



COMMERCIAL REAL ESTATE
DEVELOPMENT ASSOCIATION

WASHINGTON STATE CHAPTER

September 14, 2023

State Building Code Council
Washington State Department of Enterprise Services
1500 Jefferson St SE
Olympia, WA 98501

RE: State Building Code Implementation Extension

Members of the Washington State Building Code Council,

NAIOP Washington State is the leading commercial real estate development association for developers, owners, investors, and asset managers in office, industrial, retail, multi-family, hospitality, and mixed-use real estate, and composed of more than 1,100 members in Washington. We are committed to responsibly advancing public policy to support the long-term economic, environmental, and demographic vitality of our region.

NAIOPWA and its members are concerned about the impending effective date for the 2021 amendments to the State Building Code and request you consider extending implementation to July 1, 2024, when code users typically expect implementation following the rulemaking process in the year prior.

SBCC is required to prepare a rule implementation plan, including how to “inform and educate affected persons about the rule” (*RCW 34.05.328*) prior to code adoption. The current timeline for implementation leaves little room to create accurate training materials to educate code users on compliance with the new requirements, causing frustration and uncertainty, especially given that permanent rulemaking is still incomplete. Ultimately, the burden of educating code users is being shifted from SBCC to the industry, where training materials will be assumption-based rather than fact-based. The City of Seattle has already extended implementation to 2024, and we ask that you align with this direction to provide consistency and predictability to all regions of Washington State. The SBCC and code users need more time to understand and prepare for the new codes, and the current date of October 29, 2023, does not allow for this.

Moreover, new and amended codes are required (*RCW 19.27.074(5)(c)*) to go into effect after the close of the following year’s Legislative session. The successful implementation of the 2021 codes relies on clear and consistent rules, timely and accurate training from SBCC based on formal rulemaking, and proper communication with code users and other stakeholders about code compliance. In absence of these, NAIOPWA believes an extension of the effective date to at least July 1, 2024, is the only reasonable choice.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in blue ink that reads 'Danielle Duvall'.

Danielle Duvall
Executive Director
NAIOP Washington State