

HOUSE BILL REPORT

HB 2249

As Reported by House Committee On:
Local Government

Title: An act relating to the two climate zones within the building codes.

Brief Description: Concerning the two climate zones within the building codes.

Sponsors: Representatives Short, Buys, Kretz, Overstreet and Condotta.

Brief History:

Committee Activity:

Local Government: 1/23/14, 1/27/14 [DPS].

Brief Summary of Substitute Bill

- Establishes that the state's climate zones for building purposes are designated in statute and may not be changed by adoption of model codes or rules.
- Removes references to "climate zone 1" and "climate zone 2," and instead refers to the state's climate zones by identifying the counties assigned to each of them.
- Adds Asotin, Benton, Columbia, Franklin, Klickitat, Garfield, Skamania, Walla Walla, and Yakima counties to the state climate zone that includes counties listed in statute.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Takko, Chair; Gregerson, Vice Chair; Overstreet, Ranking Minority Member; Kochmar, Assistant Ranking Minority Member; Farrell, Fitzgibbon, Pike, Springer and Taylor.

Staff: Michaela Murdock (786-7289).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The State Building Code Act (SBCA) provides, among other things, minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire, and life safety. The Washington State Building Code Council (Council) is responsible for the adoption, maintenance, and amendment of codes enumerated in the SBCA. The Department of Enterprise Services provides administrative and clerical assistance to the Council.

The SBCA, with some exceptions and limitations, adopts by reference five model codes, which make up the Washington State Building Code (Building Code). Four of the five model codes adopted by reference are published by the International Code Council, Inc. (ICC). The fifth model code is published by the International Association of Plumbing and Mechanical Officials (IAPMO). Both the ICC and the IAPMO are associations that develop model codes and standards used in the design, building, and compliance process for structures.

The Washington State Energy Code.

The Washington State Energy Code (Energy Code) is comprised of rules adopted by the Council and is part of the Building Code. The Energy Code is designed to construct increasingly energy efficient homes and buildings that help achieve a broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings, while allowing flexibility in building design, construction, and heating equipment efficiencies.

The Energy Code must take into account regional climatic conditions, and relatedly, establishes two climate zones. Climate zone 1 includes all counties not in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties. Climate zones are used to determine whether certain requirements in the Energy Code apply in a particular location.

Summary of Substitute Bill:

The SBCA is amended to provide that the state's climate zones for building purposes are designated in statute and may not be changed through the adoption of model codes or rules. Additionally, assignment of a county to a climate zone may not be changed by adoption of a model code or rule.

The terms "climate zone 1" and "climate zone 2," are removed, and instead, the state's climate zones are referred to by the counties that are assigned to them: one climate zone includes all counties listed in statute and the other climate zone includes all counties not listed in statute.

The following counties are added to the climate zone with counties listed in statute (formerly, climate zone 2): Asotin, Benton, Columbia, Franklin, Klickitat, Garfield, Skamania, Walla Walla, and Yakima counties.

Other changes are made to the statutes being amended to correct outdated terms or references.

Substitute Bill Compared to Original Bill:

Instead of specifying that the state's climate zones may not be changed through adoption of codes published by the ICC, as provided in the underlying bill, the substitute bill prohibits changes through adoption of a model code or rule. The substitute bill also provides that the assignment of counties to the state's climate zones may not be changed by a model code or rule.

The state's climate zones are amended to identify them by the counties that are assigned to them, rather than by the terms "climate zone 1" and "climate zone 2." The substitute bill provides that one climate zone includes all counties listed in statute, and the other climate zone includes all counties not listed in statute.

Klickitat County's climate zone assignment is changed from climate zone 1 to the state climate zone with counties listed in statute (formerly, climate zone 2).

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) For purposes of the state's climate zones and building requirements, we need to keep counties together. There was a rule change last summer that would have created a separate climate zone for four northeast Washington counties (Ferry, Okanogan, Pend Oreille, and Stevens). When the rule change occurred, the Washington State Building Code Council (Council) adopted an emergency rule and, subsequently, a permanent rule at the request of the four counties to prevent this change from going into effect. This bill codifies the Council's rule-making.

The rule change would have isolated the northern counties in terms of dealing with building code issues. Counties are generally encouraged by the Legislature to coordinate, which helps counties save money with staffing and training. Also, builders rely on consistency and coordination between counties. The climate zone rule change would create problems and give rise to avoidable mistakes with regards to educating building code inspectors on applicable rules and using contractors who work across county lines. It makes sense to have all eastern Washington counties belong to the same climate zone and be subject to the same rules. This bill will provide consistency and clarity for building codes.

Creating a climate zone that consists only of the four northeast Washington counties would place an economic burden on those counties. For example, new construction in the counties would likely decrease, because people would choose to build homes in counties to the south.

Also, it will impose a hardship on builders, because they will have to use different techniques or materials in different counties.

There is a proposed amendment to this bill that would change the way the state's climate zones are referred to in statute. It will alleviate confusion caused by the current numeric listing of climate zones.

(Opposed) None.

Persons Testifying: Representative Short, prime sponsor; Wes McCart, Stevens County Board of Commissioners; Jim Detro, Okanogan County Board of Commissioners; Karen Skoog, Pend Oreille Board of Commissioners; Rocky DeVon, North Central Washington Association of Realtors; Tom Hormell, Washington Realtors; and Jan Himebaugh, Building Industry Association of Washington.

Persons Signed In To Testify But Not Testifying: None.