

# Housing Accountability Act: Selected Review

Overview and next steps for 2026  
jurisdictions

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Washington State  
Department of  
**Commerce**

# Housing Accountability Act (HAA)

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- [SB 5148](#) (laws of 2025) provides for Commerce review and approval of housing elements and housing-related development regulations
- Two approval processes:
  - Voluntary Review
  - **Selected Review**



[RCW 36.70A.835](#)

# HAA Selected Review Program

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- In the Selected Review Program, Commerce must select jurisdictions for review based on criteria in RCW 36.70A.835(9):
  - **(A) The jurisdiction has not planned for and accommodated its portion of the countywide housing need**
    - Meaning: Housing element not adopted or inconsistent housing element adopted
  - (B) The jurisdiction's housing production is less than 50 percent of their share of countywide housing production adjusted by housing need
  - (C) The jurisdiction's housing production consists of greater than 80% single-family homes aimed at households earning >120% AMI
- Criteria for 2026 is just "(A)" above
- Each year, Commerce may select up to 10 jurisdictions for review

# HAA Selected Review Program

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- For 2026, Commerce selected 8 jurisdictions for Selected Review:
  - Bainbridge Island
  - Beaux Arts Village
  - Brier
  - Carnation
  - Darrington
  - DuPont
  - Gold Bar
  - Woodway

# For HAA Approval, Local Government Planning Documents must be Consistent with:

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- The housing planning goal in RCW 36.70A.020(4);
- The housing element requirements in RCW 36.70A.070(2);
  - Identify existing and projected housing needs
  - Identify sufficient land capacity for housing needs
  - Identify barriers to affordable housing and actions to address (adequate provisions)
  - Identify policies and regulations that result in racially disparate impacts and policies to begin to undo these impacts
  - Identify areas at risk of displacement and anti-displacement policies
- Any relevant rules adopted by Commerce;
- Any relevant state environmental policy act (SEPA) requirements;
- The county or city's comprehensive plan;

[See Commerce's Expanded Housing Checklist](#)

# For HAA Approval, Local Government Planning Documents must be Consistent with:

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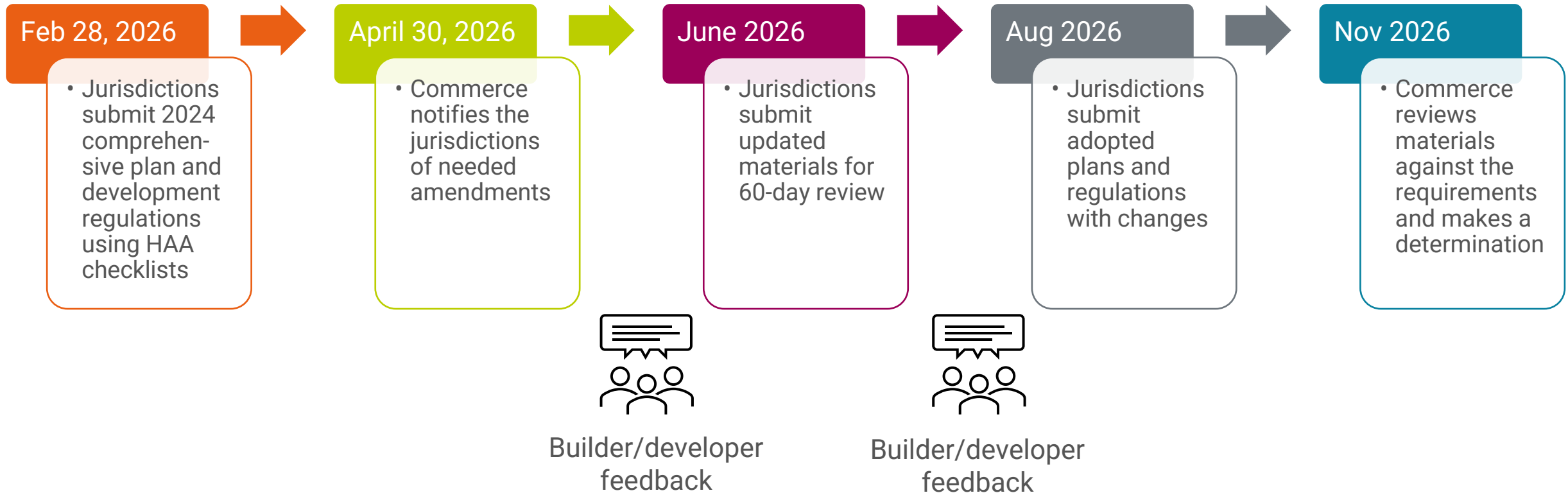
- Housing **land capacity** requirements in RCW 36.70A.115;
- Emergency shelter, transitional housing, emergency housing, and permanent supportive housing (**STEP**) requirements in RCW 35.21.683 and 35A.21.430;
- **Co-living requirements** in RCW 36.70A.535;
- **Density bonuses** required in RCW 36.70A.545;
- **Parking requirements** in RCW 36.70A.620 (repealed) and 36.70A.622;

*Not applicable to Bainbridge Island:*

- *Middle housing requirements, as applicable, in RCW 36.70A.635–638; and*
- *Accessory dwelling unit requirements in RCW 36.70A.680-682 and 696-69*

See Commerce's [HAA Development Regulations Checklist](#)

# Approximate Timelines



# If HAA results in Non-Compliance Decision

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- **Jurisdictions:**

- May not deny affordable or moderate-income housing development
- May not approve affordable or moderate-income projects with conditions that have a substantial adverse impact on the project
- May not be eligible for certain state grants and loans, including those in [WAC 365-196-585\(6\)](#)
  - Public Works Trust Fund (Public Works Board)
  - Centennial Clean Water Fund (Department of Ecology)
  - Drinking Water State Revolving Fund (Department of Health)
  - Recreation and Conservation Office
  - Transportation Improvement Board
  - Predisaster Mitigation Grants (Emergency Management Division, Washington Military Department)
  - Water Pollution Control Facilities Grants

# By-right Affordable Housing Provision

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By-right Affordable Housing Provision applies unless at least one of the following conditions is met:

- A jurisdiction has received a compliance decision from Commerce
- Denial/approval of the development is required in order to comply with state or federal law
- The development is outside of an urban growth area, in a critical area or critical area buffer where development is not permitted, or in a shoreline master program area where residential uses are not allowed
- The development is located where residential or mixed-use development is not permitted

RCW 36.70A.835(11)

# By-right Affordable Housing Provision

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- **The development MUST be an affordable or moderate-income development**
  - At least 20% of units are affordable as defined in RCW 36.70A.130 (60% AMI rental or 80% AMI ownership, and no more than 30% of income),
  - At least 50% of the units are workforce housing (below 80% AMI rental or below 100% AMI ownership, and no more than 30% of income), OR
  - All of the units are moderate-income housing (below 120% AMI)
- **The development must ensure affordability for a minimum of 25 years**
- **The county or city must periodically audit affordability**

# Resources

- See “Housing Accountability Act” on [Updating GMA Housing Elements webpage](#)
  - [www.commerce.wa.gov/growth-management/housing-planning/housing-guidance/](http://www.commerce.wa.gov/growth-management/housing-planning/housing-guidance/)
- [RCW 36.70A.835](#)

# Questions?

## Updating GMA Housing Elements

Growth Management > Housing Planning > Updating GMA Housing Elements



### Housing Accountability Act

In 2025, the Washington State Legislature adopted Senate Bill 5148 ([Chapter 269, Laws of 2025](#)). Known as the Housing Accountability Act (HAA), this bill is intended to support robust and accountable housing planning by providing both voluntary and selected approval processes for local government housing elements and housing development regulations.

- [Housing Accountability Act \(SB 5148\) fact sheet \(PDF\)](#)
- [Housing Accountability Act frequently asked questions \(PDF\)](#)
- [Housing Accountability Act checklists](#)
  - [Expanded Housing Element Checklist \(PDF\)](#)
  - [HAA Development Regulations Checklist \(PDF\)](#)

Voluntary review



Selected review



# Thank you!

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