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**SUBSTITUTE HOUSE BILL 1167**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** House Housing (originally sponsored by Representatives Duerr, Low, Walen, Reed, Bateman, Ramel, Fitzgibbon, Taylor, Macri, Gregerson, Wylie, Pollet, Kloba, and Tharinger)

1 AN ACT Relating to residential housing regulations; amending RCW  
2 19.27.060; adding new sections to chapter 36.70A RCW; adding a new  
3 section to chapter 19.27 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A  
6 RCW to read as follows:

7 (1) The department shall develop and administer a grant program  
8 to provide direct financial assistance to counties and cities for the  
9 adoption of preapproved middle housing plans.

10 (2) When a preapproved plan is submitted to a county or city  
11 during the process of seeking permit approval for a middle housing  
12 development, the county's or city's review of the preapproved plan  
13 may not be more than administrative.

14 (3) For the purpose of this section:

15 (a) "Preapproved middle housing plans" means a selection of  
16 middle housing architectural plans that have been reviewed by county  
17 or city code officials and approved for compliance with applicable  
18 building codes within the county or city.

19 (b) "Middle housing" means duplexes, triplexes, fourplexes,  
20 fiveplexes, sixplexes, attached and detached accessory dwelling

1 units, cottage housing, stacked flats, townhouses, or courtyard  
2 apartments.

3 (c) "Cottage housing" means four or more residential units on a  
4 lot with a common open space that either: (i) Is owned in common; or  
5 (ii) has units owned as condominium units with property owned in  
6 common and a minimum of 20 percent of the lot size as open space.

7 (d) "Courtyard apartments" means up to four attached dwelling  
8 units arranged on two or three sides of a central courtyard or lawn  
9 area.

10 (e) "Stacked flat" means dwelling units in a two-story or three-  
11 story residential building on a residential zoned lot in which each  
12 floor may be separately rented or owned and is a discrete dwelling  
13 unit.

14 (f) "Townhouses" means buildings that contain three or more  
15 attached single-family dwelling units that extend from foundation to  
16 roof and that have a yard or public way on not less than two sides  
17 that extends at least 50 percent of the length of each of these two  
18 sides.

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

21 (1) The state building code council shall convene a work group  
22 for the purpose of recommending the additions or amendments to rules  
23 or codes that are necessary for the council to adopt to apply the  
24 international residential code to multiplex housing and exempt  
25 multiplex housing from the international building code. These  
26 recommendations shall include those code changes necessary to ensure  
27 public health and safety in multifamily housing under the  
28 international residential code, including incorporating the life  
29 safety systems for multiplex housing from the international building  
30 code.

31 (2) The work group shall provide its recommendations to the  
32 council in time for the council to adopt or amend rules or codes as  
33 necessary for implementation in 2025. The council shall take action  
34 to adopt additions and amendments to rules or codes as necessary to  
35 apply the international residential code to multiplex housing by  
36 December 1, 2024.

37 (3) For the purposes of this section, "multiplex housing" means a  
38 building with up to six dwelling units consolidated into a single  
39 structure with common walls and floors and a functional primary

1 street entrance, or a building of up to three stories containing up  
2 to six dwelling units consolidated into a single structure.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A  
4 RCW to read as follows:

5 (1) Counties planning under RCW 36.70A.040 and cities within such  
6 counties must adopt or amend by ordinance and incorporate into their  
7 development regulations, zoning regulations, and other official  
8 controls the requirements of subsection (3) of this section, to take  
9 effect by July 1, 2025, within urban growth areas designated  
10 according to RCW 36.70A.110.

11 (2) Beginning July 1, 2025, the requirements of subsection (3) of  
12 this section:

13 (a) Apply and take effect in any city or county that has not  
14 adopted or amended ordinances, regulations, or other official  
15 controls as required under this section; and

16 (b) Supersede, preempt, and invalidate any local development  
17 regulations that conflict with this section.

18 (3) (a) Within residential zones that allow for multiplex housing,  
19 counties and cities may not impose or require zoning, development,  
20 siting, or other standards for multiplex housing that are more  
21 restrictive than those required for detached single-family  
22 residences, except when necessary for fire and life safety. Counties  
23 and cities must apply the same development permit and environmental  
24 review processes to multiplex housing that are applied to detached  
25 single-family residences.

26 (b) Within one-quarter mile of a community core location, cities  
27 and counties may not mandate setbacks or development regulations for  
28 residential buildings that would prohibit the development from  
29 achieving the underlying zoning or density allowed, except for  
30 building codes, health and safety requirements, public utility access  
31 and utility meter access requirements.

32 (c) Cities that meet the criteria in RCW 19.27.060(4) may not  
33 require more than a single stairway in residential buildings of six  
34 or fewer stories that meet the conditions in RCW 19.27.060(3).

35 (4) (a) For the purposes of this section, "multiplex housing"  
36 means duplexes, triplexes, fourplexes, fiveplexes, sixplexes,  
37 attached and detached accessory dwelling units, cottage housing,  
38 stacked flats, townhouses, or courtyard apartments.

1 (b) For the purposes of this section, "community core location"  
2 means:

3 (i) A stop on a high capacity transportation system funded or  
4 expanded under the provisions of chapter 81.104 RCW;

5 (ii) Commuter rail stops;

6 (iii) Stops on rail or fixed guideway systems, including  
7 transitways;

8 (iv) Stops on bus rapid transit routes;

9 (v) A stop designated as a "major transit stop" prior to the  
10 effective date of this section by a regional agency planning under  
11 the multicounty planning policies authority of RCW 36.70A.210(7);

12 (vi) Public schools as defined in RCW 28A.150.010, common schools  
13 as defined in RCW 28A.150.020, and private schools approved under RCW  
14 28A.195.010; or

15 (vii) Public parks operated by the state or by a local government  
16 for the use of the general public.

17 **Sec. 4.** RCW 19.27.060 and 2018 c 302 s 2 are each amended to  
18 read as follows:

19 (1) The governing bodies of counties and cities may amend the  
20 codes enumerated in RCW 19.27.031 as amended and adopted by the state  
21 building code council as they apply within their respective  
22 jurisdictions, but the amendments shall not result in a code that is  
23 less than the minimum performance standards and objectives contained  
24 in the state building code except as provided in subsection (2) of  
25 this section.

26 (a) Except as provided in subsection (2) of this section, no  
27 amendment to a code enumerated in RCW 19.27.031 as amended and  
28 adopted by the state building code council that affects single-family  
29 or multifamily residential buildings shall be effective unless the  
30 amendment is approved by the building code council under RCW  
31 19.27.074(1)(b).

32 (b) Any county or city amendment to a code enumerated in RCW  
33 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue  
34 to be effective after any action is taken under RCW 19.27.074(1)(a)  
35 without necessity of reapproval under RCW 19.27.074(1)(b) unless the  
36 amendment is declared null and void by the council at the time any  
37 action is taken under RCW 19.27.074(1)(a) because such action in any  
38 way altered the impact of the amendment.

1 (2) The legislative body of a county or city, in exercising the  
2 authority provided under subsection (1) of this section to amend the  
3 code enumerated in RCW 19.27.031(1)(b), may adopt amendments that  
4 eliminate any minimum gross floor area requirement for single-family  
5 detached dwellings or that provide a minimum gross floor area  
6 requirement below the minimum performance standards and objectives  
7 contained in the state building code.

8 (3) The legislative body of a county or city, in exercising the  
9 authority provided under subsection (1) of this section to amend the  
10 code enumerated in RCW 19.27.031(1)(b), may adopt amendments that  
11 allow for up to five stories of group R-2 occupancy to be served by a  
12 single exit under the following conditions:

13 (a) The building does not have more than six stories above grade  
14 plane;

15 (b) The building does not contain a boarding house;

16 (c) The building does not have more than four dwellings on any  
17 floor;

18 (d) The building is constructed with not less than one-hour fire-  
19 resistive construction and is also equipped throughout with an  
20 automatic sprinkler system in accordance with section 903.3.1.1 of  
21 the international building code. Residential-type sprinklers must be  
22 used in all habitable spaces in each dwelling unit;

23 (e) There are not more than two single exit stairway conditions  
24 on the same property for buildings four stories tall or higher;

25 (f) An exterior stairway or interior exit stairway is provided.  
26 The interior exit stairway, including any related exit passageway,  
27 must be pressurized in accordance with section 909.20 of the  
28 international building code. Doors in the stairway must swing into  
29 the interior exit stairway regardless of the occupant load served,  
30 provided that doors from the interior exit stairway to the building  
31 exterior are permitted to swing in the direction of exit travel;

32 (g) A corridor separates each dwelling unit entry/exit door from  
33 the door to an interior exit stairway, including any related exit  
34 passageway, on each floor. Dwelling unit doors must not open directly  
35 into an interior exit stairway. Dwelling unit doors are permitted to  
36 open directly into an exterior stairway;

37 (h) There are not more than 20 feet of travel to the exit  
38 stairway from the entry/exit door of any dwelling unit;

39 (i) Travel distance measured in accordance with section 1017 of  
40 the international building code does not exceed 125 feet;

1 (j) The exit does not terminate in an egress court where the  
2 court depth exceeds the court width unless it is possible to exit in  
3 either direction to the public way;

4 (k) Elevators are pressurized in accordance with section 909.21  
5 of the international building code or open into elevator lobbies that  
6 comply with section 713.14 of the international building code. Where  
7 approved by the building official, natural ventilation is permitted  
8 to be substituted for pressurization where the ventilation would  
9 prevent the accumulation of smoke or toxic gases;

10 (l)(i) Other occupancies are permitted in the same building  
11 provided they comply with all other requirements of this subsection  
12 (3). Except as provided in (l)(ii) of this subsection, other  
13 occupancies must not communicate with the group R occupancy portion  
14 of the building or with the single-exit stairway;

15 (ii) Parking garages and occupied roofs accessory to the group R  
16 occupancy are permitted to communicate with the exit stairway;

17 (m) The exit serving the group R occupancy does not discharge  
18 through any other occupancy, including an accessory parking garage;  
19 and

20 (n) There are no openings within 10 feet of unprotected openings  
21 into the stairway other than required exit doors having a one-hour  
22 fire-resistance rating.

23 (4)(a) A city that intends to adopt amendments under subsection  
24 (3) of this section must meet the following criteria prior to  
25 adoption:

26 (i) The city is served by a municipal fire department or fire  
27 district; and

28 (ii) The city does not have a current restriction on development  
29 due to lack of fire flow capacity as set forth in WAC 246-290-221.  
30 Minimum fire flow capacity must be at least 750 gallons per minute  
31 for 60 minutes, as set forth in WAC 246-293-640.

32 (b) Nothing in this subsection precludes a city from making a  
33 determination that the city does not have appropriate fire apparatus  
34 or hydrant networks to serve single stairwell buildings.

35 (5) Except as permitted or provided otherwise under this section,  
36 the state building code shall be applicable to all buildings and  
37 structures including those owned by the state or by any governmental  
38 subdivision or unit of local government.

39 ~~((4))~~ (6) The governing body of each county or city may limit  
40 the application of any portion of the state building code to exclude

1 specified classes or types of buildings or structures according to  
2 use other than single-family or multifamily residential buildings.  
3 However, in no event shall fruits or vegetables of the tree or vine  
4 stored in buildings or warehouses constitute combustible stock for  
5 the purposes of application of the uniform fire code. A governing  
6 body of a county or city may inspect facilities used for temporary  
7 storage and processing of agricultural commodities.

8 ((+5)) (7) No provision of the uniform fire code concerning  
9 roadways shall be part of the state building code: PROVIDED, That  
10 this subsection shall not limit the authority of a county or city to  
11 adopt street, road, or access standards.

12 ((+6)) (8) The provisions of the state building code may be  
13 preempted by any city or county to the extent that the code  
14 provisions relating to the installation or use of sprinklers in jail  
15 cells conflict with the secure and humane operation of jails.

16 ((+7)) (9)(a) Effective one year after July 23, 1989, the  
17 governing bodies of counties and cities may adopt an ordinance or  
18 resolution to exempt from permit requirements certain construction or  
19 alteration of either group R, division 3, or group M, division 1  
20 occupancies, or both, as defined in the uniform building code, 1988  
21 edition, for which the total cost of fair market value of the  
22 construction or alteration does not exceed ((fifteen—hundred  
23 dollars)) \$1,500. The permit exemption shall not otherwise exempt the  
24 construction or alteration from the substantive standards of the  
25 codes enumerated in RCW 19.27.031, as amended and maintained by the  
26 state building code council under RCW 19.27.070.

27 (b) Prior to July 23, 1989, the state building code council shall  
28 adopt by rule, guidelines exempting from permit requirements certain  
29 construction and alteration activities under (a) of this subsection.

30 NEW SECTION. **Sec. 5.** The office of regulatory assistance shall  
31 contract with a qualified external consultant or entity to develop a  
32 standard plan set demonstrating a prescriptive compliance pathway  
33 that will meet or exceed all energy code regulations for residential  
34 housing in the state subject to the international residential code.  
35 The standard plan set may be used, but is not required, by local  
36 governments and building industries. In developing the standard plan  
37 set, the consultant shall, at a minimum, seek feedback from cities,

1 counties, building industries, and building officials. The standard  
2 plan set must be completed by December 31, 2023.

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