
SUBSTITUTE HOUSE BILL 1571

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Government Reform & Land Use (originally sponsored by Representatives Sherstad, Dunn, Cairnes and McMorris)

Read first time 02/28/97.

1 AN ACT Relating to enforcement of the state building code as it
2 relates to single-family and multifamily residential buildings;
3 amending RCW 19.27.015, 19.27.040, and 19.27.074; reenacting and
4 amending RCW 19.27.060; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that:

7 (1) An abundant supply of affordable housing is crucial for
8 ensuring the well-being of all citizens of Washington state;

9 (2) Increasing the supply of affordable housing is critical to the
10 citizens of Washington state for creating jobs and supporting economic
11 development;

12 (3) For low and moderate-income families, farm workers, young
13 families, and first-time home buyers, the supply of affordable housing
14 is in chronic short supply and, in many cases, lack of affordable
15 housing increases the incidence of homelessness in these groups of
16 people; and

17 (4) Building codes are an integral component of affordable housing,
18 and a reasonable building code regulatory system can improve the
19 affordability of housing.

1 The legislature agrees with the United States advisory committee on
2 regulatory barriers to affordable housing that increasing the supply of
3 affordable housing can be accomplished through a program of regulatory
4 reform of the building code enforcement system in order to place more
5 reliance on the national model code system and state-wide codes to
6 encourage consistent enforcement of the building code from jurisdiction
7 to jurisdiction.

8 **Sec. 2.** RCW 19.27.015 and 1996 c 157 s 1 are each amended to read
9 as follows:

10 As used in this chapter:

11 (1) "City" means a city or town;

12 (2) "Multifamily residential building" means common wall
13 residential buildings that ~~((consist of four or fewer units, that do
14 not exceed two))~~ are less than three stories in height ~~((, that are less
15 than five thousand square feet in area))~~ as defined by the uniform
16 building code, are less than fifteen units, and ~~((that))~~ have a one-
17 hour fire-resistive occupancy separation between units;

18 (3) "Stand-alone ordinance" means an ordinance, resolution, or
19 regulation, adopted by a local government that amends the codes
20 enumerated in RCW 19.27.031, as adopted and amended by the state
21 building code council, as they apply to single-family and multifamily
22 residences; and

23 ~~((+3))~~ (4) "Temporary growing structure" means a structure that
24 has the sides and roof covered with polyethylene, polyvinyl, or similar
25 flexible synthetic material and is used to provide plants with either
26 frost protection or increased heat retention.

27 **Sec. 3.** RCW 19.27.040 and 1990 c 2 s 11 are each amended to read
28 as follows:

29 The governing body of each county or city is authorized to amend
30 the state building code as it applies within the jurisdiction of the
31 county or city. The ~~((minimum))~~ performance standards of the codes and
32 the objectives enumerated in RCW 19.27.020 affecting single-family and
33 multifamily residences shall not be ~~((diminished))~~ changed by any
34 county or city amendments without receiving approval from the state
35 building code council.

36 Nothing in this chapter shall authorize any modifications of the
37 requirements of chapter 70.92 RCW.

1 **Sec. 4.** RCW 19.27.060 and 1989 c 266 s 2 and 1989 c 246 s 1 are
2 each reenacted and amended to read as follows:

3 (1) The governing bodies of counties and cities may amend the codes
4 enumerated in RCW 19.27.031 as amended and adopted by the state
5 building code council as they apply within their respective
6 jurisdictions, (~~but the amendments shall not result in a code that is~~
7 ~~less than the minimum performance standards and objectives contained in~~
8 ~~the state building code.~~) subject to the following:

9 (a) No amendment to, or stand-alone ordinance amending, a code
10 enumerated in RCW 19.27.031 as amended and adopted by the state
11 building code council that affects single-family or multifamily
12 residential buildings shall be effective unless the amendment is
13 approved by the building code council under RCW 19.27.074(1)(b). A
14 stand-alone ordinance or local amendment affecting single-family and
15 multifamily residences adopted by a governing body of a county or city
16 without first receiving approval by the state building code council is
17 null and void as against public policy; and

18 (b) (~~Any county or city amendment to a code enumerated in RCW~~
19 ~~19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to~~
20 ~~be effective after any action is taken under RCW 19.27.074(1)(a)~~
21 ~~without necessity of reapproval under RCW 19.27.074(1)(b) unless the~~
22 ~~amendment is declared null and void by the council at the time any~~
23 ~~action is taken under RCW 19.27.074(1)(a) because such action in any~~
24 ~~way altered the impact of the amendment)) After the effective date of
25 this act, all previously adopted stand-alone ordinances or local
26 amendments of a county or city that increase the minimum performance
27 standards for single-family or multifamily residential buildings beyond
28 those contained in the state building code may be reviewed by the state
29 building code council in accordance with rules adopted by the council
30 under the rule-making authority provided in RCW 19.27.074. If the
31 previously adopted stand-alone ordinance or local amendment affecting
32 single-family and multifamily residences is reviewed and is not
33 approved by the state building code council, the stand-alone ordinance
34 or local amendment is null and void as against public policy. Unless
35 and until the council reviews and disapproves a previously adopted
36 stand-alone ordinance or local amendment affecting single-family and
37 multifamily residences, the stand-alone ordinance or local amendment
38 remains valid and effective.~~

1 (2) Except as permitted or provided otherwise under this section,
2 the state building code shall be applicable to all buildings and
3 structures including those owned by the state or by any governmental
4 subdivision or unit of local government.

5 (3) The governing body of each county or city may limit the
6 application of any portion of the state building code to exclude
7 specified classes or types of buildings or structures according to use
8 other than single_family or multifamily residential buildings:
9 PROVIDED, That in no event shall fruits or vegetables of the tree or
10 vine stored in buildings or warehouses constitute combustible stock for
11 the purposes of application of the uniform fire code.

12 (4) The provisions of this chapter shall not apply to any building
13 four or more stories high with a B occupancy as defined by the uniform
14 building code, 1982 edition, and with a city fire insurance rating of
15 1, 2, or 3 as defined by a recognized fire rating bureau or
16 organization.

17 (5) No provision of the uniform fire code concerning roadways shall
18 be part of the state building code: PROVIDED, That this subsection
19 shall not limit the authority of a county or city to adopt street,
20 road, or access standards.

21 (6) The provisions of the state building code may be preempted by
22 any city or county to the extent that the code provisions relating to
23 the installation or use of sprinklers in jail cells conflict with the
24 secure and humane operation of jails.

25 (7)(a) Effective one year after July 23, 1989, the governing bodies
26 of counties and cities may adopt an ordinance or resolution to exempt
27 from permit requirements certain construction or alteration of either
28 group R, division 3, or group M, division 1 occupancies, or both, as
29 defined in the uniform building code, 1988 edition, for which the total
30 cost of fair market value of the construction or alteration does not
31 exceed fifteen hundred dollars. The permit exemption shall not
32 otherwise exempt the construction or alteration from the substantive
33 standards of the codes enumerated in RCW 19.27.031, as amended and
34 maintained by the state building code council under RCW 19.27.070.

35 (b) Prior to July 23, 1989, the state building code council shall
36 adopt by rule, guidelines exempting from permit requirements certain
37 construction and alteration activities under (a) of this subsection.

1 **Sec. 5.** RCW 19.27.074 and 1989 c 266 s 3 are each amended to read
2 as follows:

3 (1) The state building code council shall:

4 (a) Adopt and maintain the codes to which reference is made in RCW
5 19.27.031 in a status which is consistent with the state's interest as
6 set forth in RCW 19.27.020. In maintaining these codes, the council
7 shall regularly review updated versions of the codes referred to in RCW
8 19.27.031 and other pertinent information and shall amend the codes as
9 deemed appropriate by the council;

10 (b) Approve or deny all county or city amendments to any code
11 referred to in RCW 19.27.031 to the degree the amendments apply to
12 single family or multifamily residential buildings;

13 (c) As required by the legislature, develop and adopt any codes
14 relating to buildings; ~~((and))~~

15 (d) Propose a budget for the operation of the state building code
16 council to be submitted to the office of financial management pursuant
17 to RCW 43.88.090; and

18 (e) Adopt rules that set forth criteria, procedures, and
19 requirements for requesting review of previously adopted stand-alone
20 ordinances or local amendments of a county or city.

21 (2) The state building code council may:

22 (a) Appoint technical advisory committees which may include members
23 of the council;

24 (b) Employ permanent and temporary staff and contract for services;
25 and

26 (c) Conduct research into matters relating to any code or codes
27 referred to in RCW 19.27.031 or any related matter.

28 All meetings of the state building code council shall be open to
29 the public under the open public meetings act, chapter 42.30 RCW. All
30 actions of the state building code council which adopt or amend any
31 code of state-wide applicability shall be pursuant to the
32 administrative procedure act, chapter 34.05 RCW.

33 All council decisions relating to the codes enumerated in RCW
34 19.27.031 shall require approval by at least a majority of the members
35 of the council.

36 All decisions to adopt or amend codes of state-wide application
37 shall be made prior to December 1st of any year and shall not take

1 effect before the end of the regular legislative session in the next
2 year.

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