

WSR 21-03-080

PROPOSED RULES

BUILDING CODE COUNCIL

[Filed January 19, 2021, 3:09 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-23-096.

Title of Rule and Other Identifying Information: Chapter 51-50 WAC, amendments to the 2018 International Building Code and International Existing Building Code, addressing increased beds for adult family homes.

Hearing Location(s): On April 16, 2021, at 10:00 [a.m.], at 1500 Jefferson Street S.E., Olympia, WA 98504. Due to COVID-19, this meeting might be held virtually.

Date of Intended Adoption: May 21, 2021.

Submit Written Comments to: Shannon Pitts, 1500 Jefferson Street S.E., Olympia, WA 98504, email SBCC@des.wa.gov, by April 16, 2021.

Assistance for Persons with Disabilities: Contact Shannon Pitts, phone 360-407-9255, email Shannon.pitts@des.wa.gov, by April 12, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule is in response to ESHB 1023 and addresses increasing adult family home beds.

Reasons Supporting Proposal: Required by ESHB 1023.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in this change: WAC 51-51-0202 Definitions, modifies the definition for adult family homes to address conditions that would allow an increase from six beds to eight beds.

Name of Proponent: Diane Glenn, Chair, state building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Stoyan Bumbalov, 1500 Jefferson Street S.E., Olympia, WA 98504, 360-407-9277; Enforcement: Local jurisdictions having authority.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Exemption per RCW 34.05.328 (5)(b)(v) for statute RCW 19.27.077.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. This will decrease the cost per occupant for impacted projects.

A copy of the detailed cost calculations may be obtained by contacting Stoyan Bumbalov, 1500 Jefferson Street [S.E.], Olympia, WA 08504 [98504], phone 360-407-9277, email Stoyan.bumbalov@des.wa.gov.

January 8, 2021

Diane Glenn

Chair

OTS-2876.1

AMENDATORY SECTION (Amending WSR 20-21-041, filed 10/13/20, effective 11/13/20)

WAC 51-51-0202 Section R202—Definitions.

ADULT FAMILY HOME. ((means)) A dwelling, licensed by the state of Washington department of social and health services, in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An existing adult family home may provide services to up to eight adults upon approval from the department of social and health services in accordance with RCW 70.128.066.

BALANCED WHOLE HOUSE VENTILATION. Balanced whole house ventilation is defined as any combination of concurrently operating residential unit mechanical exhaust and mechanical supply whereby the total mechanical exhaust airflow rate is within 10 percent or 5 cfm, whichever is greater, of the total mechanical supply airflow rate. Intermittent dryer exhaust, intermittent range hood exhaust, and intermittent toilet room exhaust airflow rates above the residential dwelling or sleeping unit minimum ventilation rate are exempt from the balanced airflow calculation.

BATTERY SYSTEM, STATIONARY STORAGE. This definition is not adopted.

BUILDING, EXISTING. A building or structure erected prior to the adoption of this code, or one that has passed a final inspection.

BUILDING. Any one- or two-family dwelling or *townhouse*, or portion thereof used or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, or any accessory structure.

CHILD CARE, FAMILY HOME. A child care facility, licensed by Washington state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

CHILD DAY CARE, shall, for the purposes of these regulations, mean the care of children during any period of a 24 hour day.

CONDITIONED SPACE. An area, room or space that is enclosed within the building thermal envelope and that is directly or indirectly heated or cooled. Spaces are indirectly heated or cooled where they communicate through openings with conditioned spaces, where they are separated from conditioned spaces by uninsulated walls, floors or ceilings, or where they contain uninsulated ducts, piping or other sources of heating or cooling.

DISTRIBUTED WHOLE HOUSE VENTILATION. A whole house ventilation system shall be considered distributed when it supplies outdoor air directly (not transfer air) to each dwelling or sleeping unit habitable space (living room, den, office, interior adjoining spaces or bedroom), and exhausts air from all kitchens and bathrooms directly outside.

DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Dwelling units may also include the following uses:

1. Adult family homes, foster family care homes and family day care homes licensed by the Washington state department of social and health services.

2. Offices, mercantile, food preparation for off-site consumption, personal care salons or similar uses which are conducted primarily by the occupants of the dwelling unit and are secondary to the use of the unit for dwelling purposes, and which do not exceed 500 square feet (46.4 m²).

EGRESS ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the *Emergency Escape and Rescue Opening* requirements of Section R310.2.

ENERGY STORAGE SYSTEMS (ESS). One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time.

FIRE SEPARATION DISTANCE. The distance measured from the foundation wall or face of the wall framing, whichever is closer, to one of the following:

1. To the closest interior lot line; or
2. To the centerline of a street, an alley or public way; or
3. To an imaginary line between two buildings on the lot.

The distance shall be measured at a right angle from the wall.

FLOOR AREA. The area within the inside perimeter of exterior walls of the building. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

LANDING PLATFORM. A landing provided as the top step of a stairway accessing a *Sleeping Loft*.

LOCAL EXHAUST. An exhaust system that uses one or more fans to exhaust air from a specific room or rooms within a residential dwelling or sleeping unit.

LOT. A measured portion or parcel of land considered as a unit having fixed boundaries.

LOT LINE. The line which bounds a plot of ground described as a *lot* in the title to the property.

MIXED VENTILATION ZONE. This definition is not adopted.

SALT WATER COASTAL AREA. Those areas designated as salt water coastal areas by the local jurisdiction.

SLEEPING LOFT. A sleeping space on a floor level located more than 30 inches (726 mm) above the main floor and open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm).

SMALL BUSINESS. Any business entity (including a sole proprietorship, corporation, partnership or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees.

TOWNHOUSE. A building that contains three or more attached *townhouse units*.

TOWNHOUSE UNIT. A single-family *dwelling unit* in a *townhouse* that extends from foundation to roof and that has a yard or public way on not less

than two sides that extends at least 50 percent of the length of each of these two sides.

WHOLE HOUSE VENTILATION SYSTEM. A mechanical ventilation system, including fans, controls, and ducts, which replaces, by direct means, air from the habitable rooms with outdoor air.

[Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 20-21-041, § 51-51-0202, filed 10/13/20, effective 11/13/20; WSR 20-03-023, § 51-51-0202, filed 1/6/20, effective 7/1/20; WSR 16-03-025, § 51-51-0202, filed 1/11/16, effective 7/1/16. Statutory Authority: RCW 19.27.031 and chapters 19.27 and 34.05 RCW. WSR 13-04-068, § 51-51-0202, filed 2/1/13, effective 7/1/13. Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 10-03-098, § 51-51-0202, filed 1/20/10, effective 7/1/10. Statutory Authority: RCW 19.27.190, 19.27.020, and chapters 19.27 and 34.05 RCW. WSR 09-04-023, § 51-51-0202, filed 1/27/09, effective 7/1/09; WSR 08-01-102, § 51-51-0202, filed 12/18/07, effective 4/1/08. Statutory Authority: RCW 19.27.074, 19.27.020, and chapters 19.27 and 34.05 RCW. WSR 07-01-090, § 51-51-0202, filed 12/19/06, effective 7/1/07. Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 04-01-109, § 51-51-0202, filed 12/17/03, effective 7/1/04.]