
HOUSE BILL 1438

State of Washington

69th Legislature

2025 Regular Session

By Representatives Connors and Klicker

1 AN ACT Relating to ensuring efficient approval of certain housing
2 permit applications; and amending RCW 36.70B.080.

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

4 **Sec. 1.** RCW 36.70B.080 and 2023 c 338 s 7 are each amended to
5 read as follows:

6 (1)(a) Development regulations adopted pursuant to RCW 36.70A.040
7 must establish and implement time periods for local government
8 actions for each type of project permit application and provide
9 timely and predictable procedures to determine whether a completed
10 project permit application meets the requirements of those
11 development regulations. The time periods for local government
12 actions for each type of complete project permit application or
13 project type should not exceed those specified in this section.

14 (b) For project permits submitted after January 1, 2025, the
15 development regulations must, for each type of permit application,
16 specify the contents of a completed project permit application
17 necessary for the complete compliance with the time periods and
18 procedures.

19 (c) A jurisdiction may exclude certain permit types and timelines
20 for processing project permit applications as provided for in RCW
21 36.70B.140.

1 (d) The time periods for local government action to issue a final
2 decision for each type of complete project permit application or
3 project type subject to this chapter should not exceed the following
4 time periods unless modified by the local government pursuant to this
5 section or RCW 36.70B.140:

6 (i) For project permits which do not require public notice under
7 RCW 36.70B.110, a local government must issue a final decision within
8 65 days of the determination of completeness under RCW 36.70B.070;

9 (ii) For project permits which require public notice under RCW
10 36.70B.110, a local government must issue a final decision within 100
11 days of the determination of completeness under RCW 36.70B.070; and

12 (iii) For project permits which require public notice under RCW
13 36.70B.110 and a public hearing, a local government must issue a
14 final decision within 170 days of the determination of completeness
15 under RCW 36.70B.070.

16 (e) A jurisdiction may modify the provisions in (d) of this
17 subsection to add permit types not identified, change the permit
18 names or types in each category, address how consolidated review time
19 periods may be different than permits submitted individually, and
20 provide for how projects of a certain size or type may be
21 differentiated, including by differentiating between residential and
22 nonresidential permits. Unless otherwise provided for the
23 consolidated review of more than one permit, the time period for a
24 final decision shall be the longest of the permit time periods
25 identified in (d) of this subsection or as amended by a local
26 government.

27 (f) If a local government does not adopt an ordinance or
28 resolution modifying the provisions in (d) of this subsection, the
29 time periods in (d) of this subsection apply.

30 (g) The number of days an application is in review with the
31 county or city shall be calculated from the day completeness is
32 determined under RCW 36.70B.070 to the date a final decision is
33 issued on the project permit application. The number of days shall be
34 calculated by counting every calendar day and excluding the following
35 time periods:

36 (i) Any period between the day that the county or city has
37 notified the applicant, in writing, that additional information is
38 required to further process the application and the day when
39 responsive information is resubmitted by the applicant;

1 (ii) Any period after an applicant informs the local government,
2 in writing, that they would like to temporarily suspend review of the
3 project permit application until the time that the applicant notifies
4 the local government, in writing, that they would like to resume the
5 application. A local government may set conditions for the temporary
6 suspension of a permit application; and

7 (iii) Any period after an administrative appeal is filed until
8 the administrative appeal is resolved and any additional time period
9 provided by the administrative appeal has expired.

10 (h) The time periods for a local government to process a permit
11 shall start over if an applicant proposes a change in use that adds
12 or removes commercial or residential elements from the original
13 application that would make the application fail to meet the
14 determination of procedural completeness for the new use, as required
15 by the local government under RCW 36.70B.070.

16 (i) If, at any time, an applicant informs the local government,
17 in writing, that the applicant would like to temporarily suspend the
18 review of the project for more than 60 days, or if an applicant is
19 not responsive for more than 60 consecutive days after the county or
20 city has notified the applicant, in writing, that additional
21 information is required to further process the application, an
22 additional 30 days may be added to the time periods for local
23 government action to issue a final decision for each type of project
24 permit that is subject to this chapter. Any written notice from the
25 local government to the applicant that additional information is
26 required to further process the application must include a notice
27 that nonresponsiveness for 60 consecutive days may result in 30 days
28 being added to the time for review. For the purposes of this
29 subsection, "nonresponsiveness" means that an applicant is not making
30 demonstrable progress on providing additional requested information
31 to the local government, or that there is no ongoing communication
32 from the applicant to the local government on the applicant's ability
33 or willingness to provide the additional information.

34 (j) Annual amendments to the comprehensive plan are not subject
35 to the requirements of this section.

36 (k) A county's or city's adoption of a resolution or ordinance to
37 implement this subsection shall not be subject to appeal under
38 chapter 36.70A RCW unless the resolution or ordinance modifies the
39 time periods provided in (d) of this subsection by providing for a
40 review period of more than 170 days for any project permit.

1 (1)(i) When permit time periods provided for in (d) of this
2 subsection, as may be amended by a local government, and as may be
3 extended as provided for in (i) of this subsection, are not met, a
4 portion of the permit fee must be refunded to the applicant as
5 provided in this subsection. A local government may provide for the
6 collection of only 80 percent of a permit fee initially, and for the
7 collection of the remaining balance if the permitting time periods
8 are met. The portion of the fee refunded for missing time periods
9 shall be:

10 (A) 10 percent if the final decision of the project permit
11 application was made after the applicable deadline but the period
12 from the passage of the deadline to the time of issuance of the final
13 decision did not exceed 20 percent of the original time period; or

14 (B) 20 percent if the period from the passage of the deadline to
15 the time of the issuance of the final decision exceeded 20 percent of
16 the original time period.

17 (ii) Except as provided in RCW 36.70B.160, the provisions in (i)
18 of this subsection (~~((1)(i) of this section)~~) are not applicable to
19 cities and counties which have implemented at least three of the
20 options in RCW 36.70B.160(1) (a) through (j) at the time an
21 application is deemed procedurally complete.

22 (2) If the permit time periods provided for in this section are
23 not met, a city or county must approve a project and issue the
24 building permits on the next business day following expiration of the
25 applicable permit time period if:

26 (a) The project is located in an urban growth area as defined in
27 RCW 36.70A.030;

28 (b) The project contains one or more residential dwelling units;

29 (c) The application included plans, computations, or
30 specifications that were prepared, stamped, and signed by a
31 professional engineer or architect, licensed under the laws of the
32 state of Washington, in the specific discipline as appropriate; and

33 (d) The city or county does not identify, in writing, serious
34 public health or safety issues that prevent approval of the project.

35 (3)(a) Counties subject to the requirements of RCW 36.70A.215 and
36 the cities within those counties that have populations of at least
37 20,000 must, for each type of permit application, identify the total
38 number of project permit applications for which decisions are issued
39 according to the provisions of this chapter. For each type of project
40 permit application identified, these counties and cities must

1 establish and implement a deadline for issuing a notice of final
2 decision as required by subsection (1) of this section and minimum
3 requirements for applications to be deemed complete under RCW
4 36.70B.070 as required by subsection (1) of this section.

5 (b) Counties and cities subject to the requirements of this
6 subsection also must prepare an annual performance report that
7 includes information outlining time periods for certain permit types
8 associated with housing. The report must provide:

9 (i) Permit time periods for certain permit processes in the
10 county or city in relation to those established under this section,
11 including whether the county or city has established shorter time
12 periods than those provided in this section;

13 (ii) The total number of decisions issued during the year for the
14 following permit types: Preliminary subdivisions, final subdivisions,
15 binding site plans, permit processes associated with the approval of
16 multifamily housing, and construction plan review for each of these
17 permit types when submitted separately;

18 (iii) The total number of decisions for each permit type which
19 included consolidated project permit review, such as concurrent
20 review of a rezone or construction plans;

21 (iv) The average number of days from a submittal to a decision
22 being issued for the project permit types listed in (b)(ii) of this
23 subsection ((2)(a)(ii) of this section)). This shall be calculated
24 from the day completeness is determined under RCW 36.70B.070 to the
25 date a decision is issued on the application. The number of days
26 shall be calculated by counting every calendar day;

27 (v) The total number of days each project permit application of a
28 type listed in (b)(ii) of this subsection ((2)(a)(ii) of this
29 section)) was in review with the county or city. This shall be
30 calculated from the day completeness is determined under RCW
31 36.70B.070 to the date a final decision is issued on the application.
32 The number of days shall be calculated by counting every calendar
33 day. The days the application is in review with the county or city
34 does not include the time periods in subsection (1)(g)(i) ((1)(g)(i)
35 through (iii)) through (iii) of this section;

36 (vi) The total number of days that were excluded from the time
37 period calculation under subsection (1)(g)(i) ((1)(g)(i)
38 through (iii)) through (iii) of this section for each project
39 permit application of a type listed in (b)(ii) of this subsection
40 ((2)(a)(ii) of this section)).

1 (c) Counties and cities subject to the requirements of this
2 subsection must:

3 (i) Post the annual performance report through the county's or
4 city's website; and

5 (ii) Submit the annual performance report to the department of
6 commerce by March 1st each year.

7 (d) No later than July 1st each year, the department of commerce
8 shall publish a report which includes the annual performance report
9 data for each county and city subject to the requirements of this
10 subsection and a list of those counties and cities whose time periods
11 are shorter than those provided for in this section.

12 The annual report must also include key metrics and findings from
13 the information collected.

14 (e) The initial annual report required under this subsection must
15 be submitted to the department of commerce by March 1, 2025, and must
16 include information from permitting in 2024.

17 (~~(3)~~) (4) Nothing in this section prohibits a county or city
18 from extending a deadline for issuing a decision for a specific
19 project permit application for any reasonable period of time mutually
20 agreed upon by the applicant and the local government.

--- END ---