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HOUSE BILL 3272

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State of Washington

60th Legislature

2008 Regular Session

By Representative Orcutt

1 AN ACT Relating to the liability of county and city governments for  
2 failure to enforce building codes; amending RCW 19.27.020 and  
3 19.27.050; adding a new section to chapter 19.27 RCW; adding new  
4 sections to chapter 35.21 RCW; adding new sections to chapter 35A.21  
5 RCW; and adding new sections to chapter 36.01 RCW.

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

7 **Sec. 1.** RCW 19.27.020 and 1985 c 360 s 6 are each amended to read  
8 as follows:

9 The purpose of this chapter is to promote the health, safety and  
10 welfare of the occupants or users of buildings and structures and the  
11 general public by the provision of building codes throughout the state  
12 and by allowing a cause of action for damages based on the negligent  
13 failure of a county or city to enforce the provisions of the state  
14 building code. Accordingly, this chapter is designed to effectuate the  
15 following purposes, objectives, and standards:

16 (1) To require minimum performance standards and requirements for  
17 construction and construction materials, consistent with accepted  
18 standards of engineering, fire and life safety.

1 (2) To require standards and requirements in terms of performance  
2 and nationally accepted standards.

3 (3) To permit the use of modern technical methods, devices and  
4 improvements.

5 (4) To eliminate restrictive, obsolete, conflicting, duplicating  
6 and unnecessary regulations and requirements which could unnecessarily  
7 increase construction costs or retard the use of new materials and  
8 methods of installation or provide unwarranted preferential treatment  
9 to types or classes of materials or products or methods of  
10 construction.

11 (5) To provide for standards and specifications for making  
12 buildings and facilities accessible to and usable by ~~((physically  
13 disabled persons))~~ individuals with disabilities.

14 (6) To consolidate within each authorized enforcement jurisdiction,  
15 the administration and enforcement of building codes.

16 **Sec. 2.** RCW 19.27.050 and 1985 c 360 s 9 are each amended to read  
17 as follows:

18 (1) The state building code required by this chapter shall be  
19 enforced by the counties and cities. A county or city is liable for  
20 damages caused by their negligent failure to enforce the provisions of  
21 the state building code. The liability of a county or city is limited  
22 to fifty percent of the actual damages proved.

23 (2) Any county or city not having a building department shall  
24 contract with another county, city, or inspection agency approved by  
25 the county or city for enforcement of the state building code within  
26 its jurisdictional boundaries.

27 NEW SECTION. Sec. 3. A new section is added to chapter 19.27 RCW  
28 to read as follows:

29 Notwithstanding the provisions of RCW 7.06.010 and 7.06.020, all  
30 actions, regardless of the amount in claim, for damages resulting from  
31 the negligent failure of a county or city to enforce the provisions of  
32 the state building code are subject to mandatory arbitration.

33 NEW SECTION. Sec. 4. A new section is added to chapter 35.21 RCW  
34 to read as follows:

35 (1)(a) As provided in this section, a city must refund building

1 permit fees to the applicant when the inspector who inspects the  
2 facility on behalf of the city to which the permit applies fails to  
3 require the builder to remedy building code violations documented  
4 through the inspection.

5 (b) If the cost to remedy the documented code violations is less  
6 than the amount of the applicable building permit, the amount refunded  
7 by the city must equal the cost of the actions necessary to remedy the  
8 violations. If the cost to remedy the documented violations is equal  
9 to or greater than the amount of the applicable building permit, the  
10 city must refund the full permit fee.

11 (2) Nothing in this section confers immunity upon a city or  
12 otherwise relieves a city from damages resulting from the failure of  
13 the city to properly discharge duties mandated under law.

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 35A.21 RCW  
15 to read as follows:

16 (1)(a) As provided in this section, a code city must refund  
17 building permit fees to the applicant when the inspector who inspects  
18 the facility on behalf of the code city to which the permit applies  
19 fails to require the builder to remedy building code violations  
20 documented through the inspection.

21 (b) If the cost to remedy the documented code violations is less  
22 than the amount of the applicable building permit, the amount refunded  
23 by the code city must equal the cost of the actions necessary to remedy  
24 the violations. If the cost to remedy the documented violations is  
25 equal to or greater than the amount of the applicable building permit,  
26 the code city must refund the full permit fee.

27 (2) Nothing in this section confers immunity upon a code city or  
28 otherwise relieves a code city from damages resulting from the failure  
29 of the code city to properly discharge duties mandated under law.

30 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.01 RCW  
31 to read as follows:

32 (1)(a) As provided in this section, a county must refund building  
33 permit fees to the applicant when the inspector who inspects the  
34 facility on behalf of the county to which the permit applies fails to  
35 require the builder to remedy building code violations documented  
36 through the inspection.

1 (b) If the cost to remedy the documented code violations is less  
2 than the amount of the applicable building permit, the amount refunded  
3 by the county must equal the cost of the actions necessary to remedy  
4 the violations. If the cost to remedy the documented violations is  
5 equal to or greater than the amount of the applicable building permit,  
6 the county must refund the full permit fee.

7 (2) Nothing in this section confers immunity upon a county or  
8 otherwise relieves a county from damages resulting from the failure of  
9 the county to properly discharge duties mandated under law.

10 NEW SECTION. **Sec. 7.** A new section is added to chapter 35.21 RCW  
11 to read as follows:

12 Upon receipt of an application for a building permit, a city must:  
13 (1) Notify the applicant of the municipal fire department or fire  
14 district that serves the property to which the application applies; and  
15 (2) notify the applicant if a fire truck is unable to serve that  
16 property. Notifications required under this section must be made to  
17 the permit applicant within fourteen days of the city's receipt of an  
18 application.

19 NEW SECTION. **Sec. 8.** A new section is added to chapter 35A.21 RCW  
20 to read as follows:

21 Upon receipt of an application for a building permit, a code city  
22 must: (1) Notify the applicant of the municipal fire department or  
23 fire district that serves the property to which the application  
24 applies; and (2) notify the applicant if a fire truck is unable to  
25 serve that property. Notifications required under this section must be  
26 made to the permit applicant within fourteen days of the code city's  
27 receipt of an application.

28 NEW SECTION. **Sec. 9.** A new section is added to chapter 36.01 RCW  
29 to read as follows:

30 Upon receipt of an application for a building permit, a county  
31 must: (1) Notify the applicant of the municipal fire department or  
32 fire district that serves the property to which the application  
33 applies; and (2) notify the applicant if a fire truck is unable to  
34 serve that property. Notifications required under this section must be

1 made to the permit applicant within fourteen days of the county's  
2 receipt of an application.

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