

2012 Washington State Energy Code Interpretation Request

Date: March 4, 2013

From: Jonathan C. Siu, Principal Engineer/Building Official
City of Seattle Department of Planning & Development

To: Ray Allshouse, Chair
Washington State Building Code Council

Tim Nogler, Managing Director
Washington State Building Code Council

Question

Are local jurisdictions permitted to amend the 2012 IECC (as adopted and amended by the State Building Code Council) for multi-family residential buildings taller than three stories?

Background & Suggested Interpretation

State law (see RCW reference below) stipulates that the state energy code is the “maximum and minimum” standard for residential buildings. Under the Washington State Energy Code, this rule has traditionally been applied to all classes of residential buildings, including high-rise apartments, condominiums and hotels. (See definitions below.) However, since the 2012 IECC places medium- and high-rise residential buildings under its “commercial” rules, we believe the Council interpretation should allow local jurisdictions to strengthen commercial energy code provisions that apply to these taller multi-family residential buildings.

Discussion

RCW 19.27A (Energy-Related Building Standards) does not define “residential building”. However, the term is defined in RCW 19.27.015 and in the International Energy Conservation Code (IECC). For purposes of the State Building Code, RCW 19.27.060 prohibits local code changes for single-family residences and for small 2 – 4-unit “multifamily residential buildings” two stories and less. The scope of the “residential” portion of the IECC includes multi-family residential buildings no more than 3 stories in height. Applying the IECC definition of “residential building” is consistent with the purpose of RCW 19.27A and 19.27.

Homebuilders frequently build from standard plans, using our State “maximum and minimum code” rule to build similar houses in different jurisdictions. However, high-rise condominiums, apartments and hotels vary from one to the next as much as commercial buildings, so the decision to mandate better energy efficiency should be left to the local jurisdictions. This also provides an advantage for the state code development process: Seattle often implements new energy code provisions several years before they are adopted into the state code, allowing these rules to be tested and refined in advance.

Applicable Law

RCW 19.27A.015: Except as provided in RCW [19.27A.020\(6\)](#), the Washington state energy code for residential buildings shall be the maximum and minimum energy code for residential buildings in each city, town, and county and shall be enforced by each city, town, and county no later than July 1, 1991. The Washington state energy code for nonresidential buildings shall be the minimum energy code for nonresidential buildings enforced by each city, town, and county.

Definitions

1. The 2012 IECC defines residential buildings and commercial buildings as follows:
 - a. **RESIDENTIAL BUILDING.** For this code, includes detached one- and two-family dwellings and multiple single-family dwellings (townhouses) as well as Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane.
 - b. **COMMERCIAL BUILDING.** For this code, all buildings that are not included in the definition of "Residential buildings."
2. RCW 19.27A does not define the terms "residential" or "multi-family residential."
3. RCW 19.27.015 defines multi-family residential buildings as follows:
 - a. (3) "Multifamily residential building" means common wall residential buildings that consist of four or fewer units, that do not exceed two stories in height, that are less than five thousand square feet in area, and that have a one-hour fire-resistive occupancy separation between units.
4. The scope of the IRC (International Residential Code) is limited to one and two-family dwellings and townhouses, excluding multi-family buildings entirely.

Thank you for your consideration of this request.