

# 2023 Legislative Session Bill Tracking Log

## State Building Code Council

### Bills of Interest

#### ESHB 1042

**Title:** Concerning the use of existing buildings for residential purposes.

**Sponsors:** Walen, Ryu, Barkis, Simmons, Duerr, Goodman, Bateman, Reed, Ramel, Peterson, Pollet, Doglio, Macri, Reeves, Mena, Tharinger, Wylie, Gregerson, Springer, Bergquist, Thai, Kloba, Santos, Ormsby.

**February 8:** 1st substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading - passed; yeas 96; nays 0; absent 0; excused 2.

#### **IN THE SENATE**

**February 13:** First reading, referred to Housing (Not Officially read and referred until adoption of Introduction report).

**February 17:** Public hearing in the Senate Committee on Housing.

#### **Bill Summary:**

Beginning July 1, 2024, a city may not impose any of the following on new housing units constructed within an existing building that is located in a zone that permits multifamily housing:

- Restrictions on housing unit density that prevent the addition of housing units constructed entirely within an existing building envelope in a building located within a zone permitting multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building.
- Require a building used for residential purposes to meet the current energy code solely because of the addition of new dwelling units within the building.
- By July 1, 2024, cities must incorporate the standards into their development and zoning regulations, or any conflicting local development regulations are superseded, preempted, and invalidated.

By January 1, 2024, the SBCC shall adopt an amendment to the current energy code that waives the requirement for an existing building used for residential purposes to meet the current energy code solely because of the addition of new dwelling units within the building.

## HB 1110 (Companion SB 5190 Dead)

**Title:** Increasing middle housing in areas traditionally dedicated to single-family detached housing.

**Sponsors:** Bateman, Barkis, Reed, Taylor, Riccelli, Berry, Fitzgibbon, Peterson, Duerr, Lekanoff, Alvarado, Street, Ryu, Ramel, Cortes, Doglio, Macri, Mena, Gregerson, Thai, Bergquist, Farivar, Wylie, Stonier, Pollet, Santos, Fosse, Ormsby

### Bill Summary:

Sections affecting the SBCC and local building departments:

**Section 2(1):** Added clarity to the definition of "Administrative design review.

**Section 2(8):** Defines "Cottage housing." *The engrossed second substitute addresses the inconsistency with SHB 1167.*

**Section 2 (22):** Defines the term "Middle housing." *The striker addresses the inconsistency with SHB 1167.*

**Section 2(33):** Defines the term "Townhouses." *The engrossed second substitute addresses the inconsistency with the residential code and SHB 1167.*

**Section 3(1)(a), 3(1)(b):** Requires local governments to adopt rules permitting 2 to 6 dwelling units per each residential lot based on population and lot location and designation.

**Section 3(5) items (a) through (c):** Requires the local government to only adopt "objective development and design standards for the development of middle housing" and "may only apply administrative design review."

**Section 3(5)(d):** Requires that middle housing fall under the same permit and review process as single-family homes, unless otherwise required by state laws including building, energy, and electrical codes.

### Committee/Action:

January 4: Prefiled for introduction.

January 9: First reading, referred to Housing.

January 17: Public hearing in the House Committee on Housing.

February 7: Scheduled for executive session in the House Committee on Housing.

February 13: Referred to Appropriations.

February 21: Public hearing in the House Committee on Appropriations.

February 24: Executive action taken in the House Committee on Appropriations.

**APP - Majority; 2nd substitute bill be substituted, do pass.**

Minority; do not pass. Minority; without recommendation. Referred to Rules 2 Review.

February 28: Rules Committee relieved of further consideration. Placed on second reading.

March 6: 2nd substitute bill substituted (APP 23). Floor amendment(s) adopted.

Rules suspended. Placed on Third Reading.

Third reading passed; yeas, 75; nays, 21; absent, 0; excused, 2.

### **IN THE SENATE**

March 8: First reading, referred to Housing.

March 17: Scheduled for public hearing in the Senate Committee on Housing at 10:30 AM.

## **SHB 1167**

**Title:** Concerning residential housing regulations.

**Sponsors:** Duerr, Low, Walen, Reed, Bateman, Ramel, Fitzgibbon, Taylor, Macri, Gregerson, Wylie, Pollet, Kloba, Tharinger

Written testimony submitted to the Housing Committee; Testimony - House Committee on Appropriations; Amendments discussed with Rep. Duerr and WABO.

**February 15:** Public hearing in the House Committee on Appropriations.

**February 21:** Executive action taken in the House Committee on Appropriations.

**APP - Majority; 2nd substitute bill be substituted, do pass.** Minority; do not pass. Minority; without recommendation.

**February 25:** Referred to Rules 2 Review.

**March 1:** Rules Committee relieved of further consideration. Placed on second reading.

**March 4:** 2nd substitute bill substituted (APP 23). Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed; yeas, 95; nays, 0; absent, 0; excused, 3.

### **IN THE SENATE**

**March 7:** First reading, referred to Local Government, Land Use & Tribal Affairs.

**March 14:** Public hearing in the Senate Committee on Local Government, Land Use & Tribal Affairs.

**March 16:** Executive session in the Senate Committee on Local Government, Land Use & Tribal Affairs.

### **Bill Summary (amended bill):**

**Section 1(1):** Requires the department of commerce to develop and administer a grant program to provide direct financial assistance to counties and cities for the adoption of preapproved accessory dwelling unit plans.

**Section 2(1)(a):** Requires the SBCC to convene a work group for the purpose of simplifying the production of middle housing by recommending a mechanism in the international residential code that adopts by reference the provisions for multiplex housing in the international building code. The mechanism must include those sections from the international building code necessary to ensure public health, safety, and general welfare in multiplex housing, and may not reduce any requirements for multiplex housing contained in the international building code.

**Section 2(1)(b):** 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 the 2024 international residential code. The council shall take action to adopt additions and amendments to rules or codes as necessary to apply the new reference mechanism in the international residential code to multiplex housing by July 1, 2026.

**Section 2(1)(c):** Defines "multiplex housing" as a building with at least three but no more than six dwelling units in a single structure with common walls and floors and a functional primary street entrance, with no more than three stories above grade plane.

**Section 2(2)(a):** Requires the SBCC to convene a Technical Advisory Group for the purpose of recommending modifications and limitations to the international building code that would allow a single exit stairway to serve multifamily residential structures up to six stories above grade plane. The recommendations must include considerations for adequate and available water supply, the presence and response time of a professional fire department, and any other provisions necessary to ensure public health, safety, and general welfare.

**Section 2(2)(b):** 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 the 2024 international building code. The council shall take action to adopt additions and amendments to rules or codes as necessary by July 1, 2026.

**Section 3(3):** Within residential zones that allow for middle housing, cities shall not require through development regulations any standards for middle housing that are more restrictive than those required

for detached single-family residences, unless otherwise required by state law including, but not limited to, shoreline regulations under chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW, electrical codes under chapter 19.28 RCW, or critical areas protection, but may apply any objective development regulations that are required for detached single-family residences, including setback and tree canopy and retention requirements

**Section 3(4):** Beginning July 1, 2026, cities may use provisions in the state building code to allow a single stairway in residential buildings of six or fewer stories if the conditions established by the state building code council for the international building code are met.

**Section 3(5):** Defines “cottage housing,” “middle housing,” and “townhouses.” ***The definitions are consistent with HB 1110 and don’t create conflicts with the building codes.***

**Section 7:** Requires the office of regulatory innovation and assistance to contract with a qualified external consultant or entity to develop a standard plan set demonstrating a prescriptive compliance pathway that will meet or exceed all energy code regulations for residential housing in the state subject to the international residential code. The standard plan set may be used, but is not required, by local governments and building industries. In developing the standard plan set, the consultant shall, at a minimum, seek feedback from cities, counties, building industries, and building officials. The standard plan set must be completed by June 30, 2024.

**Section 8:** A null and void clause is added, making the bill null and void unless funded in the budget.

## **SB 5491**

**Title:** Allowing for residential buildings of a certain height to be served by a single exit under certain conditions.

**Sponsors:** Salomon, Shewmake, Frame, Liias, Stanford

**Testimony** (Senate Committee on Local Government, Land Use & Tribal Affairs).

**February 16:** Executive action taken in the Senate Committee on Local Government, Land Use & Tribal Affairs.

LGLT - Majority; 1st substitute bill be substituted, do pass. (View 1st Substitute) (Majority Report)

**February 17:** Passed to Rules Committee for second reading.

**March 3:** Placed on second reading by Rules Committee.

**March 8:** 1st substitute bill substituted (LGLT 23). Rules suspended. Placed on Third Reading.

Third reading passed; yeas, 46; nays, 2; absent, 0; excused, 1.

### **IN THE HOUSE**

**March 10:** First reading, referred to Local Government.

**March 13:** Committee relieved of further consideration. Referred to Housing.

**March 20:** Scheduled for public hearing in the House Committee on Housing at 1:30 PM.

### **Bill Summary:**

#### **Section 1:**

- Authorizes governing bodies of cities and counties to adopt building codes for multifamily housing units served by a single exit under certain conditions.
- Requires cities that intend to adopt building codes for multifamily housing units served by a single exit to meet certain criteria prior to adoption.

**Section 2(2):** Requires the State Building Code Council to adopt, by rule, standards to allow for up to five stories of multifamily housing units to be served by a single exit no later than July 1, 2026, and make standards available for local adoption.

**SBCC Comment:** *SB 5491 and HB 1167 have the same intent; however, HB1167, as amended, provides a better approach. SB 5491 authorizes cities and counties to adopt provisions for single-exit buildings, which are copied from the Seattle Building Code, and these provisions are not vetted for statewide application. SB 5491 also directs the Council to adopt standards for single-exit buildings, regardless of any reasonable recommendations and limitations necessary to ensure public health, safety, and general welfare.*

## **SB 5553**

**Title:** Authorizing standards for temporary emergency shelters for local adoption.

**Sponsors:** Lovelett, Robinson, Conway, Nguyen, Nobles, Wellman, Wilson, C.

**February 14:** Executive action taken in the Senate Committee on Local Government, Land Use & Tribal Affairs.

LGLT - Majority; do pass.

**February 15:** Passed to Rules Committee for second reading.

**February 22:** Placed on second reading consent calendar.

**February 27:** Rules suspended. Placed on Third Reading.

Third reading passed; yeas, 48; nays, 0; absent, 0; excused, 1.

### **IN THE HOUSE**

**March 1:** First reading, referred to Local Government.

**March 14:** Public hearing in the House Committee on Local Government.

**March 22:** Scheduled for executive session in the House Committee on Local Government at 8AM

**Bill Summary:** Section 1(3) requires the SBCC to adopt, by July 1, 2026, standards for temporary emergency shelters and make them available for local adoption.