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**Local Government Committee**

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**HB 2608**

**Brief Description:** Addressing project review and approval under the state building code.

**Sponsors:** Representatives Blake, Griffey, Van Werven, Chapman, Eslick and Leavitt.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Allows a local code official to approve construction materials, methods, or designs outside of those provided for in the State Building Code if the proposed material, method, or design complies with the intent of the code and is at least the equivalent of what is provided for in the code.</li><li>• Requires local code officials, upon the request of a permit applicant, to provide a citation to the law, code, or standard on which an adverse order is based.</li></ul>
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**Hearing Date:** 1/28/20

**Staff:** Kellen Wright (786-7134).

**Background:**

Statewide construction standards and requirements are governed by the state building code (SBC). The SBC is comprised of various international model codes, including building, residential, fire, and plumbing codes. The purpose of the SBC is to establish minimum standards for construction consistent with nationally accepted standards of engineering and fire and life safety; to permit the use of modern methods, devices, and improvements; to standardize regulations; to provide standards for making buildings and facilities accessible; and to consolidate building code enforcement authority.

The State Building Code Council is responsible for updating, maintaining, and amending the SBC. The council must regularly review updates to the international codes, and to amend the SBC as the council believes is appropriate.

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*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.*

Counties and cities are authorized to amend the SBC as it applies in their jurisdictions, though amendments that lower the minimum performance standards of the code are prohibited and no amendment applicable to residential buildings can be effective until approved by the council. A local jurisdiction may exclude certain classes or types of buildings from the SBC according to use, but may not exclude residential buildings.

The SBC is required to be enforced by counties and cities. Any county or city that does not have a building department is required to contract with another county, town, or city for the enforcement of the SBC within its jurisdiction.

The state building code council is also responsible for adopting the state energy code within the SBC. The council must generally increase the energy efficiency requirements in the energy code in order to achieve a 70% reduction in annual net energy consumption in the 2031 version of the code as compared with the 2006 code. The state energy code generally provides both the minimum and maximum requirements for energy efficiency in residential buildings, and the minimum standard for nonresidential buildings.

The state energy code is required to be enforced by counties and cities.

**Summary of Bill:**

A code official is the local government officer or other designated authority charged with the administration and enforcement of the state building code (SBC). A code official may approve a new material, product, method of construction, design, or system outside of those provided for in the SBC and state energy code, for use on an individual project or for future or subsequent projects, if the code official finds that two conditions are met. First, that the proposed design is satisfactory and complies with the intent of the applicable code or standard. Second, that the material or construction method is at least the equivalent of the material or method prescribed in the applicable code or standard. Any data submitted to demonstrate compliance with these conditions is subject to the final approval of the code official. The code official's decision approving or denying proposal must be made within 28 days, and must be based on objective findings of fact. The code official must provide written notification of any final decision, and, if the application is denied, must clearly explain why the data submitted was insufficient for approval. A code official's decision may be appealed using an appeal process created by the local jurisdiction.

When a code official issues a notice of correction or similar order to a building permit applicant, the code official must, if requested by the applicant or the applicant's agent, provide a citation to the law, code, or standard on which the order was based.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

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