
SUBSTITUTE HOUSE BILL 2071

State of Washington

68th Legislature

2024 Regular Session

By House Housing (originally sponsored by Representatives Duerr, Bateman, Fitzgibbon, Berry, Reed, Ormsby, Ramel, Pollet, and Kloba)

READ FIRST TIME 01/23/24.

1 AN ACT Relating to residential housing regulations; adding new
2 sections to chapter 19.27 RCW; adding new sections to chapter 36.70A
3 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.27
6 RCW to read as follows:

7 (1) The state building code council shall convene a technical
8 advisory group for the purpose of recommending the additions or
9 amendments to rules or codes that are necessary for the council to
10 apply the international residential code to multiplex housing and
11 exempt multiplex housing from the international building code. These
12 recommendations must include those code changes necessary to ensure
13 public health and safety in multifamily housing under the
14 international residential code and may include the life safety
15 systems for multiplex housing from the international building code.

16 (2) The advisory group shall provide its recommendations to the
17 council in time for the council to adopt or amend rules or codes as
18 necessary for implementation in the 2024 international building code.
19 The council shall take action to adopt additions and amendments to
20 rules or codes as necessary to apply the international residential
21 code to multiplex housing by July 1, 2026.

1 (3) For the purposes of this section, "multiplex housing" means a
2 building with up to six dwelling units consolidated into a single
3 structure with common walls and floors and a functional primary
4 street entrance, or a building of up to three stories containing up
5 to six dwelling units consolidated into a single structure.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.27
7 RCW to read as follows:

8 (1) The state building code council shall convene a technical
9 advisory group for the purpose of recommending amendments to the
10 international building code that would allow for a minimum dwelling
11 unit size that is less than the requirements for an efficiency
12 dwelling unit in the international building code. The technical
13 advisory group shall consider aligning the state building code
14 sections related to interior environment with the relevant sections
15 of the national healthy housing standard published by the national
16 center for healthy housing. When developing the recommendations, the
17 technical advisory group must review the differences between the
18 state building code and the national healthy housing standard and
19 allow experts in public health and fire safety to comment during the
20 process.

21 (2) The technical advisory group shall provide its
22 recommendations to the council in time for the council to adopt or
23 amend rules or codes as necessary for implementation in the 2024
24 international building code. The council shall take action to adopt
25 additions and amendments to rules or codes as necessary by July 1,
26 2026.

27 NEW SECTION. **Sec. 3.** The office of regulatory innovation and
28 assistance shall contract with a qualified external consultant or
29 entity to develop a standard plan set demonstrating a prescriptive
30 compliance pathway that will meet or exceed all energy code
31 regulations for residential housing in the state subject to the
32 international residential code. The standard plan set may be used,
33 but is not required, by local governments and building industries. In
34 developing the standard plan set, the consultant shall, at a minimum,
35 seek feedback from cities, counties, building industries, and
36 building officials. The standard plan set must be completed by June
37 30, 2025.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
2 RCW to read as follows:

3 (1) For retrofits of existing buildings to be used for
4 residential housing, a city or county must allow the portion of
5 exterior wall assemblies that include insulation to project up to an
6 additional eight inches into the setbacks on all sides.

7 (2) For existing nonconforming buildings already projecting into
8 setbacks, a city or county must allow the portion of exterior wall
9 assemblies that include insulation to project up to an additional
10 eight inches into the setbacks on all sides if the building is to be
11 used for residential housing.

12 (3) For retrofits of existing buildings to be used for
13 residential housing, gross floor area must be measured from the
14 interior face of the exterior walls, which includes drywall, as
15 typically depicted on the architectural floor plans.

16 (4) Nothing in this section prohibits a city or county from
17 applying the requirements of the state building code.

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A
19 RCW to read as follows:

20 (1) For new residential construction meeting passive house
21 requirements:

22 (a) Any required setback must be measured to the outside face of
23 the foundation, and a city or county must allow the portion of
24 exterior wall assemblies that include insulation to project up to
25 eight inches into setbacks on all sides; and

26 (b) Gross floor area must be measured from the interior face of
27 the exterior walls, which includes drywall, as typically depicted on
28 the architectural floor plans.

29 (2) For new construction and the retrofit of existing buildings
30 meeting passive house requirements, a city or county must allow
31 residential housing to exceed the maximum allowable roof height by
32 eight inches to accommodate additional insulation.

33 (3) A city or county may not require off-street parking as a
34 condition of permitting a residential project meeting passive house
35 requirements.

36 (4) For the purposes of this section, "passive house
37 requirements" means the criteria for certification as a passive house
38 by phius or the international passive house institute.

1 (5) Nothing in this section prohibits a city or county from
2 applying the requirements of the state building code.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A
4 RCW to read as follows:

5 A city or county may not require off-street parking as a
6 condition of permitting a residential project if compliance with tree
7 retention or protection requirements would otherwise make a proposed
8 residential development or redevelopment infeasible.

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