



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
 Do **NOT** use for expedited rule making

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 STATE OF WASHINGTON
 FILED

DATE: August 23, 2022

TIME: 4:00 PM

WSR 22-17-148

Agency: State Building Code Council

- Original Notice**
 Supplemental Notice to WSR _____
 Continuance of WSR _____

- Preproposal Statement of Inquiry was filed as WSR 22-05-043 ; 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) WAC 51-51; Adoption and Amendment of the 2021 International Residential Code.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 30, 2022	10:00 am	129 N 2nd St; Yakima, WA 98901	Please access the meetings in-person, or via Zoom or Conference call. The Zoom link and phone are provided in the agenda at sbcc.wa.gov
October 14, 2022	10:00 am	1500 Jefferson St SE, Olympia WA 98504	

Date of intended adoption: November 4, 2022 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: State Building Code Council
 Address: 1500 Jefferson St SE, Olympia WA 98504
 Email: sbcc@des.wa.gov
 Fax:
 Other:
 By (date) October 14, 2022

Assistance for persons with disabilities:

Contact Annette Haworth
 Phone: 360-407-9255
 Fax:
 TTY:
 Email: sbcc@des.wa.gov
 Other:
 By (date) September 16, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rule adopts the 2021 edition of the International Residential Code, published by the International Code Council, with state amendments to incorporate proposed changes as adopted by the Washington State Building Code Council. The rules will provide increased clarity and life safety measures for building construction in Washington State

SUMMARY OF PROPOSED CHANGES
 2021 IRC Amendments to WAC 51-51

WAC	Section	Changes in 2021	Rationale/Discussion
WAC 51-51-003		Replaces 2018 with 2021.	Refers to the current model code.
WAC 51-51-008		Modifies the implementation date.	The modification changes the implementation date to July 1, 2023
WAC 51-51-01010	R101; R101.2	1. Corrects the section number and the title. 2. Corrects references in exception 1, and adds exceptions 4, 5, and 6 to align with model code language. The existing amendment is exception 2 and the references to Appendix U instead of Section R2904.	Modifications are necessary to align with the model code language.
WAC 51-51-0102	R102.5	1. Deletes Appendix U from Exception 1. 2. Adds Appendix U to Exception 2. 3. Adds title "Tiny Homes" to Appendix Q.	Modifications are necessary to correct a conflict with WAC 51-51-003.
	R102.7.1	1. Replaces the first sentence of the existing amendment. 2. Adds new model code language.	The modifications to this existing amendment incorporate change to the model code, and adds language part of Proposal

			21-GP2-053R . Proposal 21-GP2-053R adds language to Sections R102.7.1, R202, R310.5, and new Chapter 44 Existing Buildings and Structures. (See rationale for Chapter 44 for more details.)
WAC 51-51-0106	R106	Removes the state amendment and saves WAC 51-51-0106 as reserved.	The existing amendment is no longer needed; it is addressed in the model code.
WAC 51-51-0202	R202	<ol style="list-style-type: none"> 1. Deletes the definition for "Balanced whole house ventilation." 2. Deletes the definition for "Battery system, stationary storage." 3. Relocates the definition for "Building, existing," after the definition of "Building." 4. Adds a definition for "Enclosed kitchen." 5. Deletes the definition for "Energy storage systems (ESS)." 6. Adds a definition for "Loft." 7. Deletes the definition for "Lot." 8. Deletes the definition for "Mixed ventilation zone." 9. Deletes the definition for "Sleeping loft." 10. Deletes the definition for "Townhouse." 11. Deletes the definition for "Whole house ventilation system." 	<ol style="list-style-type: none"> 1. The definition is no longer needed. It is addressed in the model code. Two new definitions - "Balanced Ventilation" and "Balanced Ventilation System," were added to 2021 IBC; the IRC TAG recommended adoption of model code definitions. In addition, the same information is contained in Section M1505.4.1.4. 2. This definition doesn't exist in the model code; there is no need for the existing amendment. 3. The existing definition is currently out of order. 4. The term "Enclosed kitchen" is used in the proposed language in Section M1503.3 and Table M1505.4.4.1 (21-GP2-062). 5. The definition is no longer needed; it is addressed in the model code. 6. The term "Loft." is used in the proposed language in Section R333 (21-GP2-099R). It replaces the defined term "Sleeping loft." 7. The definition is no longer needed; it is addressed in the model code. 8. This definition doesn't exist in the model code; there is no need for the existing amendment. 9. See item 6 above. 10. The definition is no longer needed; it is addressed in the model code. 11. The definition is no longer needed; it is addressed in the model code.
WAC 51-51-0301	R301	Adds Section R301 to the title	Editorial modification.
	R301.2.2.10	New section in WAC. Amends the model code language by replacing the reference to Section P2801.8 with a reference to UPC Section 507.1.	The new amendment is necessary to provide a correct reference to the Uniform Plumbing Code. The International Plumbing Code is not adopted in Washington State.
	R301.5 Table R301.5	Incorporates changes in the model code	Incorporates changes in the model code in the table and footnotes a, c, d, h, and i. The existing amendment is footnote i, which is changed to footnote j.
WAC 51-51-0302	R302.2.1	Deletes the existing amendment.	The existing amendment is no longer needed; it is addressed in the model code.
	R302.2.2	The existing amendment is modified to incorporate model code changes.	The existing amendment is modified to incorporate model code changes.
	R302.3.1	Adds a title and Exception 2.	The exception further clarifies when two-family dwelling shall be determined and required to have a separation wall and when it may be exempt from the separation requirements of Section R302.3. The intent has always been for only existing single-family dwelling units to be allowed to add a second dwelling unit for mother-in-law units and not have it counted towards the unit count. This new exception further clarifies this. (21-GP2-044R)
	R302.3.2	Adds a title.	The existing amendment has no title.
	R302.3.4	New section	This proposal recognizes that there may be a program necessity for the units to be interconnected. It addresses this condition by limiting the opening to a door located within the unit demising wall. In addition, the proposal maintains unit separation continuity with the minimum 45-minute fire-rating and self-closing device. The Exception recognizes the reduced hazard when automatic sprinklers are installed by reducing the opening rating to 20-minutes. Currently the IRC is silent on when there are openings (doors) between units of a duplex. Some designers have begun designing duplexes with a door in the common fire-rated wall assembly to access both dwelling units. This code addition provides direction and clarity to both the designer and reviewer

			when this situation comes up to maintain the minimum fire-rating of the common wall assembly. (21-GP2-042)
	R302.3.5 R302.3.5.1 Table R302.3.5	New sections.	Designers are incorporating shared accessory spaces such as a laundry facility, HVAC mechanical rooms, etc. within two-family dwellings. Currently, the code is silent on how to deal with such connected accessory spaces in two-family dwelling units. This proposal helps clarify the hazards from accessory spaces is no greater than a common garage and should therefore be treated similarly with garages.
	R302.4.1	Deletes existing amendment.	The existing amendment is no longer needed; it is addressed in the model code.
WAC 51-51-0303	R303.5	Deletes existing amendment.	The existing amendment is no longer needed; it is addressed in the model code.
WAC 51-51-0309	R309.6 R309.6.1 R309.6.2	New sections.	New requirements for EV infrastructure pursuant to E2SHB 1287. (21-GP2-091R)
WAC 51-51-03100	R310.1	Adds Exceptions 3, 3.1 and 3.2.	This proposal recognizes that privacy fences are commonly used to enclose yards and addresses the use of gates to provide egress from these enclosed yards. Gate hardware is commonly used to maintain security by restricting access into the yard while maintaining free egress for self-evacuating occupants. Securing the gate with a padlock or other locking device would require an occupant to have knowledge of the key location and have access to it during the emergency. At a minimum, this would create a delay in occupant self-evacuation and is unacceptable. This proposal also recognizes that window wells are another common object that may be located within the pathway, particularly in narrow side yards. Open window wells located in the path can create significant elevation changes that pose a hazard for self-evacuating occupants. Requiring a cover over the opening eliminates this hazard and maintains the required unobstructed path. (See detailed rationale here: 21-GP2-041R)
	R310.1.1	Deletes existing amendment.	The existing amendment is no longer needed; it is addressed in the model code.
	R310.2.4	Modifies the existing amendment.	Modification incorporates changes in the model code.
	R310.5	New section is added to WAC to clarify that the model code requirements for replacement windows for emergency escape and rescue openings are not adopted.	Amended provisions are proposed for adoption in Chapter 44. (See rationale for Chapter 44)
WAC 51-51-0311	R311.4	Modifies the exception.	This is part of Proposal # 21-GP2-099R pertaining to lofts. (See rationale for Section R333.)
	R311.7.11 R311.7.12	New sections.	This is part of Proposal # 21-GP2-099R pertaining to lofts. (See rationale for Section R333.)
	R311.7.3	Deletes existing amendment.	The existing amendment is no longer needed; it is addressed by the model code.
WAC 51-51-0312	R312.1.1 R312.1.2	New sections.	This is part of Proposal # 21-GP2-099R pertaining to lofts. (See rationale for Section R333)
WAC 51-51-0313	R313.2	Modifies the existing amendment.	Modification incorporates changes in the model code.
WAC 51-51-0314	R314.3	1. Adds Exception 6. 2. Adds exception 7 and deletes sleeping lofts from item 1.	1. Incorporates changes to the model code. 2. This is part of Proposal # 21-GP2-099R pertaining to lofts. (See rationale for Section R333)
WAC 51-51-0315	R315.2		The existing amendment is no longer needed; it is addressed in the model code.
WAC 51-51-0326	R326.1	Adds a new exception.	This is part of Proposal # 21-GP2-099R pertaining to lofts. (See rationale for Section R333)
	R326.2 R326.3 R326.4	Deletes the existing amendments.	The existing amendments are no longer needed; all three are addressed in the model code.
WAC 51-51-0327	R327	1. Deletes the existing amendment pertaining to sleeping lofts. 2. Replaces with the requirements for swimming pools, spas and hot tubs.	1. This is part of Proposal # 21-GP2-099R pertaining to lofts. (See rationale for Section R333) 2. The requirements for swimming pools, spas and hot tubs are currently in WAC 51-51-0328. The relocation is necessary to align with the model code renumbering.
WAC 51-51-0328	R328	Deletes the existing amendment pertaining to swimming pools, spas and hot tubs.	The requirements for energy storage systems are currently in WAC 51-51-0329. The relocation is necessary to align with the model code renumbering. There are modifications to the model

		Replaces with the requirements for energy storage systems.	code language pertaining to energy storage systems; only sections not addressed in the model code are relocated to WAC 51-51-0328. The relocation of the requirements for swimming pools, spas and hot tubs is also necessary due to the model code renumbering.
WAC 51-51-0329	R329	Removes the state amendment and saves WAC 51-51-0329 as reserved.	See the rationale for WAC 51-50-0328.
WAC 51-51-0333	R333	New section pertaining to lofts.	This proposal introduces “lofts” into the Residential Code, aligning the 2021 Washington State Residential Code with the loft amendments approved by the SBCC for inclusion in the 2021 WA State Building Code (WSBC). Sleeping lofts were introduced into the 2018 WA State Residential Code (WSRC), and this proposal expands on that concept. It is also similar to a proposal submitted by WABO’s Technical Code Development Committee to the 2022 Group B code development cycle for inclusion in the 2024 IRC. Similar provisions will be in an appendix in the 2024 IBC. See detailed rationale here: 21-GP2-099R
WAC 51-51-0334	R334	New section.	The requirements for stationary fuel cell power systems are in Section R330. This proposal is intended to renumber Section R330 to R334, and not to modify the model code language. The renumbering provides convenience to the code users in Washington State.
WAC 51-51-0403	R403.1.1	Modifies the existing amendment by incorporating model code language.	Modifications are necessary to align the existing amendment with the changes to the model code.
	R403.1.6 R403.1.3.3.6	Deletes the existing amendment.	The existing amendment is no longer needed; it is addressed in the model code.
WAC 51-51-0404	R404	Removes the state amendment and saves WAC 51-51-0404 as reserved.	The existing amendment is no longer needed; it is addressed in the model code.
WAC 51-51-0408	R408.2	Modifies the existing amendment by incorporating model code language in the last sentence of the first paragraph.	Modifications are necessary to align the existing amendment with the changes to the model code.
	R408.8	Adds new section to WAC 51-51-408, specifying that Section R408.8 is not adopted.	The model code language pertaining to under-floor ventilation is not applicable in Washington State due to more restrictive requirements in other WAC sections.
WAC 51-51-0507	R507.1	Deletes the existing amendment.	The existing amendment is no longer needed; it is addressed in the model code.
	Table R507.3.1	Modifies the existing amendment.	Incorporates model code changes.
	R507.5	New amendment specifying Tables R507.5(1) through R507.5(4) are not adopted.	The model code tables are not applicable in Washington State. The existing amendment (Table R507.5) contains the maximum deck beam span in Washington.
	Table R507.5	Modifies the existing amendment.	Incorporates model code changes.
WAC 51-51-0608	R608	Removes the state amendment and saves WAC 51-51-0608 as reserved.	The existing amendment is no longer needed; it is addressed in the model code.
WAC 51-51-0703	R703.2 R703.4	Deletes the existing amendment.	The existing amendment is no longer needed; it is addressed in the model code.
WAC 51-51-1503	M1503.3 M1503.5	New sections	The new sections are part of Proposal # 21-GP2-062R This proposal adds differentiated ventilation requirements of hood ranges based on fuel type to reduce personal exposure and health impacts from ranges. These requirements are based on research done by Lawrence Berkeley National Laboratory where they found that dwellings are currently not adequately ventilating their stoves, which can increase the risk of asthma for children living in these dwellings.
WAC 51-51-1505	M1505.1	New section	The new section is part of Proposal # 21-GP2-008R The proposal is an option, for those seeking higher ventilation rates to further improve IAQ in accordance with ASHRAE Standard 62.2. Higher ventilation rates can dilute and thereby reduce indoor air pollutants beyond the current IRC-WA rate options. See detailed rationale here: 21-GP2-008R
	M1505.4.1.4	Modifies the last sentence of the existing amendment.	This modification is part of Proposal # 21-GP2-062R See rationale for WAC 51-51-1503.
	M1505.4.3.2	Changes the reference to Section M1505.4.3(2)	Renumbering is part of Proposal #21-GP2-062R.
	M1505.4.4	Changes the reference to Table M1505.4.4.1.	Renumbering is necessary due to Proposal #21-GP2-062R.

	M1505.4.4.1	Changes the reference to Table M1505.4.4.1; adds “timer controls” to the text.	Modifications are part of Proposal # 21-GP2-062R
	Table M1505.4.4.1	Modifies the existing amendment.	This modification is part of Proposal # 21-GP2-062R See rationale for WAC 51-51-1503.
	M1505.4.4.2	1. Deletes the exception in Item 1. 2. In Item 2, changes the reference to Table M1505.4.4.1. 3. Modifies the language in Item 4. 4. Adds Item 5. 5. Modifies the exception in Item 5.	This modification is part of Proposal # 21-GP2-062R See rationale for WAC 51-51-1503.
	Table M1505.4.4.2	Corrects the table number.	Renumbering is necessary to align with proposal 21-GP2-062R.
	M1505.4.4.3	New section	This new section is part of Proposal # 21-GP2-062R See rationale for WAC 51-51-1503.
	Table M1505.4.4.3	New table	This new table is part of Proposal # 21-GP2-062R See rationale for WAC 51-51-1503.
	M1505.4.4.3.1	New section	This new section is part of Proposal # 21-GP2-062R See rationale for WAC 51-51-1503.
WAC 51-51-2101.7	M2107	Delete the existing amendment.	The existing amendment specifies that Section M2107 pertaining to prohibited tee applications is not adopted. The UPC TAG recommended adoption of the model code language.
WAC 51-51-2103	M2103.3	Replace the reference to Section 605.3.1 with a reference to Section 605.	This modification is suggested by the UPC TAG and it is intended to provide convenience to the code user.
WAC 51-51-2105	M2105.14	Replace the reference to Section 605.12.2 with a reference to Section 605.	This modification is suggested by the UPC TAG and it is intended to provide convenience to the code user.
WAC 51-51-4400		Adds new referenced standards	This modification is part of Proposal # 21-GP2-062R See rationale for WAC 51-51-1503.
WAC 51-51-4501	Chapter 45	Adds Chapter 45	This modification is part of Proposal # 21-GP2-053R This proposed code change takes Appendix Chapter J of the 2021 IRC and moves it into the body of the IRC code as a new Chapter 44. The Appendix Chapter was used as a base for development of the new body of the code chapter, with the new chapter further expanded to include requirements for additions and relocations. See detailed rationale here: 21-GP2-053R
WAC 51-51-4502			
WAC 51-51-4503			
WAC 51-51-4504			
WAC 51-51-4505			
WAC 51-51-4506			
WAC 51-51-60106	Appendix T	Several modifications to the existing amendment.	As suggested by the IRC TAG, the proposed deletions and modifications are intended to align the existing amendments with the model code language. Sections proposed for deletion are addressed in the model code. There is no intended change in regulatory effect.
WAC 51-51-60108	Appendix Y	New appendix.	The intent of this new optional appendix is to reduce the amount of construction and demolition waste that goes to a landfill after leaving a construction site. For jurisdictions where material management is a priority, this language helps to increase the amount of material that is salvaged for reuse – or recycled. Two forms are a part of this code change proposal (the Salvage Assessment and Waste Diversion Report) which would need to be submitted to the local building department. See detailed rationale here: 21-GP2-092R
WAC 51-51-60109	Appendix Z	New appendix	The intent of this new optional appendix is to reduce the amount of material that is destroyed when demolishing a building. Systematically removing materials, components, and systems of an existing building through the process of deconstruction, increases the amount of construction and demolition material that can be salvaged for reuse and recycled instead of going to a landfill. See detailed rationale here: 21-GP2-093R

Note: those not listed on the table above remain as adopted in 2018 IBC.

Reasons supporting proposal: RCW 19.27.031; RCW 19.27.074 and RCW 19.27.540

Statutory authority for adoption: RCW 19.27.031; RCW 19.27.074 and RCW 19.27.540

Statute being implemented: RCW 19.27.031; RCW 19.27.074 and RCW 19.27.540

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: NONE

Type of proponent: Private Public Governmental
Name of proponent: (person or organization) State Building Code Council

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Stoyan Bumbalov	1500 Jefferson St. SE, Olympia, WA 98504	360-407-9277
Implementation:	Stoyan Bumbalov	1500 Jefferson St. SE, Olympia, WA 98504	360-407-9277
Enforcement:	Local Jurisdictions		

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: Stoyan Bumbalov
Address: 1500 Jefferson St. SE, Olympia, WA 98504
Phone: 360-407-9277
Fax:
TTY:
Email: sbcc@des.wa.gov
Other:

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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:

- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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 19.85.025\(4\)](#) (does not affect small businesses).

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

Explanation of how the above exemption(s) applies to the proposed rule: The proposed rule adopts by reference the 2021 International Residential Code with new and existing amendments. Many of the existing amendments are modified to incorporate changes to the model codes or to clarify language. There are several significant changes to the model code with economic impact. However, the model code changes are exempt under RCW 19.85.025(3) and RCW 34.05.310 (4)(c), and are not part of this report.

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)): The proposed rule adopts by reference the 2021 International Residential Code with new and existing amendments. Many of the existing amendments are modified to incorporate changes to the model codes or to clarify language. There are several significant changes to the model code with economic impact. However, the model code changes are exempt under RCW 19.85.025(3) and RCW 34.05.310 (4)(c), and are not part of this report.
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:
There are costs imposed by the proposed rule, but the costs do not fall disproportionately on small businesses. The rule will not affect the distribution of impacted work, whether by small businesses or not, doing the work. The rule does not affect employment, reporting or record keeping.

Description

The Washington State Building Code Council (SBCC) is filing a proposed rule to adopt the 2021 edition of the International Residential Code (IRC) (WAC 51-51). Since 1985 the state building code council has been responsible to update to new editions of the building code per RCW 19.27.074. The IBC is updated every three years by the International Code Council (ICC). The code development process conducted by the model code organization is open to all interest groups within the design and construction industry and from governmental organizations. See www.iccsafe.org for more information about the model code development process.

The administrative compliance requirements are under the authority of the local governments (RCW19.27.050). Enforcement activities, including permit issuance, plan review/approval, and inspections occur at the local level. Requirements for construction documents submittal and other reporting mandates are determined by the local jurisdiction and are consistent with previously established policies. The proposed amendments to WAC 51-51 include specific technical requirements for building construction to be consistent with national standards.

Professional Services

Washington has had a statewide building code in effect since 1974. The local enforcement authority having jurisdiction administers the codes through the building and/or fire departments. Administrative procedures for state building code compliance are established and will not be changed by the adoption of the 2021 building codes. Small businesses will employ the same types of professional services for the design and construction of buildings and systems to comply with the state building code. The proposed rule updates the state building code and does not require additional equipment, supplies, labor, or other services. Services needed to comply with the building code are existing within the construction industry as required by the local authority having jurisdiction.

Costs of Compliance for Businesses

The Council is required to adopt and maintain the state building code, as provided in chapters 19.27, 19.27A, and 70.92 RCW, and the state legislature. The primary objective of the Council is to encourage consistency in the building code throughout the state of Washington and to maintain the building code consistent with the state's interest as provided in RCW 19.27.020. An objective of statewide adoption is to minimize state amendments to the model codes. The Council accepts statewide code amendment proposal from stakeholders to amend the IRC to meet the legislative

goals. The statewide code adoption process is defined in WAC 51-04 and the Council by-laws. All proposals must be submitted in writing on the appropriate form with the indicated supporting documentation. Each proponent must identify where a proposed amendment has an economic impact, and estimate the costs and savings of the proposal on construction practices, users and/or the public, the enforcement community, and operation and maintenance.

The cost of compliance incurred by Washington businesses includes training and educational materials. The new 2021 IRC, 2021 IRC Significant changes and 2021 IRC Study pack cost \$215 + tax shipping and handling. The 2021 IRC is also available online at <https://shop.iccsafe.org>.

For the 2021 code adoption cycle, the Council received 11 proposals. The IRC Technical Advisory Group (TAG) recommended approval of 8 proposals as submitted or as modified. The Council approved 9 proposals to be included in the CR-102. Two proposals were identified by the TAG as having a cost (increase) for compliance on businesses. However, proposal [21-GP2-091R](#) (EV infrastructure) is driven by E2SHB 1287 and is exempt. Nevertheless, a preliminary cost-benefit analysis will be provided for this proposal. The Council recommended filing the proposed rule to allow input through the public hearing process.

- Section 302.3.4 (21-GP2-042):** This proposal recognizes that there may be a program necessity for the units to be interconnected. It addresses this condition by limiting the opening to a door located within the unit demising wall. In addition, the proposal maintains unit separation continuity with the minimum 45-minute fire-rating and self-closing device. The Exception recognizes the reduced hazard when automatic sprinklers are installed by reducing the opening rating to 20-minutes. Currently the IRC is silent on when there are openings (doors) between units of a duplex. Some designers have begun designing duplexes with a door in the common fire-rated wall assembly to access both dwelling units. This code addition provides direction and clarity to both the designer and reviewer when this situation comes up to maintain the minimum fire-rating of the common wall assembly.

The proponent states that the additional cost will be from the 45-minute fire-rated door that is required. Typical cost is between \$400-\$800 for a 45-minute fire-resistive door. It should also be noted that a 1-hour fire-resistive wall assembly that are 4’x8’ panels will typically run \$50-\$75. The net cost of the door would therefore be in the \$300-700 range.

Loss of Sales or Revenue

The proposed rules make the state code for building construction consistent with national standards. Businesses with new products or updated test or design standards are recognized in the updated building code. The update will result in some cost outlay for some small businesses for specific building projects, for a transition period. Other small businesses would see an increase in revenue. The amendments to the building codes affect over 25,000 small businesses in the state, where construction activity occurs. The primary intent of the amendments is to improve the safety features in buildings and provide consistency and fairness across the state, for a predictable business environment. The amendments should result in enhanced safety and value in buildings.

Cost of Compliance for Small Businesses (Determine whether the proposed rule will have a disproportionate cost impact on small businesses, compare the cost of compliance for small business with the cost of compliance for the ten percent of businesses that are the largest businesses.) Most businesses affected by the updates to the building codes are small businesses; over 95 percent of those listed in the construction and related industries have under 50 employees. The costs per employee are comparable between the largest businesses and the majority of small businesses. The cost to comply with the updated codes is not a disproportionate impact on small business. Where the Council found the cost of compliance for small businesses to be disproportionate, the proposed rule mitigates the cost. The proposed rules include a definition of small business and provide exceptions for compliance with the updated rule.

Reducing the Costs of the Rule on Small Businesses

The SBCC conducted a detailed review process, including participation at the national code development hearings, to document significant economic impacts of the proposed code amendments.

List of Industries

Below is a list of industries required to comply with the building code:

Industry NAICS Code	NAICS Code Title	Minor Cost Estimate	1% of Avg Annual Payroll	0.3% of Avg Annual Gross Business Income
236115	New Single-Family Housing Construction (except For-Sale Builders)	\$ 2,508.04	\$1,919.03 2020 Dataset pulled from USBLS	\$2,508.04 2020 Dataset pulled from DOR
236116	New Multifamily Housing Construction (except For-Sale Builders)	\$ 32,067.43	\$17,160.94 2020 Dataset pulled from USBLS	\$32,067.43 2020 Dataset pulled from DOR
236118	Residential Remodelers	\$ 1,457.74	\$1,457.74 2020 Dataset pulled from USBLS	\$901.20 2020 Dataset pulled from DOR
236210	Industrial Building Construction	\$ 59,169.45	\$59,169.45 2020 Dataset pulled from ESD	\$53,925.71 2020 Dataset pulled from DOR
236220	Commercial and Institutional Building Construction	\$ 41,552.81	\$18,126.81 2020 Dataset pulled from ESD	\$41,552.81 2020 Dataset pulled from DOR
238110	Poured Concrete Foundation and Structure Contractors	\$ 3,442.28	\$5,027.07 2019 Dataset pulled from CBP	\$3,442.28 2020 Dataset pulled from DOR
238120	Structural Steel and Precast Concrete Contractors	\$ 15,401.97	\$20,212.19 2019 Dataset pulled from CBP	\$15,401.97 2020 Dataset pulled from DOR
238130	Framing Contractors	\$ 2,234.30	\$3,139.71 2019 Dataset pulled from CBP	\$2,234.30 2020 Dataset pulled from DOR


238140	Masonry Contractors	\$ 1,900.60	\$3,582.13 2019 Dataset pulled from CBP	\$1,900.60 2020 Dataset pulled from DOR
238150	Glass and Glazing Contractors	5,255.36	\$9,574.95 2019 Dataset pulled from CBP	\$5,255.36 2020 Dataset pulled from DOR
238160	Roofing Contractors	\$ 3,589.99	\$5,007.86 2019 Dataset pulled from CBP	\$3,589.99 2020 Dataset pulled from DOR
238170	Siding Contractors	\$ 1,905.61	\$2,485.86 2019 Dataset pulled from CBP	\$1,905.61 2020 Dataset pulled from DOR
238190	Other Foundation; Structure; and Building Exterior Contractors	\$ 4,622.07	\$4,141.38 2019 Dataset pulled from CBP	\$4,622.07 2020 Dataset pulled from DOR
238210	Electrical Contractors and Other Wiring Installation Contractors	\$ 5,941.60	\$9,599.33 2019 Dataset pulled from CBP	\$5,941.60 2020 Dataset pulled from DOR
238220	Plumbing; Heating; and Air-Conditioning Contractors	\$ 5,353.76	\$11,047.00 2019 Dataset pulled from CBP	\$5,353.76 2020 Dataset pulled from DOR
238290	Other Building Equipment Contractors	\$ 4,335.21	\$16,142.07 2019 Dataset pulled from CBP	\$4,335.21 2020 Dataset pulled from DOR
238310	Drywall and Insulation Contractors	\$ 3,725.66	\$9,461.67 2019 Dataset pulled from CBP	\$3,725.66 2020 Dataset pulled from DOR
238990	All Other Specialty Trade Contractors	\$ 3,585.74	\$3,677.28 2019 Dataset pulled from CBP	\$3,585.74 2020 Dataset pulled from DOR
321213	Engineered Wood Member (except Truss) Manufacturing	\$ 44,480.76	\$44,480.76 2020 Dataset pulled from ESD	\$41,772.84 2020 Dataset pulled from DOR
321214	Truss Manufacturing	\$ 28,620.35	\$23,341.04 2020 Dataset pulled from ESD	\$28,620.35 2020 Dataset pulled from DOR
321219	Reconstituted Wood Product Manufacturing	\$ 30,305.17	\$10,139.90 2020 Dataset pulled from USBLS	\$30,305.17 2020 Dataset pulled from DOR
321911	Wood Window and Door Manufacturing	\$ 45,151.12	\$18,811.08 2020 Dataset pulled from ESD	\$45,151.12 2020 Dataset pulled from DOR
321992	Prefabricated Wood Building Manufacturing	\$ 5,391.09	\$5,391.09 2020 Dataset pulled from ESD	\$4,888.53 2020 Dataset pulled from DOR
327310	Cement Manufacturing	\$ 50,878.29	\$44,741.20 2020 Dataset pulled from ESD	\$50,878.29 2020 Dataset pulled from DOR
327320	Ready-Mix Concrete Manufacturing	\$ 64,317.30	\$46,126.21 2020 Dataset pulled from ESD	\$64,317.30 2020 Dataset pulled from DOR
327331	Concrete Block and Brick Manufacturing	\$ 15,030.60	\$15,030.60 2020 Dataset pulled from ESD	\$10,431.02 2020 Dataset pulled from DOR
332312	Fabricated Structural Metal Manufacturing	\$ 22,220.31	\$16,337.10 2020 Dataset pulled from USBLS	\$22,220.31 2020 Dataset pulled from DOR
332321	Metal Window and Door Manufacturing	\$ 26,369.28	\$14,505.40 2020 Dataset pulled from ESD	\$26,369.28 2020 Dataset pulled from DOR
332322	Sheet Metal Work Manufacturing	\$ 23,337.23	\$23,337.23 2020 Dataset pulled from ESD	\$16,556.52 2020 Dataset pulled from DOR
335121	Residential Electric Lighting Fixture Manufacturing	\$ 2,011.37	\$2,011.37 2020 Dataset pulled from USBLS	\$1,502.01 2020 Dataset pulled from DOR
335122	Commercial; Industrial; and Institutional Electric Lighting Fixture Manufacturing	\$ 6,357.34	Redacted 2020 Dataset pulled from USBLS	\$6,357.34 2020 Dataset pulled from DOR
335129	Other Lighting Equipment Manufacturing	\$ 6,281.32	\$6,281.32 2020 Dataset pulled from ESD	\$2,494.40 2020 Dataset pulled from DOR
423720	Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers	\$ 24,486.53	\$16,589.10 2020 Dataset pulled from ESD	\$24,486.53 2020 Dataset pulled from DOR
541310	Architectural Services	\$ 9,221.65	\$9,221.65 2020 Dataset pulled from ESD	\$3,738.99 2020 Dataset pulled from DOR
541330	Engineering Services	\$ 14,801.92	\$14,801.92 2020 Dataset pulled from USBLS	\$7,177.43 2020 Dataset pulled from DOR
541350	Building Inspection Services	\$ 1,868.52	\$1,868.52 2020 Dataset pulled from ESD	\$475.93 2020 Dataset pulled from DOR
561621	Security Systems Services (except Locksmiths)	\$ 9,759.28	\$9,759.28 2020 Dataset pulled from ESD	\$6,117.04 2020 Dataset pulled from DOR

Estimate of the Number of Jobs That Will Be Created or Lost

The adoption of the latest code edition is not expected to significantly impact the number of jobs in the construction industry. These rules are likely to be job neutral overall, i.e., they will not result in any job gains or losses. The scheduled effective date of the new edition is July 1, 2021. Building permits issued prior to that date will be vested under the 2018 building code. Permits issued for projects under the 2021 code edition will generally start with the 2024 construction season.

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

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Title: Council Chair	