S-1430.1

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**SENATE BILL 5747**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators J. Wilson and Christian

AN ACT Relating to an exemption for affordable housing; amending RCW 19.27A.080; reenacting and amending RCW 19.27.015; adding a new section to chapter 19.27 RCW; adding a new section to chapter 19.27A RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that there is a housing crisis in Washington state. The primary reason for that crisis is a lack of affordable housing units. One reason that housing units are not being built to meet demand is because of onerous building codes. In order to encourage development of affordable housing, the legislature finds that cities and counties may enforce any of the last four iterations of the state building and energy code.

**Sec.**  RCW 19.27.015 and 2024 c 170 s 9 and 2024 c 19 s 2 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Affordable housing" means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income. For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low or moderate-income households.

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

((~~(2)~~)) (3) "Approval," "approved," or "adopted," unless otherwise defined or otherwise indicated by context, means an affirmative vote by a majority of voting members of the council, committee, or advisory group present at the time of the vote.

((~~(3)~~)) (4) "City" means a city or town.

((~~(4)~~)) (5) "Commercial building permit" means a building permit issued by a city or a county to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any building not covered by a residential building permit.

((~~(5)~~)) (6) "Emergency statewide amendment" means any proposed statewide amendment meeting the criteria in RCW 34.05.350. A rule shall be considered an emergency rule if the council, for good cause, finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to public interest.

((~~(6)~~)) (7) "Low and moderate-income households" means households earning 80 percent or less of the median income for a locality.

(8) "Model codes" means the codes developed by the model code organizations and adopted by reference in RCW 19.27.031.

((~~(7)~~)) (9) "Model code organizations" means the national code-adopting organizations that develop the model codes, as defined in this section, such as the international code council, international association of plumbing and mechanical officials, and national fire protection association.

((~~(8)~~)) (10) "Multifamily residential building" means common wall residential buildings that consist of four or fewer units, that do not exceed two stories in height, that are less than 5,000 square feet in area, and that have a one-hour fire-resistive occupancy separation between units.

((~~(9)~~)) (11) "Off-cycle amendments" means amendments to the state building code outside of the three-year state building code adoption cycle.

((~~(10)~~)) (12) "Residential building permit" means a building permit issued by a city or a county to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any building containing only dwelling units used for independent living of one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and structures accessory to dwelling units, such as detached garages and storage buildings.

((~~(11)~~)) (13) "State building code" means the codes adopted and amended by the council as follows:

(a) The codes referenced in this chapter;

(b) The state energy code referenced in chapter 19.27A RCW; and

(c) Any other codes so designated by the Washington state legislature as adopted and amended by the council.

((~~(12)~~)) (14) "State building code adoption cycle" means that period during which the state building code is adopted, updated, and amended by the council.

((~~(13)~~)) (15) "Statewide amendment" means any amendment to the state building code initiated through council action or by petition to the council from any agency, city, county, or interested individual or organization, that would have the effect of amending the state building code for the entire state of Washington. A statewide amendment may have a regional effect.

((~~(14)~~)) (16) "Temporary growing structure" means a structure that has the roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.

**Sec.**  RCW 19.27A.080 and 1995 c 343 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 19.27A.080 through 19.27A.120.

(1) "Portable oil-fueled heater" means any nonflue-connected, self-contained, self-supporting, oil-fueled, heating appliance equipped with an integral reservoir, designed to be carried from one location to another.

(2) "Oil" means any liquid fuel with a flash point of greater than one hundred degrees Fahrenheit, including but not limited to kerosene.

(3) "Listed" means any portable oil-fueled heater which has been evaluated in accordance with the Underwriters Laboratories, Inc. standard for portable oil-fueled heaters or an equivalent standard and with respect to reasonably foreseeable hazards to life and property by a nationally recognized testing or inspection agency, such as Underwriters Laboratories, Inc., and which has been authorized as being reasonably safe for its specific purpose and shown in a list published by such agency and/or bears the mark, name, and/or symbol of such agency as indication that it has been so authorized. Such evaluation shall include but not be limited to evaluation of the requirements hereinafter set forth.

(4) "Approved" means any listed portable oil-fueled heater which is deemed approved if it satisfies the requirements set forth herein or adopted under RCW 19.27A.080 through 19.27A.120 and if the supplier certifies to the authority having jurisdiction over the sale and use of the heater that it is listed and in compliance with RCW 19.27A.080 through 19.27A.120.

(5) "Structure" means any building or completed construction of any kind included in state building code groups M, R-1, R-3, B, F, S-1, S-2, and U occupancies, except sleeping rooms and bathrooms: PROVIDED, HOWEVER, That in B, M, and S-1 occupancies, approved portable oil-fueled heaters shall only be used under permit of the fire chief.

(6) "Supplier" means any party offering to sell to retailers or to the general public approved portable oil-fueled heaters.

(7) "Affordable housing" means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income. For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low or moderate-income households.

(8) "Low and moderate-income households" means households earning 80 percent or less of the median income for a locality.

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

Affordable housing projects which meet the qualifying criteria established in RCW 84.14.020(1)(a)(ii)(B) may be constructed, altered, or repaired according to any of the previous four building code standards or the current international building code council model codes.

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

Affordable housing projects which meet the qualifying criteria established in RCW 84.14.020(1)(a)(ii)(B) may be constructed, altered, or repaired according to any of the previous four energy code standards or the current international energy conservation codes.

**--- END ---**