

# HOUSE BILL REPORT

## HB 1011

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

**Title:** An act relating to assigning counties to two climate zones for purposes of the state building code.

**Brief Description:** Assigning counties to two climate zones for purposes of the state building code.

**Sponsors:** Representatives Short, Takko, Springer, Buys, Kretz, Shea, Gregerson and Condotta.

#### **Brief History:**

##### **Committee Activity:**

Local Government: 1/13/15, 1/15/15 [DP].

#### **Brief Summary of Bill**

- Provides that the state's climate zones for building purposes are designated in statute, and that the assignment of a county to a climate zone may not be changed by adoption of a model code or rule.
- Changes the statutory climate zone assignments of nine counties, thereby establishing that one of the state's two climate zones for building purposes is comprised of the following counties: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima.
- Eliminates statutory language designating the state's climate zones for building purposes as "climate zone 1" and "climate zone 2."

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass. Signed by 9 members: Representatives Takko, Chair; Gregerson, Vice Chair; Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Fitzgibbon, McBride, McCaslin, Peterson and Pike.

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

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## **Background:**

### The State Building Code.

The State Building Code (SBC) provides statewide minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire, and life safety. The SBC is comprised of model codes, including building, residential, fire, and plumbing codes, adopted by reference in statute, as well as rules developed and adopted by the State Building Code Council (Council). The Council is responsible for adopting, amending, and maintaining as appropriate the model codes adopted by reference. The Council reviews updated editions of model codes on a three-year cycle.

### The Washington State Energy Code.

The Council is charged with adopting rules to be known as the Washington State Energy Code (WSEC), as part of the SBC. The WSEC for residential buildings is the maximum and minimum energy code for residential construction in each county, city, and town, while the WSEC for commercial or nonresidential buildings is the minimum energy code for commercial construction.

The WSEC is required to take into account regional climatic conditions. Statute assigns each of Washington's 39 counties to one of two climate zones: climate zone 1 or climate zone 2. The following counties are assigned by statute to climate zone 2: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties. All other counties are assigned to climate zone 1.

Effective July 1, 2013, the Council adopted the 2012 edition of the International Energy Conservation Code (IECC) with amendments as the energy code for residential and commercial buildings in Washington.

### The 2012 International Energy Conservation Code.

The International Energy Conservation Code (IECC) is a model code developed and published by the International Code Council, Inc. The IECC regulates the design and construction of buildings for the effective use and conservation of energy over the useful life of each building. New editions of the IECC are developed and published on a three-year cycle.

The 2012 IECC model code divides the United States into eight climate zones (1 through 8, with sub-designations A, B, and C). Climate zone assignments are used to determine whether different IECC requirements are applicable within a specific jurisdiction or region. Under the 2012 IECC model code, Washington is divided among three climate zones: 4C, 5B, and 6B. In general, counties located west of the Cascade Mountain Range are assigned to zone 4C, and counties located east of the Cascade Mountain Range, with the exception of four counties, are assigned to zone 5B. Four counties, Ferry, Okanogan, Pend Oreille, and Stevens, are assigned to zone 6B.

In adopting the 2012 IECC as Washington's energy code for residential and commercial buildings, the Council amended the model code's climate zone assignments. Instead of assigning Washington counties to three climate zones, the Council adopted rules assigning each county to one of two zones. The following counties are assigned by rule to climate zone

5B: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima. All other counties in Washington are assigned by rule to zone 4C.

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**Summary of Bill:**

The State Building Code Act specifies that the state's climate zones for building purposes are designated in statute. The assignment of a county to a climate zone may not be changed by adoption of a model code or rule.

The state's climate zones, as designated in statute, are modified in several ways. First, statute no longer numbers or identifies the two climate zones as "climate zone 1" and "climate zone 2." The two zones are instead distinguished by specifying that one zone is comprised of counties listed in statute, while the other zone is comprised of all other counties not listed in statute.

Second, the statutory climate zone assignments of nine counties are changed. The following counties are added to the zone with counties listed in statute (formerly, climate zone 2): Asotin, Benton, Columbia, Franklin, Garfield, Klickitat, Skamania, Walla Walla, and Yakima.

Finally, statute provides that the Council is not prohibited from adopting the same rules or standards for each climate zone.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill was before the committee last year. It was supported last year and is supported again this year. The State Building Code Council (Council) also supports this bill.

The entity responsible for consulting with the Council should not be changed from the Department of Enterprise Services (DES) to the Department of Commerce. The DES is the successor agency of the Department of General Administration and the Council should stay with the DES.

Historically, the state's climate zones have been designated in statute as climate zones 1 and 2, and the Council has taken these zones into consideration with respect to insulation and energy efficiency measures. In 2012 during the Council's adoption and amendment of the

International Energy Conservation Code, the Council considered whether to adopt the model code's climate zone assignments, which differ from the statutory assignments. The Council considered adopting higher insulation requirements for the northeast counties, in the coldest part of the state, but county commissioners petitioned against adopting disparate requirements. Ultimately, the Council chose to amend the model rule to provide for only two climate zones and opted to have consistent standards throughout the state. The Council did this in the interest of providing consistency and for training purposes. The Council supports the idea of using a consistent energy code throughout the state regardless of climate zone designation.

This bill will protect the northeast counties, Ferry, Okanogan, Pend Oreille, and Stevens, from being isolated in the energy code, and from having additional requirements imposed upon them. Those four rural counties do a lot of work with Spokane. They often use Spokane builders, suppliers, and building officials. For example, staffing in the Pend Oreille County building department is very limited. During the heavy building season, the department frequently uses substitutes that they share with other departments in the region. A single, consistent code throughout the region is very helpful for staffing and for understanding requirements and standards. It also enables those counties to access supplies from neighboring jurisdictions and avoid having to go out of state to obtain supplies that satisfy requirements only applicable to construction in those four counties.

The bill does not prevent the Council from adopting changes to the State Building Code. This bill will bring the rule adopted by the Council into compliance with state statute. The climate zones proposed in the bill are better than the current statutory assignments.

(Opposed) None.

**Persons Testifying:** Representative Short, prime sponsor; Tim Nogler, Washington State Building Code Council; Jan Himebaugh, Building Industry Association of Washington; Laura Merrill, Washington State Association of Counties; and Jeanette McKague, Washington Realtors.

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