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**SUBSTITUTE HOUSE BILL 2931**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** House Technology & Economic Development (originally sponsored by Representatives Doglio, Fey, Tarleton, Jenkins, and Slatter)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to the state energy code for residential  
2 structures; amending RCW 19.27A.020; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that energy  
5 efficiency is the cheapest, quickest, and cleanest way to meet rising  
6 energy needs, confront climate change, and boost our economy. Energy  
7 codes are one of the most effective policies for reducing the energy  
8 use of buildings.

9 (2) The state building code council has been directed to design  
10 an energy code that constructs increasingly energy efficient homes  
11 and buildings that help achieve the broader goal of building zero  
12 fossil fuel greenhouse gas emissions homes and buildings by the year  
13 2031. Further, many jurisdictions have ambitious climate targets that  
14 are in line with or exceed Washington state's own climate reduction  
15 goals. However, jurisdictions are prevented from adopting stricter  
16 residential energy codes than the state energy code.

17 (3) The legislature finds that providing jurisdictions two  
18 additional options in going beyond the state's residential energy  
19 code gives jurisdictions more flexibility and ability to reach  
20 climate goals, while limiting the number of different regulations  
21 under which homebuilders work.

1       **Sec. 2.** RCW 19.27A.020 and 2015 c 11 s 3 are each amended to  
2 read as follows:

3       (1) The state building code council shall adopt rules to be known  
4 as the Washington state energy code as part of the state building  
5 code.

6       (2) The council shall follow the legislature's standards set  
7 forth in this section to adopt rules to be known as the Washington  
8 state energy code. The Washington state energy code shall be designed  
9 to:

10       (a) Construct increasingly energy efficient homes and buildings  
11 that help achieve the broader goal of building zero fossil-fuel  
12 greenhouse gas emission homes and buildings by the year 2031;

13       (b) Require new buildings to meet a certain level of energy  
14 efficiency, but allow flexibility in building design, construction,  
15 and heating equipment efficiencies within that framework; and

16       (c) Allow space heating equipment efficiency to offset or  
17 substitute for building envelope thermal performance.

18       (3) The Washington state energy code shall take into account  
19 regional climatic conditions. One climate zone includes: Adams,  
20 Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield,  
21 Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille,  
22 Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima  
23 counties. The other climate zone includes all other counties not  
24 listed in this subsection (3). The assignment of a county to a  
25 climate zone may not be changed by adoption of a model code or rule.  
26 Nothing in this section prohibits the council from adopting the same  
27 rules or standards for each climate zone.

28       (4) The Washington state energy code for residential buildings  
29 shall be the 2006 edition of the Washington state energy code, or as  
30 amended by rule by the council.

31       (5) The minimum state energy code for new nonresidential  
32 buildings shall be the Washington state energy code, 2006 edition, or  
33 as amended by the council by rule.

34       (6)(a) (~~Except as provided in (b) of this subsection,~~) The  
35 Washington state energy code for residential structures shall preempt  
36 the residential energy code of each city, town, and county in the  
37 state of Washington.

38       (b) (~~The state energy code for residential structures does not~~  
39 ~~preempt a city, town, or county's energy code for residential~~  
40 ~~structures which exceeds the requirements of the state energy code~~

1 ~~and which was adopted by the city, town, or county prior to March 1,~~  
2 ~~1990. Such cities, towns, or counties may not subsequently amend~~  
3 ~~their energy code for residential structures to exceed the~~  
4 ~~requirements adopted prior to March 1, 1990.)~~ Commencing with the  
5 2018 edition, the state energy code for residential structures shall  
6 provide three options:

7 (i) A lower efficiency option that conforms to the requirements  
8 of RCW 19.27A.160;

9 (ii) An intermediate efficiency option that results in dwelling  
10 units that use ten percent less energy annually than those built in  
11 accordance with the lower efficiency option; and

12 (iii) A high efficiency option that results in dwelling units  
13 that use twenty percent less energy annually than those built in  
14 accordance with the lower efficiency option.

15 (c) The lower efficiency option detailed in (b)(i) of this  
16 subsection shall be the default option. Cities, towns, and counties  
17 shall be permitted to select the intermediate efficiency option or  
18 the high efficiency option prior to the effective date of each new  
19 edition of the Washington state energy code.

20 (7) The state building code council shall consult with the  
21 department of enterprise services as provided in RCW 34.05.310 prior  
22 to publication of proposed rules. The director of the department of  
23 enterprise services shall recommend to the state building code  
24 council any changes necessary to conform the proposed rules to the  
25 requirements of this section.

26 (8) The state building code council shall evaluate and consider  
27 adoption of the international energy conservation code in Washington  
28 state in place of the existing state energy code.

29 (9) The definitions in RCW 19.27A.140 apply throughout this  
30 section.

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