

HOUSE BILL REPORT

SB 5139

As Passed House:
April 15, 2015

Title: An act relating to building code standards for certain buildings four or more stories high.

Brief Description: Concerning building code standards for certain buildings four or more stories high.

Sponsors: Senators Roach, Liias, Conway, Benton, McCoy, Dandel and Ericksen.

Brief History:

Committee Activity:

Local Government: 3/18/15, 4/1/15 [DP].

Floor Activity:

Passed House: 4/15/15, 53-45.

Brief Summary of Bill

- Eliminates an exemption in the State Building Code Act for certain buildings that are four or more stories high.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 5 members: Representatives Takko, Chair; Gregerson, Vice Chair; Fitzgibbon, McBride and Peterson.

Minority Report: Do not pass. Signed by 2 members: Representatives Taylor, Ranking Minority Member; Pike.

Minority Report: Without recommendation. Signed by 1 member: Representative Griffey, Assistant Ranking Minority Member.

Staff: Michaela Murdock (786-7289).

Background:

The State Building Code Act.

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 (Act) was enacted in 1974 and adopts by reference the model codes and standards that comprise the State Building Code (SBC), including building, residential, fire, and plumbing codes. The SBC provides statewide minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire, and life safety.

The State Building Code Council (Council) consists of 15 members appointed by the Governor who represent, for example, local governments and the building construction profession, and five *ex officio* legislative members. The Council's duties include adopting, amending, and maintaining model codes that comprise the SBC, and developing and adopting any code related to buildings as required by the Legislature.

Counties, cities, and towns are required to enforce the SBC, as adopted and amended by the Council, within their jurisdictions. The governing body of a county, city, or town may amend the SBC as it applies within its jurisdiction; however, the minimum performance standards of the SBC may not be diminished by local amendments. Except as specified in the Act, the SBC applies to all buildings and structures, including those owned by the state or other units of government.

The State Building Code—Exemptions.

The Act specifically exempts certain buildings and structures from application of the SBC's provisions, including:

- specified classes or types of buildings or structures, except for single-family or multifamily residential buildings, to which a county, city, or town has limited application of any portion of the SBC; and
- any building four or more stories high with a B occupancy, as defined by the 1982 edition of the Uniform Building Code (UBC), and a city fire insurance rating of 1, 2, or 3, as defined by a recognized fire rating bureau or organization.

Model Codes.

The International Code Council (ICC) is a non-profit organization that develops and publishes model codes for building, construction, and design standards. Updates to the codes are developed and published on a three-year cycle. The SBC adopts by reference several model codes published by the ICC, including the International Building Code and the International Residential Code. The 2012 editions of the building and residential codes are currently adopted in Washington.

A predecessor organization to the ICC, the International Conference of Building Officials (ICBO) formerly published the UBC. The last edition of the UBC was published in 1997. When the Act was first adopted by the Legislature in 1974, the statute adopted by reference several model codes published by the ICBO, including the 1973 edition of the UBC. The Act no longer adopts by reference model codes published by the ICBO.

Summary of Bill:

The exemption in the Act for any building that is four or more stories high with a B occupancy, as defined by the 1982 Uniform Building Code, and a city fire insurance rating of

1, 2, or 3, is eliminated. As a result, the provisions of the State Building Code apply to such buildings.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) This bill removes a statutory provision that constitutes an anomaly in the law, has been in existence since 1974, and should have been removed a long time ago. The statutory provision at issue states that the State Building Code Act (Act), which contains all of the building codes adopted by the state, does not apply to certain types of buildings (*i.e.*, buildings four or more stories high with certain occupancy and fire insurance ratings). This exemption is not appropriate and should be removed from the statute.

Before the Act was enacted, every jurisdiction had its own code, and plumbers and builders had to be trained and certified in each jurisdiction's code. In the 1970s, all of those different codes were put under one roof. When the law was enacted in 1974, Seattle was experiencing a high-rise building boom. Seattle had already developed codes that were more advanced than the codes being compiled and adopted by the state, and presumably for this reason, asked that certain buildings four or more stories high be exempt from application of the state code. Seattle does not object to eliminating the statutory exemption now, because the city has already adopted, and uses in its jurisdiction, all of the model codes currently adopted by the State Building Code Council (Council).

A building inspector in Bellingham has used the statutory exemption to implement two plumbing codes in the city, even though the Act states that the Uniform Plumbing Code (UPC) is the state's only plumbing code. The UPC has been vetted by the Council, and plumbers are trained and certified in the UPC. Implementing a second plumbing code for buildings four or more stories high creates problems for plumbers that have been trained and certified in the UPC and, in general, only helps code-writing organizations sell more code books.

(Opposed) The International Code Council (ICC) is the successor organization to the International Conference of Building Officials. All of the ICC codes are accessible online for free. The ICC's opposition to the bill's proposal to eliminate the statutory exemption is not about selling code books.

This legislation was brought forward because Bellingham offers developers a choice between two plumbing codes. Bellingham does not have two mandatory codes; instead, the city has given people the option of using either the UPC or the International Plumbing Code (IPC). The IPC has unique advantages over the UPC because, for example, it saves construction costs and provides design flexibility. In addition, provisions of the UPC have not had material advancements since 1973, and the code contains some errors. Some plumbers have

been trained to use the IPC and have requested to be able to use it. The IPC is being used in 35 states and has received support from plumbing associations. Also, the Council will be looking this year at allowing use of the IPC as an alternative to the UPC.

The statutory exemption allows jurisdictions to exercise local choice and to adopt different codes. It allows developers to use techniques not currently prescribed by statute or rule, to be creative and innovative, and to save time and money, resulting in a better product for consumers. A jurisdiction may want to offer a choice between two different codes because sometimes one code works better and is more efficient. This bill will take away local choice, and the ability of code officials to adopt new and better techniques. The Legislature should not take away local jurisdictions' flexibility to adopt and use codes that better match the values and needs of a community.

Persons Testifying: (In support) Larry Stevens, Mechanical Contractors Association of Western Washington; and Randy Scott, Washington State Association of Plumbers and Pipefitters.

(Opposed) Kraig Stevenson, International Code Council; Jan Himebaugh, Building Industry Association of Washington; Mike Ennis, Association of Washington Business; Scott Hildebrand, Washington Construction Industry Council; and Jeanette McKague, Washington Realtors.

Persons Signed In To Testify But Not Testifying: None.