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HOUSE BILL 2676

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Blake and Rossetti

Read first time 01/18/16. Referred to Committee on Judiciary.

1 AN ACT Relating to authorizing cities and counties to exempt  
2 innovative housing from the state building code; amending RCW  
3 19.27.060; adding a new section to chapter 19.27 RCW; and creating a  
4 new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the use of  
7 local resources and labor in building construction adds to the  
8 economic vitality of Washington communities, particularly in rural  
9 areas. The legislature also finds that the use of innovative  
10 techniques and materials to create environmentally sustainable  
11 housing not only benefits the health and well-being of the people of  
12 Washington, but also helps protect the state's natural resources. It  
13 is the legislature's intent to support and encourage the use of  
14 innovative and environmentally sustainable housing materials and  
15 designs while recognizing and accounting for the risk counties,  
16 cities, and towns may face in permitting property owners to  
17 voluntarily use techniques, materials, or designs that do not conform  
18 with requirements of the state building code by providing liability  
19 protection to those local governments.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 19.27  
2    RCW to read as follows:

3        (1) The legislative authority of a city or county may adopt an  
4    ordinance that, for innovative housing, creates an exemption from  
5    requirements of this chapter and the state building code, as adopted  
6    and amended by the state building code council under RCW 19.27.031.  
7    However, the city or county may not exempt innovative housing from  
8    requirements concerning fire alarms, smoke detectors, carbon monoxide  
9    alarms, and means of egress.

10        (2) At a minimum, any ordinance adopted under this section must:

11        (a) Establish that the exemption for innovative housing only  
12    applies to single-family residences meeting the requirements of this  
13    section and local ordinance;

14        (b) Provide that, except for laws and regulations governing fire  
15    alarms, smoke detectors, carbon monoxide alarms, and means of egress,  
16    innovative housing is not required to comply with requirements of  
17    this chapter and the codes maintained by the state building code  
18    council;

19        (c) Require innovative housing to comply with all applicable  
20    zoning, land use planning, and environmental regulations;

21        (d) Provide for all routine inspections of the residence during  
22    permit review and construction by the applicable building official;

23        (e) Require the property owner to record the final itemized  
24    record, provided under subsection (3) of this section, with the  
25    county auditor to become part of the title; and

26        (f) Establish that the property owner bears the risk of all  
27    noncompliance with the state building code.

28        (3) During permit review and construction, the building official  
29    must keep a good faith itemized, written account of each  
30    nonconforming part or condition of the residence, indicating how the  
31    part or condition deviates from or does not comply with the state  
32    building code. Upon final inspection and occupancy, the building  
33    official must deliver to the property owner the final itemized record  
34    of all nonconforming parts and conditions of the residence.

35        (4)(a) Any city or county that adopts an ordinance creating an  
36    exemption for innovative housing, and any employee, official, agent,  
37    or representative of the city or county, is immune from suit and  
38    liability, either personally or in an official capacity, for any  
39    claim for damage to or loss of property, personal injury, or other  
40    civil liability caused by or arising out of any actual or alleged

1 act, error, or omission related to the construction of innovative  
2 housing, or construction materials or designs used in innovative  
3 housing, when such housing is built in accordance with this section.

4 (b) Any owner of a single-family residence that is constructed as  
5 innovative housing in accordance with this section and local  
6 ordinance, and for which a final itemized record of nonconforming  
7 parts and conditions has been recorded with the county, must hold the  
8 city or county harmless for the amount of any settlement or judgment  
9 obtained as a result of a nonconformity of the residence with the  
10 state building code.

11 **Sec. 3.** RCW 19.27.060 and 2015 c 226 s 1 are each amended to  
12 read as follows:

13 (1) The governing bodies of counties and cities may amend the  
14 codes enumerated in RCW 19.27.031 as amended and adopted by the state  
15 building code council as they apply within their respective  
16 jurisdictions, but the amendments shall not result in a code that is  
17 less than the minimum performance standards and objectives contained  
18 in the state building code.

19 (a) No amendment to a code enumerated in RCW 19.27.031 as amended  
20 and adopted by the state building code council that affects single-  
21 family or multifamily residential buildings shall be effective unless  
22 the amendment is approved by the building code council under RCW  
23 19.27.074(1)(b).

24 (b) Any county or city amendment to a code enumerated in RCW  
25 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue  
26 to be effective after any action is taken under RCW 19.27.074(1)(a)  
27 without necessity of reapproval under RCW 19.27.074(1)(b) unless the  
28 amendment is declared null and void by the council at the time any  
29 action is taken under RCW 19.27.074(1)(a) because such action in any  
30 way altered the impact of the amendment.

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

35 (3) Except as provided otherwise in section 2 of this act, the  
36 governing body of each county or city may limit the application of  
37 any portion of the state building code to exclude specified classes  
38 or types of buildings or structures according to use other than  
39 single-family or multifamily residential buildings. However, in no

1 event shall fruits or vegetables of the tree or vine stored in  
2 buildings or warehouses constitute combustible stock for the purposes  
3 of application of the uniform fire code. A governing body of a county  
4 or city may inspect facilities used for temporary storage and  
5 processing of agricultural commodities.

6 (4) No provision of the uniform fire code concerning roadways  
7 shall be part of the state building code: PROVIDED, That this  
8 subsection shall not limit the authority of a county or city to adopt  
9 street, road, or access standards.

10 (5) The provisions of the state building code may be preempted by  
11 any city or county to the extent that the code provisions relating to  
12 the installation or use of sprinklers in jail cells conflict with the  
13 secure and humane operation of jails.

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

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

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