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**SUBSTITUTE HOUSE BILL 1167**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** House Housing (originally sponsored by Representatives Duerr, Low, Walen, Reed, Bateman, Ramel, Fitzgibbon, Taylor, Macri, Gregerson, Wylie, Pollet, Kloba, and Tharinger)

AN ACT Relating to residential housing regulations; amending RCW 19.27.060; adding new sections to chapter 36.70A RCW; 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.**  A new section is added to chapter 36.70A RCW to read as follows:

(1) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the adoption of preapproved middle housing plans.

(2) When a preapproved plan is submitted to a county or city during the process of seeking permit approval for a middle housing development, the county's or city's review of the preapproved plan may not be more than administrative.

(3) For the purpose of this section:

(a) "Preapproved middle housing plans" means a selection of middle housing architectural plans that have been reviewed by county or city code officials and approved for compliance with applicable building codes within the county or city.

(b) "Middle housing" means duplexes, triplexes, fourplexes, fiveplexes, sixplexes, attached and detached accessory dwelling units, cottage housing, stacked flats, townhouses, or courtyard apartments.

(c) "Cottage housing" means four or more residential units on a lot with a common open space that either: (i) Is owned in common; or (ii) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

(d) "Courtyard apartments" means up to four attached dwelling units arranged on two or three sides of a central courtyard or lawn area.

(e) "Stacked flat" means dwelling units in a two-story or three-story residential building on a residential zoned lot in which each floor may be separately rented or owned and is a discrete dwelling unit.

(f) "Townhouses" means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides that extends at least 50 percent of the length of each of these two sides.

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

(1) The state building code council shall convene a work group for the purpose of recommending the additions or amendments to rules or codes that are necessary for the council to adopt to apply the international residential code to multiplex housing and exempt multiplex housing from the international building code. These recommendations shall include those code changes necessary to ensure public health and safety in multifamily housing under the international residential code, including incorporating the life safety systems for multiplex housing from the international building code.

(2) The work group shall provide its recommendations to the council in time for the council to adopt or amend rules or codes as necessary for implementation in 2025. The council shall take action to adopt additions and amendments to rules or codes as necessary to apply the international residential code to multiplex housing by December 1, 2024.

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

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

(1) Counties planning under RCW 36.70A.040 and cities within such counties must adopt or amend by ordinance and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (3) of this section, to take effect by July 1, 2025, within urban growth areas designated according to RCW 36.70A.110.

(2) Beginning July 1, 2025, the requirements of subsection (3) of this section:

(a) Apply and take effect in any city or county that has not adopted or amended ordinances, regulations, or other official controls as required under this section; and

(b) Supersede, preempt, and invalidate any local development regulations that conflict with this section.

(3)(a) Within residential zones that allow for multiplex housing, counties and cities may not impose or require zoning, development, siting, or other standards for multiplex housing that are more restrictive than those required for detached single-family residences, except when necessary for fire and life safety. Counties and cities must apply the same development permit and environmental review processes to multiplex housing that are applied to detached single-family residences.

(b) Within one-quarter mile of a community core location, cities and counties may not mandate setbacks or development regulations for residential buildings that would prohibit the development from achieving the underlying zoning or density allowed, except for building codes, health and safety requirements, public utility access and utility meter access requirements.

(c) Cities that meet the criteria in RCW 19.27.060(4) may not require more than a single stairway in residential buildings of six or fewer stories that meet the conditions in RCW 19.27.060(3).

(4)(a) For the purposes of this section, "multiplex housing" means duplexes, triplexes, fourplexes, fiveplexes, sixplexes, attached and detached accessory dwelling units, cottage housing, stacked flats, townhouses, or courtyard apartments.

(b) For the purposes of this section, "community core location" means:

(i) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(ii) Commuter rail stops;

(iii) Stops on rail or fixed guideway systems, including transitways;

(iv) Stops on bus rapid transit routes;

(v) A stop designated as a "major transit stop" prior to the effective date of this section by a regional agency planning under the multicounty planning policies authority of RCW 36.70A.210(7);

(vi) Public schools as defined in RCW 28A.150.010, common schools as defined in RCW 28A.150.020, and private schools approved under RCW 28A.195.010; or

(vii) Public parks operated by the state or by a local government for the use of the general public.

**Sec.**  RCW 19.27.060 and 2018 c 302 s 2 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 except as provided in subsection (2) of this section.

(a) Except as provided in subsection (2) of this section, 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) The legislative body of a county or city, in exercising the authority provided under subsection (1) of this section to amend the code enumerated in RCW 19.27.031(1)(b), may adopt amendments that eliminate any minimum gross floor area requirement for single-family detached dwellings or that provide a minimum gross floor area requirement below the minimum performance standards and objectives contained in the state building code.

(3) The legislative body of a county or city, in exercising the authority provided under subsection (1) of this section to amend the code enumerated in RCW 19.27.031(1)(b), may adopt amendments that allow for up to five stories of group R-2 occupancy to be served by a single exit under the following conditions:

(a) The building does not have more than six stories above grade plane;

(b) The building does not contain a boarding house;

(c) The building does not have more than four dwellings on any floor;

(d) The building is constructed with not less than one-hour fire-resistive construction and is also equipped throughout with an automatic sprinkler system in accordance with section 903.3.1.1 of the international building code. Residential-type sprinklers must be used in all habitable spaces in each dwelling unit;

(e) There are not more than two single exit stairway conditions on the same property for buildings four stories tall or higher;

(f) An exterior stairway or interior exit stairway is provided. The interior exit stairway, including any related exit passageway, must be pressurized in accordance with section 909.20 of the international building code. Doors in the stairway must swing into the interior exit stairway regardless of the occupant load served, provided that doors from the interior exit stairway to the building exterior are permitted to swing in the direction of exit travel;

(g) A corridor separates each dwelling unit entry/exit door from the door to an interior exit stairway, including any related exit passageway, on each floor. Dwelling unit doors must not open directly into an interior exit stairway. Dwelling unit doors are permitted to open directly into an exterior stairway;

(h) There are not more than 20 feet of travel to the exit stairway from the entry/exit door of any dwelling unit;

(i) Travel distance measured in accordance with section 1017 of the international building code does not exceed 125 feet;

(j) The exit does not terminate in an egress court where the court depth exceeds the court width unless it is possible to exit in either direction to the public way;

(k) Elevators are pressurized in accordance with section 909.21 of the international building code or open into elevator lobbies that comply with section 713.14 of the international building code. Where approved by the building official, natural ventilation is permitted to be substituted for pressurization where the ventilation would prevent the accumulation of smoke or toxic gases;

(l)(i) Other occupancies are permitted in the same building provided they comply with all other requirements of this subsection (3). Except as provided in (l)(ii) of this subsection, other occupancies must not communicate with the group R occupancy portion of the building or with the single-exit stairway;

(ii) Parking garages and occupied roofs accessory to the group R occupancy are permitted to communicate with the exit stairway;

(m) The exit serving the group R occupancy does not discharge through any other occupancy, including an accessory parking garage; and

(n) There are no openings within 10 feet of unprotected openings into the stairway other than required exit doors having a one-hour fire-resistance rating.

(4)(a) A city that intends to adopt amendments under subsection (3) of this section must meet the following criteria prior to adoption:

(i) The city is served by a municipal fire department or fire district; and

(ii) The city does not have a current restriction on development due to lack of fire flow capacity as set forth in WAC 246-290-221. Minimum fire flow capacity must be at least 750 gallons per minute for 60 minutes, as set forth in WAC 246-293-640.

(b) Nothing in this subsection precludes a city from making a determination that the city does not have appropriate fire apparatus or hydrant networks to serve single stairwell buildings.

(5) 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.

((~~(4)~~)) (6) 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.

((~~(5)~~)) (7) 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.

((~~(6)~~)) (8) 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.

((~~(7)~~)) (9)(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~~)) $1,500. 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.

NEW SECTION. **Sec.**  The office of regulatory assistance shall contract with a qualified external consultant or entity to develop a standard plan set demonstrating a prescriptive compliance pathway that will meet or exceed all energy code regulations for residential housing in the state subject to the international residential code. The standard plan set may be used, but is not required, by local governments and building industries. In developing the standard plan set, the consultant shall, at a minimum, seek feedback from cities, counties, building industries, and building officials. The standard plan set must be completed by December 31, 2023.

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