
HOUSE BILL 2608

State of Washington

66th Legislature

2020 Regular Session

By Representatives Blake, Griffey, and Van Werven

1 AN ACT Relating to project review and approval under the state
2 building code; amending RCW 19.27.015, 19.27.020, 19.27.060,
3 19.27A.015, and 19.27A.020; adding new sections to chapter 19.27 RCW;
4 adding new sections to chapter 19.27A RCW; and creating a new
5 section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds the codes adopted
8 under the state building code act in chapters 19.27 and 19.27A RCW
9 are developed by multiple building code developers, which has
10 resulted in conflicts, inconsistencies, and delays impacting the
11 application of regulations and processes for approving alternate
12 methods of construction, equipment, and devices. The legislature
13 further finds that providing flexibility in building construction
14 methods and uniformity in approval processes can result in efficient,
15 resilient, and sustainable buildings, help local communities achieve
16 their goals of increasing affordable housing, and ease code
17 administration and enforcement, all of which benefits the safety and
18 welfare of building owners, occupants, and the general public.
19 Providing options for citizens to benefit from efficiencies provided
20 by the approval of modern technical methods, devices, improvements,
21 and innovations are in line with the governor's results Washington

1 goal of improving nonelectrical energy efficiency of buildings and
2 industrial processes to reduce greenhouse gas.

3 **Sec. 2.** RCW 19.27.015 and 2018 c 207 s 1 are each amended to
4 read as follows:

5 As used in this chapter:

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

12 (2) "City" means a city or town.

13 (3) "Code official" means the officer or other designated
14 authority charged with the administration and enforcement of the
15 codes adopted under this chapter and chapter 19.27A RCW.

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

20 ~~((4))~~ (5) "Multifamily residential building" means common wall
21 residential buildings that consist of four or fewer units, that do
22 not exceed two stories in height, that are less than five thousand
23 square feet in area, and that have a one-hour fire-resistive
24 occupancy separation between units.

25 ~~((5))~~ (6) "Residential building permit" means a building permit
26 issued by a city or a county to construct, enlarge, alter, repair,
27 move, demolish, or change the occupancy of any building containing
28 only dwelling units used for independent living of one or more
29 persons including permanent provisions for living, sleeping, eating,
30 cooking, and sanitation, and structures accessory to dwelling units,
31 such as detached garages and storage buildings.

32 ~~((6))~~ (7) "Temporary growing structure" means a structure that
33 has the sides and roof covered with polyethylene, polyvinyl, or
34 similar flexible synthetic material and is used to provide plants
35 with either frost protection or increased heat retention.

36 **Sec. 3.** RCW 19.27.020 and 1985 c 360 s 6 are each amended to
37 read as follows:

1 The purpose of this chapter is to promote the health, safety and
2 welfare of the occupants or users of buildings and structures and the
3 general public by the provision of building codes throughout the
4 state. Accordingly, this chapter is designed to effectuate the
5 following purposes, objectives, and standards:

6 (1) To require minimum performance standards and requirements for
7 construction and construction materials, consistent with accepted
8 standards of engineering, fire and life safety.

9 (2) To require standards and requirements in terms of performance
10 and nationally accepted standards.

11 (3) To permit the use of modern technical methods, devices and
12 improvements.

13 (4) To eliminate restrictive, obsolete, conflicting, duplicating
14 and unnecessary regulations and requirements which could
15 unnecessarily increase construction costs or retard the use of new
16 materials and methods of installation or provide unwarranted
17 preferential treatment to types or classes of materials or products
18 or methods of construction.

19 (5) To provide for standards and specifications for making
20 buildings and facilities accessible to and usable by (~~physically~~
21 ~~disabled~~) persons with physical disabilities.

22 (6) To consolidate within each authorized enforcement
23 jurisdiction, the administration and enforcement of building codes.

24 (7) To create uniform inspection consistency for the laws, codes,
25 and standards adopted under this chapter by requiring the approving
26 jurisdiction to cite the section of law, code, or standard in
27 inspection correction orders of noncompliance upon request of a
28 permit applicant or of the applicant's agent, as specified in section
29 4 of this act.

30 NEW SECTION. Sec. 4. A new section is added to chapter 19.27
31 RCW to read as follows:

32 If a code official issues an inspection correction order of
33 noncompliance or other similar order, the code official must, upon
34 the request of a building permit applicant or applicant's agent,
35 provide a citation to the specific section and subsection of the law,
36 code, or standard on which the order was based.

37 NEW SECTION. Sec. 5. A new section is added to chapter 19.27
38 RCW to read as follows:

1 (1) Nothing in this chapter prohibits the code official of the
2 local jurisdiction from approving a material, product, method of
3 construction, design, or system if the code official of the
4 jurisdiction finds that:

5 (a) The proposed design is satisfactory and complies with the
6 intent of the provisions of the code or standard; and

7 (b) The material or method of construction offered is, for the
8 purpose intended, not less than the equivalent of that prescribed in
9 the adopted code or standard.

10 (2) All data submitted to validate and substantiate compliance
11 are subject to final approval by the code official. Final decisions
12 under this section must be based on objective findings of fact. The
13 code official must provide a permit applicant written notification of
14 final decisions under this section within the timelines in RCW
15 36.70B.070. If not approved, the written notification must clearly
16 explain the reasons why the data submitted to validate and
17 substantiate compliance was found insufficient for approval. A final
18 order, decision, or determination by the code official may be
19 appealed using the process created by the local jurisdiction such as
20 an appointed board of appeals or appointed hearing officer.

21 (3) Nothing in this section prohibits the code official of the
22 local jurisdiction from approving a material, product, method of
23 construction, design, or system for an individual permitted project
24 or the approval for use on future or subsequent projects.

25 **Sec. 6.** RCW 19.27.060 and 2018 c 302 s 2 are each amended to
26 read as follows:

27 (1) The governing bodies of counties and cities may amend the
28 codes enumerated in RCW 19.27.031 as amended and adopted by the state
29 building code council as they apply within their respective
30 jurisdictions, but the amendments shall not result in a code that is
31 less than the minimum performance standards and objectives contained
32 in RCW 19.27.020, section 5 of this act, or the state building code
33 except as provided in subsection (2) of this section.

34 (a) Except as provided in subsection (2) of this section, no
35 amendment to a code enumerated in RCW 19.27.031 as amended and
36 adopted by the state building code council that affects single-family
37 or multifamily residential buildings shall be effective unless the
38 amendment is approved by the building code council under RCW
39 19.27.074(1)(b).

1 (b) Any county or city amendment to a code enumerated in RCW
2 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue
3 to be effective after any action is taken under RCW 19.27.074(1)(a)
4 without necessity of reapproval under RCW 19.27.074(1)(b) unless the
5 amendment is declared null and void by the council at the time any
6 action is taken under RCW 19.27.074(1)(a) because such action in any
7 way altered the impact of the amendment.

8 (2) 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 eliminate any minimum gross floor area requirement for single-family
12 detached dwellings or that provide a minimum gross floor area
13 requirement below the minimum performance standards and objectives
14 contained in the state building code.

15 (3) Except as permitted or provided otherwise under this section,
16 the state building code shall be applicable to all buildings and
17 structures including those owned by the state or by any governmental
18 subdivision or unit of local government.

19 (4) The governing body of each county or city may limit the
20 application of any portion of the state building code to exclude
21 specified classes or types of buildings or structures according to
22 use other than single-family or multifamily residential buildings.
23 However, in no event shall fruits or vegetables of the tree or vine
24 stored in buildings or warehouses constitute combustible stock for
25 the purposes of application of the uniform fire code. A governing
26 body of a county or city may inspect facilities used for temporary
27 storage and processing of agricultural commodities.

28 (5) No provision of the uniform fire code concerning roadways
29 shall be part of the state building code: PROVIDED, That this
30 subsection shall not limit the authority of a county or city to adopt
31 street, road, or access standards.

32 (6) The provisions of the state building code may be preempted by
33 any city or county to the extent that the code provisions relating to
34 the installation or use of sprinklers in jail cells conflict with the
35 secure and humane operation of jails.

36 (7)(a) Effective one year after July 23, 1989, the governing
37 bodies of counties and cities may adopt an ordinance or resolution to
38 exempt from permit requirements certain construction or alteration of
39 either group R, division 3, or group M, division 1 occupancies, or
40 both, as defined in the uniform building code, 1988 edition, for

1 which the total cost of fair market value of the construction or
2 alteration does not exceed fifteen hundred dollars. The permit
3 exemption shall not otherwise exempt the construction or alteration
4 from the substantive standards of the codes enumerated in RCW
5 19.27.031, as amended and maintained by the state building code
6 council under RCW 19.27.070.

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

10 **Sec. 7.** RCW 19.27A.015 and 1990 c 2 s 2 are each amended to read
11 as follows:

12 Except as provided in RCW 19.27A.020(~~((7))~~) (6) and in section 10
13 of this act, the Washington state energy code for residential
14 buildings shall be the maximum and minimum energy code for
15 residential buildings in each city, town, and county and shall be
16 enforced by each city, town, and county no later than July 1, 1991.
17 (~~The~~) Except as provided in section 10 of this act, the Washington
18 state energy code for nonresidential buildings shall be the minimum
19 energy code for nonresidential buildings enforced by each city, town,
20 and county.

21 **Sec. 8.** RCW 19.27A.020 and 2018 c 207 s 7 are each amended to
22 read as follows:

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

26 (2) The council shall follow the legislature's standards set
27 forth in this section to adopt rules to be known as the Washington
28 state energy code. The Washington state energy code shall be designed
29 to:

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

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

36 (c) Allow space heating equipment efficiency to offset or
37 substitute for building envelope thermal performance.

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

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

14 (5) (~~The~~) Except as provided in section 10 of this act, the
15 minimum state energy code for new nonresidential buildings shall be
16 the Washington state energy code, 2006 edition, or as amended by the
17 council by rule.

18 (6) (a) Except as provided in (b) of this subsection and in
19 section 10 of this act, the Washington state energy code for
20 residential structures shall preempt the residential energy code of
21 each city, town, and county in the state of Washington.

22 (b) The state energy code for residential structures does not
23 preempt a city, town, or county's energy code for residential
24 structures which exceeds the requirements of the state energy code
25 and which was adopted by the city, town, or county prior to March 1,
26 1990. Such cities, towns, or counties may not subsequently amend
27 their energy code for residential structures to exceed the
28 requirements adopted prior to March 1, 1990.

29 (7) The state building code council shall consult with the
30 department of enterprise services as provided in RCW 34.05.310 prior
31 to publication of proposed rules. The director of the department of
32 enterprise services shall recommend to the state building code
33 council any changes necessary to conform the proposed rules to the
34 requirements of this section.

35 (8) The state building code council shall evaluate and consider
36 adoption of the international energy conservation code in Washington
37 state in place of the existing state energy code.

38 (9) The definitions in RCW 19.27A.140 apply throughout this
39 section.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 19.27A
2 RCW to read as follows:

3 If a code official issues an inspection correction order of
4 noncompliance or other similar order, the code official must, upon
5 the request of a building permit applicant or applicant's agent,
6 provide a citation to the specific section and subsection of the law,
7 code, or standard on which the order was based.

8 NEW SECTION. **Sec. 10.** A new section is added to chapter 19.27A
9 RCW to read as follows:

10 (1) Nothing in this chapter prohibits the code official of the
11 local jurisdiction from approving a material, product, method of
12 construction, design, or system if the code official of the
13 jurisdiction finds that:

14 (a) The proposed design is satisfactory and complies with the
15 intent of the provisions of the state energy code; and

16 (b) The material or method of construction offered is, for the
17 purpose intended, not less than the equivalent of that prescribed in
18 the state energy code.

19 (2) All data submitted to validate and substantiate compliance
20 are subject to final approval by the code official. Final decisions
21 under this section must be based on objective findings of fact. The
22 code official must provide a permit applicant written notification of
23 final decisions under this section within the timelines in RCW
24 36.70B.070. If not approved, the written notification must clearly
25 explain the reasons why the data submitted to validate and
26 substantiate compliance was found insufficient for approval. A final
27 order, decision, or determination by the code official may be
28 appealed using the process created by the local jurisdiction such as
29 an appointed board of appeals or appointed hearing officer.

30 (3) Nothing in this section prohibits the code official of the
31 local jurisdiction from approving a material, product, method of
32 construction, design, or system for an individual permitted project
33 or the approval for use on future or subsequent projects.

34 (4) For the purposes of this chapter, "code official" has the
35 same meaning as in RCW 19.27.015.

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