



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: January 19, 2021

TIME: 3:09 PM

WSR 21-03-080

Agency: Building Code Council

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR WSR 20-23-096 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Chapter 51-50 WAC, Amendments to the 2018 International Building Code and International Existing Building Code, addressing increased beds for Adult family homes.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
April 16, 2021	10:00	1500 Jefferson Street S.E., Olympia WA 98504	Due to COVID 19, this meeting might be held virtually.

Date of intended adoption: May 21, 2021 (Note: This is NOT the effective date)

Submit written comments to:

Name: Shannon Pitts
Address: 1500 Jefferson Street S.E., Olympia WA 98504
Email: SBCC@des.wa.gov
Fax:
Other:
By (date) April 16, 2021

Assistance for persons with disabilities:

Contact Shannon Pitts
Phone: 360-407-9255
Fax:
TTY:
Email: Shannon.pitts@des.wa.gov
Other:
By (date) April 12, 2021

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposed rule is in response to ESHB 1023 and addresses increasing adult family homes beds.

Reasons supporting proposal: Required by ESHB 1023

Statutory authority for adoption: RCW 19.27.031 and 19.27.074

Statute being implemented: 19.27 and 34.05 RCW

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: The council is seeking comments on the issues proposed in this change:
WAC 51-51-0202 Definitions
Modifies the definition for Adult Family Homes to address conditions that would allow an increase from six beds to eight beds

Name of proponent: (person or organization) Diane Glenn, Chair SBCC

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Stoyan Bumbalov	1500 Jefferson Street S.E., Olympia, WA 98504	360-407-9277
Implementation:	Stoyan Bumbalov	1500 Jefferson Street S.E., Olympia, WA 98504	360-407-9277
Enforcement:	Local jurisdictions having authority		

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: Exemption per RCW 34.05.328(5)(b)(v) for statute RCW 19.27.077

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. This will decrease the cost per occupant for impacted projects.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name: Stoyan Bumbalov
 Address: 1500 Jefferson Street, Olympia, WA 08504
 Phone: 360-407-9277
 Fax:
 TTY:
 Email: Stoyan.bumbalov@des.wa.gov
 Other:

Date: January 8, 2021

Name: Diane Glenn

Title: Chair, State Building Code Council

Signature:



WAC 51-51-0202 Section R202—Definitions.

ADULT FAMILY HOME. ((means)) A dwelling, licensed by the state of Washington department of social and health services, in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An existing adult family home may provide services to up to eight adults upon approval from the department of social and health services in accordance with RCW 70.128.066.

BALANCED WHOLE HOUSE VENTILATION. Balanced whole house ventilation is defined as any combination of concurrently operating residential unit mechanical exhaust and mechanical supply whereby the total mechanical exhaust airflow rate is within 10 percent or 5 cfm, whichever is greater, of the total mechanical supply airflow rate. Intermittent dryer exhaust, intermittent range hood exhaust, and intermittent toilet room exhaust airflow rates above the residential dwelling or sleeping unit minimum ventilation rate are exempt from the balanced airflow calculation.

BATTERY SYSTEM, STATIONARY STORAGE. This definition is not adopted.

BUILDING, EXISTING. A building or structure erected prior to the adoption of this code, or one that has passed a final inspection.

BUILDING. Any one- or two-family dwelling or *townhouse*, or portion thereof used or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, or any accessory structure.

CHILD CARE, FAMILY HOME. A child care facility, licensed by Washington state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

CHILD DAY CARE, shall, for the purposes of these regulations, mean the care of children during any period of a 24 hour day.

CONDITIONED SPACE. An area, room or space that is enclosed within the building thermal envelope and that is directly or indirectly heated or cooled. Spaces are indirectly heated or cooled where they communicate through openings with conditioned spaces, where they are separated from conditioned spaces by uninsulated walls, floors or ceilings, or where they contain uninsulated ducts, piping or other sources of heating or cooling.

DISTRIBUTED WHOLE HOUSE VENTILATION. A whole house ventilation system shall be considered distributed when it supplies outdoor air directly (not transfer air) to each dwelling or sleeping unit habitable space (living room, den, office, interior adjoining spaces or bedroom), and exhausts air from all kitchens and bathrooms directly outside.

DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Dwelling units may also include the following uses:

1. Adult family homes, foster family care homes and family day care homes licensed by the Washington state department of social and health services.

2. Offices, mercantile, food preparation for off-site consumption, personal care salons or similar uses which are conducted primarily by the occupants of the dwelling unit and are secondary to the use of the unit for dwelling purposes, and which do not exceed 500 square feet (46.4 m²).

EGRESS ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the *Emergency Escape and Rescue Opening* requirements of Section R310.2.

ENERGY STORAGE SYSTEMS (ESS). One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time.

FIRE SEPARATION DISTANCE. The distance measured from the foundation wall or face of the wall framing, whichever is closer, to one of the following:

1. To the closest interior lot line; or
2. To the centerline of a street, an alley or public way; or
3. To an imaginary line between two buildings on the lot.

The distance shall be measured at a right angle from the wall.

FLOOR AREA. The area within the inside perimeter of exterior walls of the building. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

LANDING PLATFORM. A landing provided as the top step of a stairway accessing a *Sleeping Loft*.

LOCAL EXHAUST. An exhaust system that uses one or more fans to exhaust air from a specific room or rooms within a residential dwelling or sleeping unit.

LOT. A measured portion or parcel of land considered as a unit having fixed boundaries.

LOT LINE. The line which bounds a plot of ground described as a *lot* in the title to the property.

MIXED VENTILATION ZONE. This definition is not adopted.

SALT WATER COASTAL AREA. Those areas designated as salt water coastal areas by the local jurisdiction.

SLEEPING LOFT. A sleeping space on a floor level located more than 30 inches (726 mm) above the main floor and open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm).

SMALL BUSINESS. Any business entity (including a sole proprietorship, corporation, partnership or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees.

TOWNHOUSE. A building that contains three or more attached *townhouse units*.

TOWNHOUSE UNIT. A single-family *dwelling unit* in a *townhouse* that extends from foundation to roof and that has a yard or public way on not less

than two sides that extends at least 50 percent of the length of each of these two sides.

WHOLE HOUSE VENTILATION SYSTEM. A mechanical ventilation system, including fans, controls, and ducts, which replaces, by direct means, air from the habitable rooms with outdoor air.



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WSR 21-03-079

Agency: Building Code Council

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Continuance of WSR _____

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Expedited Rule Making--Proposed notice was filed as WSR _____; or

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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: The council is seeking comments on the issues proposed in these changes:
WAC 51-50-0200 Definitions
Modifies the definition for Adult Family Homes to address conditions that would allow an increase from six beds to eight beds
WAC 51-50-480200 Definitions
Defines Adult Family Homes.

Name of proponent: (person or organization) Diane Glenn, Chair SBCC Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Stoyan Bumbalov	1500 Jefferson Street S.E., Olympia, WA 98504	360-407-9277
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 Phone: 360-407-9277
 Fax:
 TTY:
 Email: Stoyan.bumbalov@des.wa.gov
 Other:

Date: January 8, 2021

Name: Diane Glenn

Title: Chair, State Building Code Council

Signature:



WAC 51-50-0200 Chapter 2—Definitions.

SECTION 202—DEFINITIONS.

ADULT FAMILY HOME. A dwelling, licensed by ~~((Washington))~~ the state of Washington department of social and health services, in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An existing adult family home may provide services to up to eight adults upon approval from the department of social and health services in accordance with RCW 70.128.066.

ASSISTED LIVING FACILITY. A home or other institution, licensed by the state of Washington, providing housing, basic services and assuming general responsibility for the safety and well-being of residents under chapters 18.20 RCW and 388-78A WAC. These facilities may provide care to residents with symptoms consistent with dementia requiring additional security measures.

BOTTLE FILLING STATION. A plumbing fixture connected to the potable water distribution system and sanitary drainage system that is designed and intended for filling personal use drinking water bottles or containers not less than 10 inches (254 mm) in height. Such fixtures can be separate from or integral to a drinking fountain and can incorporate a water filter and a cooling system for chilling the drinking water.

CHILD CARE. The care of children during any period of a 24-hour day.

CHILD CARE, FAMILY HOME. A child care facility, licensed by Washington state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

CLIMATE ZONE. A geographical region that has been assigned climatic criteria as specified in the Washington State Energy Code.

CLUSTER. Clusters are multiple *portable school classrooms* separated by less than the requirements of the building code for separate buildings.

EFFICIENCY DWELLING UNIT. A dwelling unit where all permanent provisions for living, sleeping, eating and cooking are contained in a single room.

HOSPICE CARE CENTER. A building or portion thereof used on a 24-hour basis for the provision of hospice services to terminally ill inpatients.

MASS TIMBER. Structural elements of Type IV construction primarily of solid, built-up, panelized or engineered wood products that meet minimum cross section dimensions of Type IV construction.

NIGHTCLUB. An A-2 Occupancy use under the 2006 *International Building Code* in which the aggregate area of concentrated use of unfixed chairs and standing space that is specifically designated and primarily used for dancing or viewing performers exceeds three hundred fifty square feet, excluding adjacent lobby areas. "Nightclub" does not include theaters with fixed seating, banquet halls, or lodge halls.

NONCOMBUSTIBLE PROTECTION (For MASS TIMBER). Noncombustible material, in accordance with Section 703.5, designed to increase the fire-resistance rating and delay the combustion of mass timber.

PORTABLE SCHOOL CLASSROOM. A prefabricated structure consisting of one or more rooms with direct exterior egress from the classroom(s). The structure is transportable in one or more sections and is designed to be used as an educational space with or without a permanent foundation. The structure shall be capable of being demounted and relocated to other locations as needs arise.

RESIDENTIAL SLEEPING SUITES. A unit that provides multiple rooms or spaces for up to five residents, includes provisions for sleeping and can include provisions for living, eating, sanitation, and kitchen facilities.

SMALL BUSINESS. Any business entity (including a sole proprietorship, corporation, partnership or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees.

STAGED EVACUATION. A method of emergency response, that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves moving or holding certain occupants at temporary locations for a brief period of time before evacuating the building. This response is used by ambulatory surgery facility and assisted living facilities to protect the health and safety of fragile occupants and residents.

WALL, LOAD-BEARING. Any wall meeting either of the following classifications:

1. Any metal or wood stud wall that supports more than 100 pounds per linear foot (1459 N/m) of vertical load in addition to its own weight.

2. Any masonry or concrete, or mass timber wall that supports more than 200 pounds per linear foot (2919 N/m) of vertical load in addition to its own weight.

AMENDATORY SECTION (Amending WSR 20-21-021, filed 10/9/20, effective 11/9/20)

WAC 51-50-480200 Section 201.3—Definitions.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the other International Codes and the Uniform Plumbing Code, such terms shall have the meanings ascribed to them in those codes.

202 General definitions.

ADULT FAMILY HOME. A dwelling, licensed by the state of Washington department of social and health services, in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An existing adult family home may provide services to up to eight adults upon approval from the department of social and health services in accordance with RCW 70.128.066.