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HOUSE BILL 2667

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State of Washington

66th Legislature

2020 Regular Session

By Representatives Chapman, Maycumber, Tharinger, Hoff, Vick, and  
Blake

1       AN ACT Relating to increasing housing access and affordability by  
2 decreasing construction costs associated with implementing the  
3 Washington state energy code for residential buildings; amending RCW  
4 19.27A.020, 19.27A.045, and 19.27A.160; creating a new section; and  
5 declaring an emergency.

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

7       NEW SECTION.   **Sec. 1.**   It is the intent of the legislature to  
8 encourage affordable housing in all areas of the state. Each one of  
9 Washington's residents needs housing and the legislature intends to  
10 address the overall costs of construction in order to increase access  
11 to, and affordability for, all housing types across Washington.  
12 State-imposed, high-barrier construction costs are most burdensome to  
13 those who can least afford increasing housing costs. The legislature  
14 finds that it is appropriate to address the underlying cost of state  
15 energy code compliance and, seeing as that the state has taken  
16 positive and assertive action on clean energy generation and  
17 efficiency, it is the legislature's intent to balance the housing  
18 needs of its residents with the promotion of efficient and  
19 sustainable housing.

1       **Sec. 2.** RCW 19.27A.020 and 2018 c 207 s 7 are each amended to  
2 read as follows:

3       (1) The state building code council in the department of  
4 enterprise services shall adopt rules to be known as the Washington  
5 state energy code as part of the state building code.

6       (2) The council shall follow the legislature's standards set  
7 forth in this section to adopt rules to be known as the Washington  
8 state energy code. ~~((The Washington state energy code shall be  
9 designed to:~~

10       ~~(a) Construct increasingly energy efficient homes and buildings  
11 that help achieve the broader goal of building zero fossil-fuel  
12 greenhouse gas emission homes and buildings by the year 2031;~~

13       ~~(b) Require new buildings to meet a certain level of energy  
14 efficiency, but allow flexibility in building design, construction,  
15 and heating equipment efficiencies within that framework; and~~

16       ~~(c) Allow space heating equipment efficiency to offset or  
17 substitute for building envelope thermal performance.))~~

18       (3) The Washington state energy code shall take into account  
19 regional climatic conditions. One climate zone includes: Adams,  
20 Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield,  
21 Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille,  
22 Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima  
23 counties. The other climate zone includes all other counties not  
24 listed in this subsection (3). The assignment of a county to a  
25 climate zone may not be changed by adoption of a model code or rule.  
26 Nothing in this section prohibits the council from adopting the same  
27 rules or standards for each climate zone.

28       (4) The Washington state energy code for residential buildings  
29 shall be the 2006 edition of the Washington state energy code, or as  
30 amended by rule by the council.

31       (5) The minimum state energy code for new nonresidential  
32 buildings shall be the Washington state energy code, 2006 edition, or  
33 as amended by the council by rule.

34       (6)(a) Except as provided in (b) of this subsection, the  
35 Washington state energy code for residential structures shall preempt  
36 the residential energy code of each city, town, and county in the  
37 state of Washington.

38       (b) The state energy code for residential structures does not  
39 preempt a city, town, or county's energy code for residential  
40 structures which exceeds the requirements of the state energy code

1 and which was adopted by the city, town, or county prior to March 1,  
2 1990. Such cities, towns, or counties may not subsequently amend  
3 their energy code for residential structures to exceed the  
4 requirements adopted prior to March 1, 1990.

5 (7) The state building code council shall consult with the  
6 department of enterprise services as provided in RCW 34.05.310 prior  
7 to publication of proposed rules. The director of the department of  
8 enterprise services shall recommend to the state building code  
9 council any changes necessary to conform the proposed rules to the  
10 requirements of this section.

11 (8) The state building code council shall evaluate and consider  
12 adoption of the international energy conservation code in Washington  
13 state in place of the existing state energy code for nonresidential  
14 buildings.

15 (9) The definitions in RCW 19.27A.140 apply throughout this  
16 section.

17 **Sec. 3.** RCW 19.27A.045 and 1990 c 2 s 5 are each amended to read  
18 as follows:

19 (1) The state building code council shall maintain the state  
20 energy code for residential structures in a status which is  
21 consistent with the state's interest as set forth in section 1,  
22 chapter 2, Laws of 1990. In maintaining the Washington state energy  
23 code for residential structures, beginning in 1996 the council shall  
24 review the Washington state energy code every three years. After  
25 January 1, 1996, by rule adopted pursuant to chapter 34.05 RCW, the  
26 council may amend any provisions of the Washington state energy code  
27 to (~~increase the energy efficiency~~) decrease the construction costs  
28 of newly constructed residential buildings. Decisions to amend the  
29 Washington state energy code for residential structures shall be made  
30 prior to December 1<sup>st</sup> of any year and shall not take effect before  
31 the end of the regular legislative session in the next year.

32 (2) The state building code council shall delay implementation of  
33 the Washington state energy code for residential structures, 2018  
34 edition. The state building code council must review and amend the  
35 Washington state energy code for residential structures, 2018  
36 edition, by January 1, 2021, for implementation by July 1, 2021. The  
37 review and amendments to the Washington state energy code for  
38 residential structures, 2018 edition, must be for the purpose of  
39 reducing construction costs and providing the least burdensome

1 alternatives for compliance. The state building code council may not  
2 increase, but may decrease, the energy efficiency requirements in the  
3 Washington state energy code for residential structures, 2018  
4 edition.

5       **Sec. 4.** RCW 19.27A.160 and 2009 c 423 s 5 are each amended to  
6 read as follows:

7       (1) Except as provided in subsection (2) of this section,  
8 (~~residential and~~) nonresidential construction permitted under the  
9 2031 state energy code must achieve a seventy percent reduction in  
10 annual net energy consumption, using the adopted 2006 Washington  
11 state energy code as a baseline.

12       (2) The council shall adopt state energy codes for nonresidential  
13 buildings from 2013 through 2031 that incrementally move towards  
14 achieving the seventy percent reduction in annual net energy  
15 consumption as specified in subsection (1) of this section. The  
16 council shall report its progress by December 31, 2012, and every  
17 three years thereafter. If the council determines that economic,  
18 technological, or process factors would significantly impede adoption  
19 of or compliance with this subsection, the council may defer the  
20 implementation of the proposed energy code update and shall report  
21 its findings to the legislature by December 31st of the year prior to  
22 the year in which those codes would otherwise be enacted.

23       NEW SECTION.   **Sec. 5.** This act is necessary for the immediate  
24 preservation of the public peace, health, or safety, or support of  
25 the state government and its existing public institutions, and takes  
26 effect immediately.

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