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ENGROSSED SUBSTITUTE HOUSE BILL 1770

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State of Washington

67th Legislature

2022 Regular Session

**By** House Local Government (originally sponsored by Representatives Duerr, Ramel, Berry, Dolan, Fitzgibbon, Ryu, Wylie, Berg, Davis, Goodman, Macri, Peterson, Slatter, Valdez, Pollet, Hackney, Kloba, and Frame; by request of Office of the Governor)

READ FIRST TIME 01/24/22.

1 AN ACT Relating to strengthening energy codes; amending RCW  
2 19.27A.160, 19.27A.015, and 19.27A.020; adding a new section to  
3 chapter 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.** In order to meet the statewide greenhouse  
6 gas emissions limits in RCW 70A.45.020, the state must require  
7 construction of increasingly low-emission energy efficient homes and  
8 buildings and achieve construction of zero fossil-fuel greenhouse gas  
9 emission homes and buildings by 2030. Top categories of clean energy  
10 jobs in the buildings sector include: High-efficiency heating,  
11 ventilation, and air conditioning; energy efficiency technologies;  
12 and renewable heating and cooling. As the fastest growing clean  
13 energy industries in our state, work in these areas also supports job  
14 creation in other construction trades, which is a critical component  
15 of a clean energy economic recovery strategy.

16 **Sec. 2.** RCW 19.27A.160 and 2009 c 423 s 5 are each amended to  
17 read as follows:

18 (1) Except as provided in subsection (2) of this section,  
19 residential and nonresidential construction (~~permitted under the~~  
20 ~~2031 state energy code~~) must achieve (~~a seventy percent reduction~~

1 ~~in annual net energy consumption, using the adopted 2006 Washington~~  
2 ~~state energy code as a baseline)) the following:~~

3 (a) A reduction of at least 70 percent in annual net energy  
4 consumption under the residential and nonresidential energy codes  
5 that are adopted by the council by December 1, 2031, using the  
6 adopted 2006 Washington state energy code as a baseline; and

7 (b) New buildings must be net-zero ready, including a reduction  
8 of at least 80 percent in annual net energy consumption using the  
9 adopted 2006 Washington state energy code as a baseline and must  
10 include wiring for electrical raceways and designated space for solar  
11 equipment for photovoltaic panel installation under the residential  
12 and nonresidential state energy codes that are adopted by the council  
13 by December 1, 2034. The state building code council shall further  
14 define and include net-zero ready measures in the code adoption  
15 process, including exemptions for either construction sites or  
16 buildings, or both, that do not have adequate solar exposure to  
17 justify the installation of solar ready measures. The 80 percent  
18 reduction requirement does not apply to the increased load for  
19 electronic vehicle charging.

20 (2) The council shall adopt state energy codes from 2013 through  
21 2031 that incrementally move towards achieving the seventy percent  
22 reduction in annual net energy consumption requirements as specified  
23 in subsection (1) of this section. The council shall report its  
24 progress by December 31, 2012, and every three years thereafter. If  
25 the council determines that economic, technological, or process  
26 factors would significantly impede adoption of or compliance with  
27 this subsection, the council may defer the implementation of the  
28 proposed energy code update and shall report its findings to the  
29 legislature by December 31st of the year prior to the year in which  
30 those codes would otherwise be enacted.

31 **Sec. 3.** RCW 19.27A.015 and 1990 c 2 s 2 are each amended to read  
32 as follows:

33 ~~((Except as provided in RCW 19.27A.020(7), the Washington state~~  
34 ~~energy code for residential buildings shall be the maximum and~~  
35 ~~minimum energy code for residential buildings in each city, town, and~~  
36 ~~county and shall be enforced by each city, town, and county no later~~  
37 ~~than July 1, 1991.)) (1) Each city, town, and county must enforce the  
38 Washington state energy code for residential buildings or adopt the  
39 statewide residential reach code established pursuant to RCW~~

1 19.27A.020(6). Any local residential energy code other than the  
2 Washington state energy code for residential buildings and the  
3 statewide residential reach code is preempted. The reach code may not  
4 require more annual renewable production than a residential building  
5 is predicted to use.

6 (2) The Washington state energy code for nonresidential buildings  
7 shall be the minimum energy code for nonresidential buildings  
8 enforced by each city, town, and county.

9 **Sec. 4.** RCW 19.27A.020 and 2018 c 207 s 7 are each amended to  
10 read as follows:

11 (1) The state building code council in the department of  
12 enterprise services shall adopt rules to be known as the Washington  
13 state energy code as part of the state building code.

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

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

21 (b) Require new buildings to meet a certain level of energy  
22 efficiency, but allow flexibility in building design, construction,  
23 and heating equipment efficiencies within that framework(~~and~~

24 ~~(c) Allow space heating equipment efficiency to offset or~~  
25 ~~substitute for building envelope thermal performance)).~~

26 (3) The Washington state energy code shall take into account  
27 regional climatic conditions. One climate zone includes: Adams,  
28 Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield,  
29 Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille,  
30 Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima  
31 counties. The other climate zone includes all other counties not  
32 listed in this subsection (3). The assignment of a county to a  
33 climate zone may not be changed by adoption of a model code or rule.  
34 Nothing in this section prohibits the council from adopting the same  
35 rules or standards for each climate zone.

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

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

4 ~~(6) ((a) Except as provided in (b) of this subsection, the~~  
5 ~~Washington state energy code for residential structures shall preempt~~  
6 ~~the residential energy code of each city, town, and county in the~~  
7 ~~state of Washington.~~

8 ~~(b) The state energy code for residential structures does not~~  
9 ~~preempt a city, town, or county's energy code for residential~~  
10 ~~structures which exceeds the requirements of the state energy code~~  
11 ~~and which was adopted by the city, town, or county prior to March 1,~~  
12 ~~1990. Such cities, towns, or counties may not subsequently amend~~  
13 ~~their energy code for residential structures to exceed the~~  
14 ~~requirements adopted prior to March 1, 1990)) The state building code~~  
15 ~~council must adopt by rule a statewide residential reach code for~~  
16 ~~optional adoption and enforcement by any city, town, or county. The~~  
17 ~~statewide residential reach code must achieve the 70 percent~~  
18 ~~reduction in energy consumption and greenhouse gas emissions required~~  
19 ~~in the 2030 energy code for residential buildings under RCW~~  
20 ~~19.27A.160 in incremental steps by the 2027 energy code. The~~  
21 ~~department of commerce shall develop a proposal covering the~~  
22 ~~technical provisions of the reach code and the rule-making documents~~  
23 ~~required by RCW 34.05.328. The state building code council must adopt~~  
24 ~~the statewide residential reach code as an appendix to the 2021~~  
25 ~~residential energy code to be effective by July 1, 2024.~~

26 (7) The state building code council shall consult with the  
27 department of enterprise services as provided in RCW 34.05.310 prior  
28 to publication of proposed rules. The director of the department of  
29 enterprise services shall recommend to the state building code  
30 council any changes necessary to conform the proposed rules to the  
31 requirements of this section.

32 ~~(8) ((The state building code council shall evaluate and consider~~  
33 ~~adoption of the international energy conservation code in Washington~~  
34 ~~state in place of the existing state energy code.~~

35 ~~(9))~~ The definitions in RCW 19.27A.140 apply throughout this  
36 section.

37 NEW SECTION. Sec. 5. A new section is added to chapter 19.27A  
38 RCW to read as follows:

1           (1) Any changes to the Washington state energy code for  
2 residential buildings shall require a home affordability cost  
3 analysis provided by the state building code council to determine  
4 whether the changes increase or decrease the cost of accessing  
5 housing.

6           (2) The state building code council may contract with a public or  
7 private organization to conduct the home affordability cost analysis  
8 required in subsection (1) of this section.

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