

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 6291

Chapter 170, Laws of 2024

68th Legislature
2024 Regular Session

STATE BUILDING CODE COUNCIL—VARIOUS PROVISIONS

EFFECTIVE DATE: June 6, 2024

Passed by the Senate February 7, 2024
Yeas 47 Nays 2

DENNY HECK

President of the Senate

Passed by the House March 1, 2024
Yeas 95 Nays 0

LURIE JINKINS

**Speaker of the House of
Representatives**

Approved March 18, 2024 3:38 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6291** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 19, 2024

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6291

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By Senate State Government & Elections (originally sponsored by Senators L. Wilson, Lovick, Dozier, and Short)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to streamlining the state building code council
2 operating procedures by establishing criteria for statewide
3 amendments to the state building code; amending RCW 19.27.031,
4 19.27.070, 19.27.074, 19.27A.025, 19.27A.045, and 19.27.015; and
5 adding new sections to chapter 19.27 RCW.

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

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

9 (1) Except as otherwise provided in this chapter, there shall be
10 in effect in all counties and cities the state building code which
11 shall consist of the following model codes which are hereby adopted
12 by reference:

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

15 ~~((b))~~ (ii) The International Residential Code, published by the
16 International Code Council, Inc.;

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

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

7 (~~(4)~~) (d) Portions of the International Wildland Urban
8 Interface Code, published by the International Code Council Inc., as
9 set forth in RCW 19.27.560;

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

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

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

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

25 (3)(a) The model codes enumerated in this section shall be
26 adopted or amended by the council as provided in RCW 19.27.074 and
27 sections 6 through 8 of this act in a three-year state building code
28 adoption cycle. The state building code adoption cycle follows the
29 adoption cycle of the model codes. Substantive changes to the state
30 building code may only be adopted within the three-year cycle except
31 as provided in section 6 of this act.

32 (b) The council shall review the most recent editions of each of
33 the model codes enumerated in subsection (1) of this section and take
34 action on adoption no later than 30 months after the date of
35 publication of each such code. The "date of publication" is the date
36 of publication printed in each model code. If only a month and year
37 are shown, the date of publication for such code shall be the last
38 day of the month shown.

39 (4) The council may initiate and implement an interim code
40 adoption cycle for all Washington state building codes if a majority

1 of its voting membership determines one is needed to correct errors
2 and omissions, or eliminate obsolete, conflicting, redundant, or
3 unnecessary regulations as provided in sections 6 through 8 of this
4 act.

5 (5) Petitions for emergency statewide amendments to the building
6 code may be submitted, considered, and adopted at any time in
7 accordance with RCW 34.05.350 and sections 6 through 8 of this act.

8 (6) Off-cycle amendments to any of the Washington state building
9 codes may be initiated and implemented at any time if directed by the
10 legislature.

11 (7) The council shall solicit input from first responders to
12 ensure that firefighter safety issues are addressed during the code
13 adoption process.

14 (8) The council may issue opinions relating to the codes at the
15 request of a local official charged with the duty to enforce the
16 enumerated codes.

17 **Sec. 2.** RCW 19.27.070 and 2018 c 207 s 3 are each amended to
18 read as follows:

19 There is hereby established in the department of enterprise
20 services a state building code council, to be appointed by the
21 governor.

22 (1) The state building code council shall consist of (~~fifteen~~)
23 15 members:

24 (a) Two members must be county elected legislative body members
25 or elected executives;

26 (b) Two members must be city elected legislative body members or
27 mayors;

28 (c) One member must be a local government building code
29 enforcement official;

30 (d) One member must be a local government fire service official;

31 (e) One member must be a person with a physical disability and
32 shall represent the disability community;

33 (f) One member, who is not eligible for membership on the council
34 in any other capacity, and who has not previously been nominated or
35 appointed to the council to represent any other group, must represent
36 the general public; and

37 (g) Seven members must represent the private sector or
38 professional organizations as follows:

1 (i) One member shall represent general construction, specializing
2 in commercial and industrial building construction;

3 (ii) One member shall represent general construction,
4 specializing in residential and multifamily building construction;

5 (iii) One member shall represent the architectural design
6 profession;

7 (iv) One member shall represent the structural engineering
8 profession;

9 (v) One member shall represent the mechanical engineering
10 profession;

11 (vi) One member shall represent the construction building trades;

12 (vii) One member shall represent manufacturers, installers, or
13 suppliers of building materials and components.

14 (2) At least six of these (~~fifteen~~) 15 members shall reside
15 east of the crest of the Cascade mountains.

16 (3) The council shall include: Two members of the house of
17 representatives appointed by the speaker of the house, one from each
18 caucus; two members of the senate appointed by the president of the
19 senate, one from each caucus; and an employee of the electrical
20 division of the department of labor and industries, as ex officio,
21 nonvoting members with all other privileges and rights of membership.
22 Ex officio members shall not be counted for purposes of quorums,
23 calling special meetings, or voting thresholds.

24 (4) (a) Terms of office shall be for three years, or for so long
25 as the member remains qualified for the appointment.

26 (b) The council shall elect a member to serve as chair of the
27 council for one-year terms of office.

28 (c) Any member who is appointed by virtue of being an elected
29 official or holding public employment shall be removed from the
30 council if he or she ceases being such an elected official or holding
31 such public employment.

32 (d) Any member who is appointed to represent a specific private
33 sector industry must maintain sufficiently similar private sector
34 employment or circumstances throughout the term of office to remain
35 qualified to represent the specified industry. Retirement or
36 unemployment is not cause for termination. However, if a
37 councilmember appointed to represent a specific private sector
38 industry enters into employment outside of the industry, or outside
39 of the private sector, he or she has been appointed to represent,
40 then he or she must be removed from the council.

1 (e) Any member who no longer qualifies for appointment under this
2 section may not vote on council actions, but may participate as an ex
3 officio, nonvoting member until a replacement member is appointed. A
4 member must notify the council staff and the governor's office within
5 (~~thirty~~) 30 days of the date the member no longer qualifies for
6 appointment under this section. The governor shall appoint a
7 qualified replacement for the member within (~~sixty~~) 60 days of
8 notice.

9 (f) Each of the 15 councilmembers appointed by the governor shall
10 hold office until the appointment of a successor, not to exceed 90
11 days after the term has expired. If no appointment is made to replace
12 the member after 90 days, the member's position shall become vacant.
13 Vacant positions shall not be counted for purposes of quorums,
14 calling special meetings, or voting thresholds.

15 (5) Before making any appointments to the building code council,
16 the governor shall seek nominations from recognized organizations
17 which represent the entities or interests identified in this section.
18 The governor shall select appointees to represent private sector
19 industries from a list of three nominations provided by the largest
20 trade associations representing the industry(~~(7)~~) unless no names or
21 insufficient qualifying names are put forth by the trade
22 associations. Within three days after a councilmember's term has
23 expired, the council must post a message on the council website
24 informing the stakeholders and members of the public that there is an
25 open council position. The trade associations must provide
26 nominations no later than 30 days after a council position is open.
27 The governor shall appoint a qualified replacement within 60 days
28 after the qualified nominations are received.

29 (6) Members shall not be compensated but shall receive
30 reimbursement for travel expenses in accordance with RCW 43.03.050
31 and 43.03.060.

32 (7) Within one year of employment or appointment, employees of
33 the state building code council and members of the state building
34 code council must receive training on ethics in public service
35 including, but not limited to, provisions of chapter 42.52 RCW.

36 (8) For purposes of this section, a "professional organization"
37 includes an entity whose members are engaged in a particular lawful
38 vocation, occupation, or field of activity of a specialized nature,
39 including but not limited to associations, boards, educational
40 institutions, and nonprofit organizations.

1 **Sec. 3.** RCW 19.27.074 and 2018 c 207 s 4 are each amended to
2 read as follows:

3 (1) The state building code council shall:

4 (a) Adopt and maintain the codes to which reference is made in
5 RCW 19.27.031 in a status which is consistent with the state's
6 interest as set forth in RCW 19.27.020. In maintaining these codes,
7 the council shall regularly review updated versions of the codes
8 referred to in RCW 19.27.031 and other pertinent information and
9 shall amend the codes pursuant to RCW 19.27.031 and sections 6
10 through 8 of this act as deemed appropriate by the council;

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

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

16 (d) Approve a proposed budget for the operation of the state
17 building code council to be submitted by the department of enterprise
18 services to the office of financial management pursuant to RCW
19 43.88.090.

20 (2) The state building code council may:

21 (a) Appoint technical advisory (~~committees which may include~~
22 ~~members of the council~~) groups in accordance with section 7 of this
23 act;

24 (b) Approve contracts for services; and

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

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

29 (a) Employ a managing director of the council, and permanent and
30 temporary staff ((and contract for services)) to perform all duties
31 necessary to carry out the intent and purposes of this chapter and
32 chapter 19.27A RCW;

33 (b) Contract with an independent, third-party entity to perform
34 (~~a Washington energy code baseline economic analysis and economic~~
35 ~~analysis of code proposals~~) comparative economic and energy analyses
36 of proposed Washington energy code amendments and prior versions of
37 the Washington energy code, including compliance with RCW 34.05.328
38 and 19.27A.160; and

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

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

3 (5) (a) All meetings of the state building code council, its
4 standing committees, ad hoc committees, and technical advisory groups
5 shall be open to the public under the open public meetings act,
6 chapter 42.30 RCW. All actions of the state building code council
7 which adopt or amend any code of statewide applicability shall be
8 pursuant to the administrative procedure act, chapter 34.05 RCW.

9 (b) All council decisions relating to the codes enumerated in RCW
10 19.27.031 shall require approval by at least a majority of the voting
11 members of the council.

12 (c) All decisions to adopt or amend codes of statewide
13 application through a three-year code adoption cycle shall be made
14 prior to December 1st of any year and shall not take effect before
15 the end of the regular legislative session in the next year.

16 **Sec. 4.** RCW 19.27A.025 and 2019 c 285 s 17 are each amended to
17 read as follows:

18 (1) The minimum state energy code for new and renovated
19 nonresidential buildings, as specified in this chapter, shall be the
20 Washington state energy code, 1986 edition, as amended. The state
21 building code council may, by rule adopted pursuant to chapter 34.05
22 RCW, RCW 19.27.031, and sections 6 through 8 of this act, amend that
23 code's requirements for new nonresidential buildings provided that:

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

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

30 (2) In considering amendments to the state energy code for
31 nonresidential buildings, the state building code council shall
32 establish and consult with a technical advisory (~~committee~~) group
33 in accordance with section 7 of this act including representatives of
34 appropriate state agencies, local governments, general contractors,
35 building owners and managers, design professionals, utilities, and
36 other interested and affected parties.

37 (3) Decisions to amend the Washington state energy code for new
38 nonresidential buildings shall be made prior to December 15th of any
39 year and shall not take effect before the end of the regular

1 legislative session in the next year. Any disputed provisions within
2 an amendment presented to the legislature shall be approved by the
3 legislature before going into effect. A disputed provision is one
4 which was adopted by the state building code council with less than a
5 two-thirds (~~majority~~) vote of the voting members. Substantial
6 amendments to the code shall be adopted no more frequently than every
7 three years except as allowed in RCW 19.27.031 and section 6 of this
8 act.

9 **Sec. 5.** RCW 19.27A.045 and 1990 c 2 s 5 are each amended to read
10 as follows:

11 The state building code council shall maintain the state energy
12 code for residential structures in a status which is consistent with
13 the state's interest as set forth in section 1, chapter 2, Laws of
14 1990. In maintaining the Washington state energy code for residential
15 structures, beginning in 1996 the council shall review the Washington
16 state energy code every three years. After January 1, 1996, by rule
17 adopted pursuant to chapter 34.05 RCW, RCW 19.27.031, and sections 6
18 through 8 of this act, the council may amend any provisions of the
19 Washington state energy code to increase the energy efficiency of
20 newly constructed residential buildings. Decisions to amend the
21 Washington state energy code for residential structures shall be made
22 prior to December 1 of any year and shall not take effect before the
23 end of the regular legislative session in the next year.

24 NEW SECTION. **Sec. 6.** A new section is added to chapter 19.27
25 RCW to read as follows:

26 (1) Adoption or amendment of the state building code or statewide
27 amendments to the state building code as defined in RCW 19.27.031
28 must meet the following criteria:

29 (a) Substantive updates to the state building code shall occur
30 only once during the three-year state building code adoption cycle as
31 described in RCW 19.27.031(3). No substantive provision may be
32 adopted, amended, or repealed except during the three-year code
33 adoption cycle, or as provided in (c) or (d) of this subsection.

34 (b) An interim code adoption cycle as outlined in RCW
35 19.27.031(4) shall not be performed earlier than 12 months nor later
36 than 18 months from the effective date of the codes adopted pursuant
37 to (a) of this subsection.

1 (c) (i) The council may adopt emergency amendments to the code at
2 any time under the following conditions:

3 (A) The amendment is necessary for the preservation of the public
4 health, safety, or general welfare; or

5 (B) The amendment is necessary for consistency with state or
6 federal laws and regulations.

7 (ii) The council may not act on a petition for emergency
8 statewide amendments at the meeting when the petition is introduced.

9 (iii) The council may accept a petition for emergency statewide
10 amendments only when the petition provides a concise statement of the
11 reasons for a finding that an emergency basis exists, and the council
12 approves a finding that such an emergency basis exists by a two-
13 thirds vote of voting members. The approval of emergency amendments
14 requires a majority vote of the voting members.

15 (d) The council may adopt or amend the state building code or
16 code sections at any time pursuant to legislative direction as
17 reflected in legislation signed into law.

18 (2) Any person or entity may submit to the council a petition in
19 writing for statewide amendments within the time periods established
20 by the council. The petition for statewide amendment must comply with
21 format and content requirements approved by the council.

22 (3) Incomplete petitions for statewide amendments or petitions
23 that exceed the specific delegation of authority provided by the
24 legislature shall not be considered by the council for action.

25 (4) The council shall approve the referral of a statewide
26 amendment to a standing committee or technical advisory group.

27 (5) The council shall develop a process for council meetings that
28 allows members of the public to understand amendments being proposed
29 for adoption. The process shall include requirements for
30 modifications to proposed rule text to be in writing, specify the
31 reason for the amendment, and be available to the council and the
32 members of the public at least seven days prior to a vote on final
33 amendment adoption. The council shall adopt rules that encourage
34 councilmembers and technical advisory group members to make proposed
35 amendments and text changes available to other members and the public
36 at least 48 hours prior to the meeting at which they will be
37 discussed.

38 (6) The council must adopt policies and procedures for the
39 adoption or amendment of the state building code that comply with the
40 rule-making requirements in chapter 34.05 RCW and this act.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 19.27
2 RCW to read as follows:

3 (1) The state building code council may appoint technical
4 advisory groups to review petitions for statewide amendments as
5 authorized in this chapter and chapter 19.27A RCW.

6 (a) A technical advisory group may include one voting
7 councilmember.

8 (b) A technical advisory group must consist of subject matter
9 experts as designated by the council. A subject matter expert is
10 defined as an individual who by education, training, or experience is
11 a recognized expert on a particular subject, topic, or system.

12 (c) A technical advisory group member may be removed by the state
13 building code council if the member no longer meets the
14 qualifications necessary to fill the position.

15 (d) Three consecutive absences of a technical advisory group
16 member from meetings of the technical advisory group are grounds for
17 the state building code council to designate the member's status as
18 ex officio, until a reappointment is made. Ex officio members are not
19 considered when determining a quorum.

20 (e) Within three months of appointment, technical advisory group
21 members must receive training on ethics in public service including,
22 but not limited to, provisions of chapter 42.52 RCW.

23 (f) Technical advisory group members and the industry or
24 stakeholder groups they are representing must be posted on the
25 council website.

26 (2) Any person who wishes to be appointed to serve on a technical
27 advisory group must submit an application that satisfies the
28 requirements for an application set by the council. Any application
29 for such appointment must be approved or denied within 30 days after
30 the closing of the application submittal period.

31 (3) A petition for an amendment referred to a technical advisory
32 group must be approved by a majority of the technical advisory group
33 voting members to be taken up for consideration by the state building
34 code council.

35 NEW SECTION. **Sec. 8.** A new section is added to chapter 19.27
36 RCW to read as follows:

37 Following the close of the public comment period and any public
38 hearing required by chapter 34.05 RCW, the state building code

1 council shall approve or disapprove the final adoption or amendment
2 of codes of statewide application.

3 (1) Proposals must meet one or more of the criteria in section 6
4 of this act to be considered for approval.

5 (2) Proposals that do not meet these criteria may be considered
6 in a future three-year code adoption cycle.

7 (3) The council may not adopt a proposal that is substantially
8 different from the proposal made available for public testimony
9 except as provided by RCW 34.05.340.

10 **Sec. 9.** RCW 19.27.015 and 2018 c 207 s 1 are each amended to
11 read as follows:

12 As used in this chapter:

13 (1) "Agricultural structure" means a structure designed and
14 constructed to house farm implements, hay, grain, poultry, livestock,
15 or other horticultural products. This structure may not be a place of
16 human habitation or a place of employment where agricultural products
17 are processed, treated, or packaged, nor may it be a place used by
18 the public.

19 (2) "Approval," "approved," or "adopted," unless otherwise
20 defined or otherwise indicated by context, means an affirmative vote
21 by a majority of voting members of the council, committee, or
22 advisory group present at the time of the vote.

23 (3) "City" means a city or town.

24 ~~((3))~~ (4) "Commercial building permit" means a building permit
25 issued by a city or a county to construct, enlarge, alter, repair,
26 move, demolish, or change the occupancy of any building not covered
27 by a residential building permit.

28 ~~((4))~~ (5) "Emergency statewide amendment" means any proposed
29 statewide amendment meeting the criteria in RCW 34.05.350. A rule
30 shall be considered an emergency rule if the council, for good cause,
31 finds that immediate adoption or amendment of a rule is necessary for
32 the preservation of the public health, safety, or general welfare,
33 and that observing the time requirements of notice and opportunity to
34 comment upon adoption of a permanent rule would be contrary to public
35 interest.

36 (6) "Model codes" means the codes developed by the model code
37 organizations and adopted by reference in RCW 19.27.031.

38 (7) "Model code organizations" means the national code-adopting
39 organizations that develop the model codes, as defined in this

1 section, such as the international code council, international
2 association of plumbing and mechanical officials, and national fire
3 protection association.

4 (8) "Multifamily residential building" means common wall
5 residential buildings that consist of four or fewer units, that do
6 not exceed two stories in height, that are less than ((five
7 thousand)) 5,000 square feet in area, and that have a one-hour fire-
8 resistive occupancy separation between units.

9 ((+5)) (9) "Off-cycle amendments" means amendments to the state
10 building code outside of the three-year state building code adoption
11 cycle.

12 (10) "Residential building permit" means a building permit issued
13 by a city or a county to construct, enlarge, alter, repair, move,
14 demolish, or change the occupancy of any building containing only
15 dwelling units used for independent living of one or more persons
16 including permanent provisions for living, sleeping, eating, cooking,
17 and sanitation, and structures accessory to dwelling units, such as
18 detached garages and storage buildings.

19 ((+6)) (11) "State building code" means the codes adopted and
20 amended by the council as follows:

21 (a) The codes referenced in this chapter;

22 (b) The state energy code referenced in chapter 19.27A RCW; and

23 (c) Any other codes so designated by the Washington state
24 legislature as adopted and amended by the council.

25 (12) "State building code adoption cycle" means that period
26 during which the state building code is adopted, updated, and amended
27 by the council.

28 (13) "Statewide amendment" means any amendment to the state
29 building code initiated through council action or by petition to the
30 council from any agency, city, county, or interested individual or
31 organization, that would have the effect of amending the state
32 building code for the entire state of Washington. A statewide
33 amendment may have a regional effect.

34 (14) "Temporary growing structure" means a structure that has the
35 sides and roof covered with polyethylene, polyvinyl, or similar
36 flexible synthetic material and is used to provide plants with either
37 frost protection or increased heat retention.

38 NEW SECTION. Sec. 10. If any provision of this act or its
39 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

Passed by the Senate February 7, 2024.

Passed by the House March 1, 2024.

Approved by the Governor March 18, 2024.

Filed in Office of Secretary of State March 19, 2024.

--- **END** ---