
SECOND SUBSTITUTE HOUSE BILL 2071

State of Washington

68th Legislature

2024 Regular Session

By House Appropriations (originally sponsored by Representatives Duerr, Bateman, Fitzgibbon, Berry, Reed, Ormsby, Ramel, Pollet, and Kloba)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to residential housing regulations; adding new
2 sections to chapter 19.27 RCW; adding new sections to chapter 36.70A
3 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 19.27
6 RCW to read as follows:

7 (1) The legislature finds that lowering the cost of middle and
8 multiplex housing construction will increase the housing supply and
9 help address the state's shortage of affordable housing. It further
10 finds that home builders and residentially focused architects are
11 more familiar with the provisions of the international residential
12 code. Allowing middle and multiplex housing to be built according to
13 the standards of the international residential code will result in
14 housing being easier to build and more affordable without sacrificing
15 quality and safety. Therefore, the legislature intends to simplify
16 the production of middle and multiplex housing by allowing more types
17 of housing to use provisions of the international residential code.

18 (2) The state building code council shall convene a technical
19 advisory group for the purpose of recommending the additions or
20 amendments to rules or codes that are necessary for the council to
21 apply the Washington state residential code to multiplex housing. The

1 technical advisory group shall determine the most efficient mechanism
2 to implement these changes in the Washington state residential code.
3 These recommendations must include those code changes necessary to
4 ensure public health and safety in multifamily housing under the
5 international residential code and must consider the life safety
6 systems and accessibility requirements for multiplex housing from the
7 Washington state building code.

8 (3) The advisory group shall provide its recommendations to the
9 council in time for the council to adopt or amend rules or codes as
10 necessary for implementation in the 2024 international building code.
11 The council shall take action to adopt additions and amendments to
12 rules or codes as necessary to apply the international residential
13 code to multiplex housing by November 1, 2026.

14 (4) For the purposes of this section, "multiplex housing" means a
15 building with up to six dwelling units consolidated into a single
16 structure with common walls and floors and a functional primary
17 street entrance, or a building of up to three stories containing up
18 to six dwelling units consolidated into a single structure.

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 technical
22 advisory group for the purpose of recommending amendments to the
23 international building code that would allow for a minimum dwelling
24 unit size that is less than the requirements for an efficiency
25 dwelling unit in the international building code. The technical
26 advisory group shall consider aligning the state building code
27 sections related to interior environment with the relevant sections
28 of the national healthy housing standard published by the national
29 center for healthy housing. When developing the recommendations, the
30 technical advisory group must review the differences between the
31 state building code and the national healthy housing standard and
32 allow experts in public health and fire safety to comment during the
33 process.

34 (2) The technical advisory group shall provide its
35 recommendations to the council in time for the council to adopt or
36 amend rules or codes as necessary for implementation in the 2024
37 international building code. The council shall take action to adopt
38 additions and amendments to rules or codes as necessary by November
39 1, 2026.

1 NEW SECTION. **Sec. 3.** The office of regulatory innovation and
2 assistance shall contract with a qualified external consultant or
3 entity to develop a standard energy code plan set demonstrating a
4 prescriptive compliance pathway that will meet or exceed all energy
5 code regulations for residential housing in the state subject to the
6 international residential code. The standard energy code plan set may
7 be used, but is not required, by local governments and building
8 industries. In developing the standard energy code plan set, the
9 consultant shall, at a minimum, seek feedback from cities, counties,
10 building industries, and building officials. The standard energy code
11 plan set must be completed by June 30, 2025.

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

14 (1) For retrofits of existing buildings to be used for
15 residential housing, a city or county must allow the portion of
16 exterior wall assemblies that include insulation to project up to an
17 additional eight inches into the setbacks on all sides.

18 (2) For existing nonconforming buildings already projecting into
19 setbacks, a city or county must allow the portion of exterior wall
20 assemblies that include insulation to project up to an additional
21 eight inches into the setbacks on all sides if the building is to be
22 used for residential housing.

23 (3) For retrofits of existing buildings to be used for
24 residential housing, gross floor area must be measured from the
25 interior face of the exterior walls, which includes drywall, as
26 typically depicted on the architectural floor plans.

27 (4) Nothing in this section prohibits a city or county from
28 applying the requirements of the state building code or requires a
29 city or county to allow a setback of less than 36 inches between
30 residential dwelling units.

31 (5)(a) The requirements in this section apply to any county
32 planning under this chapter, and any cities within those counties
33 with a population greater than 6,000.

34 (b) A city or county subject to the requirements of this section
35 must adopt or amend by ordinance, and incorporate into their
36 development regulations, zoning regulations, and other official
37 controls the requirements of this section, to take effect six months
38 after the jurisdiction's next periodic comprehensive plan update
39 required under RCW 36.70A.130.

1 (c) In any city or county subject to the requirements of this
2 section that has not adopted or amended ordinances, regulations, or
3 other official controls as required under this section, the
4 requirements of this section supersede, preempt, and invalidate any
5 conflicting local development regulations.

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

8 (1) For new residential construction meeting passive house
9 requirements:

10 (a) Any required setback must be measured to the outside face of
11 the foundation, and a city or county must allow the portion of
12 exterior wall assemblies that include insulation to project up to
13 eight inches into setbacks on all sides; and

14 (b) If gross floor area is measured from the exterior face of the
15 exterior walls, a city or county must allow the residential housing
16 to exceed any gross floor limitations by an additional eight inches
17 on each exterior wall to accommodate additional insulation.

18 (2) For new construction and the retrofit of existing buildings
19 meeting passive house requirements, a city or county must allow
20 residential housing to exceed the maximum allowable roof height by
21 eight inches to accommodate additional insulation.

22 (3) For the purposes of this section, "passive house
23 requirements" means the criteria for certification as a passive house
24 by phius or the international passive house institute.

25 (4) Nothing in this section prohibits a city or county from
26 applying the requirements of the state building code or requires a
27 city or county to allow a setback of less than 36 inches between
28 residential dwelling units.

29 (5)(a) The requirements in this section apply to any county
30 planning under this chapter, and any cities within those counties
31 with a population greater than 6,000.

32 (b) A city or county subject to the requirements of this section
33 must adopt or amend by ordinance, and incorporate into their
34 development regulations, zoning regulations, and other official
35 controls the requirements of this section, to take effect six months
36 after the jurisdiction's next periodic comprehensive plan update
37 required under RCW 36.70A.130.

38 (c) In any city or county subject to the requirements of this
39 section that has not adopted or amended ordinances, regulations, or

1 other official controls as required under this section, the
2 requirements of this section supersede, preempt, and invalidate any
3 conflicting local development regulations.

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

6 Any county planning under this chapter, and any cities within
7 those counties with a population greater than 6,000, may not require
8 off-street parking as a condition of permitting a residential project
9 if compliance with tree retention or protection requirements would
10 otherwise make a proposed residential development or redevelopment
11 infeasible.

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