From: Murphy, Dermott G.
To: Curb, Dustin (DES)
Subject: Council Meeting 1-/16/26-Letter of submission to EP #5Justing,
Date: Friday, October 16, 2026 10:30:30 AM
Attachments: image001.jpg
image002.png
image003.png
image004.png
SBCC Comments.docx

External Email

Justin,
Can you add the attached letter to agenda number 5 for review.

Thank you

Dermott murphy



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Washington State Building Code Council

Emergency Residential Energy Code Relief — Wildfire Reconstruction

October 16, 2026

Chair Beyreuther and Members of the Council:

Thank you for considering emergency energy-code relief for Washington homeowners whose residences were damaged or destroyed by the 2026 wildfires.

We support Governor Ferguson's request to provide meaningful, immediate relief to affected homeowners. The objective should be to reduce unnecessary construction costs, eliminate avoidable regulatory delays, and establish a clear and predictable path for families rebuilding their homes.

After reviewing the two proposals, we support the proposed exception to **WAC 51-11R-10100, Section R101.2**, rather than establishing a new Emergency Recovery compliance pathway within the residential energy code.

Both proposals are intended to accomplish the Governor's objectives. The distinction lies in how the relief would be administered.

The proposed Emergency Recovery compliance pathway introduces new code sections, historical thermal-performance reference tables, aggregate building-envelope calculations, and additional documentation requirements. Although these provisions could provide meaningful energy-code flexibility, they create a new compliance methodology that designers, builders, plans examiners, and inspectors would need to understand and consistently administer.

The concern is not the underlying technical concept. Rather, it is the additional complexity introduced during an emergency recovery period when local jurisdictions may be processing hundreds of replacement-home permits.

Developing consistent interpretations, reviewing new performance calculations, training staff, and educating the construction community all require time and resources. These activities may be appropriate through the normal code-development process, but they are less desirable when the primary objective is timely disaster recovery.

The proposed exception to Section R101.2 offers a more direct approach.

It allows qualifying homeowners to rebuild using an established edition of the Washington State Energy Code, no older than the 2015 edition, rather than creating an entirely new compliance pathway.

These earlier code editions have already been adopted, published, interpreted, and administered throughout Washington. Designers understand their requirements, builders can estimate construction costs using familiar standards, and building departments can apply established plan-review and inspection practices.

Importantly, this approach does not eliminate energy-code compliance. It establishes a defined alternative energy standard while allowing current applicable structural, fire, mechanical-safety, electrical, plumbing, and other life-safety requirements to remain in effect.

The most important distinction is the time required to make relief operational.

Both proposals would require appropriate Council action and emergency rulemaking. However, once effective, the R101.2 exception could be administered using existing code provisions and established review practices. Local jurisdictions would primarily need to verify homeowner eligibility, property history, and the applicable energy-code edition.

The alternative Emergency Recovery pathway would likely require additional technical interpretation, training, administrative guidance, and coordination before it could be implemented consistently across jurisdictions.

For homeowners trying to rebuild, those differences can translate directly into additional design expenses, permit delays, and prolonged displacement.

The Governor's letter specifically emphasizes affordability, predictability, and speed. We believe those objectives are best served by allowing eligible homeowners to use an established Washington State Energy Code edition rather than requiring compliance with a newly developed technical alternative.

Before adoption, the proposed R101.2 exception should be refined as necessary to ensure that its eligibility, ownership-transfer, and applicable-code provisions accurately reflect the Governor's requested scope of relief.

Our recommendation is straightforward:

The Council should advance the R101.2 exception through emergency rulemaking, with appropriate eligibility safeguards, and reserve consideration of a new technical Emergency Recovery compliance pathway for the normal code-development and Technical Advisory Group review process.

Washington's wildfire survivors need a reasonable standard they can understand, builders can price, designers can apply, and local building departments can consistently enforce.

The objective should be to provide relief through an established code, not to create another code that must first be learned and interpreted.

Thank you for your consideration.