



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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STATE BUILDING CODE COUNCIL LEGISLATIVE COMMITTEE MEETING SUMMARY MINUTES

LOCATION: In response to the Governor’s Emergency Proclamation, there was no physical location.

MEETING DATE: Friday, February 12, 2021

Members in Attendance: Todd Beyreuther, Committee Chair; Diane Glenn; Phil Lemley; Andrew Klein

Members Absent: Doug Orth; Kjell Anderson;

Other Council Members Present:

Staff In Attendance: Stoyan Bumbalov; Dierk Meierbachtol, Assistant Attorney General; Dave Merchant, Assistant Attorney General; Krista Braaksma; Ray Shipman

Visitors Present: Terry Beals; Kevin Duell; Ann Larson, Government Relations Director for DES; Barbara McMullen; Kirsten Smith

Agenda Items	Council Actions/Discussion
1. Welcome and Introductions	Meeting called to order at 11:00 a.m. by Chair, Todd Beyreuther. Everyone was welcomed and introductions were made.
2. Review & Approve Agenda	The agenda was approved as written.
3. Review & Approve Minutes	The minutes of the February 5, 2021, meeting were approved as written.
3. Legislative Update	<p>Please refer to the attached Bill Tracking Log.</p> <p>Dierk Meierbachtol clarified how members of the Legislative committee can engage with legislators. He also specified that committee members are subject to the rules of the Public Disclosure Commission regulatory statutes.</p> <p>Ann Larson added that as the Government Relations Director for Department of Enterprises, her role is supporting and advocating for SBCC. DES analyzes legislative bills that have a fiscal impact for DES, as well as the SBCC.</p> <p>Stoyan Bumbalov provided a synopsis of the bills introduced or changed in status since the last meeting.</p> <p>A summary regarding HB 1184 related to non-potable water systems specified that the Washington Department of Health never intended to involve the Council in developing new plumbing code requirements. Ray Shipman clarified that the Uniform Plumbing Code TAG had been proactive with rewriting Chapter 15 of the UPC knowing that this subject would need clarification.</p>

	<p>A summary regarding HB 1287 (EV charging) clarified that the Council must adopt rules by July 1, 2024, and this can be done during the regular code adoption cycle. Stoyan Bumbalov provided clarification pertaining to the jurisdictions that may be impacted.</p> <p>HB 1084 regarding building decarbonization was modified, which changed back to the original bill restoring the current law requirements for the 2031 State Energy Code.</p> <p>Diane Glenn asked a question regarding HB 1150 and there has been no movement.</p>
4. Other Business	There was no other business.
5. Adjourn	The meeting was adjourned at 11:34 a.m.

Attachments: Bill Tracking Log

Bill Number	Title	Sponsor	Description	Position	Committee/ Action	Impact on SBCC	Impact on Stakehold.
January 15, 2021							
HB 1050 See below SHB 1050 (January 29)	Fluorinated gases	Fitzgibbon	Requires the Council to consider HFCs when adopting codes. Establishes a threshold for HFCs in refrigeration and directs Ecology to establish a management program. The bill will require various changes in the Mechanical Code. This can be done during the standard three year code cycle review, modification and implementation process.	Neutral – Monitor	H Env & Energy Feb 8: Public hearing in the H. Committee on Appropriations Feb 11: Exec. session in the H. Committee on Appropriations	No; changes to mechanical code can be done during the standard three year code cycle process.	Major
HB 1084 Companion SB 5093	Building decarbonization AKA Healthy homes and clean buildings act	Ramel	Changes the statute to require a 70% reduction in net energy consumption by 2027 and eliminate on-site fossil fuel combustion for space and water heating. Energy reduction has been codified as a 70% reduction from 2006 by 2031. The Council has been working toward an incremental approach each three year code cycle. Going from 2031 to 2027 eliminates one cycle, compressing the financial impact for the remaining cycles.	Neutral – Monitor	H Env & Energy	No; changes in the Energy Code can be done during the standard three year code cycle process.	Major
SB 5093 Companion HB 1084	Building decarbonization	Liias	Changes the statute to require a 70% reduction in net energy consumption by 2027 and eliminate on-site fossil fuel combustion for space and water heating.	Neutral – Monitor	S Env, Energy & Tech Jan 11: First reading, referred to Environment, Energy & Technol.	No	Major
HB 1103 Companion SB 5366	Building materials	Duerr (Prime), Shewmake	Requires that building materials used for government funded projects be rated (by the contractor) for environmental and societal costs. There is no direction/requirement for the SBCC	Neutral – Monitor	H Cap Budget Feb 9: Executive session in the House Committee on Capital Budget	No	Major (Not related to SBCC)
HB 1150	Building code council membership	Hoff (Prime), Chapman	Adds the four legislative members as voting members while keeping the L&I rep as ex officio.	Neutral - Monitor	H Local Govt Jan 19: Public hearing in the House Committee on Local Gov.	Major	No

Bill Number	Title	Sponsor	Description	Position	Committee/ Action	Impact on SBCC	Impact on Stakehold.
HB1157	Housing supply	Bateman (Prime), Gilday	Increases housing supply through the growth management act and housing density tax incentives for local governments.	Neutral - Monitor	H Local Govt Feb 12: Executive session in the H. Committee on Local Gov.	No	No
HB 1180	Public testimony	Kraft	Allows agencies to hold virtual meetings and requiring time at every meeting for public testimony. The SBCC follows the same or similar procedures maintaining the same regulatory effect. During the pandemic, the SBCC has been successfully interacting with the public virtually, including the public testimony.	Neutral – Monitor	H Local Govt Feb 12: Executive session in the H. Committee on Local Gov.	No Provides more clarity and specificity for implementation	No
SB 5126	Washington Climate Commitment Act	Carlyle (Prime), Saldaña	Amends the Washington climate commitment act. It is a carbon cap bill that focuses on utilities and manufacturing and doesn't address the building codes or SBCC.	Neutral - Monitor	S Env, Energy & Jan 19: Public hearing in the Senate Committee on Environment, Energy & Technology	No	No
HB 1192	Technical corrections	Goodman (Prime), Dufault	Makes technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025	Monitor	H Civil R & Judi	No	No
SB 5221	Accessory dwelling units	Gildon (Prime), Lias	Addresses regulating accessory dwelling units located outside of urban growth areas. SB 5221 is a zoning bill that is refining previous legislation directing cities and counties to allow and encourage accessory dwelling units. Previously, many cities restricted the construction of such dwellings. This bill is adding some restrictions to the previous legislation.	Monitor	S Housing & Local Feb 11: Executive session in the Senate Committee on Housing & Local Government	No	No

Bill Number	Title	Sponsor	Description	Position	Committee/ Action	Impact on SBCC	Impact on Stakehold.
January 22, 2021							
HB 1184 Companion SB5087	On-site nonpotable water systems.	Duerr (Prime), Ramel, Dolan, Harris-Talley	Requires the department of health to consult and coordinate with SBCC when developing rules related to on-site nonpotable water systems and when developing the building code language. Although it is unclear at this time how the department of health is planning to coordinate and consult with SBCC, the mandates in this bill have potentially big impacts on SBCC normal course of business. The effective date (July 1, 2022) is unrealistic. Cross connection (contamination) is an issue.	Neutral/ Monitor	H Local Govt	Yes Fiscal impact above \$60,000	Yes
SB 5087 Companion HB1184	On-site nonpotable water systems.	Hasegawa (Prime), Wilson, C.	See HB 1184	Neutral	S Environment, E & Technology	Yes	Yes
SB 5280	Administrative procedures	Wilson, J. (Prime), Fortunato	Narrows the rulemaking authority for state agencies, including the SBCC. Currently, code amendments remain valid for years unless modified in the future by the Council. The bill specifies that in those circumstances where an agency is authorized to write a rule, the rule expires on June 1 of the year following the adoption, unless the legislature postpones the expiration. This waiver would be required for nearly all of the SBCC rulemaking. This is a simplified version of SB1052 from the last session.	Neutral/ Monitor	S State Govt & E Jan 19: First reading, referred to State Government & Elections	Policy impact: Major Fiscal impact: less than \$50,000	Major The SBCC may not be able to meet its obligations under RCW 19.27 because the SBCC may lose flexibility and the ability to respond quickly to changing situations, which is typical in the building industry.

Bill Number	Title	Sponsor	Description	Position	Committee/ Action	Impact on SBCC	Impact on Stakehold.
HB 1187	Split ductless HVAC systems	Hoff (Prime), McEntire	Allows HVAC/refrigeration electricians to perform electrical work on split ductless HVAC systems. The bill adds two new sections to RCW 19.28 RCW. Appropriate entity is the Dep. of labor and industries.	Miss-assigned	H Labor & Workplace Standards Jan 26: Public hearing in the H. Committee on Labor & Workplace Standards	No	No
HB 1329	Public meeting accessibility and participation Washington state open public meetings act	Wicks, Harris - Talley, Lekanoff, Morgan, Fey, Lovick, Bateman, Shewmake, Wylie, Ryu, Taylor, J., Pollet, Peterson	Amends and adds new sections to RCW 42.30 (Open Public Meeting Act) pertaining to accessibility and participation	Neutral – Monitor	H Local Government Feb 12: Executive session in the House Committee on Local Government	No	No
January 29, 2021							
SHB 1050	Fluorinated gases	Fitzgibbon	<ul style="list-style-type: none"> Amends references to engineering standards that must be incorporated into state building codes prior to the Department of Ecology adopting GWP restrictions on new stationary refrigeration and air conditioning systems by specifying the version of such standards that exist as of January 1, 2022. Requires the SBCC to solicit input from affected parties prior to adopting rules addressing substitutes, refrigerants, and refrigeration systems or AC systems. 		H Env & Energy Feb 8: Public hearing in the H. Committee on Appropriations Feb 11: Exec. session in the H. Committee on Appropriations	No; changes to mechanical code can be done during the standard three year code cycle process.	Major

Bill Number	Title	Sponsor	Description	Position	Committee/ Action	Impact on SBCC	Impact on Stakehold.
SB 5243	Creating efficiency in housing by streamlining approval of engineered plans.	Gildon (Prime), Fortunato, Short	<p>Adds a new section to RCW 19.27 affecting the authority of building departments to enforce the state building code.</p> <ul style="list-style-type: none"> Any building permit applications submitted with plans/specifications signed by an engineer or architect must be deemed complete by the building department. Allows building departments to review applications for compliance with zoning or other land use control ordinances, but it may not impose substantial modifications or conditions on such submittals. 	Neutral – High	<p>S Housing & Local Government</p> <p>Jan 26: Public hearing in the Senate Committee on Housing & Local Government</p>	No; Changes to the codes can be done during the standard three year code cycle process.	Major Significant impact on licensed professionals and local building departments
SB 5360	Inspection and testing of fire and smoke control systems	Cleveland, Short, Salomon	<p>Modification to HB 2701 we are currently working on with the IFC TAG. Adds another qualified person allowed to do the inspections.</p> <p>Currently RCW 19.27.720 requires inspections and tests to be performed by contractors or engineers certified by the international certification board through a program accredited by ANSI under ISO/IEC 17024 standard. The bill adds individuals meeting the NFPA definition of a qualified person who has received training equivalent to the NFPA standards for inspection and testing of fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems.</p>	Neutral – Monitor	<p>S Housing & Local Government</p> <p>Jan 27: First reading, referred to Housing & Local Government.</p>	No The bill does not require building code amendments	No
February 5, 2021							
HB 1287	Preparedness for zero emissions	Ramel, Hackney, Bateman, Fitzgibbon,	The SBCC electric vehicle infrastructure requirements for buildings must exceed the minimum requirements established in 2019 for residential and commercial	Neutral – Monitor	H Env & Energy	No The date (July 1, 2024)	<u>Uncertain</u> Many cities and counties already

Bill Number	Title	Sponsor	Description	Position	Committee/ Action	Impact on SBCC	Impact on Stakehold.
	transportation future	Berry, Goodman, Santos, Kloba, Macri, Bergquist, Ormsby, Pollet	buildings to the extent necessary to support anticipated levels of ZEV use that result from the implementation of the ZEV program and that result in emission reductions consistent with state emission reduction limits. The Council must adopt rules to implement these electric vehicle infrastructure requirements by July 1, 2024. This can be done during the regular code adoption cycle.			allows SBCC to adopt the rule during the regular code adoption process.	have requirements for EV charging exceeding the state mandates. However, in some areas, due to weather or other constrains, new rules related to EV may have impact on stakeholders.
SB 5366 Companion HB 1103	Building Materials	Stanford, Wellman, Hunt, Kuderer, Hasegawa, Das, Saldaña, Lovelett, Nguyen	Requires that building materials used for government funded projects be rated (by the contractor) for environmental and societal costs. There is no direction/requirement for the SBCC	Neutral – Monitor	State Government & Elections Jan 28: First reading, referred to State Government & Elections.	No	Major (Not related to SBCC)
SHB 1184 Companion SB 5087	On-site nonpotable water systems.	Duerr (Prime), Ramel, Dolan, Harris-Talley	The substitute bill adds a requirement that the rules adopted by the Department of Health provide property owners who are required to mitigate stormwater runoff a reduction in the amount of stormwater they must mitigate based on the amount of nonpotable water that is treated and reused onsite in conformance with the bill. This is irrelevant to the SBCC business.	Neutral/ Monitor	H Local Govt Jan 26: Public hearing in the H. Committee on Local Gov. Jan 29: Executive action in the House Committee on Local Government LG - Majority; 1st substitute bill be substituted, pass Feb 2: Referred to Rules 2 Review.	Yes Fiscal impact above \$60,000	Yes

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<p>SHB 1184 - Department of Health: The inclusion of SBCC is a holdover from the original bill drafted two sessions ago, it is not something sought by DOH. The focus of this effort (ONWS) is on the treatment (design), monitoring and reporting of the treatment systems – not on the plumbing code. There are very little plumbing code changes desired – all plumbing / piping – potable, non-potable and sewer / drainage will / must be done by licensed plumbers using current codes – this includes cross connection control. The plumbing code (and SBCC) is NOT the place for water treatment standards, designs, operational controls, monitoring or reporting. This area of expertise is not part of plumbers or of plumbing codes. None of the envisioned new regulations would require plumbing code changes. We definitely want the SBCC as part of the consultation because the plumbing is complex, but we are not looking for them to change their codes.</p>							
<p>HB 1337 No analysis provided for DES</p>	<p>Accessory Dwelling Units</p>	<p>Gregerson, Barkis, Fitzgibbon, Chambers, Peterson, Davis, Gilday, Bateman, Callan, Eslick, Young, Harris-Talley, Macri</p>	<p>Cities and counties may qualify for a distribution from the accessory dwelling unit incentive account of an amount equivalent to the state's portion of the sales tax generated by the qualifying new construction of ADUs. To qualify for the money, cities and counties must adopt numerous policies stated in the bill.</p> <ul style="list-style-type: none"> • Allow ADUs to encroach on setbacks if the other property owner approves and the fire code does not prohibit the encroachment. • May not establish roof height limits, setback requirements, or requirements for design review for ADUs that are more restrictive than those for principal units • Must allow detached ADUs to be sited at a lot line if the lot line abuts a public alley that is not routinely plowed for snow by the city or county; • Must allow accessory dwelling units to be converted from existing structures, such as detached garages, even if they violate current code requirements for setbacks or lot coverage 	<p>Monitor</p>	<p>H. Local Gov. Feb 3: Public hearing in the H. Committee on Local Gov. Feb 9: Public hearing in the H. Committee on Local Gov.</p>	<p>No</p>	<p>Uncertain</p>
<p>February 12, 2021</p>							
<p>SHB 1287</p>	<p>Preparedness for zero emissions</p>		<p>The SBCC electric vehicle infrastructure requirements for buildings must exceed the minimum</p>	<p>Neutral/ Monitor</p>	<p>H Env & Energy</p>	<p>No The date (July 1, 2024)</p>	<p>Uncertain Many cities and counties already</p>

Bill Number	Title	Sponsor	Description	Position	Committee/ Action	Impact on SBCC	Impact on Stakehold.
	transportation future		<p>requirements established in 2019 for residential and commercial buildings to the extent necessary to support anticipated levels of ZEV use that result from the implementation of the ZEV program and that result in emission reductions consistent with state emission reduction limits. The Council must adopt rules to implement these electric vehicle infrastructure requirements by July 1, 2024. This can be done during the regular code adoption cycle.</p> <p>The amended bill specifies that the rules adopted by the Council may be periodically updated thereafter (after July 1, 2024). The modification does not automatically add policy and/or operational impacts because it does not add new requirements, but gives the SBCC the authority to periodically update the rules pertaining to the EV charging infrastructure.</p>		<p>Jan 19: First reading, referred to Environment & Energy. Jan 28: Public hearing in the H. Committee on Env. & Energy Feb 4: Executive action in the H. Committee on Env. & Energy Feb 4: ENVI - Majority; 1st substitute bill be substituted, pass. Feb 4: Minority; do not pass. Feb 9: Referred to Transportation Feb 17: Public hearing in the House Committee on Transportation</p>	allows SBCC to adopt the rule during the regular code adoption process.	have requirements for EV charging exceeding the state mandates. However, in some areas, due to weather or other constrains, new rules related to EV may have impact on stakeholders.
SHB 1084	Building decarbonization AKA Healthy homes and clean buildings act	Ramel	Changes the statute to require a 70% reduction in net energy consumption by 2027 and eliminate on-site fossil fuel combustion for space and water heating. Energy reduction has been codified as a 70% reduction from 2006 by 2031. The Council has been working toward an incremental approach each three year code cycle. Going from 2031 to 2027	Neutral – Monitor	H Env & Energy Jan 5: Prefiled Jan 11: First reading, referred to Env. & Energy Jan 22: Public hearing in the House Committee on Env. & Energy Feb 9: Executive action taken in the	No; changes in the Energy Code can be done during the standard three year code cycle process.	Uncertain

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			<p>eliminates one cycle, compressing the financial impact for the remaining cycles.</p> <p>Changes to the original bill:</p> <ul style="list-style-type: none"> Restores the current-law requirements for the 2031 State Energy Code <p>Requires that the State Energy Code, for each code cycle, provide one reach code option for increasingly low-emission energy efficient homes that local jurisdictions may adopt for residential construction</p>		<p>House Committee on Env. & Energy</p> <p>Feb 9: ENVI - Majority; 1st substitute bill be substituted, pass</p> <p>Feb 9: Minority; do not pass.</p> <p>Feb 10: Referred to Appropriations</p>		