H-2039.2

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**HOUSE BILL 1899**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Volz, Schmidt, Chapman, Graham, Rule, Leavitt, Waters, Low, Christian, Couture, McClintock, Barnard, Jacobsen, Timmons, Schmick, Dent, Cheney, Sandlin, and Griffey

AN ACT Relating to facilitating reconstruction of communities damaged or destroyed by wildfires; amending RCW 19.27.074, 19.27.095, 19.27A.015, 19.27A.025, and 19.27A.270; adding a new section to chapter 19.27 RCW; creating a new section; providing expiration dates; and declaring an emergency.

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

NEW SECTION. **Sec.**  (1) In 2023, wildfires destroyed homes, businesses, infrastructure, and lives. The governor issued an emergency proclamation on August 19, 2023, covering all areas of the state and directed state agencies and departments to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the event. The legislature intends to provide relief to people and communities by increasing flexibility and options for state building code compliance. The state building code council adopted new building codes that added more costs and complexity to all buildings. Many structures consumed by wildfires had insurance coverage based on repair or replacement costs drawn to the rules as they existed on January 1, 2023. To facilitate rebuilding communities, and in recognition of the terrible destruction that the wildfire victims face, the legislature declares that building permit applications repairing or rebuilding structures after wildfire damage may be built in compliance with state building code rules in effect on January 1, 2023, or the ones in place at the time of application.

(2) This section expires June 30, 2026.

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

(1) Starting on the effective date of this section through June 30, 2025, counties and cities must allow all property damaged or destroyed by wildfires covered by an emergency proclamation by the governor to be repaired or rebuilt in compliance with the applicant's choice of the state building code rules found in Title 51 WAC that was in effect on January 1, 2023, or the state building code in effect at the time of application. This includes, but is not limited to, properties burned by the Washington Oregon fire, the Gray fire, the Eagle Bluff fire, the Newell road fire, the Baird Springs fire, and the Tunnel Five fire.

(2) For purposes of this section and related provisions of this act, the following definitions apply:

(a) "Property" means all buildings, structures, improvements, fixtures, or equipment that is subject to regulation in the state building code.

(b) "State building code" means the building code, plumbing code, mechanical code, residential and fire code, and portions of the international wildland urban interface code as referenced under this chapter and the state energy code under chapter 19.27A RCW.

(3) This section expires June 30, 2026.

**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 and section 2 of this act. 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;

(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 19.27.095 and 1991 c 281 s 27 are each amended to read as follows:

(1) A valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application. Any building permit application for property damaged or destroyed by wildfire during 2023 covered by an emergency proclamation of the governor may be permitted and built in accordance with the state building code and state energy code in effect on January 1, 2023.

(2) The requirements for a fully completed application shall be defined by local ordinance but for any construction project costing more than five thousand dollars the application shall include, at a minimum:

(a) The legal description, or the tax parcel number assigned pursuant to RCW 84.40.160, and the street address if available, and may include any other identification of the construction site by the prime contractor;

(b) The property owner's name, address, and phone number;

(c) The prime contractor's business name, address, phone number, current state contractor registration number; and

(d) Either:

(i) The name, address, and phone number of the office of the lender administering the interim construction financing, if any; or

(ii) The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than fifty percent of the total amount of the construction project.

(3) The information required on the building permit application by subsection (2)(a) through (d) of this section shall be set forth on the building permit document which is issued to the owner, and on the inspection record card which shall be posted at the construction site.

(4) The information required by subsection (2) of this section and information supplied by the applicant after the permit is issued under subsection (5) of this section shall be kept on record in the office where building permits are issued and made available to any person on request. If a copy is requested, a reasonable charge may be made.

(5) If any of the information required by subsection (2)(d) of this section is not available at the time the application is submitted, the applicant shall so state and the application shall be processed forthwith and the permit issued as if the information had been supplied, and the lack of the information shall not cause the application to be deemed incomplete for the purposes of vesting under subsection (1) of this section. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information.

(6) The limitations imposed by this section shall not restrict conditions imposed under chapter 43.21C RCW.

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

(1) Except as provided in subsection (2) of this section and in RCW 19.27A.020((~~(7)~~)) (6), the Washington state energy code for residential buildings shall be the maximum and minimum energy code for residential buildings in each city, town, and county and shall be enforced by each city, town, and county no later than July 1, 1991. The Washington state energy code for nonresidential buildings shall be the minimum energy code for nonresidential buildings enforced by each city, town, and county.

(2) Any permit application for property damaged or destroyed by wildfire during 2023 covered by an emergency proclamation of the governor may be permitted and constructed in accordance with the state energy code in effect on January 1, 2023.

**Sec.**  RCW 19.27A.025 and 2019 c 285 s 17 are each amended to read as follows:

(1) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 1986 edition, as amended. Any permit application for property damaged or destroyed by wildfire during 2023 that is covered by an emergency proclamation of the governor may be permitted and constructed in accordance with the state energy code in effect on January 1, 2023. The state building code council may, by rule adopted pursuant to chapter 34.05 RCW, amend that code's requirements for new nonresidential buildings provided that:

(a) Such amendments increase the energy efficiency of typical newly constructed nonresidential buildings; and

(b) Any new measures, standards, or requirements adopted must be technically feasible, commercially available, and developed to yield the lowest overall cost to the building owner and occupant while meeting the energy reduction goals established under RCW 19.27A.160.

(2) In considering amendments to the state energy code for nonresidential buildings, the state building code council shall establish and consult with a technical advisory committee including representatives of appropriate state agencies, local governments, general contractors, building owners and managers, design professionals, utilities, and other interested and affected parties.

(3) Decisions to amend the Washington state energy code for new nonresidential buildings shall be made prior to December 15th of any year and shall not take effect before the end of the regular legislative session in the next year. Any disputed provisions within an amendment presented to the legislature shall be approved by the legislature before going into effect. A disputed provision is one which was adopted by the state building code council with less than a two-thirds majority vote. Substantial amendments to the code shall be adopted no more frequently than every three years.

**Sec.**  RCW 19.27A.270 and 2023 c 285 s 3 are each amended to read as follows:

By January 1, 2024, the state building code council shall adopt by rule an amendment to the current energy code that waives the requirement for unchanged portions of an existing building used for residential purposes to meet the current energy code solely because of the addition of new dwelling units within the building. New dwelling units created within the existing building must meet the requirements of the current energy code. For purposes of this section, "new dwelling units" do not include repair or replacement of property that was damaged or destroyed by wildfire during 2023 and is covered by an emergency proclamation of the governor.

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.

NEW SECTION. **Sec.**  Sections 3 through 7 of this act expire June 30, 2026.

**--- END ---**