

2022 Legislative Session Bill Tracking Log

State Building Code Council

Bills of Interest

HB 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 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 become effective in 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 2031 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.
- Specifies that the council must adopt the statewide residential reach code as an appendix to the 2021 residential energy code to be effective by 2023.

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

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

Fiscal Impact on SBCC: [Major](#)

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

Proposed Amendments:

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.

RATIONALE: The modifications are necessary for clarity, consistency, and to align with the current triennial code adoption cycle. With the current procedure, the Council will be working on the 2030 commercial energy code in 2030, and on the residential energy code in 2031. Both codes must be adopted by December 2031 and will become effective July 1, 2032.

The Council will be working on the 2033 commercial energy code in 2033, and on the 2033 residential energy code in 2034. Both codes must be adopted by December 2034 and will become effective July 1, 2035.

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 **2031-2030** 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.**

RATIONALE:

1. There will not be 2031 energy code. Following the rulemaking process, the code is adopted every three years, and the correct title is 2030 energy code.
2. With the current procedure, all stakeholders and interested parties, including state departments, can submit proposals to meet the legislative goals. All proposals are submitted in writing on the appropriate form with the indicated supporting documentation. Specifying that the department of commerce shall develop the rulemaking documents required by RCW 34.05.328 doesn't create a new requirement, but provides more clarity pertaining to the responsibilities for the department of commerce.
3. The bill, as written, mandates the reach code become effective by 2023. If the intent of the bill is to require the council to adopt the reach code as part of 2021 energy code, the effective date must be corrected to July 1, 2023. Nevertheless, this effective date will be difficult to meet too. With the current schedule, the submission period for proposed state amendments for the residential energy code will close on April 8, 2022. The Technical Advisory Groups and the Council have two months (May and June) to review all code proposals, make modifications as needed, and direct staff to post the proposals for a public comment period and conduct public hearings. It is very unlikely the draft of the reach code will be available by April 8. The more achievable option is an off-cycle rulemaking for the reach code adoption with effective date July 1, 2024. In this case the department of commerce will have more time for the reach code development, and the Council will have more time to evaluate the proposal, fix potential conflict with other codes, and follow the rulemaking procedure.

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.

SB 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(1): Specifies that any member of a group formed by a state office, agency, board, commission, or other similar entity is eligible to receive stipends for their participation, provided the member is low income or part of an underrepresented demographic that will be directly or disproportionately impacted by decisions made by the group.

Section 2(2): Clarifies that regardless of eligibility, members shall not receive stipends if they are employed by a federal, state, or local government agency and otherwise receiving compensation from such government for their participation as a member of the group that day.

Section 2(3): Specifies agencies, boards, commissions, and other similar groups retain discretion over whether to provide stipends to group members as well as to determine the amount of the stipend as provided by this section. Clarifies that nothing in this section requires groups to provide stipends.

Section 2(4): 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.¹

Section 2(5): Clarifies that individuals eligible for stipends under this section are eligible for reasonable allowances for child and adult care reimbursement, lodging, and travel expenses as provided in RCW 43.03.050 and 43.03.060 in addition to stipend amounts.

Section 2(6): Clarifies that nothing in this section creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, for this or any other title due to the payment of a stipend, lodging and travel expenses, or child care expenses.

Section 2(7): Directs agencies, boards, commissions, and other similar groups to take reasonable measures to ensure that the process of seeking and securing stipends is made accessible to eligible members of groups.

Section 2(8): Allows agencies to provide a stipend to individuals with lived experience who are not otherwise compensated for their attendance at meetings to support their participation in class one groups when the agency determines such participation is desirable in order to implement principles of equity as described in RCW 43.06D.020.

Section 2(9): Specifies that stipends and reimbursements do not count as income or assets when calculating an individual's eligibility for state benefits.

Section 2(10): Directs the office of financial management to establish model policies to assist in carrying out the purposes of RCW 43.03.220, 43.03.230, 43.03.240, 43.03.250, and 43.03.265, and reimbursement of other expenses authorized under this chapter for members of groups described in RCW 43.03.220.

Section 2(11): Requires the office of financial management to convene a work group of state agencies to provide feedback and recommendations for the model policies under subsection (10) of this section.

Section 2(12): Defines "Low-income" as an individual whose income is not more than 400 percent of the federal poverty level, adjusted for family size; and "Group" as a board, commission, council, committee, or other similar group.

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: Scheduled for executive session in the Senate Committee on State Government & Elections.

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

Fiscal Impact on SBCC: [Uncertain](#)

Impact on Stakeholders: [Uncertain](#)

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.