

SBCC Bill Analysis Summary Report

<u>Bill Details</u>	<u>Leg. Status</u>	<u>Sponsor</u>	<u>Lead</u>	<u>Other Divisions</u>
Plastic pollution Reducing plastic pollution. Summary: The bill mandates the SBCC to adopt rules that will require a bottle filling station or a combined bottle filling station and drinking fountain for each drinking fountain that is required under other provisions of the building code. The rules required under this section must take effect and be implemented by July 1, 2026. This rule can be adopted during the 2024 code adoption cycle; the new requirement will be included in the 2024 Uniform Plumbing Code and 2024 International Building Code as State amendments. This would need to be in effect by July 1, 2026. This can be done through normal course of business and would have no fiscal impact to SBCC. Policy and/or operational impacts - None Annual fiscal impact - None	H Env & Energy	Mena	State Building Code Council	
Middle housing Increasing middle housing in areas traditionally dedicated to single-family detached housing. What does the bill direct or require SBCC to do? This bill doesn't have mandates for the SBCC. However, there are definitions and provisions in the bill that may create conflicts with the WA building codes and issues with enforcement of the building codes. Sections affecting the SBCC and local building departments: <ol style="list-style-type: none">Section 2 (21): Defines the term "Middle housing."Section 2(32): Defines the term "Townhouses."Section 3(1)(a), 3(1)(b), and 3(1)(c): Requires the local government to adopt rules requiring 4 to 6 dwelling units per each residential lot.Section 3(4)(a) and 3(4)(b): requires the local government to only adopt "objective development and design standards for the development of middle housing." This has the potential to conflict with other local ordinances regarding various design criteria such as building heights, setback requirements and buffer zones. Policy and/or operational impacts - None Annual fiscal impact - None	H Housing	Bateman	State Building Code Council	
Residential housing Concerning residential housing regulations. What does the bill direct or require SBCC to do? Section 2(1): Requires the SBCC to convene a work group for the purpose of recommending the additions or amendments to rules or codes that are necessary for the council to adopt to apply the international residential code to multiplex housing and exempt multiplex housing from the international building code. These recommendations shall include those code changes necessary to ensure public health and safety in multifamily housing under the international residential code. Section 2(2): Specifies the work group shall provide its recommendations to the council in time for the council to adopt or amend rules or codes as necessary for implementation in 2025. The council shall take action to adopt additions and amendments to rules or codes as necessary to apply the international residential code to multiplex housing by December 1, 2024. Section 2(3): Defines "multiplex housing" as a building with up to six dwelling units consolidated into a single structure with common walls and floors and a functional primary street entrance, or a building of up to three stories containing up to six dwelling units consolidated into a single structure. Policy and/or operational impacts - Major Annual fiscal impact - More than \$50,000	H Housing	Duerr	State Building Code Council	

Greenhouse gas/building code H Env & Energy Dye State Building Code Council

Affirming that the legislature has not provided authority for the state building code council to use greenhouse gas emissions as a consideration in residential building codes or energy codes.

What does the bill direct or require SBCC to do?

Section 1: New section. States the intent of the bill is to allow natural gas appliances in the 2021 state building code and prevent the SBCC from using greenhouse gas emissions as a factor in determining building codes.

Section 2: Provides two new sections under RCW 19.27.020 stating that (3) Nothing in this chapter provides authority for the SBCC to consider greenhouse gas emissions as a factor for code adoption and (4) The SBCC shall not restrict natural gas or natural gas appliances in residential construction unless specifically directed to do so by the legislature.

[HB 1193](#)

Section 3: Removes the provision in RCW 19.27A.020 directing the SBCC to help achieve the goal of zero fossil-fuel greenhouse gas emission homes and buildings.

Section 4: Adds a sentence to (1) to specify the SBCC is not authorized to consider greenhouse gas emissions in any decisions in accordance with RCW 19.27.020(2).

Section 5: Adds a sentence to the Climate Commitment Act in RCW 70A.45.020(1)(e) to specify the SBCC has not been given authority to consider the limits within part (a) when adopting rules.

Section 6: Adds a new section to RCW 19.27A specifying the SBCC may not adopt rules in the 2021 codes to limit natural gas in buildings or favor electric appliances.

Section 7: Adds an emergency clause.

Policy and/or operational impacts - Major

Annual fiscal impact - More than \$50,000

Condos and townhouses H Civil R & Judi Hutchins State Building Code Council

Increasing the supply and affordability of condominium units and townhouses as an option for homeownership.

What does the bill direct or require SBCC to do?

Section 13: Requires the SBCC to adopt building and energy code provisions for multiunit residential buildings between two and 12 units and three or fewer stories, including approval of a variety of complete building designs and styles that are compatible in size and form with single-family neighborhoods and capable of being constructed on common residential lot sizes. The purpose of this section is to direct the council to support homeownership by adopting code provisions and complete building designs that minimize the costs of design, permitting, and construction. The code provisions and building designs approved by the council will apply statewide, and a local government may modify code provisions or building designs only to decrease design, permitting, or construction costs.

[HB 1298](#)
(SB 5258)

Policy and/or operational impacts - Major

Annual fiscal impact - Uncertain

[HB 1404](#)
(SB 5117)

State building code council H Local Govt Goehner State Building Code Council

Reforming the state building code council, its operations and procedures, and its statutory authority.

See Companion Bill: SB 5117

Building code classif. H Local Govt Abbarno State Building Code Council

Compelling the state building code council to expand residential building code classifications.

[HB 1409](#)
(SB 5416)

Summary: This bill requires the SBCC to immediately adopt the R-4 Occupancy Group as detailed in the International Building Code Section 310.5. Nevertheless, the SBCC already directed staff to coordinate with the Department of Health, establish a workgroup and propose code language that will adopt R-4 and will modify other sections related to Licensed Care facilities. The due date, set by the Council, is April 15, 2023. This work is already part of the SBCC schedule for 2023.

Policy and/or operational impacts - None

Annual fiscal impact - None

Natural gas/energy code	S Environment, E	Wilson	State Building Code Council
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Ensuring that the Washington state energy code may not prohibit the use of natural gas in buildings.

What does the bill direct or require SBCC to do?

Section 2(2)(a): Currently RCW 19.27A(2)(a) specifies that the Washington State Energy Code shall be 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 2031. Section 2(2)(a) of this bill deletes the text addressing the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings.

[SB
5037](#)

Section 2(3): Section 2(3) adds a new mandate for the SBCC specifying that the Washington state energy code may not prohibit the use of natural gas for any form of heating, or for uses related to any appliance, in any building.

Section 3: The bill requires the secretary of state to submit this act to the people of Washington for their adoption and ratification, or rejection, at the next general election to be held in this state.

Policy and/or operational impacts - Uncertain

Annual fiscal impact - More than \$50,000

State building code council	S State Govt & E	Wilson	State Building Code Council
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Reforming the state building code council, its operations and procedures, and its statutory authority.

What does the bill direct or require SBCC to do?

Section 1: New section; provides findings and intent.

Section 2(5): Deletes an obsolete reference to RCW 19.27.170 (Water conservation performance standards).

Section 2(7): Adds a reference to the newly proposed sections 6 through 11 of this act.

Section 3(1)(a): Currently Section 3(1) Specifies that the SBCC consist of fifteen members, as listed in Sections 3(1)(a) through 3(1)(g). The new

Section 3(1)(g)(viii) adds another council member, representing an investor-owned utility or consumer-owned utility. The number "fifteen" is replaced with the phrase "the following" in Section 3(1).

Section 3(2): Deletes the word "fifteen" to align with the added text in Section 3(1)(g)(viii).

Section 3(7): New Section; requires the SBCC staff, the TAG members, and the Council members to receive training on the rules of procedure used by the council and ethics in public service including, but not limited to, provisions of chapter 42.52 RCW.

[SB
5117
\(HB
1404\)](#)

Section 3(8): New section, requiring Senate confirmation for the SBCC managing director.

Section 3(9): New Section; prohibits registered lobbyists (register pursuant to RCW 29 42.17A.600) to serve as council members.

Sections 4(1)(c): Adds a reference to the new sections 6 through 11 pertaining to the SBCC policies and procedures for code adoption.

Section 4(2)(a): Adds a reference to the new section 8 of this act.

Section 4(5)(a): Adds a requirement for the standing committees and the technical advisory groups to comply with the Open Public Meeting Act (RCW 42.30)

Section 5(1): Adds a reference to the newly proposed sections 6 through 11 of this act.

Section 5(2): Adds a reference to the new section 8 of this act.

Section 6: Adds new requirements pertaining to the SBCC process to regularly review updated versions of the building codes enumerated in RCW 19.27.031 and the state energy code under RCW 19.27A.020, and the adoption of statewide and emergency amendments to those codes as follows:

- Section 6(2): A petition for statewide or emergency amendment must be submitted in compliance with the format required by the SBCC.
- Section 6(3)(a): Allows the SBCC or the SBCC managing director to remove from consideration any petition for statewide or emergency amendment if the petition does not include all the requested information or

does not have sufficient detail to be acted upon as of the deadline established by the building code council for submission of such petitions.

- Section 6(3)(b): Allows the SBCC or the SBCC managing director to remove from consideration any petition for statewide or emergency amendment if the petition requests a rule modification that exceeds the specific delegation of authority provided by the legislature. The same section further clarifies that in performing its duties under this subsection, the SBCC may not rely solely on the broad delegation of authority in RCW 19.27.074 or 19.27A.020.
- Section 6(4): Adds a new requirement for submitted petitions for code amendments. Once a petition is submitted and accepted as complete, a council member must agree to sponsor the code amendment in order for the amendment to move forward through the process. A statewide amendment may not be referred to a standing committee or technical advisory group without a councilmember sponsor.
- Section 6(5): Once a councilmember sponsors a proposed statewide amendment, the proposed text of the rule change must be put in written format consistent with the format required by the office of the code reviser for final rules and RCW 34.05.395.
- Section 6(6): Requires the SBCC, the standing committees, and TAGs to have a process of consideration that allows people to understand what textual changes are being proposed and adopted during the consideration process. The same section further clarifies that modifications of proposed rule text must be in writing, specify the legal authority for the amendment, and be available to all councilmembers and the members of the public before a vote is taken on the modification. Section 6(6) also clarifies that verbally negotiating amendments with text projected or posted on a screen during the meeting immediately prior to a vote does not satisfy this requirement.
- Section 6(7): Requires the SBCC to adopt policies to ensure that the rule-making requirements in chapter 34.05 RCW are abided by during its rule-making process.

Section 7(1): Requires the SBCC to supplement cost estimate information that is provided in a petition for statewide amendment with independent research if there is a concern that the provided information is not sufficient, it inaccurately represents the actual impacts or costs, or the assertions in the petition are questioned by experts with knowledge of the industry or circumstances.

Section 7(2): Requires the SBCC, at least two weeks prior to final adoption by the building code council of nonemergency changes to the Washington Administrative Code, to post on the SBCC website and make available for public comment the following documents:

- The small business economic impact statement as required by chapter 19.85 RCW.
- The cost-benefit analysis and supporting information.
- Any independent, third-party analysis performed in accordance with RCW 19.27.074(3)(b).
- Any supplemental cost estimate information and industry specific information provided about the proposal.
- Any findings, determinations or recommendations of the SBCC economic impact work group, consultants, or employees.

Section 7(3)(a): Clarifies that if a person working in an industry subject to regulation under a proposed rule raises an economic or cost-related protest during consideration of a rule or provides cost or economic analysis that is different than provided by other sources, the SBCC members must be made aware of the information.

Section 7(3)(b): Allows a person that provides information in (a) of this subsection to request that the SBCC provide a substantive response to raised concerns, including an explanation of incorporated provisions in the proposed rule that address, mitigate, or reduce the expected cost or economic impacts of the proposed rule.

Section 7(4): Specifies that the information required in Section 7 should be available for review and vetted by SBCC council members prior to the final vote adopting any rule modification. The same section further specifies that the economic and cost information is provided in advance so that the SBCC can take action to address, mitigate, or eliminate identified economic impacts.

Section 8(1): Provides rules for appointing Technical Advisory Groups as follows:

- The TAG includes subject matter experts and members representing interested parties.
- Any person appointed to serve as an expert or representative of a particular interest or group must have the qualifications for the specific position.
- If a TAG member represents a specific interest or group, any person of that group may petition the SBCC to have a person removed from the TAG on grounds that the person does not have the qualifications or characteristics necessary to represent the interest or group.
- The SBCC must remove any TAG member it finds lacks the characteristics and qualifications necessary to fill the position.

Section 8(2): Requires the SBCC to post the name of each TAG member, the industry or interest group the person represents, and a way to contact each person.

Section 8(3): Clarifies each TAG is subject to the same procedures and process as the SBCC.

Section 8(4): Specifies each TAG member must have training on the SBCC procedure and ethics policies.

Section 8(5): Specifies that any application for appointment to serve on a TAG must be approved or denied within 30 days of the council receiving the application.

Section 8(6): Specifies that if a petition for a statewide amendment receives less than a majority vote by a TAG, the proposed amendment will be tabled from further consideration. Only a councilmember may make a motion before the full council to continue consideration of that statewide amendment.

Section 9: Requires the SBCC to identify the sources of information reviewed and relied upon in the course of adopting changes to the Washington Administrative Code and include such information in the official rule-making file.

Requires the SBCC to post the materials that the SBCC considered or relied upon during the process. Specifies that this information must remain publicly available on the website at least one year after the effective date of any changed rule.

Section 10: Adds new requirements for the SBCC pertaining to notifications of state agency personnel of the compilation of proposed statewide amendments that constitutes the update of the building and energy codes. The distribution list must include the governor's office, the state fire marshal, the capital projects advisory review board, the department of commerce, and other government agencies that will be impacted by the proposed rules. The SBCC must also notify individuals that are involved in providing state subsidized housing if the code changes impact housing. If a proposal changes the design of school buildings, the office of the superintendent of public instruction must be notified.

Section 11: Requires the SBCC, after the changes to WAC 51 adopted during the triennial code adoption cycle have been filed with the code reviser's office, to submit a report to the legislature identifying provisions that generated conflict, and summarize the different perspectives brought before the SBCC related to the conflict, and how the SBCC addressed that conflict. The report must be submitted no later than the second Monday in January, following the date of filing the permanent rule with the code reviser's office.

Section 12: Clarifies that if any provision of this act is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Policy and/or operational impacts - Major

Annual fiscal impact - More than \$50,000

<u>SB 5190</u> (HB 1110)	Middle housing Increasing middle housing in areas traditionally dedicated to single-family detached housing. See HB 1110	S Housing	Trudeau	State Building Code Council
<u>SB 5258</u> (HB 1298)	Condos and townhouses See HB 1298	S Law & Justice	Shewmake	State Building Code Council
<u>SB 5416</u> (HB 1409)	Building code classif. See HB 1409	S State Govt & E	Braun	State Building Code Council
	Emergency shelters Authorizing standards for temporary emergency shelters for local adoption.	S Loc Gov, Land	Lovelett, Robinson	State Building Code Council
<u>SB 5553</u>	What does the bill direct or require SBCC to do? Section 1(3) requires the SBCC to adopt, by July 1, 2026, standards for temporary emergency shelters and make them available for local adoption. Policy and/or operational impacts - None Annual fiscal impact - None			
	Residential Building exits Allowing for residential buildings of a certain height to be served by a single exit under certain conditions.	S Loc Gov, Land	Salomon	State Building Code Council

What does the bill direct or require SBCC to do?

[SB 5491](#)

Section 1(3): Allows the legislative body of a county or city, in exercising the authority provided under subsection (1) of this section to amend the code enumerated in RCW 19.27.031(1)(b), to adopt amendments that allow for up to five stories of group R-2 occupancy to be served by a single exit if several conditions are met.

Section 1(4): A city that intends to adopt amendments under subsection (3) of this section must meet the following criteria prior to adoption:

- The city is served by a municipal fire department or fire district
- The city does not have a current restriction on development due to lack of fire flow capacity as set forth in WAC 246-290-221. Minimum fire flow capacity must be at least 750 gallons per minute for 60 minutes, as set forth in WAC 246-293-640.

Section 1(4) further specifies that nothing precludes a city from making a determination that the city does not have appropriate fire apparatus or hydrant networks to serve single stairwell buildings.

Policy and/or operational impacts - None

Annual fiscal impact - None

Lived experience

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State Building Code Council

Establishing the nothing about us without us act.

What does the bill direct or require SBCC to do?

The bill requires the membership of any statutory entity to do the following:

- Include individuals from underrepresented populations who have direct lived experience with the identified issues the statutory entity is tasked with.
- Reflect, to the greatest extent possible, the diversity of people with direct lived experience with the identified issue or issues, including members who reside in urban and rural communities, and with differing cultural and economic circumstances.

If the membership requirements require that additional members be appointed to statutory entities created on or after the effective date of this section, or to existing statutory entities for which new appointments are being made on or after the effective date of this section, the office of equity shall be the appointing authority for the additional members. The additional members shall be voting members of the statutory entity.

[HB 1541](#)

The bill intends to ensure meaningful participation from people with direct lived experience on each statutorily created or statutorily mandated multimember task force, work group, advisory committee, board, commission, council, or other similar entity tasked with examining policies or issues that directly and tangibly affect historically underrepresented communities.

Policy and/or operational impacts - TBD

Annual fiscal impact - TBD