**6120 AMS VAND S4868.1 - NOT FOR FLOOR USE**

**SB 6120** - S AMD **548**

By Senator Van De Wege

**ADOPTED 02/07/2024**

Strike everything after the enacting clause and insert the following:

**"Sec.**  RCW 19.27.031 and 2018 c 189 s 1 are each amended to read as follows:

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall consist of the following codes which are hereby adopted by reference:

(1)(a) The International Building Code, published by the International Code Council, Inc.;

(b) The International Residential Code, published by the International Code Council, Inc.;

(2) The International Mechanical Code, published by the International Code Council, Inc., except that the standards for liquefied petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code);

(3) The International Fire Code, published by the International Code Council, Inc., including those standards of the National Fire Protection Association specifically referenced in the International Fire Code: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying handheld candles;

(4) ((~~Portions~~)) Only those portions of the International Wildland Urban Interface Code, published by the International Code Council Inc., as ((~~set forth~~)) specifically referenced in RCW 19.27.560(1), or the model International Wildland Urban Interface Code specifically referenced in RCW 19.27.560(2);

(5) ((~~Except as provided in RCW 19.27.170, the~~)) The Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That any provisions of such code affecting sewers or fuel gas piping are not adopted;

(6) The rules adopted by the council establishing standards for making buildings and facilities accessible to and usable by individuals with disabilities or elderly persons as provided in RCW 70.92.100 through 70.92.160; and

(7) The state's climate zones for building purposes are designated in RCW 19.27A.020(3) and may not be changed through the adoption of a model code or rule.

In case of conflict among the codes enumerated in subsections (1), (2), (3), (4), and (5) of this section, the first named code shall govern over those following.

The codes enumerated in this section shall be adopted by the council as provided in RCW 19.27.074. The council shall solicit input from first responders to ensure that firefighter safety issues are addressed during the code adoption process.

The council may issue opinions relating to the codes at the request of a local official charged with the duty to enforce the enumerated codes.

**Sec.**  RCW 19.27.074 and 2018 c 207 s 4 are each amended to read as follows:

(1) The state building code council shall:

(a) Adopt and maintain the codes to which reference is made in RCW 19.27.031 in a status which is consistent with the state's interest as set forth in RCW 19.27.020. In maintaining these codes, the council shall regularly review updated versions of the codes referred to in RCW 19.27.031 and other pertinent information and shall amend the codes as deemed appropriate by the council, provided, that Wildland Urban Interface Codes must be consistent with RCW 19.27.560;

(b) Approve or deny all county or city amendments to any code referred to in RCW 19.27.031 to the degree the amendments apply to single-family or multifamily residential buildings;

(c) As required by the legislature, develop and adopt any codes relating to buildings; and

(d) Approve a proposed budget for the operation of the state building code council to be submitted by the department of enterprise services to the office of financial management pursuant to RCW 43.88.090.

(2) The state building code council may:

(a) Appoint technical advisory committees which may include members of the council;

(b) Approve contracts for services; and

(c) Conduct research into matters relating to any code or codes referred to in RCW 19.27.031 or any related matter.

(3) The department of enterprise services, with the advice and input from the members of the building code council, shall:

(a) Employ permanent and temporary staff and contract for services;

(b) Contract with an independent, third-party entity to perform a Washington energy code baseline economic analysis and economic analysis of code proposals; and

(c) Provide all administrative and information technology services required for the building code council.

(4) Rule-making authority as authorized in this chapter resides within the building code council.

(5)(a) All meetings of the state building code council shall be open to the public under the open public meetings act, chapter 42.30 RCW. All actions of the state building code council which adopt or amend any code of statewide applicability shall be pursuant to the administrative procedure act, chapter 34.05 RCW.

(b) All council decisions relating to the codes enumerated in RCW 19.27.031 shall require approval by at least a majority of the members of the council.

(c) All decisions to adopt or amend codes of statewide application shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.

**Sec.**  RCW 19.27.560 and 2018 c 189 s 2 are each amended to read as follows:

(1) In addition to the provisions of RCW 19.27.031, the state building code shall, upon the completion of a statewide ((~~mapping of wildland urban interface areas consist of the following parts~~)) wildfire hazard map and a base-level wildfire risk map for each county of the state, per RCW 43.30.580, consist of chapter 1 and the following technical provisions of the ((~~2018~~)) International Wildland Urban Interface Code, published by the International Code Council, Inc., which are hereby adopted by reference:

(a) The following parts of ((~~section 504~~)) class 1 ignition-resistant construction:

(i)(A) ((~~504.2~~)) Roof covering - Roofs shall have a roof assembly that complies with class A rating when testing in accordance with American society for testing materials E 108 or underwriters laboratories 790. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers, or have one layer of seventy-two pound mineral-surfaced, nonperforated camp sheet complying with American society for testing materials D 3909 installed over the combustible decking.

(B) The roof covering on buildings or structures in existence prior to the adoption of the wildland urban interface code under this section that are replaced or have fifty percent or more replaced in a twelve month period shall be replaced with a roof covering required for new construction based on the type of ignition-resistant construction specified in accordance with ((~~section 503 of~~)) the International Wildland Urban Interface Code.

(C) The roof covering on any addition to a building or structure shall be replaced with a roof covering required for new construction based on the type of ignition-resistant construction specified in accordance with ((~~section 503 of~~)) the International Wildland Urban Interface Code.

(ii) ((~~504.5~~)) Exterior walls - Exterior walls of buildings or structures shall be constructed with one of the following methods:

(A) Materials approved for not less than one hour fire-resistance rated construction on the exterior side;

(B) Approved noncombustible materials;

(C) Heavy timber or log wall construction;

(D) Fire retardant-treated wood on the exterior side. The fire retardant-treated wood shall be labeled for exterior use and meet the requirements of ((~~section 2303.2 of~~)) the International Building Code; or

(E) Ignition-resistant materials on the exterior side.

Such materials shall extend from the top of the foundation to the underside of the roof sheathing.

(iii)(A) ((~~504.7~~)) Appendages and projections - Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall not be less than one hour fire-resistance rated construction, heavy timber construction, or constructed of one of the following:

(I) Approved noncombustible materials;

(II) Fire retardant-treated wood identified for exterior use and meeting the requirements of ((~~section 2303.2 of~~)) the International Building Code; or

(III) Ignition-resistant building materials in accordance with ((~~section 503.2 of~~)) the International Wildland Urban Interface Code.

(B) Subsection (1)(a)(iii)(A) of this section does not apply to an unenclosed accessory structure attached to buildings with habitable spaces and projections, such as decks, attached to the first floor of a building if the structure is built with building materials at least two inches nominal depth and the area below the unenclosed accessory structure is screened with wire mesh screening to prevent embers from coming in from underneath.

(b) ((~~Section 403.2~~)) Driveways - Driveways shall be provided where any portion of an exterior wall of the first story of the building is located more than one hundred fifty feet from a fire apparatus access road. Driveways in excess of three hundred feet in length shall be provided with turnarounds and driveways in excess of five hundred feet in length and less than twenty feet in width shall be provided with turnouts and turnarounds. The county, city, or town will define the requirements for a turnout or turnaround as required in this subsection.

(2) All counties, cities, and towns may adopt the International Wildland Urban Interface Code, published by the International Code Council, Inc., in whole or any portion thereof.

(3) In adopting and maintaining the code enumerated in subsection((~~s~~)) (1) ((~~and (2)~~)) of this section, any amendment to the code as adopted under subsection((~~s~~)) (1) ((~~and (2)~~)) of this section may not result in an International Wildland Urban Interface Code that is more than the minimum performance standards and requirements contained in ((~~the published model code~~)) subsection (1) of this section.

(4) All counties, cities, and towns may complete their own wildfire hazard and base-level wildfire risk map for use in applying the code enumerated in subsections (1) and (2) of this section. Counties, cities, and towns may continue to use locally adopted wildfire risk maps until completion of a statewide wildfire hazard map and base-level wildfire risk map for each county of the state per RCW 43.30.580. Six months after the statewide wildfire hazard map and base-level wildfire risk map is complete, any map adopted by counties, cities, and towns must utilize the same or substantially similar criteria as the map required by subsection (1) of this section.

(5) All counties, cities, and towns issuing commercial and residential building permits for parcels in areas identified as high hazard and very high hazard on the map required by subsection (1) of this section or adopted according to subsection (4) of this section shall apply the code enumerated in subsections (1) or (2) of this section.

**Sec.**  RCW 43.30.580 and 2018 c 189 s 3 are each amended to read as follows:

(1) The department shall, to the extent practical within existing resources, establish a program of technical assistance to counties, cities, and towns for the development of findings of fact and maps establishing the wildland urban interface areas of jurisdictions in accordance with the requirements of the International Wildland Urban Interface Code as adopted by reference in RCW 19.27.560.

(2) The department shall develop and administer a grant program, subject to funding provided for this purpose, to provide direct financial assistance to counties, cities, and towns for the development of findings of fact and maps establishing wildland urban interface areas. Applications for grant funds must be submitted by counties, cities, and towns in accordance with regulations adopted by the department. The department is authorized to make and administer grants on the basis of applications, within appropriations authorized by the legislature, to any county, city, or town for the purpose of developing findings of fact and maps establishing wildland urban interface areas.

(3) The department shall establish and maintain a statewide wildfire hazard map and a base-level wildfire risk map for each county of the state based upon criteria established in coordination with the state fire marshal office. The hazard map shall be made available on the department's website and shall designate areas as low, moderate, high, and very high wildfire hazard. The risk map shall be made available on the department's website and designate vulnerable resources or assets based on their exposure and susceptibility to a wildfire hazard. The department shall establish a method by which local governments may update the wildfire risk map based on local assessments and approved by the jurisdiction's fire marshal. The department shall make publicly available the criteria and analysis utilized in assessing the wildfire hazard and risk.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

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**ADOPTED 02/07/2024**

On page 1, line 1 of the title, after "Code;" strike the remainder of the title and insert "amending RCW 19.27.031, 19.27.074, 19.27.560, and 43.30.580; and declaring an emergency."

EFFECT: (1) Clarifies that where jurisdictions choose not to use the model code they are provided with the state amendments, and when a local jurisdiction does not adopt the International Wildland Urban Interface (WUI) Code, they are able to make adjustments to satisfy local conditions.

(2) Alters reference to the International WUI Code to ensure building officials statewide have enforcement language consistent with other codes.

(3) Clarifies that the State Building Code Council may only consider changes to the International WUI code as outlined in RCW 19.27.560.

(4) Requires the Department of Natural Resources (DNR) to develop maps in coordination with the state fire marshal and post the maps to the DNR website.

(5) Establishes that local governments may provide map updates to the DNR maps when approved by the local fire marshal.