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**HOUSE BILL 2608**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Blake, Griffey, Van Werven, Chapman, Eslick, and Leavitt

Read first time 01/16/20. Referred to Committee on Local Government.

1 AN ACT Relating to project review and approval under the state  
2 building code; amending RCW 19.27.015, 19.27.020, 19.27.060,  
3 19.27A.015, and 19.27A.020; adding new sections to chapter 19.27 RCW;  
4 adding new sections to chapter 19.27A RCW; and creating a new  
5 section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds the codes adopted  
8 under the state building code act in chapters 19.27 and 19.27A RCW  
9 are developed by multiple building code developers, which has  
10 resulted in conflicts, inconsistencies, and delays impacting the  
11 application of regulations and processes for approving alternate  
12 methods of construction, equipment, and devices. The legislature  
13 further finds that providing flexibility in building construction  
14 methods and uniformity in approval processes can result in efficient,  
15 resilient, and sustainable buildings, help local communities achieve  
16 their goals of increasing affordable housing, and ease code  
17 administration and enforcement, all of which benefits the safety and  
18 welfare of building owners, occupants, and the general public.  
19 Providing options for citizens to benefit from efficiencies provided  
20 by the approval of modern technical methods, devices, improvements,  
21 and innovations are in line with the governor's results Washington

1 goal of improving nonelectrical energy efficiency of buildings and  
2 industrial processes to reduce greenhouse gas.

3 **Sec. 2.** RCW 19.27.015 and 2018 c 207 s 1 are each amended to  
4 read as follows:

5 As used in this chapter:

6 (1) "Agricultural structure" means a structure designed and  
7 constructed to house farm implements, hay, grain, poultry, livestock,  
8 or other horticultural products. This structure may not be a place of  
9 human habitation or a place of employment where agricultural products  
10 are processed, treated, or packaged, nor may it be a place used by  
11 the public.

12 (2) "City" means a city or town.

13 (3) "Code official" means the officer or other designated  
14 authority charged with the administration and enforcement of the  
15 codes adopted under this chapter and chapter 19.27A RCW.

16 (4) "Commercial building permit" means a building permit issued  
17 by a city or a county to construct, enlarge, alter, repair, move,  
18 demolish, or change the occupancy of any building not covered by a  
19 residential building permit.

20 ~~((4))~~ (5) "Multifamily residential building" means common wall  
21 residential buildings that consist of four or fewer units, that do  
22 not exceed two stories in height, that are less than five thousand  
23 square feet in area, and that have a one-hour fire-resistive  
24 occupancy separation between units.

25 ~~((5))~~ (6) "Residential building permit" means a building permit  
26 issued by a city or a county to construct, enlarge, alter, repair,  
27 move, demolish, or change the occupancy of any building containing  
28 only dwelling units used for independent living of one or more  
29 persons including permanent provisions for living, sleeping, eating,  
30 cooking, and sanitation, and structures accessory to dwelling units,  
31 such as detached garages and storage buildings.

32 ~~((6))~~ (7) "Temporary growing structure" means a structure that  
33 has the sides and roof covered with polyethylene, polyvinyl, or  
34 similar flexible synthetic material and is used to provide plants  
35 with either frost protection or increased heat retention.

36 **Sec. 3.** RCW 19.27.020 and 1985 c 360 s 6 are each amended to  
37 read as follows:

1 The purpose of this chapter is to promote the health, safety and  
2 welfare of the occupants or users of buildings and structures and the  
3 general public by the provision of building codes throughout the  
4 state. Accordingly, this chapter is designed to effectuate the  
5 following purposes, objectives, and standards:

6 (1) To require minimum performance standards and requirements for  
7 construction and construction materials, consistent with accepted  
8 standards of engineering, fire and life safety.

9 (2) To require standards and requirements in terms of performance  
10 and nationally accepted standards.

11 (3) To permit the use of modern technical methods, devices and  
12 improvements.

13 (4) To eliminate restrictive, obsolete, conflicting, duplicating  
14 and unnecessary regulations and requirements which could  
15 unnecessarily increase construction costs or retard the use of new  
16 materials and methods of installation or provide unwarranted  
17 preferential treatment to types or classes of materials or products  
18 or methods of construction.

19 (5) To provide for standards and specifications for making  
20 buildings and facilities accessible to and usable by (~~physically~~  
21 ~~disabled~~) persons with physical disabilities.

22 (6) To consolidate within each authorized enforcement  
23 jurisdiction, the administration and enforcement of building codes.

24 (7) To create uniform inspection consistency for the laws, codes,  
25 and standards adopted under this chapter by requiring the approving  
26 jurisdiction to cite the section of law, code, or standard in  
27 inspection correction orders of noncompliance upon request of a  
28 permit applicant or of the applicant's agent, as specified in section  
29 4 of this act.

30 NEW SECTION. Sec. 4. A new section is added to chapter 19.27  
31 RCW to read as follows:

32 If a code official issues an inspection correction order of  
33 noncompliance or other similar order, the code official must, upon  
34 the request of a building permit applicant or applicant's agent,  
35 provide a citation to the specific section and subsection of the law,  
36 code, or standard on which the order was based.

37 NEW SECTION. Sec. 5. A new section is added to chapter 19.27  
38 RCW to read as follows:

1 (1) Nothing in this chapter prohibits the code official of the  
2 local jurisdiction from approving a material, product, method of  
3 construction, design, or system if the code official of the  
4 jurisdiction finds that:

5 (a) The proposed design is satisfactory and complies with the  
6 intent of the provisions of the code or standard; and

7 (b) The material or method of construction offered is, for the  
8 purpose intended, not less than the equivalent of that prescribed in  
9 the adopted code or standard.

10 (2) All data submitted to validate and substantiate compliance  
11 are subject to final approval by the code official. Final decisions  
12 under this section must be based on objective findings of fact. The  
13 code official must provide a permit applicant written notification of  
14 final decisions under this section within the timelines in RCW  
15 36.70B.070. If not approved, the written notification must clearly  
16 explain the reasons why the data submitted to validate and  
17 substantiate compliance was found insufficient for approval. A final  
18 order, decision, or determination by the code official may be  
19 appealed using the process created by the local jurisdiction such as  
20 an appointed board of appeals or appointed hearing officer.

21 (3) Nothing in this section prohibits the code official of the  
22 local jurisdiction from approving a material, product, method of  
23 construction, design, or system for an individual permitted project  
24 or the approval for use on future or subsequent projects.

25 **Sec. 6.** RCW 19.27.060 and 2018 c 302 s 2 are each amended to  
26 read as follows:

27 (1) The governing bodies of counties and cities may amend the  
28 codes enumerated in RCW 19.27.031 as amended and adopted by the state  
29 building code council as they apply within their respective  
30 jurisdictions, but the amendments shall not result in a code that is  
31 less than the minimum performance standards and objectives contained  
32 in RCW 19.27.020, section 5 of this act, or the state building code  
33 except as provided in subsection (2) of this section.

34 (a) Except as provided in subsection (2) of this section, no  
35 amendment to a code enumerated in RCW 19.27.031 as amended and  
36 adopted by the state building code council that affects single-family  
37 or multifamily residential buildings shall be effective unless the  
38 amendment is approved by the building code council under RCW  
39 19.27.074(1)(b).

1 (b) Any county or city amendment to a code enumerated in RCW  
2 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue  
3 to be effective after any action is taken under RCW 19.27.074(1)(a)  
4 without necessity of reapproval under RCW 19.27.074(1)(b) unless the  
5 amendment is declared null and void by the council at the time any  
6 action is taken under RCW 19.27.074(1)(a) because such action in any  
7 way altered the impact of the amendment.

8 (2) The legislative body of a county or city, in exercising the  
9 authority provided under subsection (1) of this section to amend the  
10 code enumerated in RCW 19.27.031(1)(b), may adopt amendments that  
11 eliminate any minimum gross floor area requirement for single-family  
12 detached dwellings or that provide a minimum gross floor area  
13 requirement below the minimum performance standards and objectives  
14 contained in the state building code.

15 (3) Except as permitted or provided otherwise under this section,  
16 the state building code shall be applicable to all buildings and  
17 structures including those owned by the state or by any governmental  
18 subdivision or unit of local government.

19 (4) The governing body of each county or city may limit the  
20 application of any portion of the state building code to exclude  
21 specified classes or types of buildings or structures according to  
22 use other than single-family or multifamily residential buildings.  
23 However, in no event shall fruits or vegetables of the tree or vine  
24 stored in buildings or warehouses constitute combustible stock for  
25 the purposes of application of the uniform fire code. A governing  
26 body of a county or city may inspect facilities used for temporary  
27 storage and processing of agricultural commodities.

28 (5) No provision of the uniform fire code concerning roadways  
29 shall be part of the state building code: PROVIDED, That this  
30 subsection shall not limit the authority of a county or city to adopt  
31 street, road, or access standards.

32 (6) The provisions of the state building code may be preempted by  
33 any city or county to the extent that the code provisions relating to  
34 the installation or use of sprinklers in jail cells conflict with the  
35 secure and humane operation of jails.

36 (7)(a) Effective one year after July 23, 1989, the governing  
37 bodies of counties and cities may adopt an ordinance or resolution to  
38 exempt from permit requirements certain construction or alteration of  
39 either group R, division 3, or group M, division 1 occupancies, or  
40 both, as defined in the uniform building code, 1988 edition, for

1 which the total cost of fair market value of the construction or  
2 alteration does not exceed fifteen hundred dollars. The permit  
3 exemption shall not otherwise exempt the construction or alteration  
4 from the substantive standards of the codes enumerated in RCW  
5 19.27.031, as amended and maintained by the state building code  
6 council under RCW 19.27.070.

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

10 **Sec. 7.** RCW 19.27A.015 and 1990 c 2 s 2 are each amended to read  
11 as follows:

12 Except as provided in RCW 19.27A.020(~~((7))~~) (6) and in section 10  
13 of this act, the Washington state energy code for residential  
14 buildings shall be the maximum and minimum energy code for  
15 residential buildings in each city, town, and county and shall be  
16 enforced by each city, town, and county no later than July 1, 1991.  
17 (~~The~~) Except as provided in section 10 of this act, the Washington  
18 state energy code for nonresidential buildings shall be the minimum  
19 energy code for nonresidential buildings enforced by each city, town,  
20 and county.

21 **Sec. 8.** RCW 19.27A.020 and 2018 c 207 s 7 are each amended to  
22 read as follows:

23 (1) The state building code council in the department of  
24 enterprise services shall adopt rules to be known as the Washington  
25 state energy code as part of the state building code.

26 (2) The council shall follow the legislature's standards set  
27 forth in this section to adopt rules to be known as the Washington  
28 state energy code. The Washington state energy code shall be designed  
29 to:

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

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

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

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

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

14 (5) (~~The~~) Except as provided in section 10 of this act, the  
15 minimum state energy code for new nonresidential buildings shall be  
16 the Washington state energy code, 2006 edition, or as amended by the  
17 council by rule.

18 (6) (a) Except as provided in (b) of this subsection and in  
19 section 10 of this act, the Washington state energy code for  
20 residential structures shall preempt the residential energy code of  
21 each city, town, and county in the state of Washington.

22 (b) The state energy code for residential structures does not  
23 preempt a city, town, or county's energy code for residential  
24 structures which exceeds the requirements of the state energy code  
25 and which was adopted by the city, town, or county prior to March 1,  
26 1990. Such cities, towns, or counties may not subsequently amend  
27 their energy code for residential structures to exceed the  
28 requirements adopted prior to March 1, 1990.

29 (7) The state building code council shall consult with the  
30 department of enterprise services as provided in RCW 34.05.310 prior  
31 to publication of proposed rules. The director of the department of  
32 enterprise services shall recommend to the state building code  
33 council any changes necessary to conform the proposed rules to the  
34 requirements of this section.

35 (8) The state building code council shall evaluate and consider  
36 adoption of the international energy conservation code in Washington  
37 state in place of the existing state energy code.

38 (9) The definitions in RCW 19.27A.140 apply throughout this  
39 section.

1        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 19.27A  
2    RCW to read as follows:

3        If a code official issues an inspection correction order of  
4    noncompliance or other similar order, the code official must, upon  
5    the request of a building permit applicant or applicant's agent,  
6    provide a citation to the specific section and subsection of the law,  
7    code, or standard on which the order was based.

8        NEW SECTION.    **Sec. 10.**    A new section is added to chapter 19.27A  
9    RCW to read as follows:

10       (1) Nothing in this chapter prohibits the code official of the  
11    local jurisdiction from approving a material, product, method of  
12    construction, design, or system if the code official of the  
13    jurisdiction finds that:

14       (a) The proposed design is satisfactory and complies with the  
15    intent of the provisions of the state energy code; and

16       (b) The material or method of construction offered is, for the  
17    purpose intended, not less than the equivalent of that prescribed in  
18    the state energy code.

19       (2) All data submitted to validate and substantiate compliance  
20    are subject to final approval by the code official. Final decisions  
21    under this section must be based on objective findings of fact. The  
22    code official must provide a permit applicant written notification of  
23    final decisions under this section within the timelines in RCW  
24    36.70B.070. If not approved, the written notification must clearly  
25    explain the reasons why the data submitted to validate and  
26    substantiate compliance was found insufficient for approval. A final  
27    order, decision, or determination by the code official may be  
28    appealed using the process created by the local jurisdiction such as  
29    an appointed board of appeals or appointed hearing officer.

30       (3) Nothing in this section prohibits the code official of the  
31    local jurisdiction from approving a material, product, method of  
32    construction, design, or system for an individual permitted project  
33    or the approval for use on future or subsequent projects.

34       (4) For the purposes of this chapter, "code official" has the  
35    same meaning as in RCW 19.27.015.

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