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HOUSE BILL 1571

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Sherstad, Dunn, Cairnes and McMorris

Read first time 01/30/97. Referred to Committee on Government Reform & Land Use.

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 and 19.27.040; reenacting and amending RCW  
4 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 effectively amends the  
20 codes 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. If the previously adopted stand-alone ordinance  
30 or local amendment affecting single-family and multifamily residences  
31 is not approved by the state building code council, the stand-alone  
32 ordinance or local amendment is null and void as against public policy.~~

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

37       (3) The governing body of each county or city may limit the  
38 application of any portion of the state building code to exclude  
39 specified classes or types of buildings or structures according to use

1 other than single\_family or multifamily residential buildings:  
2 PROVIDED, That in no event shall fruits or vegetables of the tree or  
3 vine stored in buildings or warehouses constitute combustible stock for  
4 the purposes of application of the uniform fire code.

5 (4) The provisions of this chapter shall not apply to any building  
6 four or more stories high with a B occupancy as defined by the uniform  
7 building code, 1982 edition, and with a city fire insurance rating of  
8 1, 2, or 3 as defined by a recognized fire rating bureau or  
9 organization.

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

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

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

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

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