



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington State Building Code Council

- |  |   |
|--|---|
| <input type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 13-07-075; or   | <input checked="" type="checkbox"/> Original Notice       |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).        | <input type="checkbox"/> Continuance of WSR _____         |

Title of rule and other identifying information: (Describe Subject)

Amendments to WAC 51-51, the Washington State Residential Code

### Hearing location(s):

September 20, 2013

October 18, 2013

#### Center Place Event Center

2426 N. Discovery Place  
Spokane Valley, WA 99216

#### DES Presentation Room

1500 Jefferson SE  
Olympia, WA 98504

Date: Sept. 20/Oct 18 Time: 10 a.m

### Submit written comments to:

Name: Ray Allshouse

Address: PO Box 41449

Olympia, WA 98504-1449

e-mail [sbcc@ga.wa.gov](mailto:sbcc@ga.wa.gov)

fax (360) 586-9088 by (date) October 25, 2013

### Assistance for persons with disabilities: Contact

Peggy Bryden by September 9, 2013

TTY ( ) \_\_\_\_\_ or (360) 407-9280

Date of intended adoption: November 8, 2013

(Note: This is NOT the effective date)

### Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Makes changes to WAC 51-51, by adoption of new Section 0100, to specify that residential fire sprinklers are only required in lodging houses when a local ordinance has been adopted requiring installation of residential fire sprinklers.

Reasons supporting proposal: Washington State has not adopted model code requirements for installation of residential sprinkler systems in most residential settings; the Washington State Residential Code specifies that sprinklers must be installed where required by local ordinance. Owner-occupied lodging houses with five or fewer bedrooms are covered by the Residential Code, thus should be exempt from sprinkler requirements, except as required by a local jurisdiction. Due to an unintended consequence of a recent change to the model code, additional clarification is needed to specify that sprinklers are only required in such lodging houses when a local ordinance requires them. If this rule is adopted, lodging home owners would continue to be exempt from sprinkler installation requirements. If not, sprinklers will be required for new lodging homes and when there is any major remodeling or repair work done on an existing lodging home. This would create economic hardship for lodging home owners for the cost of installation and maintenance of the systems. Adoption of this rule will clarify that installation of sprinkler systems in lodging homes will only be required in jurisdictions that have adopted such local ordinances, and that owner-occupied lodging houses are otherwise exempt.

Statutory authority for adoption: RCW 19.27A

Statute being implemented: RCW 19.27 and 34.05

### Is rule necessary because of a:

Federal Law?

Yes  No

Federal Court Decision?

Yes  No

State Court Decision?

Yes  No

If yes, CITATION:

### DATE

June 14, 2013

### NAME (type or print)

C. Ray Allshouse

### SIGNATURE

### TITLE

Council Chair

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: July 23, 2013

TIME: 5:44 PM

WSR 13-15-163

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization) State Building Code Council

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Joanne T. McCaughan	Post Office Box 41011, Olympia WA 98504-1449	(360) 407-9279
Implementation....Joanne T. McCaughan	Post Office Box 41011, Olympia WA 98504-1449	(360) 407-9279
Enforcement..... Local Jurisdictions		( )

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name: Tim Nogler  
Address: PO Box 41449  
Olympia, WA 98504-1449

phone (360) 407-9280  
fax (360) 586-9088  
e-mail SBCC@ga.wa.gov

No. Explain why no statement was prepared.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:  
Address:

phone ( ) \_\_\_\_\_  
fax ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_

No: Please explain: A cost-benefit analysis is not required under RCW 34.05.328. The State Building Code Council is not a listed agency under RCW 34.05.328 (5)(a)(i). This rule is not considered to be substantive; its function is to provide economic relief in certain instances.

## **Small Business Economic Impact Statement**

### Installation of Fire Sprinklers in Owner-occupied Lodging Houses with Five or Fewer Bedrooms

Prepared by State Building Code Council/Department of Enterprise Services

July 24, 2013

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#### **Executive Summary/Impact on small business**

Since adoption of the 2009 Residential Code, Washington State has excluded model code requirements for fire sprinklers in certain residential construction, except as required by local ordinance. This exclusion included owner-occupied lodging houses, with five or fewer bedrooms, operating as bed and breakfast businesses (B&Bs). During the SBCC process for adoption of the 2012 codes, the 2012 International Residential Code was reviewed, revised and adopted. However, due to an error in the filing of the rule, certain wording changes in the model code were included, requiring all new and some remodeled B&Bs to install sprinkler systems. This unintended consequence was recently brought forward for interpretation of the Council; the Council advised that a clarification to the language in the rules is needed to ensure that lodging houses continue to be exempt from sprinkler requirements, unless required by local government ordinances. If this proposed rule is not adopted, residential sprinkler systems will be required in all new B&Bs constructed under the 2012 Residential Code; sprinklers would also be required when an existing B&B engages in some kinds of remodeling projects. Installation costs for these systems vary, based on the size of the project, the geographic location, and the choice of specific system components. These costs will be imposed if the proposed rule is not adopted. Adoption of the proposed rule would mitigate these cost impacts on small businesses operating as B&B lodging houses in Washington. The impact on sprinkler installers was also considered, but is considered neutral, since these systems have not previously been required in B&Bs.

#### **Section I: Introduction/Compliance with the Proposed Rules**

Who is required to comply with the Rules?

If the proposed rule is adopted, a new section would be added to the Residential Code as WAC 51-51-0100; it would clarify that installation of fire sprinkler systems in owner-occupied lodging houses is only required when a local jurisdiction has adopted an ordinance making installation mandatory.

#### **Section II: Compliance Costs for Washington Businesses**

Impact on sales or revenue

If the rule is adopted, there will be a neutral impact on new owner-occupied lodging houses operating as bed and breakfast businesses, because they will not incur any additional cost for including sprinklers in planned remodeling projects or new construction. The estimated cost of residential sprinkler installations is dependent on many variables, including systems design, geographic location, and size of the residence. A representative of Inland Empire Fire Protection estimates \$4 to \$5/sq. ft., depending on available water supply, size of the home, location, and other related factors.

### **Section III: Analysis of Proportionate Impact on Small Businesses**

TABLE ONE: Small Businesses Impacted by Lodging House Exception Clarification				
Type of business	NAICS CODE #	# IN STATE (UP TO 49 Employees)	# IN STATE (50 OR MORE Employees)	ANTICIPATED IMPACTS (positive/negative/neutral)
Owner-occupied lodging houses ≤ 5 bedrooms (aka, B&B)	721191	86*	n/a	Neutral
Licensed fire sprinkler system contractors	238220	351**	n/a	Neutral

\*For the purposes of this estimate, it is assumed that all owner-occupied lodging houses operating as B&B businesses, with five or fewer bedrooms, have fewer than six employees.

\*\*According to the Washington State Fire Marshal's Office, as of 7/2/13.

### **Section IV: Small Business Involvement and Impact Reduction Efforts**

#### **Actions Taken to Reduce the Impact of the Rule on Small Businesses**

There is no anticipated negative impact on small businesses as a result of these proposed rules. New lodging house owners with five or fewer bedrooms will not be required to install sprinkler systems, nor will certain remodeling projects require sprinkler retrofit; sprinkler installers will not suffer any loss in business because these sprinkler systems were not required in B&Bs under the 2009 Residential Code.

#### **Involvement of Small Business in the Development of the Proposed Rules**

The Washington B&B Association was consulted to determine the potential economic consequences of adopting/not adopting this clarifying language in the state Residential Code. Their estimate shows more B&B establishments than the data cited above. According to their data, there are approximately 302 B&Bs in the category of owner-occupied lodging houses with five or fewer bedrooms. Of that number they assert that 48 (16%) of the existing establishments will remodel, and an additional 48 new owner-occupied lodging houses with five or fewer bedrooms would be built annually, and be established as new B&B businesses. Under their analysis, total economic impact could be as high as \$2,583,036 to add sprinkler systems to such new and existing lodging houses. A representative of Inland Empire Fire Protection, Inc., who also serves as a member of the Fire Code TAG representing the Sprinkler Industry in Eastern Washington, was also consulted regarding estimated cost impacts. Their estimate looked at cost per square foot, concluding it would be approximately \$4.00 to \$5.00, dependent on the variables listed in Section II, above. Additional information was provided for Western Washington, by a member of the Fire Sprinkler Advisory Board, estimating \$2.50 to \$4.00 per sq. foot, plus local permit costs of approximately \$700.

### **Section V: Number of affected businesses in Washington**

Lodging houses with five or fewer bedrooms (B&Bs) = N/A.

If the rules are implemented, none of the 302 existing B&Bs will be affected, and none of the estimated 48 new B&Bs would be affected.

Licensed sprinkler contractors = N/A.

If the rules are implemented, none of the licensed fire sprinkler contractors would be affected, because these systems have not been required to be installed since the adoption of the 2009 Residential Code.

### **Section VI: Jobs Created or Lost as a Result of these Rules**

If these rules are adopted there will not be an impact on jobs, because no new jobs will be created, and no jobs will be lost as a result of these rules.

NEW SECTION

**WAC 51-51-0100 Section R101—Scope and administration.**

**R101.2 Scope.** The provisions of the *International Residential Code for One- and Two-family Dwellings* shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures*.

**EXCEPTIONS:** (1) Live/work units complying with the requirements of Section 419 of the *International Building Code* shall be permitted to be built as one- and two-family *dwellings* or townhouses. Fire suppression required by Section 419.5 of the *International Building Code* when constructed under the *International Residential Code for One- and Two-family Dwellings* shall conform to Section P2904.  
(2) Owner-occupied lodging houses with five or fewer guest rooms shall be permitted to be constructed in accordance with the *International Residential Code for One- and Two-family Dwellings*, and shall be equipped with a fire sprinkler system in accordance with Section P2904 where required by local ordinance.