

Housing Accountability Act: Selected Review Criteria and Procedures

December 2025

Overview

In 2025, Senate Bill 5148 ([SB 5148](#)), also known as the Housing Accountability Act (HAA), was adopted to support robust and accountable housing planning by providing a voluntary and selected approval process for local government housing elements and associated development regulations.

- The **Voluntary Review process** offers local governments an opportunity for Commerce to review and approve local comprehensive plan housing elements and associated development regulations. If approved, Commerce must then defend the housing elements or regulations should they be appealed to the Growth Management Hearings Board (GMHB).
- The **Selected Review process** provides that Commerce may select up to 10 cities or counties a year for a review of their housing elements and associated development regulations. If selected, Commerce will work with jurisdictions to provide technical assistance to align plans and regulations with state requirements. Jurisdictions that are selected for review and determined to be inconsistent with state law may not deny affordable or moderate-income housing developments, may not approve such projects with conditions or restrictions that impact project viability, and would not be eligible to receive certain state infrastructure grants and loans.¹

This document provides Commerce's final Selected Review criteria and process.



The Housing Accountability Act supports robust and accountable planning by providing voluntary and selected approval processes for local government housing elements and housing development regulations.

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Washington State
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¹ See [WAC 365-196-585\(6\)](#) for a list of these grants and loans.

Selected Review Selection Process

The selected review process provides that Commerce may select up to 10 cities or counties a year for a compliance review of their housing elements and related development regulations ([RCW 36.70A.835\(9\)](#)). The Legislature provided three criteria that must be used to identify jurisdictions for Selected Review. This section details the consistency test and data that will be used by Commerce to evaluate each legislative criterion.

Selected Review Criteria

General Criteria Information:

- Commerce's Selected Review program will focus on jurisdictions whose 2024-2027 periodic update deadline has passed.
- Each year, Commerce will use the legislative criteria to select jurisdictions for review.
- No additional criteria beyond those criteria noted in [RCW 36.70A.835\(9\)\(a\)\(i\)](#), below, will be used to identify jurisdictions for potential selection.
- Legislative criteria 2 and 3 will not be used to identify jurisdictions for selection until 2029, but the data may be used before then to prioritize selection of jurisdictions.
- If a jurisdiction meets one of the three below legislative criteria, they will be identified for possible selection. See Prioritization of Jurisdictions below for more information on the final selection guidelines.
- Per RCW 36.70A.835(8)(a), Commerce will post a list of jurisdictions identified for Selected Review on Commerce's [Updating GMA Housing Elements web page](#).

Legislative Criteria 1: The city or county has not planned for and accommodated for its portion of the countywide housing need determined by the county.

Consistency test:

- Housing element is not adopted by the periodic update deadline in RCW 36.70A.130(5) when Commerce collects data for selection, **or**
- Housing element is adopted but is inconsistent with one or more of the eight housing element requirements in RCW 36.70A.070(2)(a)-(h),² **or**
- Housing-related development regulations are not adopted or updated by the periodic update deadline in RCW 36.70A.130(5) when Commerce collects data for selection, **or**
- Housing development regulations are inconsistent with the requirements listed in [RCW 36.70A.835\(7\)\(a\)](#).

Data:

- Commerce review of adopted housing elements and development regulation submittals.
- Commerce records of jurisdictions who have completed their comprehensive plan and development regulation periodic updates.
- Housing need allocations for each jurisdiction, as adopted by the county.
- In the case the jurisdiction is within the Puget Sound Regional Council (PSRC) area, PSRC certification review information related to state housing element requirements.

² Commerce will review all plans received after August 8, 2025, based on Commerce's [Interim Guidance regarding 2025 Growth Management Hearings Board housing cases](#).

Legislative Criteria 2: The city or county’s housing production is less than 50 percent of the annual housing being produced within the county or regional council area, as applicable, adjusted by population.

Consistency test:

- Annual housing production, averaged over the previous five-year period, is less than 50% of the jurisdiction’s share of countywide housing production adjusted by housing need allocations,³ **and**
- Housing production rate is lower on average compared to surrounding jurisdictions.

Data:

- Office of Financial Management (OFM) housing completions for each jurisdiction.
- Housing need allocations for each jurisdiction, as adopted by the county.

Legislative Criteria 3: The city or county's housing production consists of greater than 80 percent single-family homes aimed at primarily households whose income is at or greater than 120 percent of the median household income adjusted for household size for the city or county where the household is located.

Consistency test:

- Greater than 80% of new housing over the previous five-year period is single-family homes. Within counties, housing production data will only include production within urban growth areas (UGAs), **and**
- Housing production rate of non-single-family homes is lower on average compared to surrounding jurisdictions.

Data:

- OFM housing completions by housing type for each jurisdiction.^{4,5}
- For counties, data on housing completions by housing type within UGAs provided by counties.⁶

Prioritization of Jurisdictions

After identifying which jurisdictions meet the selection criteria each year, Commerce may use the following prioritization criteria to select up to 10 jurisdictions for Selected Review each year.

- Jurisdictions who are more inconsistent with Legislative Criteria 1 (“the city or county has not planned for and accommodated for its portion of the countywide housing need”), including but not limited to those requirements in RCW 36.70A.070(2) and those who have not adopted comprehensive plans by their periodic update deadline
- Geographic diversity
- Population size diversity
- Range of housing need allocations
- Legislative criteria 2 and 3 data as noted above in “Selected Review Criteria”

Jurisdictions who have open Growth Management Hearings Board appeals that include challenges related to housing elements or other requirements in RCW 36.70A.835(7)(a) will not be prioritized for selection.

³ The language in RCW 36.70A.835(9)(a)(i)(B) of “adjusted by population” was changed to “adjusted by housing need allocations” to align this criterion with planned countywide growth patterns adopted in countywide planning policies and individual comprehensive plans and development regulations.

⁴ If selected, local jurisdictions may supplement this information if local data is available to document that a portion of single-family home production serves households less than 120% of the median household income or area median income.

⁵ For questions about how local permit and completion data gets counted by OFM, please contact your OFM representative who administers your permitting and completions data or pop.estimates@ofm.wa.gov.

⁶ Commerce will request this additional data be provided by counties because OFM does not collect information on the number of housing completions within UGAs.

Selected Review Implementation Process

Each year, Commerce will collect all necessary information in July and select up to 10 jurisdictions using the prioritization criteria. After selecting up to 10 jurisdictions, Commerce staff will contact planning staff by early August to notify them of initial selection and the data which resulted in their selection. After providing several weeks for further coordination, Commerce will send a formal letter to the jurisdiction's elected officials in September of each year notifying them of being selected for the HAA Selected Review process the following year and the criteria which lead to their selection. This timing should allow most jurisdictions to add the HAA review process to their work plan docket for the following year. In 2025, jurisdictions will be notified in December 2025.

In December of the year preceding the selected review, Commerce will send information to each of the selected jurisdictions. This communication will request:

- Information on who should be involved in the Selected Review process on behalf of the jurisdiction,
- All items that require review under the HAA (see Requirements for HAA Approval below), and
- Any information on technical assistance the jurisdiction may know that it needs.

Starting in January after selection, Commerce will review all materials provided against the HAA Checklists, which detail the minimum objective standards that jurisdictions must meet in order to comply with RCW 36.70A.835(7).⁷ During this time, Commerce may consult with housing developers and builders that are located in or have completed work in the city or county ([RCW 36.70A.835\(9\)\(a\)\(iii\)](#)). After review, Commerce staff will notify the jurisdictions in writing of deficiencies identified and propose amendments to correct deficiencies.

After notice of deficiencies with the requirements in RCW 36.70A.835(7), each jurisdiction will have 120 days to amend its housing element and any relevant housing development regulations to address deficiencies identified by Commerce (RCW 36.70A.835(9)(b)(i)). During this time, Commerce will provide technical assistance on housing policy and regulations, housing element requirements, and on related Growth Management Act issues that impact housing. This may include local presentations, workshops, support in writing policies and ordinances, or other technical analysis as may be needed. Commerce may extend the 120-day correction period with written agreement of the jurisdiction.

After amendments, jurisdictions will be required to submit to Commerce the items required in [RCW 36.70A.835\(5\)\(a\)](#), including a cover letter from the legislative authority, a copy of the adopted ordinances that addressed deficiencies, a statement explaining how the adopted materials comply with state housing laws and regulations, and a copy of the record developed by the jurisdiction at public meetings.

After updated materials are submitted, Commerce will review the updated submission materials against the requirements in RCW 36.70A.835(7).

- If Commerce finds the jurisdiction **is consistent** with state requirements, Commerce will issue a letter stating the jurisdiction is consistent with state housing laws in RCW 36.70A.835(7).
- If Commerce determines that a housing element or related development regulations **do not** comply with state requirements, the jurisdiction will be found to be **inconsistent with state law** and subject to the provisions in RCW 36.70A.835(11). These provisions do not allow the jurisdiction to deny an affordable housing or moderate-income housing development, or approve an affordable or moderate-income housing development with conditions or restrictions that have a substantial adverse impact on the viability of the development or the degree of affordability of the development, except under specific scenarios in RCW 36.70A.835(11)(a). While the

⁷ HAA checklists are available on the [Updating GMA Housing Elements webpage](#) under the Housing Accountability Act heading.

jurisdiction is not consistent with state law, the jurisdiction is not eligible to receive certain state infrastructure grants and loans.⁸

If Commerce finds a jurisdiction to be inconsistent with the requirements in RCW 36.70A.835(7), Commerce will work with the jurisdiction to support them in adopting a housing element and related development regulations consistent with state law.

Requirements for HAA Approval

Jurisdictions who are identified for HAA Selected Review will be reviewed against the requirements in [RCW 36.70A.835\(7\)\(a\)](#). These include:

- The housing planning goal in RCW 36.70A.020(4);
- The housing element requirements in RCW 36.70A.070(2);
- Any relevant rules adopted by Commerce;
- Any relevant state environmental policy act (SEPA) requirements in RCW 43.21C;
- The county or city's comprehensive plan;
- Emergency shelter, transitional housing, emergency housing, and permanent supportive housing requirements in RCW 35.21.683 and 35A.21.430;
- Co-living requirements in RCW 36.70A.535;
- Density bonuses required in RCW 36.70A.545;
- Parking requirements in RCW 36.70A.620 and 36.70A.622;
- Housing land capacity requirements in RCW 36.70A.115;
- Middle housing requirements, as applicable, in RCW 36.70A.635–638; and
- Accessory dwelling unit requirements in RCW 36.70A.680-682 and RCW 36.70A.696-69

Checklists for the HAA requirements can be found on the [Updating GMA Housing Elements webpage](#) under the Housing Accountability Act heading.

⁸ See [WAC 365-196-585\(6\)](#) for a list of these grants and loans.