
SENATE BILL 5928

State of Washington

67th Legislature

2022 Regular Session

By Senators Van De Wege, Braun, Gildon, Rivers, Short, Warnick, and L. Wilson

Read first time 01/21/22. Referred to Committee on Environment, Energy & Technology.

1 AN ACT Relating to increasing housing access and affordability by
2 decreasing construction costs associated with the Washington state
3 energy code for residential buildings; amending RCW 19.27A.020,
4 19.27A.045, and 19.27A.160; creating a new section; and declaring an
5 emergency.

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

7 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
8 encourage affordable housing in all areas of the state. Each one of
9 Washington's residents needs housing and the legislature intends to
10 address the overall costs of construction in order to increase access
11 to, and affordability for, all housing types across Washington.
12 State-imposed, high-barrier construction costs are most burdensome to
13 those who can least afford increasing housing costs. The legislature
14 finds that it is appropriate to address the underlying cost of state
15 energy code compliance and, given that the state has taken positive
16 and assertive action on clean energy generation and efficiency, it is
17 the legislature's intent to balance the housing needs of its
18 residents with the promotion of efficient and sustainable housing.

19 **Sec. 2.** RCW 19.27A.020 and 2018 c 207 s 7 are each amended to
20 read as follows:

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

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

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

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

14 ~~(c) Allow space heating equipment efficiency to offset or
15 substitute for building envelope thermal performance.)~~

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

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

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

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

36 (b) The state energy code for residential structures does not
37 preempt a city, town, or county's energy code for residential
38 structures which exceeds the requirements of the state energy code
39 and which was adopted by the city, town, or county prior to March 1,
40 1990. Such cities, towns, or counties may not subsequently amend

1 their energy code for residential structures to exceed the
2 requirements adopted prior to March 1, 1990.

3 (7) The state building code council shall consult with the
4 department of enterprise services as provided in RCW 34.05.310 prior
5 to publication of proposed rules. The director of the department of
6 enterprise services shall recommend to the state building code
7 council any changes necessary to conform the proposed rules to the
8 requirements of this section.

9 (8) The state building code council shall evaluate and consider
10 adoption of the international energy conservation code in Washington
11 state in place of the existing state energy code for nonresidential
12 buildings.

13 (9) The definitions in RCW 19.27A.140 apply throughout this
14 section.

15 **Sec. 3.** RCW 19.27A.045 and 1990 c 2 s 5 are each amended to read
16 as follows:

17 (1) The state building code council shall maintain the state
18 energy code for residential structures in a status which is
19 consistent with the state's interest as set forth in section 1,
20 chapter 2, Laws of 1990. In maintaining the Washington state energy
21 code for residential structures, beginning in 1996 the council shall
22 review the Washington state energy code every three years. After
23 January 1, 1996, by rule adopted pursuant to chapter 34.05 RCW, the
24 council may amend any provisions of the Washington state energy code
25 to (~~increase the energy efficiency~~) decrease the construction costs
26 of newly constructed residential buildings. Decisions to amend the
27 Washington state energy code for residential structures shall be made
28 prior to December 1 of any year and shall not take effect before the
29 end of the regular legislative session in the next year.

30 (2) The state building code council shall delay implementation of
31 the Washington state energy code for residential structures, 2021
32 edition. The state building code council must review and amend the
33 Washington state energy code for residential structures, 2021
34 edition, by January 1, 2024, for implementation by July 1, 2024. The
35 review and amendments to the Washington state energy code for
36 residential structures, 2021 edition, must be for the purpose of
37 reducing construction costs and providing the least burdensome
38 alternatives for compliance. The state building code council may not
39 increase, but may decrease, the energy efficiency requirements in the

1 Washington state energy code for residential structures, 2021
2 edition.

3 **Sec. 4.** RCW 19.27A.160 and 2009 c 423 s 5 are each amended to
4 read as follows:

5 (1) Except as provided in subsection (2) of this section,
6 (~~residential and~~) nonresidential construction permitted under the
7 2031 state energy code must achieve a seventy percent reduction in
8 annual net energy consumption, using the adopted 2006 Washington
9 state energy code as a baseline.

10 (2) The council shall adopt state energy codes for nonresidential
11 buildings from 2013 through 2031 that incrementally move towards
12 achieving the seventy percent reduction in annual net energy
13 consumption as specified in subsection (1) of this section. The
14 council shall report its progress by December 31, 2012, and every
15 three years thereafter. If the council determines that economic,
16 technological, or process factors would significantly impede adoption
17 of or compliance with this subsection, the council may defer the
18 implementation of the proposed energy code update and shall report
19 its findings to the legislature by December 31st of the year prior to
20 the year in which those codes would otherwise be enacted.

21 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of
23 the state government and its existing public institutions, and takes
24 effect immediately.

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