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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1899

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State of Washington

68th Legislature

2024 Regular Session

**By** House Appropriations (originally sponsored by Representatives Volz, Schmidt, Chapman, Graham, Rule, Leavitt, Waters, Low, Christian, Couture, McClintock, Barnard, Jacobsen, Timmons, Schmick, Dent, Cheney, Sandlin, and Griffey)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to facilitating reconstruction of communities  
2 damaged or destroyed by wildfires; amending RCW 19.27A.015; adding a  
3 new section to chapter 43.31 RCW; adding a new section to chapter  
4 19.27 RCW; creating new sections; providing an expiration date; and  
5 declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** In recent years, devastating wildfires  
8 have destroyed homes, businesses, and infrastructure. These wildfires  
9 have become more frequent and more destructive due to the effects of  
10 climate change. Since the original construction of many of the lost  
11 structures, technological advances have made possible more energy  
12 efficient buildings, greater use of electric vehicles, and more  
13 opportunities to utilize solar energy. The insurance coverage for the  
14 destroyed structures, however, may not cover reconstruction utilizing  
15 new methods and technologies. As a result, many buildings may be  
16 rebuilt in less efficient ways that require greater use of greenhouse  
17 gases. These greenhouse gases, in turn, will exacerbate the threat of  
18 wildfires.

19 It is the intent of the legislature to assist in disrupting this  
20 cycle. By making disaster relief payments available to local  
21 governments, businesses, and individuals to repair or replace damaged

1 or destroyed buildings in more energy efficient and environmentally  
2 friendly ways, the legislature will encourage a more sustainable use  
3 of resources and increased climate resilience with resulting  
4 environmental benefits for all of the people of the state. It is the  
5 intent of the legislature that the assistance provided in this act be  
6 considered disaster relief payments by the internal revenue service.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.31  
8 RCW to read as follows:

9 (1) Subject to the availability of amounts appropriated for this  
10 specific purpose, the department of commerce shall establish and  
11 administer a disaster relief payment program to provide assistance to  
12 qualifying property owners and local governments that had buildings  
13 destroyed or damaged in a wildfire after January 1, 2023. The  
14 department shall develop a system for the submission and evaluation  
15 of disaster relief payment applications in consultation with the  
16 emergency management division of the state military department and  
17 tribal and local government emergency management authorities. The  
18 system developed by the department must ensure that the disaster  
19 relief payments are only used for the purposes specified in this  
20 section.

21 (2) Disaster relief payments may only be awarded to property  
22 owners who had buildings damaged or destroyed during a wildfire and  
23 that meet the following criteria:

24 (a) The area in which the building was damaged or destroyed was  
25 under a state of emergency declared by the governor or a local  
26 government due to wildfires;

27 (b) The building that was damaged or destroyed was a residential  
28 home, including manufactured homes, a multifamily building, a  
29 commercial building, or a public building;

30 (c) The same type of building as was damaged or destroyed in the  
31 wildfire is being constructed or repaired; and

32 (d) The new or repaired building will comply with all current  
33 state building and state energy code requirements in effect at the  
34 time of the permit application for the construction or repair.

35 (3) Disaster relief payments awarded under this section may only  
36 be used for the purpose of meeting increased energy efficiency  
37 standards, providing or increasing electric vehicle charging  
38 capacity, and the installation and use of solar panels on a building

1 that did not, prior to being damaged or destroyed, utilize solar  
2 panels.

3 (4) The department shall develop criteria for awarding disaster  
4 relief payments under this section that is consistent with RCW  
5 38.52.030(9) and, as appropriate, with other disaster response and  
6 recovery programs. When awarding disaster relief payments, the  
7 department must prioritize any building that is owned or rented by a  
8 low-income to moderate-income household. Thereafter, the department  
9 must award disaster relief payments based upon the amount of energy  
10 efficiency, electric vehicle charging capacity, or solar panels  
11 installation that will occur, with disaster relief payments going  
12 first to those buildings which will yield the greatest environmental  
13 benefits.

14 (5) For the purposes of this section:

15 (a) "Increased energy efficiency standards" means energy code  
16 standards under chapter 19.27A RCW that have increased between the  
17 time the building was originally constructed and the time that it is  
18 to be repaired or rebuilt.

19 (b) "Local government" means a city, town, county, or special  
20 purpose district.

21 (c) "Low-income or moderate-income household" means a single  
22 person, family, or unrelated persons living together whose adjusted  
23 income is at or below 120 percent of the median household income  
24 adjusted for household size, for the county where the household is  
25 located, as reported by the United States department of housing and  
26 urban development.

27 (d) "Public building" means a building or building wholly owned  
28 and used by a local government.

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

31 (1) The provisions of this chapter do not apply to the  
32 permitting, repair, or reconstruction of a rebuilt residential  
33 building to the extent that they would require additional energy  
34 efficiencies or offsets on, restrict, or prohibit the construction or  
35 use of a propane tank as a secondary heating source for the rebuilt  
36 residential building. The provisions of this chapter shall apply to  
37 rebuilt residential buildings in all other respects that do not  
38 conflict with this section.

1 (2) Counties and cities may not prohibit the construction or use  
2 of a propane tank as a secondary heating source in a rebuilt  
3 residential building.

4 (3) For the purposes of this section, "rebuilt residential  
5 building" means a residential building damaged or destroyed by  
6 wildfire between July 1, 2023, and September 1, 2023, in a location  
7 that was subject to an emergency declaration from the governor or a  
8 local government.

9 **Sec. 4.** RCW 19.27A.015 and 1990 c 2 s 2 are each amended to read  
10 as follows:

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

19 (2)(a) The provisions of the Washington state energy code for  
20 residential structures shall not apply to the permitting, repair, or  
21 construction of rebuilt residential buildings to the extent that it  
22 would require additional energy efficiencies or offsets on, restrict,  
23 or prohibit the construction or use of a propane tank as a secondary  
24 heating source for the rebuilt residential building. The provisions  
25 of Washington state energy code for residential structures shall  
26 apply to rebuilt residential buildings in all other respects that do  
27 not conflict with this section.

28 (b) For the purposes of this section, "rebuilt residential  
29 building" has the same meaning as in section 3 of this act.

30 NEW SECTION. **Sec. 5.** Sections 3 and 4 of this act expire June  
31 30, 2026.

32 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
33 preservation of the public peace, health, or safety, or support of  
34 the state government and its existing public institutions, and takes  
35 effect immediately.

1        NEW SECTION.    **Sec. 7.**    If specific funding for the purposes of  
2 this act, referencing this act by bill or chapter number, is not  
3 provided by June 30, 2024, in the omnibus appropriations act, this  
4 act is null and void.

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