

# SENATE BILL REPORT

## SB 5243

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As of January 26, 2021

**Title:** An act relating to creating efficiency in housing by streamlining approval of engineered plans.

**Brief Description:** Creating efficiency in housing by streamlining approval of engineered plans.

**Sponsors:** Senators Gildon, Fortunato and Short.

**Brief History:**

**Committee Activity:** Housing & Local Government: 1/26/21.

**Brief Summary of Bill**

- Provides that any building permit applications submitted with plans or specifications signed by a professional engineer or architect must be deemed complete by the city or county building department with authority.
- Allows the building department to review the application for general compliance with the zoning or other land use control ordinances in effect, but it may not impose substantial modifications or conditions on such submittals.

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### SENATE COMMITTEE ON HOUSING & LOCAL GOVERNMENT

**Staff:** Bonnie Kim (786-7316)

**Background:** State Building Code. The State Building Code (Code) establishes minimum performance standards and requirements for construction and construction materials in the state, consistent with accepted standards of engineering, fire, and life safety. The Code comprises a number of model codes and standards, developed and published by international and national organizations, which are adopted by reference in the State

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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 part of the legislation nor does it constitute a statement of legislative intent.*

Building Code Act (Act). Model codes and standards adopted in the Act include the International Building Code, the International Residential Code, and the Uniform Plumbing Code Standards.

Building Code Permits and Vested Rights. The vested rights doctrine was developed by courts under common law. An application to use property vests to the laws in effect upon submission of a sufficiently complete application for the requested property use. The Legislature codified the vested rights doctrine as it pertains to land use, property development, and construction permitting. Under the Act, a valid and fully complete building permit application for a structure that is permitted under the zoning or other land use control ordinance in effect on the date of the application vests to the building permit ordinance and the zoning or other land use control ordinances in effect on the date of the application.

Project Review. Legislation enacted in 1995, required counties and cities, required or choosing to plan under the Growth Management Act (GMA), to establish an integrated and consolidated development permit process for all projects involving two or more permits and to provide for no more than one open record hearing and one closed record appeal. Other jurisdictions may incorporate some or all of the integrated and consolidated development permit process.

The 1995 legislation specified the permit process must include a determination of completeness of the project application within 28 days of submission. A project permit application is determined to be complete when it meets the local procedural submission requirements even if additional information is needed because of subsequent project modifications. Within 14 days of receiving requested additional information, the local government must notify the applicant whether the application is deemed complete.

The determination of completeness does not preclude a request for additional information if new information is required or substantial project changes occur. A project permit application is deemed complete if the GMA jurisdiction does not provide the determination within the required time period.

For some types of development proposals, such as building plans or proposed land subdivisions, the current set of local regulations vest to that proposed project only after its application is deemed complete by the local permit staff. Additionally, a determination of completeness starts the state-mandated, 120-day deadline within which local governments are required to review and make a decision on many types of development proposals.

**Summary of Bill:** Building permit applications submitted with plans, computations or specifications prepared, stamped and signed by a professional engineer or architect, licensed under the laws of the state of Washington, in the specific discipline as appropriate, must be deemed complete by the city or county building department with authority. The department may review the application for general compliance with the zoning or other land use control

ordinances in effect and may not impose substantial modifications or conditions on submittals prepared, stamped, and signed by a licensed architect, landscape architect, soils engineer, civil engineer, structural engineer, or combination thereof.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This is a bill to streamline the permitting process. Right now there is a duplicative review by both an engineer or architect and the local building department. Washington State has a housing crisis and this bill is one way to streamline the permitting process. The city or county is not held liable for any issues with building under current law.

CON: The prohibition on preventing modifications to plans and specifications to comply with code regulations is dangerous. Not every design professional knows the latest codes. Even the best engineers and architects make mistakes because nobody is perfect. Building code plan review is the only audit before a building goes to construction. To proceed to construction without local review undermines public expectations that a building is safe.

Plan review does add time and cost to a project but is the reason we have some of the safest buildings in the world. Architects can empathize that jurisdictional review can be costly but this bill goes too far to alleviate the burden. Architects were not consulted on this bill. Client program requirements and code compliance have become so complex that architects need the extra review to ensure compliance.

This bill applies to any building permit application regardless of project size. Counties report regularly finding code compliance issues while reviewing building permit applications. Out of state architects and engineers may not keep up to date on ever changing building codes and standards. Engineers believe eliminating project review may create an incentive for builders to cut corners or sacrifice quality and excellence.

**Persons Testifying:** PRO: Senator Chris Gildon, Prime Sponsor; Jan Himebaugh, Building Industry Association of Washington.

CON: Brian Carter, Integrus Architecture and AIA Washington Council; Paul Jewell, Washington State Association of Counties; Lee Kranz, Washington Association of Building Officials; Jon Siu, Washington Association of Building Officials; Van Collins, American Council of Engineering Companies Washington; Carl Schroeder, Association of Washington Cities.

**Persons Signed In To Testify But Not Testifying:** No one.