
SENATE BILL 6681

State of Washington

66th Legislature

2020 Regular Session

By Senator Van De Wege

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 1st 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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