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**HOUSE BILL 2676**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Blake and Rossetti

AN ACT Relating to authorizing cities and counties to exempt innovative housing from the state building code; amending RCW 19.27.060; adding a new section to chapter 19.27 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that the use of local resources and labor in building construction adds to the economic vitality of Washington communities, particularly in rural areas. The legislature also finds that the use of innovative techniques and materials to create environmentally sustainable housing not only benefits the health and well-being of the people of Washington, but also helps protect the state's natural resources. It is the legislature's intent to support and encourage the use of innovative and environmentally sustainable housing materials and designs while recognizing and accounting for the risk counties, cities, and towns may face in permitting property owners to voluntarily use techniques, materials, or designs that do not conform with requirements of the state building code by providing liability protection to those local governments.

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

(1) The legislative authority of a city or county may adopt an ordinance that, for innovative housing, creates an exemption from requirements of this chapter and the state building code, as adopted and amended by the state building code council under RCW 19.27.031. However, the city or county may not exempt innovative housing from requirements concerning fire alarms, smoke detectors, carbon monoxide alarms, and means of egress.

(2) At a minimum, any ordinance adopted under this section must:

(a) Establish that the exemption for innovative housing only applies to single-family residences meeting the requirements of this section and local ordinance;

(b) Provide that, except for laws and regulations governing fire alarms, smoke detectors, carbon monoxide alarms, and means of egress, innovative housing is not required to comply with requirements of this chapter and the codes maintained by the state building code council;

(c) Require innovative housing to comply with all applicable zoning, land use planning, and environmental regulations;

(d) Provide for all routine inspections of the residence during permit review and construction by the applicable building official;

(e) Require the property owner to record the final itemized record, provided under subsection (3) of this section, with the county auditor to become part of the title; and

(f) Establish that the property owner bears the risk of all noncompliance with the state building code.

(3) During permit review and construction, the building official must keep a good faith itemized, written account of each nonconforming part or condition of the residence, indicating how the part or condition deviates from or does not comply with the state building code. Upon final inspection and occupancy, the building official must deliver to the property owner the final itemized record of all nonconforming parts and conditions of the residence.

(4)(a) Any city or county that adopts an ordinance creating an exemption for innovative housing, and any employee, official, agent, or representative of the city or county, is immune from suit and liability, either personally or in an official capacity, for any claim for damage to or loss of property, personal injury, or other civil liability caused by or arising out of any actual or alleged act, error, or omission related to the construction of innovative housing, or construction materials or designs used in innovative housing, when such housing is built in accordance with this section.

(b) Any owner of a single-family residence that is constructed as innovative housing in accordance with this section and local ordinance, and for which a final itemized record of nonconforming parts and conditions has been recorded with the county, must hold the city or county harmless for the amount of any settlement or judgment obtained as a result of a nonconformity of the residence with the state building code.

**Sec.**  RCW 19.27.060 and 2015 c 226 s 1 are each amended to read as follows:

(1) The governing bodies of counties and cities may amend the codes enumerated in RCW 19.27.031 as amended and adopted by the state building code council as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the state building code.

(a) No amendment to a code enumerated in RCW 19.27.031 as amended and adopted by the state building code council that affects single-family or multifamily residential buildings shall be effective unless the amendment is approved by the building code council under RCW 19.27.074(1)(b).

(b) Any county or city amendment to a code enumerated in RCW 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to be effective after any action is taken under RCW 19.27.074(1)(a) without necessity of reapproval under RCW 19.27.074(1)(b) unless the amendment is declared null and void by the council at the time any action is taken under RCW 19.27.074(1)(a) because such action in any way altered the impact of the amendment.

(2) Except as permitted or provided otherwise under this section, the state building code shall be applicable to all buildings and structures including those owned by the state or by any governmental subdivision or unit of local government.

(3) Except as provided otherwise in section 2 of this act, the governing body of each county or city may limit the application of any portion of the state building code to exclude specified classes or types of buildings or structures according to use other than single-family or multifamily residential buildings. However, in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses constitute combustible stock for the purposes of application of the uniform fire code. A governing body of a county or city may inspect facilities used for temporary storage and processing of agricultural commodities.

(4) No provision of the uniform fire code concerning roadways shall be part of the state building code: PROVIDED, That this subsection shall not limit the authority of a county or city to adopt street, road, or access standards.

(5) The provisions of the state building code may be preempted by any city or county to the extent that the code provisions relating to the installation or use of sprinklers in jail cells conflict with the secure and humane operation of jails.

(6)(a) Effective one year after July 23, 1989, the governing bodies of counties and cities may adopt an ordinance or resolution to exempt from permit requirements certain construction or alteration of either group R, division 3, or group M, division 1 occupancies, or both, as defined in the uniform building code, 1988 edition, for which the total cost of fair market value of the construction or alteration does not exceed fifteen hundred dollars. The permit exemption shall not otherwise exempt the construction or alteration from the substantive standards of the codes enumerated in RCW 19.27.031, as amended and maintained by the state building code council under RCW 19.27.070.

(b) Prior to July 23, 1989, the state building code council shall adopt by rule, guidelines exempting from permit requirements certain construction and alteration activities under (a) of this subsection.

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