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**HOUSE BILL 1899**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Volz, Schmidt, Chapman, Graham, Rule, Leavitt, and Waters

Prefiled 12/06/23.

1 AN ACT Relating to facilitating reconstruction of communities  
2 damaged or destroyed by wildfires; amending RCW 19.27.074, 19.27.095,  
3 19.27A.015, 19.27A.025, and 19.27A.270; adding a new section to  
4 chapter 19.27 RCW; creating a new section; providing expiration  
5 dates; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** (1) In 2023, wildfires destroyed homes,  
8 businesses, infrastructure, and lives. The governor issued an  
9 emergency proclamation on August 19, 2023, covering all areas of the  
10 state and directed state agencies and departments to do everything  
11 reasonably possible to assist affected political subdivisions in an  
12 effort to respond to and recover from the event. The legislature  
13 intends to provide relief to people and communities by increasing  
14 flexibility and options for state building code compliance. The state  
15 building code council adopted new building codes that added more  
16 costs and complexity to all buildings. Many structures consumed by  
17 wildfires had insurance coverage based on repair or replacement costs  
18 drawn to the rules as they existed on January 1, 2023. To facilitate  
19 rebuilding communities, and in recognition of the terrible  
20 destruction that the wildfire victims face, the legislature declares  
21 that building permit applications repairing or rebuilding structures

1 after wildfire damage may be built in compliance with state building  
2 code rules in effect on January 1, 2023, or the ones in place at the  
3 time of application.

4 (2) This section expires June 30, 2026.

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

7 (1) Starting on the effective date of this section through June  
8 30, 2025, counties and cities must allow all property damaged or  
9 destroyed by wildfires covered by an emergency proclamation by the  
10 governor to be repaired or rebuilt in compliance with the applicant's  
11 choice of the state building code rules found in Title 51 WAC that  
12 was in effect on January 1, 2023, or the state building code in  
13 effect at the time of application. This includes, but is not limited  
14 to, properties burned by the Washington Oregon fire, the Gray fire,  
15 the Eagle Bluff fire, the Newell road fire, the Baird Springs fire,  
16 and the Tunnel Five fire.

17 (2) For purposes of this section and related provisions of this  
18 act, the following definitions apply:

19 (a) "Property" means all buildings, structures, improvements,  
20 fixtures, or equipment that is subject to regulation in the state  
21 building code.

22 (b) "State building code" means the building code, plumbing code,  
23 mechanical code, residential and fire code, and portions of the  
24 international wildland urban interface code as referenced under this  
25 chapter and the state energy code under chapter 19.27A RCW.

26 (3) This section expires June 30, 2026.

27 **Sec. 3.** RCW 19.27.074 and 2018 c 207 s 4 are each amended to  
28 read as follows:

29 (1) The state building code council shall:

30 (a) Adopt and maintain the codes to which reference is made in  
31 RCW 19.27.031 in a status which is consistent with the state's  
32 interest as set forth in RCW 19.27.020 and section 2 of this act. In  
33 maintaining these codes, the council shall regularly review updated  
34 versions of the codes referred to in RCW 19.27.031 and other  
35 pertinent information and shall amend the codes as deemed appropriate  
36 by the council;

1 (b) Approve or deny all county or city amendments to any code  
2 referred to in RCW 19.27.031 to the degree the amendments apply to  
3 single-family or multifamily residential buildings;

4 (c) As required by the legislature, develop and adopt any codes  
5 relating to buildings; and

6 (d) Approve a proposed budget for the operation of the state  
7 building code council to be submitted by the department of enterprise  
8 services to the office of financial management pursuant to RCW  
9 43.88.090.

10 (2) The state building code council may:

11 (a) Appoint technical advisory committees which may include  
12 members of the council;

13 (b) Approve contracts for services; and

14 (c) Conduct research into matters relating to any code or codes  
15 referred to in RCW 19.27.031 or any related matter.

16 (3) The department of enterprise services, with the advice and  
17 input from the members of the building code council, shall:

18 (a) Employ permanent and temporary staff and contract for  
19 services;

20 (b) Contract with an independent, third-party entity to perform a  
21 Washington energy code baseline economic analysis and economic  
22 analysis of code proposals; and

23 (c) Provide all administrative and information technology  
24 services required for the building code council.

25 (4) Rule-making authority as authorized in this chapter resides  
26 within the building code council.

27 (5)(a) All meetings of the state building code council shall be  
28 open to the public under the open public meetings act, chapter 42.30  
29 RCW. All actions of the state building code council which adopt or  
30 amend any code of statewide applicability shall be pursuant to the  
31 administrative procedure act, chapter 34.05 RCW.

32 (b) All council decisions relating to the codes enumerated in RCW  
33 19.27.031 shall require approval by at least a majority of the  
34 members of the council.

35 (c) All decisions to adopt or amend codes of statewide  
36 application shall be made prior to December 1 of any year and shall  
37 not take effect before the end of the regular legislative session in  
38 the next year.

1       **Sec. 4.** RCW 19.27.095 and 1991 c 281 s 27 are each amended to  
2 read as follows:

3       (1) A valid and fully complete building permit application for a  
4 structure, that is permitted under the zoning or other land use  
5 control ordinances in effect on the date of the application shall be  
6 considered under the building permit ordinance in effect at the time  
7 of application, and the zoning or other land use control ordinances  
8 in effect on the date of application. Any building permit application  
9 for property damaged or destroyed by wildfire during 2023 covered by  
10 an emergency proclamation of the governor may be permitted and built  
11 in accordance with the state building code and state energy code in  
12 effect on January 1, 2023.

13       (2) The requirements for a fully completed application shall be  
14 defined by local ordinance but for any construction project costing  
15 more than five thousand dollars the application shall include, at a  
16 minimum:

17       (a) The legal description, or the tax parcel number assigned  
18 pursuant to RCW 84.40.160, and the street address if available, and  
19 may include any other identification of the construction site by the  
20 prime contractor;

21       (b) The property owner's name, address, and phone number;

22       (c) The prime contractor's business name, address, phone number,  
23 current state contractor registration number; and

24       (d) Either:

25       (i) The name, address, and phone number of the office of the  
26 lender administering the interim construction financing, if any; or

27       (ii) The name and address of the firm that has issued a payment  
28 bond, if any, on behalf of the prime contractor for the protection of  
29 the owner, if the bond is for an amount not less than fifty percent  
30 of the total amount of the construction project.

31       (3) The information required on the building permit application  
32 by subsection (2)(a) through (d) of this section shall be set forth  
33 on the building permit document which is issued to the owner, and on  
34 the inspection record card which shall be posted at the construction  
35 site.

36       (4) The information required by subsection (2) of this section  
37 and information supplied by the applicant after the permit is issued  
38 under subsection (5) of this section shall be kept on record in the  
39 office where building permits are issued and made available to any

1 person on request. If a copy is requested, a reasonable charge may be  
2 made.

3 (5) If any of the information required by subsection (2)(d) of  
4 this section is not available at the time the application is  
5 submitted, the applicant shall so state and the application shall be  
6 processed forthwith and the permit issued as if the information had  
7 been supplied, and the lack of the information shall not cause the  
8 application to be deemed incomplete for the purposes of vesting under  
9 subsection (1) of this section. However, the applicant shall provide  
10 the remaining information as soon as the applicant can reasonably  
11 obtain such information.

12 (6) The limitations imposed by this section shall not restrict  
13 conditions imposed under chapter 43.21C RCW.

14 **Sec. 5.** RCW 19.27A.015 and 1990 c 2 s 2 are each amended to read  
15 as follows:

16 (1) Except as provided in subsection (2) of this section and in  
17 RCW 19.27A.020(~~(+7)~~) (6), the Washington state energy code for  
18 residential buildings shall be the maximum and minimum energy code  
19 for residential buildings in each city, town, and county and shall be  
20 enforced by each city, town, and county no later than July 1, 1991.  
21 The Washington state energy code for nonresidential buildings shall  
22 be the minimum energy code for nonresidential buildings enforced by  
23 each city, town, and county.

24 (2) Any permit application for property damaged or destroyed by  
25 wildfire during 2023 covered by an emergency proclamation of the  
26 governor may be permitted and constructed in accordance with the  
27 state energy code in effect on January 1, 2023.

28 **Sec. 6.** RCW 19.27A.025 and 2019 c 285 s 17 are each amended to  
29 read as follows:

30 (1) The minimum state energy code for new nonresidential  
31 buildings shall be the Washington state energy code, 1986 edition, as  
32 amended. Any permit application for property damaged or destroyed by  
33 wildfire during 2023 that is covered by an emergency proclamation of  
34 the governor may be permitted and constructed in accordance with the  
35 state energy code in effect on January 1, 2023. The state building  
36 code council may, by rule adopted pursuant to chapter 34.05 RCW,  
37 amend that code's requirements for new nonresidential buildings  
38 provided that:

1 (a) Such amendments increase the energy efficiency of typical  
2 newly constructed nonresidential buildings; and

3 (b) Any new measures, standards, or requirements adopted must be  
4 technically feasible, commercially available, and developed to yield  
5 the lowest overall cost to the building owner and occupant while  
6 meeting the energy reduction goals established under RCW 19.27A.160.

7 (2) In considering amendments to the state energy code for  
8 nonresidential buildings, the state building code council shall  
9 establish and consult with a technical advisory committee including  
10 representatives of appropriate state agencies, local governments,  
11 general contractors, building owners and managers, design  
12 professionals, utilities, and other interested and affected parties.

13 (3) Decisions to amend the Washington state energy code for new  
14 nonresidential buildings shall be made prior to December 15th of any  
15 year and shall not take effect before the end of the regular  
16 legislative session in the next year. Any disputed provisions within  
17 an amendment presented to the legislature shall be approved by the  
18 legislature before going into effect. A disputed provision is one  
19 which was adopted by the state building code council with less than a  
20 two-thirds majority vote. Substantial amendments to the code shall be  
21 adopted no more frequently than every three years.

22 **Sec. 7.** RCW 19.27A.270 and 2023 c 285 s 3 are each amended to  
23 read as follows:

24 By January 1, 2024, the state building code council shall adopt  
25 by rule an amendment to the current energy code that waives the  
26 requirement for unchanged portions of an existing building used for  
27 residential purposes to meet the current energy code solely because  
28 of the addition of new dwelling units within the building. New  
29 dwelling units created within the existing building must meet the  
30 requirements of the current energy code. For purposes of this  
31 section, "new dwelling units" do not include repair or replacement of  
32 property that was damaged or destroyed by wildfire during 2023 and is  
33 covered by an emergency proclamation of the governor.

34 NEW SECTION. **Sec. 8.** This act is necessary for the immediate  
35 preservation of the public peace, health, or safety, or support of  
36 the state government and its existing public institutions, and takes  
37 effect immediately.

1           NEW SECTION.   **Sec. 9.**   Sections 3 through 7 of this act expire  
2   June 30, 2026.

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