
Business & Financial Services Committee

HB 1016

Brief Description: Clarifying legal financial obligation provisions.

Sponsors: Representatives Appleton, Santos, Ormsby and Pollet.

Brief Summary of Bill

- Applies statutes allowing religious organizations to host temporary homeless encampments to the State Building Code (SBC) and the Washington State Energy Code (WSEC).
- Provides that the SBC and the WSEC should be liberally construed to effectuate the policies and purposes of the statutes that allow religious organizations to host temporary homeless encampments.
- Prohibits a city, town, or county from enacting an ordinance or regulation that: (1) requires the installation of fire sprinklers or any structural modification to the size of windows or doors in buildings that were built in accordance with the laws at the time of construction; or (2) changes the certificate of occupancy for a building.

Hearing Date:

Staff: Charlie Gavigan (786-7340).

Background:

Temporary Homeless Encampments.

Religious organizations are allowed to host temporary encampments for the homeless on property owned or controlled by the religious organization. Such encampments may be within buildings owned by the religious organization or elsewhere on property outside of buildings. Cities, towns, and counties are prohibited from enacting an ordinance or regulation or taking any other action that:

- Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding

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the location of housing or shelter for homeless persons on property owned by the religious organization;

- Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; or
- Imposes permit fees in excess of the actual costs associated with the review and approval of the required permit applications.

State Building Code and State Energy Code.

The State Building Code (SBC) provides statewide minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire, and life safety. The SBC is comprised of model codes, including building, residential, fire, and plumbing codes, adopted by reference in statute, as well as rules developed and adopted by the State Building Code Council (Council). The Council is responsible for adopting, amending, and maintaining as appropriate the model codes adopted by reference. The Council reviews updated editions of model codes on a three-year cycle.

The Council is charged with adopting rules to be known as the Washington State Energy Code (WSEC), as part of the SBC. The WSEC for residential buildings is the maximum and minimum energy code for residential construction in each county, city, and town, while the WSEC for commercial or nonresidential buildings is the minimum energy code for commercial construction. Effective July 1, 2013, the Council adopted the 2012 edition of the International Energy Conservation Code (IECC) with amendments as the energy code for residential and commercial buildings in Washington. The IECC regulates the design and construction of buildings for the effective use and conservation of energy over the useful life of buildings.

In general, a certificate of occupancy is a document issued by a local government agency certifying a building's compliance with applicable building codes and indicating it to be suitable for occupancy. A change in occupancy classification may require structural changes to a building, additional fire protection, or other upgrades as building code regulations may require.

Summary of Bill:

Statutes which allow religious organizations to host temporary encampments for the homeless on property owned or controlled by the religious organizations are applied to the SBC and the WSEC. Both the SBC and the WSEC should be liberally construed to effectuate the policies and purposes of the statutes which allow the homeless encampments. Both the SBC and the WSEC should be viewed in the light most favorable to allowing shelter for individuals.

A city, town, or county, may not enact an ordinance that: 1) requires the installation of fire sprinklers or any structural modification to the size of windows or doors in buildings that were built in accordance with the laws at the time of construction; or 2) changes the certificate of occupancy for a building.

Appropriation: None.

Fiscal Note: Requested on December 10, 2017.

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