

SENATE BILL REPORT

E2SHB 1899

As of February 24, 2024

Title: An act relating to facilitating reconstruction of communities damaged or destroyed by wildfires.

Brief Description: Facilitating reconstruction of communities damaged or destroyed by wildfires.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Volz, Schmidt, Chapman, Graham, Rule, Leavitt, Waters, Low, Christian, Couture, McClintock, Barnard, Jacobsen, Timmons, Schmick, Dent, Cheney, Sandlin and Griffey).

Brief History: Passed House: 2/13/24, 96-1.

Committee Activity: State Government & Elections: 2/20/24 [w/oRec-WM].

Ways & Means: 2/24/24.

Brief Summary of Bill

- Requires the Department of Commerce to establish and administer a disaster relief payment for financial assistance to qualifying property owners and local governments that had buildings damaged or destroyed by wildfires.
- Requires property owners to meet certain criteria to be eligible for disaster relief payments.
- Exempts the permitting, repair, or reconstruction of a residential building damaged or destroyed by wildfire from the State Building Code and Energy Code under certain conditions.

SENATE COMMITTEE ON WAYS & MEANS

Staff: Jed Herman (786-7346)

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

Background: The State Building Code (SBC) provides a set of statewide standards and requirements related to building construction. The SBC is comprised of various international model codes, including building, residential, fire, and plumbing codes (model codes) adopted by reference by the Legislature. The model codes are promulgated by the International Code Council.

The State Energy Code (Energy Code) is part of the SBC, which sets the minimum construction requirements for buildings in the state. The Energy Code establishes minimum energy efficiency requirements for residential and nonresidential buildings.

On August 19, 2023, the Governor declared a state of emergency for all of Washington due to the high risk of wildfires throughout the state.

Summary of Bill: The Department of Commerce (Commerce) must establish and administer a disaster relief payment program to provide assistance to qualifying property owners and local governments that had buildings damaged or destroyed by wildfires. Commerce must develop a system for evaluating applications in consultation with the emergency management division of the Military Department and tribal and local government emergency authorities.

In order to be eligible for disaster relief payments, a property owner who had a building damaged or destroyed during a wildfire after January 1, 2023, must meet all of the following criteria:

- the area in which the building was damaged or destroyed must have been under a state of emergency declared by the Governor or a local government due to wildfires;
- the building must have been a residential building, multifamily building, commercial building, or a public building;
- the same type of building that was damaged or destroyed is being repaired or reconstructed; and
- the new or repaired building will comply with all current state building and state energy code requirements in effect at the time of the permit application for the construction or repair.

Disaster relief payments awarded by Commerce may only be used for the purpose of meeting increased energy efficiency standards, providing or increasing electric vehicle charging capacity, and the installation and use of solar panels on a building that did not, prior to being damaged or destroyed, use solar panels.

Until June 30, 2026, the SBC and Energy Code does not apply to the permitting, repair, or reconstruction of a rebuilt residential building to the extent that it would require additional energy efficiencies or offsets on, restrict, or prohibit the construction or use of a propane tank as a secondary heating source for the rebuilt building. Cities and counties may not prohibit the construction or use of a propane tank as a secondary heating source in a rebuilt residential building.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: This bill is important for our community as hundreds of people were impacted by a loss of their homes and businesses. We did receive word that FEMA assistance is becoming available.

OTHER: We have concerns about sections three and four of the bill. This bill creates a helpful layer of assistance in addition to insurance and other funds to aid in recovery from the wildfires.

Persons Testifying: PRO: Josh Kerns, Spokane County.

OTHER: Dave Pringle, Dept. of Commerce.

Persons Signed In To Testify But Not Testifying: No one.