

WSR 23-05-110  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF COMMERCE

[Filed February 15, 2023, 11:35 a.m.]

Subject of Possible Rule Making: Amending the amount of time building owners may apply for an exemption to the building performance standard under WAC 194-50-150.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The clean buildings performance standard requires certain buildings in the state to meet energy performance metrics over time. The standard exempts several building categories from compliance with the standard, for example, buildings scheduled for demolition or facing financial hardship, through a department of commerce (commerce) approval process. The rules promulgated in chapter 194-50 WAC contain a process for building owners to apply for exemptions. WAC 194-50-150 states that building owners may apply for an exemption no sooner than 365 days prior to the date of compliance. However, commerce has received feedback from stakeholders that, if an exemption application is denied by the agency, building owners require more time to bring buildings into compliance given the amount of time and financial resources it may take. Thus, commerce has concluded that providing a greater window of time for building owners to apply for and for commerce to grant exemptions is in the public interest and is likely to result in more buildings being compliant with the standard by the statutory compliance date.

Process for Developing New Rule: Standard rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Liz Reichart, P.O. Box 42525, Olympia, WA 98504, phone 360-515-8194, email [buildings@commerce.wa.gov](mailto:buildings@commerce.wa.gov), website <https://www.commerce.wa.gov/growing-the-economy/energy/buildings/>.

Additional comments: Commerce maintains an email distribution list for communication with stakeholders. Interested parties may add their names to the distribution list by visiting the web page listed above.

February 15, 2023  
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Rules Coordinator