
SUBSTITUTE HOUSE BILL 1167

State of Washington

68th Legislature

2023 Regular Session

By House Housing (originally sponsored by Representatives Duerr, Low, Walen, Reed, Bateman, Ramel, Fitzgibbon, Taylor, Macri, Gregerson, Wylie, Pollet, Kloba, and Tharinger)

READ FIRST TIME 02/07/23.

1 AN ACT Relating to residential housing regulations; amending RCW
2 19.27.060; adding new sections to chapter 36.70A RCW; adding a new
3 section to chapter 19.27 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A
6 RCW to read as follows:

7 (1) The department shall develop and administer a grant program
8 to provide direct financial assistance to counties and cities for the
9 adoption of preapproved middle housing plans.

10 (2) When a preapproved plan is submitted to a county or city
11 during the process of seeking permit approval for a middle housing
12 development, the county's or city's review of the preapproved plan
13 may not be more than administrative.

14 (3) For the purpose of this section:

15 (a) "Preapproved middle housing plans" means a selection of
16 middle housing architectural plans that have been reviewed by county
17 or city code officials and approved for compliance with applicable
18 building codes within the county or city.

19 (b) "Middle housing" means duplexes, triplexes, fourplexes,
20 fiveplexes, sixplexes, attached and detached accessory dwelling

1 units, cottage housing, stacked flats, townhouses, or courtyard
2 apartments.

3 (c) "Cottage housing" means four or more residential units on a
4 lot with a common open space that either: (i) Is owned in common; or
5 (ii) has units owned as condominium units with property owned in
6 common and a minimum of 20 percent of the lot size as open space.

7 (d) "Courtyard apartments" means up to four attached dwelling
8 units arranged on two or three sides of a central courtyard or lawn
9 area.

10 (e) "Stacked flat" means dwelling units in a two-story or three-
11 story residential building on a residential zoned lot in which each
12 floor may be separately rented or owned and is a discrete dwelling
13 unit.

14 (f) "Townhouses" means buildings that contain three or more
15 attached single-family dwelling units that extend from foundation to
16 roof and that have a yard or public way on not less than two sides
17 that extends at least 50 percent of the length of each of these two
18 sides.

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

21 (1) The state building code council shall convene a work group
22 for the purpose of recommending the additions or amendments to rules
23 or codes that are necessary for the council to adopt to apply the
24 international residential code to multiplex housing and exempt
25 multiplex housing from the international building code. These
26 recommendations shall include those code changes necessary to ensure
27 public health and safety in multifamily housing under the
28 international residential code, including incorporating the life
29 safety systems for multiplex housing from the international building
30 code.

31 (2) The work group shall provide its recommendations to the
32 council in time for the council to adopt or amend rules or codes as
33 necessary for implementation in 2025. The council shall take action
34 to adopt additions and amendments to rules or codes as necessary to
35 apply the international residential code to multiplex housing by
36 December 1, 2024.

37 (3) For the purposes of this section, "multiplex housing" means a
38 building with up to six dwelling units consolidated into a single
39 structure with common walls and floors and a functional primary

1 street entrance, or a building of up to three stories containing up
2 to six dwelling units consolidated into a single structure.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
4 RCW to read as follows:

5 (1) Counties planning under RCW 36.70A.040 and cities within such
6 counties must adopt or amend by ordinance and incorporate into their
7 development regulations, zoning regulations, and other official
8 controls the requirements of subsection (3) of this section, to take
9 effect by July 1, 2025, within urban growth areas designated
10 according to RCW 36.70A.110.

11 (2) Beginning July 1, 2025, the requirements of subsection (3) of
12 this section:

13 (a) Apply and take effect in any city or county that has not
14 adopted or amended ordinances, regulations, or other official
15 controls as required under this section; and

16 (b) Supersede, preempt, and invalidate any local development
17 regulations that conflict with this section.

18 (3) (a) Within residential zones that allow for multiplex housing,
19 counties and cities may not impose or require zoning, development,
20 siting, or other standards for multiplex housing that are more
21 restrictive than those required for detached single-family
22 residences, except when necessary for fire and life safety. Counties
23 and cities must apply the same development permit and environmental
24 review processes to multiplex housing that are applied to detached
25 single-family residences.

26 (b) Within one-quarter mile of a community core location, cities
27 and counties may not mandate setbacks or development regulations for
28 residential buildings that would prohibit the development from
29 achieving the underlying zoning or density allowed, except for
30 building codes, health and safety requirements, public utility access
31 and utility meter access requirements.

32 (c) Cities that meet the criteria in RCW 19.27.060(4) may not
33 require more than a single stairway in residential buildings of six
34 or fewer stories that meet the conditions in RCW 19.27.060(3).

35 (4) (a) For the purposes of this section, "multiplex housing"
36 means duplexes, triplexes, fourplexes, fiveplexes, sixplexes,
37 attached and detached accessory dwelling units, cottage housing,
38 stacked flats, townhouses, or courtyard apartments.

1 (b) For the purposes of this section, "community core location"
2 means:
3 (i) A stop on a high capacity transportation system funded or
4 expanded under the provisions of chapter 81.104 RCW;
5 (ii) Commuter rail stops;
6 (iii) Stops on rail or fixed guideway systems, including
7 transitways;
8 (iv) Stops on bus rapid transit routes;
9 (v) A stop designated as a "major transit stop" prior to the
10 effective date of this section by a regional agency planning under
11 the multicounty planning policies authority of RCW 36.70A.210(7);
12 (vi) Public schools as defined in RCW 28A.150.010, common schools
13 as defined in RCW 28A.150.020, and private schools approved under RCW
14 28A.195.010; or
15 (vii) Public parks operated by the state or by a local government
16 for the use of the general public.

17 **Sec. 4.** RCW 19.27.060 and 2018 c 302 s 2 are each amended to
18 read as follows:

19 (1) The governing bodies of counties and cities may amend the
20 codes enumerated in RCW 19.27.031 as amended and adopted by the state
21 building code council as they apply within their respective
22 jurisdictions, but the amendments shall not result in a code that is
23 less than the minimum performance standards and objectives contained
24 in the state building code except as provided in subsection (2) of
25 this section.

26 (a) Except as provided in subsection (2) of this section, no
27 amendment to a code enumerated in RCW 19.27.031 as amended and
28 adopted by the state building code council that affects single-family
29 or multifamily residential buildings shall be effective unless the
30 amendment is approved by the building code council under RCW
31 19.27.074(1)(b).

32 (b) Any county or city amendment to a code enumerated in RCW
33 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue
34 to be effective after any action is taken under RCW 19.27.074(1)(a)
35 without necessity of reapproval under RCW 19.27.074(1)(b) unless the
36 amendment is declared null and void by the council at the time any
37 action is taken under RCW 19.27.074(1)(a) because such action in any
38 way altered the impact of the amendment.

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

8 (3) 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 allow for up to five stories of group R-2 occupancy to be served by a
12 single exit under the following conditions:

13 (a) The building does not have more than six stories above grade
14 plane;

15 (b) The building does not contain a boarding house;

16 (c) The building does not have more than four dwellings on any
17 floor;

18 (d) The building is constructed with not less than one-hour fire-
19 resistive construction and is also equipped throughout with an
20 automatic sprinkler system in accordance with section 903.3.1.1 of
21 the international building code. Residential-type sprinklers must be
22 used in all habitable spaces in each dwelling unit;

23 (e) There are not more than two single exit stairway conditions
24 on the same property for buildings four stories tall or higher;

25 (f) An exterior stairway or interior exit stairway is provided.
26 The interior exit stairway, including any related exit passageway,
27 must be pressurized in accordance with section 909.20 of the
28 international building code. Doors in the stairway must swing into
29 the interior exit stairway regardless of the occupant load served,
30 provided that doors from the interior exit stairway to the building
31 exterior are permitted to swing in the direction of exit travel;

32 (g) A corridor separates each dwelling unit entry/exit door from
33 the door to an interior exit stairway, including any related exit
34 passageway, on each floor. Dwelling unit doors must not open directly
35 into an interior exit stairway. Dwelling unit doors are permitted to
36 open directly into an exterior stairway;

37 (h) There are not more than 20 feet of travel to the exit
38 stairway from the entry/exit door of any dwelling unit;

39 (i) Travel distance measured in accordance with section 1017 of
40 the international building code does not exceed 125 feet;

1 (j) The exit does not terminate in an egress court where the
2 court depth exceeds the court width unless it is possible to exit in
3 either direction to the public way;

4 (k) Elevators are pressurized in accordance with section 909.21
5 of the international building code or open into elevator lobbies that
6 comply with section 713.14 of the international building code. Where
7 approved by the building official, natural ventilation is permitted
8 to be substituted for pressurization where the ventilation would
9 prevent the accumulation of smoke or toxic gases;

10 (l)(i) Other occupancies are permitted in the same building
11 provided they comply with all other requirements of this subsection
12 (3). Except as provided in (l)(ii) of this subsection, other
13 occupancies must not communicate with the group R occupancy portion
14 of the building or with the single-exit stairway;

15 (ii) Parking garages and occupied roofs accessory to the group R
16 occupancy are permitted to communicate with the exit stairway;

17 (m) The exit serving the group R occupancy does not discharge
18 through any other occupancy, including an accessory parking garage;
19 and

20 (n) There are no openings within 10 feet of unprotected openings
21 into the stairway other than required exit doors having a one-hour
22 fire-resistance rating.

23 (4)(a) A city that intends to adopt amendments under subsection
24 (3) of this section must meet the following criteria prior to
25 adoption:

26 (i) The city is served by a municipal fire department or fire
27 district; and

28 (ii) The city does not have a current restriction on development
29 due to lack of fire flow capacity as set forth in WAC 246-290-221.
30 Minimum fire flow capacity must be at least 750 gallons per minute
31 for 60 minutes, as set forth in WAC 246-293-640.

32 (b) Nothing in this subsection precludes a city from making a
33 determination that the city does not have appropriate fire apparatus
34 or hydrant networks to serve single stairwell buildings.

35 (5) Except as permitted or provided otherwise under this section,
36 the state building code shall be applicable to all buildings and
37 structures including those owned by the state or by any governmental
38 subdivision or unit of local government.

39 ~~((4))~~ (6) The governing body of each county or city may limit
40 the application of any portion of the state building code to exclude

1 specified classes or types of buildings or structures according to
2 use other than single-family or multifamily residential buildings.
3 However, in no event shall fruits or vegetables of the tree or vine
4 stored in buildings or warehouses constitute combustible stock for
5 the purposes of application of the uniform fire code. A governing
6 body of a county or city may inspect facilities used for temporary
7 storage and processing of agricultural commodities.

8 ((+5)) (7) No provision of the uniform fire code concerning
9 roadways shall be part of the state building code: PROVIDED, That
10 this subsection shall not limit the authority of a county or city to
11 adopt street, road, or access standards.

12 ((+6)) (8) The provisions of the state building code may be
13 preempted by any city or county to the extent that the code
14 provisions relating to the installation or use of sprinklers in jail
15 cells conflict with the secure and humane operation of jails.

16 ((+7)) (9)(a) Effective one year after July 23, 1989, the
17 governing bodies of counties and cities may adopt an ordinance or
18 resolution to exempt from permit requirements certain construction or
19 alteration of either group R, division 3, or group M, division 1
20 occupancies, or both, as defined in the uniform building code, 1988
21 edition, for which the total cost of fair market value of the
22 construction or alteration does not exceed ((fifteen—hundred
23 dollars)) \$1,500. The permit exemption shall not otherwise exempt the
24 construction or alteration from the substantive standards of the
25 codes enumerated in RCW 19.27.031, as amended and maintained by the
26 state building code council under RCW 19.27.070.

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

30 NEW SECTION. **Sec. 5.** The office of regulatory assistance shall
31 contract with a qualified external consultant or entity to develop a
32 standard plan set demonstrating a prescriptive compliance pathway
33 that will meet or exceed all energy code regulations for residential
34 housing in the state subject to the international residential code.
35 The standard plan set may be used, but is not required, by local
36 governments and building industries. In developing the standard plan
37 set, the consultant shall, at a minimum, seek feedback from cities,

1 counties, building industries, and building officials. The standard
2 plan set must be completed by December 31, 2023.

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