

# HOUSE BILL REPORT

## HB 2303

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**As Reported by House Committee On:**  
Local Government

**Title:** An act relating to the international wildland urban interface code.

**Brief Description:** Adopting the international wildland urban interface code by reference for purposes of the state building code.

**Sponsors:** Representatives Van De Wege, Dunshee, Tharinger, Pettigrew, Moeller and Goodman.

**Brief History:**

**Committee Activity:**

Local Government: 1/13/16, 1/20/16 [DPS].

**Brief Summary of Substitute Bill**

- Adds the International Wildland Urban Interface Code to the State Building Code.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Appleton, Chair; Gregerson, Vice Chair; Fitzgibbon, McBride and Peterson.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; McCaslin and Pike.

**Staff:** Michaela Murdock (786-7289).

**Background:**

The State Building Code.

The State Building Code (SBC) establishes minimum performance standards and requirements for construction and construction materials in the state, consistent with accepted standards of engineering, fire, and life safety. The SBC comprises a number of model codes

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and standards, developed and published by international and national organizations, which are adopted by reference in the State Building Code Act (Act). Model codes and standards adopted in the Act include the International Building Code, the International Residential Code, the Uniform Plumbing Code, and the Uniform Plumbing Code Standards.

The State Building Code Council (Council) is responsible for adopting, amending, and maintaining, as appropriate, the model codes and standards adopted by reference in the Act. Amendments to the model codes and standards adopted by the Council are codified in the Washington Administrative Code. The Council regularly reviews updated editions of each model code and standard every three years.

The International Wildland-Urban Interface Code.

The International Wildland-Urban Interface Code (IWUIC) is a model code developed and published by the International Code Council, Inc. (ICC). The ICC is a nonprofit organization that develops and publishes model codes for building, construction, and design standards. Updates to the codes are developed and published on a three-year cycle.

The IWUIC establishes minimum regulations for land use and the built environment in designated wildland-urban interface areas for the stated purpose of mitigating wildfire hazard. The IWUIC applies to the construction, alteration, movement, repair, maintenance, and use of any building, structure, or premises within the "wildland-urban interface areas" of a jurisdiction. "Wildland-urban interface area" is defined in the IWUIC as the geographical areas where structures and other human development meets or intermingles with wildland or vegetative fuels.

Although the IWUIC is not currently one of the model codes comprising the SBC, the Council adopted the *2012 International Wildland-Urban Interface Code* with amendments in 2012 as an optional code that local jurisdictions may adopt and enforce within their respective jurisdictions.

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**Summary of Substitute Bill:**

The International Wildland-Urban Interface Code, published by the International Code Council, Inc., is added as one of the model codes adopted by reference in statute as part of the State Building Code.

**Substitute Bill Compared to Original Bill:**

The substitute bill changes the effective date of the bill to January 1, 2018.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect on January 1, 2018.

**Staff Summary of Public Testimony:**

(In support) Although recent weather belies the danger, wildfires are a serious issue for this state. Washington has experienced numerous wildfires in the last two years, and is spending a lot of money. There has been a tremendous loss of property in this state. Over 1,500 residences and structures have been lost due to fire in the past two years, and many losses could have been prevented if the buildings had: (1) fire resistant siding and roofing; and (2) the owner had removed vegetative fuels from around the home. These are the basic requirements of the International Wildland-Urban Interface Code (IWUIC). With adoption of the IWUIC, the state has the opportunity to implement best practices in both urban and rural areas and reduce costs. There are several legislative proposals this year that will address future costs and wildfire prevention.

A large cost of wildfires comes from protecting structures. Under the IWUIC, buildings and structures will be better protected and less manpower needed. Fire services are limited in creating defensible space around structures, which is the biggest factor in protecting structures. Firefighters have the job of trying to defend homes in indefensible spaces, which puts lives at risk. This code helps transfer some of the fire protection costs to property owners by directing them to provide more defensible space.

An identical bill was introduced in 2009 and came close to passing; however, there were concerns with adopting the IWUIC at that time. Those concerns have since been addressed. There are a number of jurisdictions in the state (*e.g.*, Douglas, Kittitas, and Yakima counties, and the City of Wenatchee) that have adopted the IWUIC and have seen benefits and improvements. The federal government is considering adopting the IWUIC to apply to federal lands, and Montana has adopted and implemented the IWUIC and realized benefits from doing so. Washington needs to do the same statewide.

Fire codes have been around for over a thousand years to prevent fire risks. The IWUIC provides minimal standards for fire prevention in wildland-urban interface areas, similar to fire code requirements for buildings. The purpose of the IWUIC is to mitigate hazards from fires, and it applies only to buildings in the designated wildland-urban interface. If adopted, the state will be mapped and wildland-urban interface areas will be identified. The IWUIC may be implemented to suit the needs of Washington, and may be adopted with amendments.

Homeowners in the wildland-urban interface areas must meet certain requirements (*e.g.*, regarding setbacks for vegetation fuels and the types of materials used in home construction). Other examples of requirements for homeowners, include identifying your road, address, and where you get your water supply, and making sure that you can get to that water supply. Although there are some additional costs for homeowners, Kittitas County has not received many complaints. The cost to homeowners of meeting code requirements should be contrasted statewide with the cost to taxpayers in providing fire protection and suppression. There is concern about complying with the code, but the code only targets conditions that come after; the law does not apply retroactively.

The International Code Council, Inc. promulgates coordinated codes in order to avoid duplicative or conflicting requirements and to result in consistent construction. The codes represent best practices for jurisdictions, and are accessible online for no charge.

(Opposed) The IWUIC should not be adopted statewide. It is already an optional code that local jurisdictions may choose to adopt and enforce, and local jurisdictions should continue to be able to make that decision. The State Building Code Council (SBCC) has struggled to comply with the Open Public Meetings Act and other requirements of the code-adoption process. Giving the SBCC authority to regulate land use will create hardship and confusion for homeowners and local jurisdictions. The SBCC continues to have funding issues. Homeowners will have to comply with retroactive provisions of the bill.

Adoption of the IWUIC is an issue with a long history. This exact same bill was submitted in 2009, and as a result, a task force was formed, stakeholders came together, and a report was drafted. Afterward, the IWUIC was adopted as an optional code by the SBCC. The task force gave detailed consideration to the issue, and we need to review the conclusions of the task force before moving forward.

In western Washington, there are lots of trees. Cutting trees around homes will conflict with tree ordinances, and will change communities. There are other fire prevention resources that should be utilized first, for example, conservation districts.

(Other) Statewide adoption of the IWUIC and funding issues are very concerning. A one-size-fits-all approach for counties does not always work; local governments should have flexibility in adopting the code. Many counties are already in the process of considering adoption of or adopting the code. Adoption of the IWUIC requires long-range planning and mapping, which will cost money. Counties are already struggling to pay for other long-range planning costs and updates. Perhaps money directed toward wildfire prevention can be used to help fund the IWUIC adoption at the local level. Currently, financial burdens are not being shared equally.

**Persons Testifying:** (In support) Representative Van De Wege, prime sponsor; Kraig Stevenson, International Code Council; Russ Hobbs, Kittitas County Fire District 7; Robert Bradley, Washington State Association of Fire Marshals; Mary Verner, Washington Department of Natural Resources; and Geoff Simpson, Washington State Council of Fire Fighters.

(Opposed) Jan Himebaugh, Building Industry Association of Washington; and Jeanette McKague, Washington Association of Realtors.

(Other) Laura Berg, Washington State Association of Counties.

**Persons Signed In To Testify But Not Testifying:** None.