

2022 Legislative Session Bill Tracking Log

State Building Code Council

Bills of Interest

SHB 1770

(Companion Bill: [SB 5669](#))

Title: Strengthening energy codes

Sponsors: Duerr, Ramel, Berry, Dolan, Fitzgibbon, Ryu, Wylie, Berg, Davis, Goodman, Macri, Peterson, Slatter, Valdez, Pollet, Hackney, Kloba, Frame; by request of Office of the Governor.

Description:

Section 1 (Intent): Specifies that in order to meet the statewide greenhouse gas emissions limits in RCW 70A.45.020, the state must require construction of increasingly low-emission energy efficient homes and buildings and achieve construction of zero fossil-fuel greenhouse gas emission homes and buildings by 2030.

Section 2(b): Adds new requirements for new buildings constructed under the residential and nonresidential state energy codes that **are adopted by the council by December 1, 2034**: This is in addition to the existing requirements for at least 70 percent reduction in annual net energy consumption under the residential and nonresidential energy codes that are adopted by the council by **December 1, 2031**.

- Must be net-zero ready, including a reduction of at least 80 percent in annual net energy consumption using the adopted 2006 Washington state energy code as a baseline.
- Must include wiring for photovoltaic panel installation.
- Requires the council to further define and include net-zero ready measures in the code adoption process.

Section 3: Requires cities and counties to enforce the Washington state energy code for residential buildings or adopt the statewide residential reach code established pursuant to RCW 19.27A.020(6). Specifies that any local residential energy code other than the Washington state energy code for residential buildings and the statewide residential reach code is preempted, and that the reach code may not exceed net-zero energy use.

Section 4:

- Repeals the allowance space heating equipment efficiency to offset or substitute for building envelope thermal performance. Deletes the requirements the Washington state energy code for residential structures to preempt the residential energy code of each city, town, and county in the state of Washington.
- Deletes the requirement for the council to evaluate and consider adoption of the international energy conservation code in Washington state in place of the existing state energy code.
- Requires the council to adopt by rule a statewide residential reach code for optional adoption and enforcement by any city, town, or county. Specifies that the statewide residential reach code must achieve the reductions in energy consumption and greenhouse gas emissions required in the **2030** energy code for residential buildings under RCW 19.27A.160.
- Specifies that the department of commerce shall develop a proposal covering the technical provisions of the reach code **and the rule-making documents required by RCW 34.05.328**.
- Specifies that the council must adopt the statewide residential reach code as an appendix to the 2021 residential energy code to be effective by **July 1, 2024**.

Committee/Action: [House; Local Government](#)

January 5: Prefilled for introduction.

January 10: First reading, referred to Local Government.

January 19: Public hearing in the House Committee on Local Government.

January 21: Executive session in the House Committee on Local Government. LG - Majority; 1st substitute bill be substituted, do pass. Minority; do not pass.

Policy/Operational Impact on SBCC: Minor

The adoption of the reach code, regardless of the implementation date, requires off-cycle rulemaking. The off-cycle rulemaking follows the same procedure, but will require special Council and TAG meetings, public hearings and testimony. It will also align with the third year of the code adoption cycle, during which the Council staff prepares the documents needed for the new codes (insert pages, rationale for the new amendments, errata, editorial corrections, etc.). This will require staff reorganization and most likely new Council staff. Nevertheless, the new effective date (July 1, 2024), gives the Council staff more time to reorganize the schedule and the process.

Fiscal Impact on SBCC: Major

Impact on Stakeholders: Uncertain (It is unclear how many cities/counties will adopt the reach code.)

Proposed Amendments: All proposed amendments are implemented in the substitute.

Section 2(1):

2(1)(a) A reduction of at least 70 percent in annual net energy consumption under the residential and nonresidential energy codes that ~~become effective in~~ **are adopted by the council by December 1, 2031**, using the adopted 2006 Washington state energy code as a baseline; and

(b) New buildings must be net-zero ready, including a reduction of at least 80 percent in annual net energy consumption using the adopted 2006 Washington state energy code as a baseline and must include wiring for photovoltaic panel installation under the residential and nonresidential state energy codes that are adopted by the council by **December 1, 2034**. The state building code council shall further define and include net-zero ready measures in the code adoption process.

Section 4(6):

The state building code council must adopt by rule a statewide residential reach code for optional adoption and enforcement by any city, town, or county. The statewide residential reach code must achieve the reductions in energy consumption and greenhouse gas emissions required in the ~~2034 2030~~ energy code for residential buildings under RCW 19.27A.160. The department of commerce shall develop a proposal covering the technical provisions of the reach code **and the rulemaking documents required by RCW 34.05.328**. The state building code council must adopt the statewide residential reach code as an appendix to the 2021 residential energy code to be effective by ~~2023~~ **July 1, 2024**.

SSB 5793

Title: Stipends for low-income or underrepresented community members of state boards, commissions, councils, committees, and other similar groups.

Sponsors: Wilson, C., Trudeau, Das, Dhingra, Hasegawa, Lovelett, Nguyen, Nobles, Saldaña

Description:

Section 2:

- Authorizes stipends and reimbursement of other expenses for eligible individuals participating in class one groups.
- Specifies that any part-time board, commission, council, committee, or other similar group which is established by the executive, legislative, or judicial branch to participate in state government and which functions primarily in an advisory, coordinating, or planning capacity shall be identified as a class one group.
- Further clarifies that unless otherwise identified in law, all newly formed and existing groups are a class one group.
- Eligible individuals include low income individuals or individuals who have lived experience to support their participation in Class one groups when the agency determines such participation is desirable in order to implement the principles of equity described in RCW 43.06D.020.
- Specifies stipends shall not exceed \$200 for each day during which the member attends an official meeting or performs statutorily prescribed duties approved by the chairperson of the group.
- Specifies individuals eligible for stipends under this section are eligible for reasonable allowances for child and adult care reimbursement, lodging, and travel expenses.
- Clarifies that "low income" means an individual whose income is not more than 400 percent of the federal poverty level, adjusted for family size.

Section 3:

- Requires agencies issuing stipends to report to the Office of Equity by August 30, 2023.
- Requires the Office of Equity to compile agency responses and report to the Governor and Legislature by August 30, 2024.

Committee/Action: [Senate, State Government & Elections](#)

January 11: First reading, referred to State Government & Elections.

January 19: Public hearing in the Senate Committee on State Government & Elections.

January 21: Executive session in the Senate Committee on State Government & Elections.

SGE - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

January 24: Referred to Ways & Means.

Policy/Operational Impact on SBCC: Major

The SBCC has 15 voting members and five ex-officio members. The Council members are eligible for reimbursement of expenses for Council activities in accordance with RCW 43.03.050 and 43.03.060 and consistent with other state laws and the current state budget. For the purposes of reimbursement, Council activities include: attendance at Council meetings, attendance at standing committee meetings on which the Council member serves, and at other committee meetings officially designated by the Council. SB 5793 authorizes DES/SBCC to pay stipends to Council members considered eligible for stipends. The SBCC has also established Technical Advisory Groups to assist the Council and Standing Committees in the discharge of their responsibilities. Currently there are seven TAGs covering seven building codes with more than 100 TAG members. Special TAGs are established often to assist on off-cycle rulemakings and special projects. The TAG members are volunteers; they don't get paid for their time and don't get reimbursed for their expenses. SB 5793 authorizes DES/SBCC to pay stipends, reasonable allowances for child and adult care reimbursement, lodging, and travel expenses to TAG members considered eligible for stipends. This may change the process for establishing the TAGs. The bill does not provide any direction on the TAG member

appointments, but may require re-writing of the procedures and more responsibilities for the Council staff pertaining to the TAG members appointments.

Fiscal Impact on SBCC: Uncertain

Impact on Stakeholders: Uncertain

The amended version makes the following changes without changing the impact on the SBCC:

- Removes stipend eligibility for any member of a group formed by a state office, agency, board, commission, or other similar entity if they are part of an underrepresented demographic that will be directly or disproportionately impacted by decisions made by the group.
- Removes the requirement for the Office of Financial Management to establish model policies.
- Removes the requirement for agencies, boards, commissions and other similar groups to take reasonable measures to ensure the process for seeking and securing stipends is accessible to those who are eligible.
- Establishes all newly formed and existing groups as class one groups unless otherwise identified by law.
- Removes restriction for class one groups to receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund.
- Requires agencies to report to the Office of Equity no later than August 30, 2023 on stipends provided and an analysis of whether and how they reduced barriers to participation and increased diversity of group participants.
- Requires the Office to compile and analyze information received by agencies, consult stakeholder communities and prepare a report to the Governor and the Legislature by August 30, 2024.

HB 2085

(Companion Bill: SB 5923)

Title: Temporary emergency shelters

Sponsors: Wicks, Morgan

Description:

Section 1: (New). A new section to RCW 35.21, allowing cities to adopt an ordinance or take any other action to regulate the creation of temporary emergency shelter communities.

"Temporary emergency shelter" is defined as: Shelter not affixed to land and not using underground utilities, built in accordance with the state building code, and providing temporary housing accommodations for persons experiencing homelessness or for persons experiencing domestic violence."

Section 2: (New). The same language (as in Section 1) is added to RCW 35A.21; it applies to code cities.

Section 3: (New). The same language is added to RCW 36.01; it applies to counties.

Section 4(3): Requires the SBCC, by July 1, 2024, to adopt standards for temporary emergency shelters and make them available for local adoption.

Committee/Action: [House; Local Government](#)

January 24: First reading, referred to Local Government

Policy/Operational Impact on SBCC: No

Fiscal Impact on SBCC: Less than \$50,000

This bill will require off-cycle rulemaking. This would require special TAG and Committee meetings, as well as public hearings and meetings with interested parties. By estimate, at least four TAG meetings and two BFP committee meetings will be needed for the development of the code language, and most likely two Council meetings.

Impact on Stakeholders: Uncertain

Standards for temporary emergency shelters will be available for local adoption. It is unclear how many jurisdictions will adopt and use these standards.

Proposed amendments:

Sections 1, 2, and 3: The definition of "Temporary emergency shelter" uses a real-estate term (affixed) which can be interpreted differently by the enforcing agencies. If not interpreted correctly, it is too specific to a product and excludes, by default, other types of structures which can be used for temporary housing. This includes manufactured homes, factory-built housing, commercial modulars, new structures with temporary change of occupancy, etc. These types of structures are somehow connected to the ground and use underground utilities, and may or may not be affixed to land. Recommend modifying the definition by replacing the term "affixed" with more common term and eliminating the phrase "not using underground utilities."

Section 4: Define "Temporary emergency shelter" in Section 4.

SB 5928

Title: Increasing housing access and affordability by decreasing construction costs associated with the Washington state energy code for residential buildings.

Sponsors: Van De Wege, Braun, Gildon, Rivers, Short, Warnick, and L. Wilson

Description:

Section 1 (New): Specifies the intent - to encourage affordable housing in all areas of the state. Further clarifies that the legislature's intent is to balance the housing needs of its residents with the promotion of efficient and sustainable housing.

Section 2(2): Deletes existing mandates for the council to adopt energy code designed to:

- Construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031.
- Require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework.
- Allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

Section 2(8): Adds the phrase "nonresidential buildings to specify that the SBCC shall evaluate and consider adoption of the international energy conservation code in Washington state in place of the existing state energy code for nonresidential buildings only.

Section 3(1): Modifies the existing text to specify that after January 1, 1996, the council may amend any provisions of the Washington state energy code to decrease the construction costs of newly constructed residential buildings. The existing language allows the council to amend provisions of the energy code to increase the energy efficiency.

Section 3(2): Requires the council to comply with the following:

- Delay implementation of the 2021 Washington state energy code for residential structures.
- Review and amend the 2021 Washington state energy code for residential structures by January 1, 2024, for implementation by July 1, 2024.
- The review and amendments to the 2021 Washington state energy code for residential structures must be for the purpose of reducing construction costs and providing the least burdensome alternatives for compliance.
- The council may not increase, but may decrease, the energy efficiency requirements in the 2021 Washington state energy code for residential structures.

Section 4: Currently the council is required to adopt state energy codes from 2013 through 2031 that incrementally move towards achieving the seventy percent reduction in annual net energy consumption as specified in subsection (1) of this section. The new bill changes the mandate to for nonresidential buildings only.

Section 5: Specifies that this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions and takes effect immediately.

Committee/Action: [Senate; Environment, Energy & Technology](#)

January 21: First reading, referred to Environment, Energy & Technology

Policy/Operational Impact on SBCC: Major

RCW 19.27A requires the council to adopt two energy codes following specific mandates related to energy savings - Washington State Energy Code-Residential, and Washington State Energy Code-Commercial. The new bill requires the council to follow the existing mandates for nonresidential

buildings only. Currently the council is in the middle of the 2021 code adoption cycle. All 2021 codes, including the energy code, must be adopted by December 2022, and will become effective July 1, 2023. This bill changes the adoption date to January 1, 2024, and the effective date to July 1, 2024.

The adoption date modification conflicts with RCW 19.27A.025 and 19.27A.045. RCW 19.27A.025 specifies that decisions to amend the Washington state energy code for new nonresidential buildings shall be made prior to December 15th of any year and shall not take effect before the end of the regular legislative session in the next year. RCW 19.27A.045 specifies that decisions to amend the Washington state energy code for residential structures shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.

Fiscal Impact on SBCC: Major

This bill requires major modification of the residential energy code and off-cycle rulemaking. The SBCC adoption cycle is currently set for Council and Advisory meetings to adopt the 2021 codes (including commercial and residential energy codes) by December 2022. Re-writing the residential energy code would require at least 15 Technical Advisory Group (TAG) meetings; three MVE Standing Committee meetings; three additional Council meetings. Current staffing levels are unable to meet the need to perform the work required by this bill.

Impact on Stakeholders: Uncertain

HB 1774

(Companion Bill: SB 5722)

Title: Reducing greenhouse gas emissions in buildings.

Sponsors: Hackney (Prime), Macri, Frame, Kloba, Harris-Talley, Stonier, Pollet, Valdez, Bergquist, Slatter, Peterson, Goodman, Fitzgibbon, Duerr, Bateman, Wylie, Ryu, Dolan, Berry, Ramel

Description:

Section 1: Specifies that the intent of the bill is to extend existing building benchmarking, energy management, and operations and maintenance planning requirements to smaller commercial and multifamily residential buildings in order to assess the needs and opportunities for job creation and incentives and environmental and public health improvements.

Section 2: Modifies several definitions and adds definitions for "Greenhouse gas-adjusted energy use intensity"; "Tier 1 covered building"; and "Tier 2 covered building".

"Greenhouse gas-adjusted energy use intensity" means a measurement of energy use intensity in which the energy consumption of a building is adjusted to reflect the greenhouse gas emissions from each energy source used by the building.

"Tier 1 covered building" means a building where the sum of nonresidential, hotel, motel, and dormitory floor areas are equal to or exceed 50,000 gross square feet, excluding the parking garage area.

"Tier 2 covered building" means a building where the sum of multifamily residential, nonresidential, hotel, motel, and dormitory floor areas exceeds 20,000 gross square feet, excluding the parking garage area, but does not exceed 50,000 gross square feet. Tier 2 covered buildings also include multifamily buildings where floor 6 areas are equal to or exceed 50,000 gross square feet.

Section 3: A new section to chapter 19.27A RCW, adding additional responsibilities and due dates for the department of ecology related to energy management and benchmarking requirement for tier 2 covered buildings.

Section 4: A new section added to chapter 19.27A RCW, specifying that when developing energy performance standards. the department of commerce may establish targets for greenhouse gas adjusted energy use intensity to maximize reductions of greenhouse gas emissions from the building sector.

Committee/Action: [House; Env & Energy](#)

January 5: Prefilled for introduction.

January 10: First reading, referred to Environment & Energy

Policy/Operational Impact on SBCC: [No](#)

The bill does not directly affect the SBCC business; the department of commerce is the agency promulgating and enforcing these rules.

Fiscal Impact on SBCC: [No](#)

Impact on Stakeholders: [Uncertain](#) (The bill may have impact on owners of Tier 2 buildings.)

SB 5732

Title: Green roofs on large commercial and multifamily buildings.

Sponsors: Das, Lovelett, Nguyen, Saldaña

Description:

Section 2: Define terms used in the new sections 3 and 4. The SBCC is indirectly required to adopt these definitions in the codes where the green roof technical requirements will be located.

Section 3(1): Requires the SBCC to adopt rules for green roof and solar requirements required by December 31, 2024, and specifies the SBCC must consider applicable national and international standards.

Section 3(2): Specifies that all covered buildings must include a combination of solar energy panels and green roof covering 70 percent of the gross roof area; and provides four compliance options.

Section 3(3): Specifies that green roof projects must be designed and constructed by qualified teams of contractors that include engineers, landscape architects, architects, and at least one green roof professional.

Section 3(4): Mandates a 5-year maintenance plan for green roof projects. The plan must include a minimum of two maintenance visits per year to ensure that the system is functioning properly.

Section 3(5): Specifies all green roof projects that meet the requirements of this section must be part of performance rating systems including the United States green building council leadership in energy and environment design program, sustainable sites, and the living architecture performance tool, which is specific to the design, installation, and maintenance of green roofs.

Section 3(6): Specifies green roof projects must be designed to facilitate inspection by local authorities to ensure ongoing energy and environmental performance.

Section 3(7): Provides an option for exception if an eligible building owner submits a request to the enforcing agency with a cash-in-lieu payment.

Section 3(8): Provides specific details for the cash-in-lieu payment; it should be based on the average actual cost of constructing a green roof, which is \$50 per square foot.

Section 3(9): Clarifies that the covered buildings granted a partial exemption by their local building permit office must construct the remaining portion of green roof space in accordance with the ratios in subsection (2) of this section.

Section 3(10): Clarifies that the receipts collected from cash-in-lieu of construction payments must be collected by the local jurisdiction, and expenditures of these receipts may be used only to fund the implementation of climate resiliency programs within the local jurisdiction.

Section 4: Requires the Washington state institute for public policy to conduct a cost-benefit analysis on the use of biosolar, agrivoltaic, and blue/green roof systems on buildings with a floor area of 10,000 to 50,000 square feet in consultation with the department of ecology, department of commerce, and an organization that has experience conducting cost-benefit analyses on green roofing.

Committee/Action: [Senate, Environment, Energy & Technology](#)

January 7: Prefiled for introduction.

January 10: First reading, referred to Environment, Energy & Technology.

January 26: Scheduled for public hearing in the Senate Committee on Environment, Energy & Technology.

Policy/Operational Impact on SBCC: [Major](#)

Changes to existing programs and processes include, but it is not limited to the following: Setting up accounts, collecting fees, manage routine inspections, audit the collection of fees.

Fiscal Impact on SBCC: [Major](#)

Impact on Stakeholders: [Major](#)

The bill will require the SBCC to adopt the requirements with off-cycle rulemaking. Local jurisdictions will be required to develop and adopt administrative provisions for permitting, inspection and maintenance, setting up special account(s), collect fees and earmark funds. Unions will need to train personnel.

HB 1971

Title: Installation, inspection, testing, and maintenance of smoke control systems and fire dampers, smoke dampers, and combination fire and smoke dampers.

Sponsors: Robertson, Senn, Eslick, Leavitt

Description:

Section 1: New section requiring state building code council (SBCC) to provide rules or amend codes by December 31, 2022, to require periodic testing plans for smoke control systems in existing buildings that do not already have a plan. SBCC must also provide an appropriate transition period and request recommendations from fire marshals and other interested stakeholders as part of the rulemaking or code amendment process.

Sections 1(2) and 1(3): Require SBCC to provide rules or amend codes to accomplish the purpose of Sections 2 and 3 by December 31, 2023.

Section 2: New section added to chapter 19.27 RCW requiring smoke control systems be installed and tested. This section outlines the requirements for engineers, building owners or delegees, and inspectors.

Section 3: New section added to chapter 19.27 RCW requiring smoke dampers, fire dampers, and combination fire and smoke dampers be installed and tested. This section outlines the requirements for building owners or delegees.

Section 4: Amended to outline the required skills of the personnel or company that services as the special inspector for smoke control systems installations or periodic testing.

Section 5: Amended to require SBCC to work in conjunction with the director of fire protections to coordinate the implementation and enforcement of Sections 2 and 3 and RCW 19.27.720.

Section 6: New section added to chapter 19.27 RCW outlining requirements for owners of buildings equipped with smoke control systems or dampers.

Section 8: New section that repeals RCW 19.27.710.

Section 9: New section that repeals RCW 19.27.740.

Section 10: New section stating sections 2, 3, and 4 of this act will expire at the time SBCC passes other rules or codes to supersede these sections.

Section 11: New section putting an effective date of July 1, 2022 on sections 1, 5, 6, 7, and 9.

Section 12: New section putting into effect immediately Sections 2, 3, 4, 8, and 10.

Committee/Action: [House Committee on Local Government](#)

January 19: Public hearing in the House Committee on Local Government

Policy/Operational Impact on SBCC: [Major](#)

The implementation date in Section 1 is difficult to meet; this will require off-cycle rulemaking within the regular adoption process. The rule requires amendments to IFC and IBC, and all code proposals for these codes are already filed and posted for public comments. Public hearings are scheduled for February and March. Adding new proposals will affect the current adoption process. Off-cycle rulemaking seems necessary. This would require special TAG and Committee meetings, and more staff time. The SBCC is already understaffed to meet the additional workload imposed by several new bills and approaching due dates.

Fiscal Impact on SBCC: [Major](#)

Impact on Stakeholders: [Major](#)

HB 2049

Title: Encouraging construction of affordable housing by eliminating redundancies and streamlining the permitting process.

Sponsors: Barkis, Bateman, Boehnke, Gilday, Hoff, Robertson, Rude, Shewmake, Walen, Wicks, Dufault, Sutherland, Eslick, Macri, Peterson, Simmons, Young

Description:

The bill does not provide direct mandates for the SBCC; however, it adds a new section to RCW 19.27 affecting the authority of building departments to enforce the state building code.

Section 2 (New): Specifies that building permit applications submitted with plans or specifications stamped and signed by a professional engineer or architect shall be deemed complete by the city or county building department with authority under RCW 19.27.050. The bill allows the building department to review the application for general compliance with the zoning or other land use control ordinances in effect, but not to impose substantial modifications or conditions on submittals stamped and signed by a licensed architect or engineer.

Clarifies that Section 2 applies only when the professional engineer or architect maintains professional liability errors and omissions insurance in an amount not less than \$1,000,000.

Section 3: Adds subsection 3 to RCW 19.27.095 with the same regulatory effect and identical with the language in Section 2.

Sections 4 through 8: Add language to RCW 36.70A and 36.70B pertaining to growth management and planning permits, and land uses and development permits, respectively.

Committee/Action: [House Committee on Local Government](#)

January 19: First reading, referred to Local Government.

Policy/Operational Impact on SBCC: [Major](#)

Although this bill doesn't impact the SBCC directly, it has a major impact on the operation of local building departments.

Fiscal Impact on SBCC: No

Impact on Stakeholders: [Major](#)

RCW, WAC 51 and the model codes give cities and counties authority to enforce the building codes. Cities and counties have also the authority to amend the state building codes, and to adopt their local administrative provisions. This includes enforcement related to designs signed and stamped by licensed engineers or architect. The new bill restricts this authority by requiring local building departments to approve designs signed and stamped by licensed engineers or architect. This may streamline the approval process, but at the same time may affect checks and balances and allow code violations to pass through.

The language in the new bill is vague and does not provide specificity for the approval process. For example, if the design of a new movie theater is signed by a structural engineer, does it mean the building department needs to approve the project "as is" without taking into consideration the means of egress and the accessibility issues, which typically are not under the responsibility of a structural engineer. This lack of clarity may lead to inconsistent enforcement throughout the state. Many cities and counties develop and adopt their local administrative procedures related to the building code enforcement. The new bill will require these local administrative procedures to be modified and re-adopted.