

HOUSE BILL REPORT

HB 1167

As Reported by House Committee On:

Housing
Appropriations

Title: An act relating to residential housing regulations.

Brief Description: Concerning residential housing regulations.

Sponsors: Representatives Duerr, Low, Walen, Reed, Bateman, Ramel, Fitzgibbon, Taylor, Macri, Gregerson, Wylie, Pollet, Kloba and Tharinger.

Brief History:

Committee Activity:

Housing: 1/19/23, 2/2/23 [DPS];

Appropriations: 2/15/23, 2/21/23 [DP2S(w/o sub HOUS)].

Brief Summary of Second Substitute Bill

- Requires the Department of Commerce to develop and administer a grant program to assist counties and cities in adopting preapproved accessory dwelling unit plans.
- Directs the State Building Code Council to convene a work group to recommend a mechanism in the International Residential Code for adopting by reference provisions for multiplex housing contained in the International Building Code.
- Directs the State Building Code Council to convene a work group to recommend modifications and limitations that would allow a single-exit stairway to serve multifamily residential structures up to six stories above grade plane.
- Prohibits a city or county from imposing any regulations, reviews, or standards on middle housing that are not applied to detached single-family residences, except when necessary for fire and life safety.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis, Bateman, Chopp, Entenman, Hutchins, Low, Reed and Taylor.

Staff: Serena Dolly (786-7150).

Background:

State Building Code.

The State Building Code (Code) establishes minimum performance standards and requirements for construction and construction materials in the state, consistent with accepted standards of engineering, fire, and life safety. The Code comprises a number of model codes and standards, developed and published by international and national organizations, which are adopted by reference in the State Building Code Act (Act). Model codes and standards adopted in the Act include the International Building Code, the International Residential Code, and the Uniform Plumbing Code Standards.

The International Building Code establishes minimum requirements for all buildings except detached one- and two-family dwellings and townhouses up to three stories. The International Residential Code comprises all building, plumbing, mechanical, fuel gas, and electrical requirements for one- and two-family dwellings and townhouses up to three stories.

The State Building Code Council (Council) is responsible for adopting, amending, and maintaining the model codes and standards adopted by reference in the Act. Amendments to the model codes and standards adopted by the Council are codified in the Washington Administrative Code. The Council reviews updated editions of each model code and standard every three years.

Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA. These jurisdictions are sometimes said to be "fully planning" under the GMA.

The GMA directs fully planning jurisdictions to adopt internally consistent, comprehensive land use plans that are generalized, coordinated land use policy statements of the governing

body. Comprehensive plans are implemented through locally adopted development regulations, and both the plans and the local regulations are subject to review and revision requirements prescribed in the GMA. In developing their comprehensive plans, counties and cities must consider various goals set forth in statute.

The GMA also establishes 14 goals in a nonprioritized list to guide the development of comprehensive plans and development regulations of counties and cities that plan under the GMA. Examples include urban growth, housing, and economic development goals.

State Environmental Policy Act.

The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify environmental impacts that may result from governmental decisions, such as the issuance of permits or the adoption of land-use plans. Except for development projects that are exempt from SEPA requirements, SEPA generally requires a project applicant to submit an environmental checklist. The checklist includes answers to questions about the potential impacts of the project on the built environment and the natural environment. Generally, an environmental impact statement (EIS) must be prepared for a proposal which the lead agency determines will have a probable significant and adverse impact on the environment.

Summary of Substitute Bill:

The Department of Commerce must develop and administer a grant program to provide direct financial assistance to counties and cities for the adoption of preapproved middle housing plans. A preapproved middle housing plan is a selection of middle housing architectural plans that have been reviewed by county or city code officials and approved for compliance with applicable building codes. Middle housing is defined as duplexes, triplexes, fourplexes, fiveplexes, sixplexes, attached and detached accessory dwelling units, cottage housing, stacked flats, townhouses, and courtyard apartments. When a preapproved middle housing plan is submitted for permit approval, the county or city's review of the preapproved plan may not be more than administrative.

By July 1, 2025, fully planning counties and cities must:

- apply the same development permit and environmental review processes to multiplex housing that are applied to detached single-family residences;
- not impose or require zoning, development, siting, or other standards for multiplex housing that are more restrictive than those required for detached single-family residences, except when necessary for fire and life safety;
- not mandate setbacks or development regulations for residential buildings within one-quarter mile of a community core location that would prohibit development from achieving the underlying zoning or density allowed, except for building codes, health and safety requirements, and public utility access and utility meter access

- requirements; and
- not require more than a single stairway in multifamily residential buildings meeting the conditions required under allowed amendments to the Code.

A community core location is: a stop on a high-capacity transportation system; commuter rail stops; stops on rail or fixed guideway systems; stops on bus rapid transit routes; stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays; public and private schools; and public parks.

The legislative body of a county or city may adopt amendments to the Code that allow for multifamily residential buildings to be served by a single stair exit under certain conditions, including:

- the building contains no more than five stories of residential housing;
- the building does not have more than six stories above grade plane;
- the building does not contain a boarding house;
- the building does not have more than four dwellings on any floor;
- the building is constructed with not less than one-hour fire-resistive construction and is equipped with an automatic sprinkler system in accordance with the International Building Code and residential-type sprinklers must be used in all habitable spaces in each dwelling unit; and
- there are no more than two single-exit stairway conditions on the same property for buildings four-stories tall or higher.

A city that intends to adopt amendments to allow for single-stair exits under certain conditions must meet the following criteria prior to adoption:

- The city is served by a municipal fire department or fire district.
- The city does not have a current restriction on development due to lack of fire flow capacity.

A city may determine it does not have appropriate fire apparatus or hydrant networks to serve single-stairwell buildings.

The Council must convene a work group to recommend additions or amendments to rules or codes that are necessary to apply the International Residential Code to multiplex housing and exempt multiplex housing from the International Building Code. These recommendations must include those code changes necessary to ensure public health and safety in multifamily housing under the International Residential Code, including the life safety systems for multiplex housing from the International Building Code. The work group must provide its recommendations and the Council must adopt or amend rules or codes in time for implementation in 2025.

The Office of Regulatory Assistance must contract with an external consultant or entity to develop an optional standard plan set that demonstrates a prescriptive compliance pathway

that meets or exceeds all energy code regulations for residential housing, subject to the International Residential Code. The standard plan set may be used, but is not required, by local governments and building industries. In developing the standard plan set, the consultant must seek feedback from cities, counties, building industries, and building officials. The standard plan set must be completed by December 31, 2023.

Substitute Bill Compared to Original Bill:

The original bill established a categorical SEPA exemption for residential infill development within one-quarter mile of a community core location. The substitute bill removes the categorical exemption.

The original bill prohibited counties and cities from imposing or requiring zoning, development, siting, parking, design review, or other standards for multiplex housing that are more restrictive than those required for detached single-family residences, except when necessary for fire and life safety. The substitute bill removes that prohibition for parking and design review requirements.

The original bill prohibited counties and cities from mandating setbacks for residential buildings or from not allowing a residential building to be built to the property line within one-quarter mile of a community core location. The substitute bill instead prohibits setback requirements or development regulations that would prohibit development from achieving the underlying zoning or density allowed, except for building codes, health and safety requirements, and public utility access and utility meter access requirements.

The original bill prohibited counties and cities from requiring more than a single stairway in a residential building of six or fewer stories if the building is located in a city with a municipal water supply and a professional fire department. The substitute bill authorizes a county or city to adopt amendments to its building code that allow for a building of no more than six stories to be served by a single exit if the building meets certain conditions and, in the case of a city, if the city is served by a municipal fire department or fire district and meets minimum fire flow capacity. The substitute bill also limits the prohibition on a city requiring more than a single stairway only to residential buildings meeting the conditions required under allowed amendments to the building code.

The original bill required the Council to convene a work group to recommend additions or amendments to rules or codes that are necessary to apply the International Residential Code to multiplex housing and exempt multiplex housing from the International Building Code. The substitute bill requires those recommendations to include the life safety systems for multiplex housing from the International Building Code.

The substitute bill requires the Office of Regulatory Assistance to contract with an external consultant or entity to develop an optional standard plan set that demonstrates a prescriptive compliance pathway that meets or exceeds all energy code regulations for residential

housing subject to the International Residential Code.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) With the current housing crisis, the state needs to make it easier to build housing. If local jurisdictions are going to invest in transit, they need to invest in housing near transit, too. This is especially important for people with disabilities. Limiting some of the local requirements will make it easier to build without sacrificing environmental and life safety standards. Setbacks significantly reduce the amount of floor space in a building, and stairwells take up space that could be used for living and make it difficult to build on narrow lots. There is no evidence that the changes in the bill would impact fire and life safety, and many countries allow taller residential buildings with single stairways. The bill still requires environmental review as part of the city's comprehensive planning process.

(Opposed) The reduction in life safety standards is very concerning, and the bill removes requirements for two stairways in some residential buildings. Building codes also are used to comply with federal laws, including federal fair housing laws.

Persons Testifying: (In support) Representative Davina Duerr, prime sponsor; Alex Hur, Master Builders Association of King and Snohomish Counties; Josie Cummings, Building Industry Association of Washington; Joe Kunzler; Mary Connolly, South Sound Housing Affordability Partners; Mason Thompson, City of Bothell; Bryce Yadon, Futurewise; Scott Bonjukian; and Dan Bertolet, Sightline Institute.

(Opposed) Andy Higgins, Washington Association of Building Officials.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing. Signed by 23 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Chopp, Connors, Couture, Davis, Fitzgibbon, Hansen, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Senn, Simmons, Slatter, Springer, Stonier and Tharinger.

Minority Report: Do not pass. Signed by 2 members: Representatives Dye and Schmick.

Minority Report: Without recommendation. Signed by 6 members: Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler, Harris and Steele.

Staff: Jackie Wheeler (786-7125).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Housing:

The Appropriations Committee recommends:

- requiring the Department of Commerce to complete preapproved architectural plans for accessory dwelling units, instead of all middle housing types;
- requiring the state Building Code Council (Council) to convene a work group to recommend a mechanism in the International Residential Code (IRC) for adopting by reference provisions for multiplex housing contained in the International Building Code (IBC), instead of including multiplex housing in the IRC and exempting it from the IBC;
- defining multiplex housing as at least three but no more than six units, instead of up to six units;
- requiring the Council to convene a work group for the purpose of recommending modifications and limitations that would allow a single-exit stairway to serve multifamily residential structures up to six stories above grade plane, including considerations for water supply, the presence of a professional fire department, and any other provisions necessary to ensure public health, safety, and general welfare;
- requiring the work groups to provide recommendations to the Council to adopt additions or amendments to rules or codes as necessary by July 1, 2026;
- clarifying that development regulations for middle housing, not multiplex housing, must not be more restrictive than that for detached single-family residences;
- changing the date by which cities and counties must adopt the required regulations for middle housing from July 1, 2025, to six months after a jurisdiction's next comprehensive plan update;
- modifying the definitions of middle housing and middle housing types;
- clarifying that setbacks and development regulations for middle housing within a quarter mile of a community core location may not prohibit the underlying zoning or density allowed;
- prohibiting a city from requiring more than a single stairway in residential buildings of six stories or less if the conditions in the IBC are met, beginning July 1, 2026;
- providing a categorical exemption from the State Environmental Policy Act for infill development within a quarter mile of a community core location;
- changing the due date for completion of an optional standard plan or pathway for residential housing to meet or exceed energy code requirements to June 30, 2024, instead of December 31, 2023; and

- adding a null and void clause, making the bill null and void unless funded in the omnibus appropriations act, referencing bill or chapter number, by June 30, 2023.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) This is a good bill that will streamline the process to build a variety of housing options. There is support for the work group to review how to apply residential building codes to multiplex housing. The opportunity for certain buildings to be built with one stairwell will reduce costs and allow for more units to be built in the same space. It is a balance of efficiency and safety standards. While there is support for the categorical exemption for urban infill development within a quarter mile of a community core location, it should be expanded to half a mile, which is less than 10-minutes walking distance to a park, school, or rapid transit stop.

(Opposed) None.

(Other) There are still improvements to be made to this bill that will provide better direction to the State Building Code Council and allow enough time for the work to be completed.

Persons Testifying: (In support) Alex Hur, Master Builders Association of King and Snohomish Counties.

(Other) Stoyan Bumbalov, State Building Code Council.

Persons Signed In To Testify But Not Testifying: Briahna Murray, City of Bellevue.