
HOUSE BILL 3019

State of Washington

61st Legislature

2010 Regular Session

By Representatives Dammeier, Crouse, Haler, Short, Condotta, Taylor, McCune, and Hinkle

Read first time 01/20/10. Referred to Committee on Technology, Energy & Communications.

1 AN ACT Relating to energy efficiency requirements for residential
2 structures; amending RCW 19.27A.020; adding a new section to chapter
3 19.27A RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that recently adopted
6 energy efficiency standards for residential structures
7 disproportionately and negatively impact small businesses supporting
8 the construction industry in this state. These standards are complex
9 and will be challenging for building code officials and contractors to
10 implement. The legislature further finds that the cost of compliance
11 with these new residential standards is excessive, especially in this
12 difficult economic climate, and that the proposed benefits of these
13 standards do not outweigh the costs. Finally, the legislature is
14 concerned that these standards may subject the state to litigation risk
15 due to questions raised about federal preemption. Therefore, for the
16 following reasons, the legislature intends to nullify the state
17 building code council's recently adopted rules for residential
18 structures, WAC 51-11-0900 and 51-11-0901, including table 9-1 which
19 are amendments to the state energy code for residential structures.

1 **Sec. 2.** RCW 19.27A.020 and 2009 c 423 s 4 are each amended to read
2 as follows:

3 (1) Except as provided in section 3 of this act, the state building
4 code council shall adopt rules to be known as the Washington state
5 energy code as part of the state building code.

6 (2) The council shall follow the legislature's standards set forth
7 in this section to adopt rules to be known as the Washington state
8 energy code. The Washington state energy code shall be designed to:

9 (a) Construct increasingly energy efficient homes and buildings
10 that help achieve the broader goal of building zero fossil-fuel
11 greenhouse gas emission homes and buildings by the year 2031;

12 (b) Require new buildings to meet a certain level of energy
13 efficiency, but allow flexibility in building design, construction, and
14 heating equipment efficiencies within that framework; and

15 (c) Allow space heating equipment efficiency to offset or
16 substitute for building envelope thermal performance.

17 (3) The Washington state energy code shall take into account
18 regional climatic conditions. Climate zone 1 shall include all
19 counties not included in climate zone 2. Climate zone 2 includes:
20 Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend
21 Oreille, Spokane, Stevens, and Whitman counties.

22 (4) The Washington state energy code for residential buildings
23 shall be the 2006 edition of the Washington state energy code, or as
24 amended by rule by the council.

25 (5) The minimum state energy code for new nonresidential buildings
26 shall be the Washington state energy code, 2006 edition, or as amended
27 by the council by rule.

28 (6)(a) Except as provided in (b) of this subsection, the Washington
29 state energy code for residential structures shall preempt the
30 residential energy code of each city, town, and county in the state of
31 Washington.

32 (b) The state energy code for residential structures does not
33 preempt a city, town, or county's energy code for residential
34 structures which exceeds the requirements of the state energy code and
35 which was adopted by the city, town, or county prior to March 1, 1990.
36 Such cities, towns, or counties may not subsequently amend their energy
37 code for residential structures to exceed the requirements adopted
38 prior to March 1, 1990.

1 (7) The state building code council shall consult with the
2 department of (~~community, trade, and economic development~~) commerce
3 as provided in RCW 34.05.310 prior to publication of proposed rules.
4 The director of the department of (~~community, trade, and economic~~
5 ~~development~~) commerce shall recommend to the state building code
6 council any changes necessary to conform the proposed rules to the
7 requirements of this section.

8 (8) The state building code council shall evaluate and consider
9 adoption of the international energy conservation code in Washington
10 state in place of the existing state energy code.

11 (9) The definitions in RCW 19.27A.140 apply throughout this
12 section.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.27A RCW
14 to read as follows:

15 WAC 51-11-0900 and 51-11-0901 requiring additional residential
16 energy efficiency requirements for dwellings as adopted by the state
17 building code council on November 20, 2009, are null and void and do
18 not take effect on or after July 1, 2010.

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