act may receive preference for
30 grants or loans subject to the provisions of RCW 43.17.250; or

31 (d) The county or city demonstrates substantial progress towards
32 compliance with the deadlines in this section for any housing element
33 submitted to the department for approval under section 2 of this act.
34 For purposes of this subsection (7)(d), a county or city demonstrates
35 substantial progress towards compliance if the county or city
36 satisfies the requirements in section 2 (2) and (3) of this act
37 related to the notice of intent to apply and the application
38 procedures, but the department has not yet issued a final decision on
39 the application. A county or city is eligible for grants, loans,
40 pledges, or financial guarantees under this subsection until the

1 department, the growth management hearings board, or a court of
2 competent jurisdiction issues a final decision determining that the
3 county's or city's housing element is not in compliance with the laws
4 and regulations identified in section 2(5) of this act.

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

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

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

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

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

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

25 (v) Three or more years have elapsed since the receipt of
26 funding.

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

36 (9) (a) Counties subject to planning deadlines established in
37 subsection (5) of this section that are required or that choose to
38 plan under RCW 36.70A.040 and that meet either criteria of (a)(i) or
39 (ii) of this subsection, and cities with a population of more than
40 6,000 as of April 1, 2021, within those counties, must provide to the

1 department an implementation progress report detailing the progress
2 they have achieved in implementing their comprehensive plan five
3 years after the review and revision of their comprehensive plan. Once
4 a county meets the criteria in (a)(i) or (ii) of this subsection, the
5 implementation progress report requirements remain in effect
6 thereafter for that county and the cities therein with populations
7 greater than 6,000 as of April 1, 2021, even if the county later no
8 longer meets either or both criteria. A county is subject to the
9 implementation progress report requirement if it meets either of the
10 following criteria on or after April 1, 2021:

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

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

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

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

22 (ii) Permit processing timelines; and

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

27 (c) If a city or county required to provide an implementation
28 progress report under this subsection (9) has not implemented any
29 specifically identified regulations, zoning and land use changes, or
30 taken other legislative or administrative action necessary to
31 implement any changes in the most recent periodic update in their
32 comprehensive plan by the due date for the implementation progress
33 report, the city or county must identify the need for such action in
34 the implementation progress report. Cities and counties must adopt a
35 work plan to implement any necessary regulations, zoning and land use
36 changes, or take other legislative or administrative action
37 identified in the implementation progress report and complete all
38 work necessary for implementation within two years of submission of
39 the implementation progress report.

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

11 (11) For any housing element submitted to the department for
12 approval under section 2 of this act, a county or city is in
13 compliance with the deadlines in subsection (5) of this section if it
14 receives the department's approval decision within six months after
15 its comprehensive plan update due under this section. For any housing
16 development regulations subject to the requirements in section 1 of
17 this act, a county or city is in compliance with the deadlines in
18 subsection (5) of this section if it receives the department's final
19 decision determining that its housing development regulations are in
20 compliance with the laws and regulations identified in section 1(5)
21 of this act within six months after its comprehensive plan update due
22 under this section.

23 **Sec. 7.** RCW 43.21C.495 and 2023 c 334 s 6 and 2023 c 332 s 8 are
24 each reenacted and amended to read as follows:

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

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

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

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

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

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