



One amendment to state commercial and residential building codes that will take effect July 1 invalidated

The State Building Code Council is revising one portion of the state residential and commercial building codes that take effect July 1, 2016, because the Thurston County Superior Court invalidated an amendment in both codes that would have allowed the option of not requiring an egress window in a basement sleeping room of a residence if there is another way out of the room and sprinklers are installed.

The Council will take the steps necessary to revise the code as stipulated by the court. The amendment will be invalid when the updated state codes take effect in July. No other portions of the codes are affected.

The order is part of a settlement agreement between the Council and the Building Industry Association of Washington after the association took court action over a procedural error in the adoption process for these amendments. The council agreed it made a procedural error but did not agree it acted arbitrarily and capriciously, and the association agreed not to pursue further legal action related to the error.

The Council updates state codes on a three-year cycle to follow national model codes.

The Council is responsible for establishing a reasonable state building and fire code which specify minimum requirements to help safeguard the health, safety and welfare of building occupants to help reduce the risk of personal injuries, deaths and property damage. The council adopts statewide building codes and Washington's 39 counties and 266 incorporated cities enforce them.

The Council considers hundreds of state-specific amendments to the International Building Code and the International Residential Code as part of this process every adoption cycle.

Background

By law the Council must review new editions of national model codes every three years. The Council has technical advisory groups that examine each change in the model code, and make recommendations on state amendments to the codes. The Council conducts public hearings on all proposed amendments.

Each code adoption year, after public comment has closed, testimony from the hearings is summarized for the Council review prior to a final vote.

In 2015, the Council took an extra step by flagging any proposed code amendment that had

motion, the flagged items are now voted on individually. The Council chose to take this extra step as an additional way to assist in their review of proposed amendments. It is not required by law.

However, the two controversial code amendments regarding egress windows in a basement room were missed in the flagging process and so were not addressed individually like the other amendments that had received comment.

Additional information on next steps

As with any new change in a process, there is room for improvement. The Council is looking at this new practice to see how the Council can avoid this error in the future.

In addition, because the Council has concerns, the body is revisiting its existing policies and procedures. This will be done through a formal public process with opportunity for comment, including a public hearing.

Contact

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