STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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RE: Washington State Building Codes Review and Adoption Process

All meetings described in the following process are posted on the SBCC web site and announced through GovDelivery and are open to the public. The agendas and summary minutes are posted on the SBCC web site.

The adoption period of new model codes begins with the availability of the new editions every three years and ends with formal adoption of the building code as amended by the State Building Code Council (SBCC). For review, the codes are broken into two groups. Group 1 includes the International Building Code, International Fire Code, International Wildland Urban Interface Code and the Washington State Energy Code-Commercial. Group 2 includes the International Building Code (Structural Provisions), International Existing Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, NFPA 58, NFPA 54, the Uniform Plumbing Code and the Washington State Energy Code-Residential. Group 1 codes are evaluated in the first year of review, Group 2 codes in the second year.

New model codes are compared against the previous edition by a Technical Advisory Group (TAG) appointed for a specific code. The TAGs are comprised of a Council member as chair along with appointed volunteers from stakeholder groups. The TAG also reviews the existing code amendments against the new edition. The new editions often incorporate the Washington State amendments to the previous versions. The TAG makes a recommendation addressing which State amendments should be eliminated (because the new edition addresses them) to a standing committee made up of Council members. The standing committee then either accepts the TAG recommendations or modifies them before making recommendations to the full Council. The Council then votes on which amendments will carry forward and then formally requests anyone who has an interest, to submit code change proposals to the model code and amendments being carried forward. At the close of the submittal window, the Council reviews the statewide code change proposals received for completeness and then forwards them to the applicable TAG. The TAG then reviews each proposal, determining whether they will recommend support of the proposal, recommend modifying the proposal and then supporting the result, or recommend rejecting the proposal to the appropriate Council standing committee. The standing committees are the Building, Fire and Plumbing (BFP) or Mechanical, Ventilation and Energy (MVE) Codes Committees. These committees are made up of only Council Members. The Committees take the recommendations of the TAGs and through another round of public comments decide by majority vote whether to recommend passage or denial or modification of the proposed statewide amendments received by the standing committee to the full SBCC. Proposals that are recommended for rulemaking as authorized by the Council are filed with the State Code Reviser and published in the Washington State Register. This filing includes a summary of the proposed rules, the complete text of the proposed changes, public hearing dates and locations, and any economic impact statements required by law. This is a fourth opportunity to voice concerns or support of statewide proposals. (The first is the TAG Review, the second is the Standing Committee review and the third is the Council meeting where what is to move forward into rulemaking is determined.)

Proposals that are disapproved are typically dismissed and not considered further. Occasionally, the Council may refer a proposal back to the TAG for additional modifications. When that happens, generally the original recommendation, if it was not for disapproval, will be filed and the further TAG work will be taken as public testimony. If the proposal was recommended for disapproval, the Council has the choice to either file the original proposal as submitted and consider further TAG work as testimony, or delay the process to consider further TAG recommendations at the next meeting. This could either be through a special council meeting or at the next regularly scheduled meeting.

There is a written public comment period and public hearings, typically held in September and/or October in both Eastern and Western Washington. After the public hearings, the Council holds a work session to review testimony and receive clarification on any issue they feel is necessary. There is often limited public comment and clarification on controversial issues at these work sessions; it is up to the discretion of the Council Chair.

When the Council approves, denies or modifies a statewide or local amendment to the building code, any party with written or oral testimony to the Council related to the amendment on the record may file a petition for reconsideration. The petition must be received by the SBCC within twenty calendar days of the date of the Council action on the amendment. The petition must give specific reasons for why the Council should reconsider the amendment for approval or denial.

Within sixty calendar days of receipt of a petition for reconsideration, the Council shall in writing:

(a) Grant the petition for reconsideration and enter rule-making to revise the amendment;
(b) Deny the petition for reconsideration, giving reasons for the denial; or
(c) Request additional information and extend the time period for not more than thirty calendar days to either grant or deny the petition for reconsideration.

The Council's denial of a proposed statewide or local government amendment, or the Council denial of a petition for reconsideration under this section, is subject to judicial review under chapter 34.05 RCW.

The Council must make the final decision on adoption by December 1. All state amendments to the codes must receive a majority of eight votes of the Council to be adopted. The amendments cannot take effect before the end of the regular legislative session in the next year in order for the Legislature to review the recommendations of the SBCC and decide whether to accept them as is or make modifications. Typically, the Council uses a July 1 effective date for new codes.