

Amendments to Council Bylaws

ARTICLE III

Committees of the Council Standing Committees

1. The standing committees of the Council shall be the Executive; Legislative; Building, Fire, Residential and WUI Plumbing Codes; Plumbing, Mechanical, Ventilation and Energy Codes Committees; ~~also referred to as standing codes committees.~~
 - a. The Building, Fire, Residential and WUI Plumbing Codes Committee shall include the Chairs of the Building, Fire, Residential and WUI, Plumbing and Residential Code TAGs.
 - b. The Plumbing, Mechanical, Ventilation and Energy Codes Committee shall include the Chairs of the Plumbing, Mechanical, Ventilation, and Energy Code TAGs.

Building, Fire, Residential and WUI Plumbing Codes (**BFP BFR**); and Plumbing, Mechanical, Ventilation and Energy Codes (**PMVE**) Standing Committees

(No change to items 1 through 7)

Technical Advisory Groups

1. Technical Advisory Groups may be established by the Council ~~or Standing Committee Chairs~~, to assist the Council and Standing Committees in the discharge of their responsibilities.

The following Technical Advisory Groups must be established:

- Building Code TAG
- Fire Code TAG
- Residential and WUI TAG
- Residential Energy TAG
- Commercial Energy TAG
- Plumbing, Mechanical and Ventilation TAG
- Correlation TAG (?)

The State Building Code Council may establish one or more special TAGs when it is determined that a subject needs to be extensively researched or subject warrants special technical review.

2. The Technical Advisory Groups shall be constituted using a list of subject matter experts and other ~~interested-relevant~~ parties as designated by the Council and managed by Council staff. TAG meetings will be held on an as needed basis. A tally of membership and constituent groups present at TAG meetings shall be included in the meeting minutes.

The TAG members must receive training on ethics in public service including, but not limited to, provisions of chapter RCW 42.52 Ethics in Public Service. Individuals that are registered as lobbyists pursuant to RCW 42.17A.600 Registration of Lobbyists may not serve as TAG members.

The Council shall receive applications from affected stakeholder groups approved by the Council and posted on the SBCC website.

3. Technical Advisory Groups shall be composed of at least one or two voting members of the Council (other Council members may participate but may not vote ~~unless they are an appointed TAG member~~), and one voting member representing each constituent stakeholder group designated by the Council and appointed by the Council or Standing Committee ~~Chair~~. The

Commented [SB1]: Discuss who will be appointing the TAG members. TAG chairs appointing TAG members appears to be a controversial option. Can this be a panel (not the full council)?

Examples:

- BFP or MVE committees
- Council Chair, Committee Chair, TAG Chair.
- Committee Chair, TAG Chair, Council staff.
- Council Chair, Committee Chair, Council staff.
- Council Chair, Council Vice Chair, TAG Chair.

Council or Standing Committee may appoint one alternate for each designated constituent group, who may vote only in the event the Primary Member is not present. Proxy votes are not allowed. TAG members shall serve a three-year term during one code adoption cycle and may be reappointed for one additional code adoption cycle term. When there are no qualified applicants for a specific stakeholder group following a 30-day advertisement of an available TAG position, current or previous TAG members may be reappointed for a third code adoption cycle on a case-by-case basis.

The Chair of the Technical Advisory Group shall be a voting member of the Council, as appointed by the Council or standing codes committee Chair. If the Chair is absent from a TAG meeting, the TAG members shall elect one of the members in attendance to serve as Chair pro tempore during the meeting. The elected Chair pro tempore shall relinquish the chair at such a time as the Chair joins the meeting.

TAG meetings are open public meetings, and any interested person may attend and participate in the discussion. Only appointed TAG members may vote.

4. The TAGs shall be limited to a maximum of 15 voting members. Appointments shall be made from individuals knowledgeable in the building standards or general subjects assigned to the specific TAG. When there are no volunteers for a specific representation following a 30-day advertisement of an available TAG position, or a TAG member without an alternate is replaced by the Council or resigns for any reason, the Council staff shall continue the recruitment until the position is filled.
5. 4. Technical Advisory Groups may conduct research into code related matters, review proposed amendments to the codes, review documents and information submitted with proposed amendments, and identify and define issues related to the codes, as requested by the Council or Standing Committee. Proponents and opponents of proposed amendments to the codes shall follow guidelines for testimony established by the Council. TAG meetings are open to the public and public input is welcome.
6. A majority of the TAG members (one more than half of the appointed TAG members or their designated alternates, in the event the primary member is absent) shall constitute a quorum for the transaction of business. A majority of the TAG members present shall constitute a quorum for determining the outcome of a vote. When a TAG meeting lacks a quorum of appointed TAG members or their designated alternates, the Council will notify members who were absent and their constituent organizations, where applicable, that three consecutive absences are grounds to designate their member status to ex-officio nonvoting members, until a reappointment is made. Ex-officio members do not count when determining a quorum.

In the event a quorum of TAG members is not present, the TAG chair shall prepare a written or oral a report shall be generated summarizing the pros and cons as identified by those participating. That report will then be brought forward on the agenda at the subsequent TAG meeting. The report may be deliberated for a reasonable time period as established by the TAG Chair. Where a quorum is again not present, the item may be tabled for a future TAG meeting and the report will be forwarded to the Standing Committee and the SBCC. If the Council has moved forward with a decision on an active or tabled TAG item, that TAG item will then remain in report form as further deliberations will be moot.

Proposal for discussion:

In the event a quorum of TAG members is not present, the TAG Chair shall cancel the meeting.

Commented [BS(2): Relocation from Item 5.

Commented [BS(3): This is one area where we can save some time. Here is the SBCC staff experience:

There is no quorum, but the TAG chair allows a discussion, which takes hours. No recommendation can be made without the quorum.

On the following TAG meeting, there is no quorum again, and the same discussion with the same stakeholders happens again, for a few hours.

There is a quorum on the third meeting, the same conversation with the same stakeholders happens again, and the recommendation is made. The time spent for each meeting, in average, is two hours. The result is, a simple recommendation is made after six hours of discussion, instead of two. The same concerns were raised three times, and the same comments were heard three times.

In cases like this, can the Chair just adjourn the meeting?

Commented [BS(4): Katy Sheehan: What about "TAG Chair shall have the option to cancel the meeting. In the event a quorum of TAG members is not present and the TAG Chair still elects to go forward without a quorum, the TAG chair shall prepare a written or oral report.... Etc."

7. When reviewing proposed amendments to the codes, Technical Advisory Groups shall use a standardized, accepted methodology to consider economic impact on small businesses, housing affordability, construction costs, life-cycle costs, and the cost of code enforcement and shall evaluate the information provided by the proponent of such proposal. The TAG shall report those findings to the Workgroup on Economic Impact. The Workgroup of Economic Impact shall consider the TAG report and may conduct further research, as needed. The Workgroup of Economic Impact shall report those findings to the Council.

8. ~~5.~~ Recommendations from a Technical Advisory Group to the Council or Standing Codes Committee shall be made by consensus of the voting members of the Technical Advisory Group, whenever possible. Lacking a consensus, a recommendation shall be made by a majority vote of a quorum of voting TAG members. Consensus recommendations shall include a brief summary of the rationale for the recommendation. Recommendations to approve, modify or disapprove state amendments to the codes shall be based on the criteria established by the Council. The TAG Chair shall present Disputed recommendations shall be presented to Standing Codes Committees in the form of ~~an issue paper~~ a written or oral report, outlining all issues related to the subject. A disputed recommendation is one which received less than a two-thirds majority vote of the TAG members present.

~~For purposes of determining whether a quorum is present at TAG meetings, a quorum is defined as consisting of one more than half of the appointed TAG members (or their designated alternates, in the event the primary member is absent). When a TAG meeting lacks a quorum of appointed TAG members or their designated alternates, the Council will notify members who were absent and their constituent organization, where applicable, that repeated absence are grounds to designate their member status to ex-officio, nonvoting members, until active membership is secured or a reappointment is made. Ex-officio members do not count when determining a quorum.~~

9. **Application for TAG appointments.**

When advertising a vacancy on a TAG, the Council may establish an application period with a closing date. Persons applying for a TAG position must submit the application to the Council as required by this section. A separate application is required for each advertised TAG vacancy. The Council will not maintain applications on file for future consideration.

The application shall be accompanied by a resume, and may be supported by letters of support, recommendations and other materials demonstrating expertise and knowledge applicable to the TAG position. If the position is representing an organized stakeholder group, an approval/support letter from the organized stakeholder group is desirable.

The Council will consider applications and make selections based on qualifications applicable to the specific TAG vacancy. All decisions by the Council regarding appointments to TAGs are final and are not subject to appeal unless such appeal is brought by a motion from a Council member. One person cannot hold more than one TAG position and one alternate TAG position. When there are no volunteers for a specific representation following a 30-day advertisement of an available TAG position, the ??? may appoint persons to two TAGs and one alternate TAG position.

9. **Technical Advisory Groups Review**

Proponents of new code amendments or their designated agent may attend the TAG meetings to present their proposals and all related documents, and be prepared to respond to TAG comments and questions. All recommendations shall include a reason based on the requirements in WAC 51-04-020 and WAC 51-04-025, as applicable. The recommendations shall be based on one of the following:

Commented [BS(5)]: First, "standardized accepted methodology" is unclear; stakeholders are always complaining about it. Second, it is unclear if the TAGs are evaluating what is submitted by the proponents or they will be researching the economic impact on small businesses, housing affordability, construction costs, life-cycle costs, and the cost of code enforcement. The TAG should be evaluating only and then reporting to the WEI.

Commented [BS(6R5)]: Lorin Lathrop: Standardize the process. It does not have to be perfect but if you have a process or form that every committee follows and the public knows what it is then it makes you transparent.

Commented [BS(7R5)]: Craig Holt: Agree

Commented [BS(8)]: There are too many complaints related to TAG recommendations with +1 or 2 votes, but the 2/3 majority is not very well accepted either. Looking for better ideas.

Commented [BS(9)]: Relocated

Commented [BS(10)]: Lorin Lathrop: This seems like a waste of time. All proposals need to be submitted in writing with all the justification for the change. The TAG should then weigh the submitted documents and vote on them. YES, NO, TRY AGAIN. If you allow everyone with idea to speak, you get caught in the discussion. Stakeholders do not have the convenience of talking it through with someone to make their point when they are trying to follow the code. If the proponent cannot explain in writing, then it probably is not a good code to adopt.

If the TAG thinks that the idea has some merit, they should send it back to the author to work out some of the details.

This takes care of your need to have all proposals in writing and increases you transparency.

Commented [BS(11)]: Katy Sheehan: I liked "Shall". To make it a bit easier to do, perhaps we could say Proponents or their designated agent shall attend...."

Approve. Approval of a proposal as submitted.

Approve as amended.

- Approval of a proposal as amended, as suggested by the TAG for organization, cross-referencing, clarity, and editorial improvements.
- Approval of a proposal as amended and resubmitted for TAG review by the proponent.
- The TAG cannot make substantive changes to a proposal without the proponent's approval.
- Proposed modifications that change the regulatory effect of the initial proposal must be in writing and be available to the TAG members and the public before a vote is taken on the modification. Verbally negotiating amendments with text projected or posted on a screen during the meeting immediately prior to a vote, does not satisfy this requirement.
- Proposed modifications that change the regulatory effect of the initial proposal shall not be accepted without modifications to the documents required by WAC 51-04-025.

Further research required. A proposal has merit, but does not meet one or more of the requirements in WAC 51-04-020 and WAC 51-04-025, as applicable, and requires further research by the proponent. The TAG may recommend that the proponent submits the proposal in the next code adoption cycle.

Disapprove. A proposal does not meet a minimum of one of the requirements in WAC 51-04-020 and WAC 51-04-025, as applicable.

Council action. The Council staff shall make the TAG recommendations available for Council review. The Council staff shall report to the Council if action was not taken to address the recommendation or if there is a disagreement with the TAG recommendation.

Commented [BS(12): One concern here is that this may double the number of TAG meetings. TAG members may agree at one meeting, change it again at the next, and most likely make more changes as the process goes on. However, the intent for having this is to avoid misunderstanding. More importantly, the intent for all this additional rules is that the TAG meetings will be more formal, and we won't need too many TAG meetings.

Commented [BS(13): If there is a disagreement between the SBCC staff and the TAG members related to technical issues, conflicts with the law, or something else, typically this is resolved at the TAG level. However, sometimes the SBCC staff may need to raise a concern before the Council. For example, when a TAG makes a recommendation and the recommendation violates a section in the RCW, the SBCC staff should be able to report this to the Council. The intent here is to give the SBCC staff some opportunity to use their technical knowledge.

Amendments to Policies and procedures

WAC 51-04-015

Definitions.

(1) "Council" means the Washington state building code council.

(2) "Emergency statewide amendment" means any proposed statewide amendment, ~~the adoption of which is necessary immediately in order to protect life, safety or health of building occupants; preserve the structural integrity of buildings built to the state building code; to correct errors and omissions; or by the direction of the Washington state legislature or federal legislation meeting the criteria in RCW 34.05.350. A rule shall be considered an emergency rule if the Council, for good cause, finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.~~

~~Emergency statewide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.~~

(3) "Local government amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions.

(4) "Local government residential amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions, that applies to single and multifamily buildings as defined by RCW [19.27.015](#).

(5) "Local official" and "code official" means the officer or other designated authority charged with the administration and enforcement of the codes adopted under chapters [19.27](#) and [19.27A](#) RCW.

(6) "Model codes" means the codes developed by the model code organizations and adopted by and referenced in chapter [19.27](#) RCW.

(7) "Model code organization(s)" means the national code-promulgating organizations that develop the model codes (as defined herein), such as the International Code Council, International Association of Plumbing and Mechanical Officials, and National Fire Protection Association.

(8) "State building code" means the codes adopted by and referenced in chapter [19.27](#) RCW; the state energy code; and any other codes so designated by the Washington state legislature as adopted and amended by the council.

(9) "Statewide amendment" means any amendment to the model codes, initiated through council action or by petition to the council from any agency, city or county, or interested individual or organization, that would have the effect of amending the building code for the entire state of Washington. Statewide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter [34.05](#) RCW.

(10) "State building code update cycle" means that period during which the model code and standards referenced in chapter [19.27](#) RCW are updated and amended by the council in accordance with the Administrative Procedure Act, chapter [34.05](#) RCW hereinafter referred to as the "adoption period" and those additional periods when code changes are received for review as proposed amendments to the model codes, hereinafter referred to as "submission periods." [The State building code update cycle follows the adoption cycle of the model codes.](#)

Commented [BS(14)]: The existing definition, in parts, conflicts with the criteria outlined in RCW 34.05.350.

Commented [BS(15R14)]: Craig Holt: I prefer to keep the language as it stands for clarity. It could be modified to match the RCW if there is a difference.

Commented [BS(16)]: This is addressed in WAC 51-04-020(2)

WAC 51-04-020

Rules for the consideration of proposed statewide amendments.

(1) All petitions for statewide amendments to the building code must be compliant with the requirements set forth in WAC [51-04-025](#).

(2) The council will accept and consider compliant petitions for emergency statewide amendments to the building code at any time, in accordance with [WAC 51-04-015](#), RCW [19.27.074](#) and chapter [34.05](#) RCW.

(3) The council will accept and consider compliant petitions for statewide amendments that are submitted within the time periods the council posts for petitions relating to Group 1 and Group 2 amendments to be made in conjunction with the state building code update cycle, as defined in WAC 51-04-015(10).

(a) For the purpose of review and adoption of new model code editions and statewide amendment submission, the state building code shall be divided into two groups as follows, **unless otherwise** directed by the council:

(i) Group 1: International Building Code (IBC); International Existing Building Code (IEBC); International Fire Code (IFC) Washington state energy code-commercial (WSEC-C) and Wildland Urban Interface Code (WUI).

(ii) Group 2: International Residential Code (IRC); International Mechanical Code (IMC); International Fuel Gas Code (IFGC); standards liquefied petroleum gas are National Fire Protection Association (NFPA) standards 58 and 54; Uniform Plumbing Code (UPC); Washington state energy code-residential (WSEC-R).

(b) ~~During August No later than December~~ of the year before the year of the model code edition, the council will post a timeline for Group 1 and Group 2 code update processes, including providing separate periods of at least sixty days for the submission of petitions for statewide amendments for each group. ~~the~~The council reserves the right to modify its timeline as it determines necessary and appropriate.

(c) The timeline shall include deadlines for committee transmittal to council of separate reports for Group 1 and Group 2 that identify:

(i) The significant changes contained in the new model codes from the prior model codes;

(ii) The existing state amendments to prior model codes that are proposed to be modified or eliminated; and

(iii) All **TAG and standing** committee proposed amendments to the new model codes. The reports shall be posted on the council website.

(d) The council shall direct council staff to submit a CR-102 to the code reviser's office containing any proposed rules that the council has approved and shall conduct at least two public hearings for each group (one in western Washington and one in eastern Washington) following the filing of the proposed rules with the code reviser's office. **The SBCC staff shall have full responsibility and authority over the filing.**

~~(e) Upon completion of the council's review of Group 1 amendments (not including Group 1 amendments the council directs be kept open for consideration during the Group 2 period), the council will commence review of Group 2 amendments following the timeline.~~

(4) The council will accept and consider compliant petitions for all other statewide amendments to the state building code if one or more of the following criteria are met:

(a) The amendment is directed by the legislature;

(b) The amendment **meets any of the criteria for expedited rule pursuant to RCW 34.05.353, including, but not limited to is necessary for** code correlation, correction of errors, **language clarification,** or section **numbers** update; or

~~(c) The council determines that the amendment would serve a critical public interest and requires immediate/accelerated action.~~

if (c) stays, add (d) During the state building code update cycle, the council will not accept or consider petitions for statewide amendments submitted outside the time periods established by WAC 51-04-020 (3).

Commented [BS(17)]: Is it a good idea to discuss formally allowing the SBCC staff to propose amendments. Most likely these will be "clean-up" amendments intended to fix errors or conflicts with state laws and regulations.

Commented [BS(18)]: This will be difficult to achieve, Group 1/Group 2 will overlap anyway.

(5) The council shall review proposed new statewide amendments, and approve those meeting the appropriate criteria to file as proposed rules in accordance with ~~chapter 34.05~~ RCW 34.05.328. The proposed rules filing shall include a small business economic impact statement in accordance with chapter 19.85 RCW.

(6) The code development period shall conclude with formal adoption of the state building code as amended by the council. As required by RCW 19.27.074, all decisions to adopt or amend the state building code shall be made prior to December 1st and shall not take effect before the end of the regular legislative session in the next year.

Provided, the December 1st deadline shall not apply to emergency rules or expedited adoption of rules under the Administrative Procedure Act, chapter 34.05 RCW.

(7) State amendments as approved by the council shall be submitted to the appropriate model code organization, at the direction of the council, except those adopted for consistency with state statutes or regulation and held for further review during the adoption period of those model codes by the council.

The SBCC staff, as directed by the Council, may sign contracts with the appropriate model code organizations for publishing of the Washington State Custom Codes.

WAC 51-04-025 Procedure for submittal of proposed statewide amendments. (1)

Statewide and emergency statewide amendments to the state building code shall conform to the purposes, objectives, and standards prescribed in RCW 19.27.020.

Applications for proposed statewide amendments shall be complete, include a detailed economic and cost-benefit analysis of impacts of the proposed statewide amendment and be submitted in writing to the council, on the form provided by the council. The amendment must address existing model code language, a change in the model codes since a previous edition, or be based on an existing state or local amendment to the model code, if present; or a portion of the state code other than the language in the model code being considered if there is no existing state amendment to that section. The state building code council shall consider the action of the model code organizations in their consideration of these proposals.

Statewide and emergency statewide amendments to the state building code shall be based on one of the following criteria:

- (a) The amendment is needed to address a critical life/safety need.
- (b) The amendment clarifies the intent or application of the code.
- (c) The amendment is necessary for consistency with state or federal laws and regulations.
- (d) The amendment corrects errors and omissions.
- (e) The amendment eliminates an obsolete, conflicting, duplicating or unnecessary regulation.

(2) Petitions for statewide amendments to the building code shall be submitted to the council during the submission period and the adoption period in accordance with WAC 51-04-020. Minimum requirements specified on the form for submittals must be included. Incomplete submittals will be held for thirty-seven days and the proponent will be notified with a request for more information. If after thirty-seven days, the applicant has not provided requested information for a complete

Commented [BS(19)]: The form may need to be amended to add criteria from RCW 34.05.328.

application, the proponent's proposal will be deemed incomplete and shall not move forward.

(3) Petitions for emergency statewide amendments to the building code may be submitted at any time, in accordance with RCW 19.27.074 and chapter 34.05 RCW, and WAC 51-04-015 and WAC 51-04-020 (2). Proponents shall attend the Council meeting to present their petitions and all related documents, and be prepared to respond to comments and questions. The Council shall be permitted to accept or deny the petition not earlier than the next scheduled Council meeting, after the petition is introduced. Finding for emergency and a concise statement of the reasons for its finding, as required in RCW 34.05.380, shall be provided with the petition.

The council may refer a proposed statewide amendment to one of the Technical Advisory Groups or council standing committees for review and comment prior to council action in accordance with chapter 34.05 RCW.

(4) The council shall consider and take action on all proposed statewide amendments within the time frames required by chapter 19.27 RCW, RCW 34.05.330, and all other deadlines established by statute.

Commented [BS(20): Katy Sheehan: Whatever we decide above in section 9 should mirror what we write here.