



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

1500 Jefferson Street SE • P.O. Box 41449 • Olympia, Washington 98504
(360) 407-9277 • fax (360) 586-5366 • e-mail sbcc@ga.wa.gov • www.ga.wa.gov/sbcc

January 18, 2017

TO: Interested Parties

From: Steve Simpson, Chair

RE: Reforms to Council Code Adoption Policy

The Washington State Building Code Council (Council) has completed a revision to the policies for consideration of statewide and local amendments to the state building code.

The revised policy amends chapter 51-04 WAC and is effective February 20, 2017. The objective of the revision is to clarify the steps in the code amendment process to provide all stakeholders an open and transparent process.

The amendments reflect input received and considered by the Council. The Council solicited comments from stakeholders from June to December 2016. In addition, comments from process improvement workshops in 2013 were also considered.

A summary of the amendments:

- The process for statewide amendment to new model code editions is revised to extend the time period for review. The codes are divided into two groups, with a 12-16 month review period for each group. Updated codes are effective two years after publication date, instead of the year following the publication date.
- The steps in the process of code adoption are itemized for ease of reference.
- Deadlines for submission of proposed statewide amendments are removed from the rule. Timeframes for submission, review and adoption are established by the Council after new model code editions are available to the public.

- Proposals for statewide amendments are required to include complete information on the costs and benefits of the proposals.
- The rule explicitly states that a small business economic impact statement must be filed with a proposed rule to amend the state building code.
- Local amendments may be submitted by an authorized local official.
- Any party with testimony on the record may request reconsideration of a Council action on statewide or local amendments to the state building code.

Thank you for your participation. A summary of all comments and Council response is attached.

Response to Testimony on WAC 51-04 Policies and Procedures for Consideration of Statewide and Local Amendments to the State Building Codes

January 2017

Beginning in June 2016, the State Building Code Council solicited comments on their policies for consideration of statewide and local amendments to the state building codes. The Council proposed amendments to the policies in WAC 51-04 based on stakeholder comments, accepted comments on the proposed rule through the public hearing process, and adopted amendments at their meeting on January 6, 2017.

Below is a summary of all comments received regarding the proposed rule, and a response to the comments by category or subject matter, indicating how the final rule reflects consideration of the comments, or why it fails to do so.

Organization	Comment/Date	Response
Washington Relators®	<p><u>Letter, June 30, 2016</u></p> <p>The “Declaration of Purpose” needs to be rewritten in clear language so that the Council, stakeholders to the process, and the Legislature understand the Council’s purpose.</p> <p>Make clear that all code amendments are significant rule making subject to RCW 34.05.328.</p> <p>Should make clearer that the goal is to reduce or minimize state amendments to the model codes.</p> <p>Consider eliminating the dates of January 1 and December 1 due to the fact these dates are not necessary in WAC when in the RCW.</p> <p>The minimum requirements to be provided by proponents on the forms for statewide and emergency statewide amendments should be listed. Provide an opportunity for proponents to amend their submittals and clarify that if the requirements are not met, the proposed amendment will not move forward.</p> <p>Number the separate paragraphs or topics and place in order according to the code adoption process.</p> <p>Identify the basic steps in the amendment review process.</p> <p>Define staff role and duties. Specify contents of the final report submittal package for consideration of the Council at final adoption.</p> <p>Include how policy issues will be addressed and documented.</p> <p>Include a periodic review of the process.</p> <p>Review comments that were submitted in 2013.</p> <p><u>Email attachment, December 9, 2016</u></p> <p>Add a definition for “unique”, use the Webster definition or add words such as “a characteristic unlike any existing in other jurisdictions”</p>	<p><u>WAC51-04-010 Declaration of Purpose</u></p> <p>The “Declaration of purpose” is amended to clarify the purpose of this chapter by establishing and itemizing the scope of policies and procedures for consideration of statewide and local amendments to the state building code, including reconsideration and issuance of opinions.</p> <p>An objective is added, to minimize state amendments to the state building code.</p> <p><u>WAC51-04-015 Definitions</u></p> <p>Amendments to this section are adopted as filed in the proposed rule.</p> <p>The Council did not add a definition of “unique”. The reason is to allow flexibility and common usage of the term when applying the code amendment criteria.</p> <p>The Council did not amend the definition of “code update cycle”, as the cycle is subject to the Administrative Procedures Act.</p> <p><u>WAC51-04-020 Policies for the consideration of proposed statewide amendments</u></p> <p>The process for statewide amendment to new model code editions is revised to extend the adoption process. The state building codes are divided into two groups for the purpose of review of new model code amendments, and</p>

	<p>Amend the definition of “state building code update cycle” to make updates conditional to Council consideration.</p> <p>Suggested language to define Council and staff duties.</p> <p>Suggested language for response to incomplete proposals.</p> <p>Amend references to “adoption” to “consideration of adoption”</p>	<p>submittal of new statewide amendments. Deadlines for submission of proposed statewide amendments are removed. The timeline for adoption is set by the Council after new model codes are available to the public. The intent is to provide additional notice and opportunity for review and comment on proposed changes to the state building code.</p> <p><u>WAC51-04-025 Procedure for submittal of proposed statewide amendments</u></p> <p>The criteria for submittal of code amendment proposals is revised to be consistent with objectives in the state building code act (RCW 19.27.020). A process for returning incomplete proposals is included.</p> <p>The Council did not adopt the description of final adoption package content. The Council will assign duties to staff and members depending on workload and availability.</p>
<p>Association of Washington Business</p>	<p>Letter, June 30, 2016 The SBCC should apply the significant rulemaking (RCW 34.05.328) process on code adoptions and amendments. Procedures under the significant rulemaking statute require greater analysis on impacts and provide additional information for stakeholders and councilmembers during the decision making process.</p> <p>The criteria used to accept statewide and emergency amendments should be better defined. The SBCC relies on third parties to publish model codes so proposed amendments should not be subject to a fixed deadline, or at the very least, the current March 1 deadline should be extended. The code adoption process should begin within 60 days of <i>availability</i> of the model code, instead of the current “within 60 days of receipt”. New model codes also need to be made available to stakeholders and the public as soon as they are published</p>	<p>The Council did not adopt reference to significant rulemaking in the policy WAC. The Council acknowledged the need to present information during the decision making process and emphasized the need for proponents of code changes to submit complete information.</p>
<p>Building Industry Association of Washington</p>	<p>Letter, June 30, 2016 The March 1 deadline needs to be removed from the WAC. It creates confusion as the Council is reliant on outside organizations for model codes. It should not be subject to a fixed-date deadline, especially if an organization is late in publicly producing the new model code.</p> <p>The code adoption process should start within 60 days of availability of the model code to the public. The current “within 60 days of receipt” is nebulous and leaves room for only specific receipt instead of broad public availability, as was the case with the plumbing code in the last cycle. The new model codes need to be available to more than just agencies so stakeholders and the public have a reasonable amount of time to examine the model codes and draft helpful amendments.</p> <p>Since 51-04-020 is really the go-to guide for adoption of the codes, it really ought to be more of a chronological, step by step guide for adopting and amending codes and should be</p>	<p>See comments on WAC 51-04-020</p> <p>See comments on WAC 51-04-025</p>

ordered accordingly. For instance, the last paragraph should be the first because it identifies the trigger for rulemaking.

The rules should distinguish between the new model codes and suggested amendments to those new model codes.

It would be helpful to create a distinct, concise, and clear definition of the terms "submission period" and "adoption period." Currently the WAC seems to use the terms somewhat interchangeably, which inevitably leads to confusion.

Letter, July 15, 2016

For 51-04-030, BIAW encourages the Council to retain the requirement that local government residential amendments be adopted by the city or county legislative body. It is imperative that the locally elected officials, those accountable to their citizens, retain ultimate control of any changes to the statewide adopted codes. It is outside the Council's authority to delegate local code amendments to unelected local government employees. Please keep this requirement.

Letter, October 12, 2016

The proposed process would allow a local code official to completely sidestep the local governing body and submit a proposed local amendment to the SBCC. This creates at least two problems. First, a local code official could submit a proposed local amendment without the knowledge of the local governing body. This means that a proposal for a local amendment could be submitted to the SBCC, **even if a local governing body**—who holds ultimate authority over whether an approved local amendment is even enacted by ordinance— **might object to the local amendment.** Second, a local code official with a pet code preference could circumvent a local governing body, obtain approval from the SBCC, and then present the local amendment as SBCC-approved and therefore necessary to implement. This is sort of like when a child asks his father for candy because his mother said no. A similar concern is that a local amendment, submitted by a code official, and approved by the SBCC, could be slipped into a local governing body's agenda as no more than a "housekeeping" item, thus avoiding more serious discussion. The current WAC 51-04-030 does not need to be changed.

Letter, July 15, 2016

First, as you are aware, the current rule only allows an amendment's proponent to petition the Council for reconsideration. Whether that result was intentional or not, it leaves opponents of an amendment no administrative remedy to challenge its adoption. Please consider amending the rule to allow both proponents and opponents of an amendment to petition the Council for reconsideration.

BIAW suggests the following language be included in 51-04-040:

- (1) *When the council denies or approves a statewide or local amendment to the building code, a petition for reconsideration may be filed by the party proposing the amendment, a party who provided written or verbal testimony regarding the amendment, or a party who is aggrieved or adversely affected by the council's action as defined in RCW 34.05.530.*

Second, BIAW favors extending the time for which a party can file a petition for reconsideration from ten calendar days to twenty calendar days. Often, the Council's official actions

WAC51-04-030 Policies for consideration of proposed local government amendments

The process for submittal of local government residential amendments is revised to allow submittal to the State Building Code Council (SBCC) by authorized local code or elected officials. Local amendments must be approved by both the SBCC and the local governing authority. Amendments that are modified upon adoption by the local governing authority must be resubmitted to the SBCC. The local official must be authorized to submit the amendment. The process follows the procedure for local adoption, to encourage submittal to the SBCC as part of the process.

WAC51-04-040 Reconsideration

The process for reconsideration is amended to allow any party with written or oral testimony on the record to request reconsideration. The deadline for receipt of a petition to reconsider is extended from ten days to twenty days. The option to grant petitions is revised to direct the SBCC to enter rule making.

	<p>are not noted immediately and thus causes delay in the ability to request reconsideration. Allowing twenty days will alleviate some of this and allow for thoughtful petitions for reconsideration.</p> <p>Finally, BIAW suggests the following edit to the last sentence of Section (1): The petition must give specific reasons for why the council should reconsider the amendment for approval or denial. Removing “for approval or denial,” eliminates redundancy.</p>	
<p>International Code Council</p>	<p>Letter, June 30, 2016 Under the current WAC 51-04-020 the March 1 submittal date for proposed statewide amendments does not align to fit with the new publication schedules of the model code organizations.</p> <p>The current WAC 51-04-025 was written during a time when the use of paper was the dominate media for submitting proposals to the Council. This section of the WAC can be rewritten to reflect advances in new technologies that are now available and that will aid the Council and staff by reducing staff hours needed to create code change reports.</p>	<p>See comments on WAC 51-04-020</p> <p>See comments on WAC 51-04-025</p>
<p>Department of Health</p>	<p>Letter, December 7, 2016 We’re concerned that the above statement- <u>An objective of statewide adoption is to minimize state amendments to the model codes.</u> is too broad and could be interpreted by future councils to stifle important public health rules and interagency coordination. For example, if future councils use this new language to prevent statewide amendments that promote consistency between the State Building Code and other state or federal statutes or rules, we believe this would be detrimental to public health and safety protection in our state.</p> <p>We support proposed rule changes that will help make the workload for the SBCC more manageable. This includes splitting the code cycle process into two different parts. This approach should allow SBCC members, staff and volunteers to complete a more thoughtful review and analysis of new model codes and standards.</p> <p>WAC 51-04-025 (1) lists criteria for submitting amendments. “The amendment must address a change in the model codes since a previous edition; or an existing state or local amendment to the model code; or a portion of the state code other than the model code.”</p> <p>Under this proposal, amendment proponents won’t be able to submit proposed amendments to <i>existing</i> model code language. DOH believes this unduly limits modifications and prevents statewide amendments that respond to newly identified risks or recently established state or federal statutes, rules, or policies</p>	<p>See comments on WAC 51-04-010 Minimizing state amendments is one objective. Criteria for statewide amendments includes consistency with state and federal regulations. Mandates in statute prevail over policy objectives.</p> <p>See comments on WAC 51-04-020</p> <p>See comments on WAC 51-04-025. The proposed rule is amended to include reference to existing model code language.</p> <p>See comments on WAC 51-04-025.</p>

	<p>WAC 51-04-025 (2) requires proponents to use an amendment form provided by the SBCC and states that minimum requirements for amendment forms <i>must</i> be included. It is often challenging to provide the requested information for the economic impact cost/benefit analysis portion of the amendment form. Conceptual changes are often difficult to quantify. Federal and state regulations and statutes have already gone through an economic impact cost/benefit analysis as part of the rule-making process. Repeating the economic analysis as part of the SBCC amendment process is therefore unnecessary. We request that the proposed rule language in WAC 51-04-025(2) be modified to allow the SBCC to accept amendment forms with limited economic impact cost/benefit analysis for amendments proposed for consistency with state or federal regulations or statutes.</p>	
Northwest Energy Efficiency Council	<p>Letter, July 18, 2016 The IECC and the WSEC are on divergent trajectories. Many of the energy saving strategies that will by necessity be required in the WSEC may eventually be incorporated in some form or another into the IECC. But not at the same pace as WA State. It is for this reason that Washington State specific amendments to the model code are essential.</p>	<p>See comments on WAC 51-04-010 Minimizing state amendments is one objective. Criteria for statewide amendments includes consistency with state and federal regulations. State law super cedes policy objectives.</p>
Washington Association of Building Officials	<p>We believe the current process is basically sound but would benefit if additional time were provided at certain stages to allow for more complete consideration of the proposed codes. We suggest that the State Building Code Council consider adding one year to the current process. We have included a draft schedule for a 2-year code review cycle. Our draft schedule is intended as a starting point for discussion; the details could be fine-tuned during the next phase of your review of the process.</p>	<p>See comments on WAC 51-04-020</p>
Dave Kokot	<p>Email document with track changes, June 30, 2016 WAC 51-04-020 Consider removing the word “all” from the general text for acceptance of proposals. It is superfluous and not necessary.</p> <p>Amend the code proposal deadline to April 1, to allow more time for all codes to be published (UPC). TAGs can still do work prior to that time, and focus on proposals as they come in or wait until April.</p> <p>The 60 day deadline for council action is very restrictive and has created issues in the past. It is not necessary.</p> <p>Allow proposals for statewide amendments to be submitted electronically.</p> <p>WAC 51-04-030</p> <p>The requirement that local amendments be based on unique conditions is too judgmental and has created many issues. It would seem that as long as there is justification, it does not need to be unique. SBCC should encourage review of local amendments to be considered for review as a state amendment.</p> <p>WAC 51-04-040 The limitation that only parties proposing an amendment can</p>	<p>See comments on WAC 51-04-020</p> <p>See comments on WAC 51-04-030</p> <p>See comments on WAC 51-04-040</p>

	<p>request reconsideration became an issue with a proposal last year in which someone other than the proposer wanted to reconsider the amendment and had to sue SBCC to achieve this. It seems that allowing any of the parties that provided testimony to file for reconsideration would provide a more reasonable path. Having only the parties who provided testimony would also limit the number of parties that could file.</p>	
<p>Mark Sniffen</p>	<p>E-mail July 15, 2016</p> <p>I think the council should allow the jurisdiction to submit local amendments prior to being adopted by their local council. I feel this places an undue burden on the local council time where the Building Official presents a case for change that is not clearly permitted by the state building code council. The Official has to be in front of the local council to defend a position that he cannot even be sure it will be granted by the state. If the state does not grant the change the Building Official has to go back to the council and explain the reason why he can't make the change.</p>	<p>See comments on WAC 51-04-030</p>



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Washington State Building Code Council.

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose:

Amendment of chapter 51-04 WAC, Policies and procedures for consideration of statewide and local amendments to the state building code.

Citation of existing rules affected by this order:

Repealed:
Amended: WAC 51-04-010, -015, -020, -025, -030, -040
Suspended:

Statutory authority for adoption: RCW 19.27.031, 19.27.074

Other authority : RCW 19.27.035

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 16-21-101 on Oct. 19, 2016 (date).
Describe any changes other than editing from proposed to adopted version:

See Attached

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: N/A phone () _____
Address: fax () _____
e-mail _____

Date adopted: January 13, 2017

NAME (TYPE OR PRINT)

Steve K. Simpson

SIGNATURE

TITLE

Council Chair

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 18, 2017
TIME: 11:04 AM

WSR 17-03-123

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	<u>6</u>	Repealed	_____
-----	-------	---------	----------	----------	-------

The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>6</u>	Repealed	_____
-----	-------	---------	----------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Describe any changes other than editing from proposed to adopted version:

- **In Section 51-04-020**, (1)(a)(i) was amended to include the International Existing Building Code in the Group 1 codes and the title of the Energy Code was amended to include the clarification that only the commercial portion is included in Group 1.
Item (1)(a)(ii) was amended to include the International Fuel Gas Code, NFPA 54 and NFPA 48 in the list of the Group 2 codes.
Item (3) was modified to clarify there would be two hearings for each code group.
Item (4) was modified to state the final changes to both Group 1 and Group 2 codes would be filed with the code reviser at the same time. In addition, it was clarified that limited amendments to Group 1 codes would be considered while the Group 2 codes are reviewed.
Item (6) was removed. It was deemed this language was unnecessary or should be relocated to a more appropriate section.
- **In Section 51-04-025**, in (1) the criteria for state amendments was expanded to include existing model code language rather than just changes in the model code language. Portions of the language from - 020 (6) were also added here as being a more logical location.
In item (2), clarification was added on how incomplete submissions will be handled.
Item (5) was removed. The Council felt this language was confusing as it did not specify the origins of the material and not all items would be applicable to all proposals.
- **In Section 51-04-030**, item (3) was modified to strike the word "proposed."

AMENDATORY SECTION (Amending WSR 07-15-043, filed 7/13/07, effective 8/13/07)

WAC 51-04-010 Declaration of purpose. The Washington state building code council, hereinafter called the council, is required by chapter 266, Laws of 1988, to adopt and maintain the state building code, hereinafter referred to as the building code, as provided in chapters 19.27, 19.27A, and 70.92 RCW, and the state legislature.

(1) The primary objective of the council is to encourage consistency in the building code throughout the state of Washington and to maintain the building code consistent with the state's interest as provided in RCW 19.27.020. An objective of statewide adoption is to minimize state amendments to the model codes.

The building code shall be as defined in WAC 51-04-015(8).

(2) The council is also required by RCW 19.27.074 to approve or deny all city and county amendments to the building code that apply to single family or multifamily buildings as defined in RCW 19.27.015.

(3) The council may issue opinions relating to the codes at the request of a local official charged with the duty to enforce the enumerated codes as specified in RCW 19.27.031.

(4) The purpose of this chapter is to establish policies and procedures for:

(a) Submittal and council review and consideration of proposed statewide ((and)) amendments to the building code;

(b) Submittal and council review and consideration of proposed city and county amendments ((respectively,)) to the building code;

(c) Reconsideration of council actions; and

(d) Issuing opinions to local officials.

AMENDATORY SECTION (Amending WSR 05-23-104, filed 11/17/05, effective 1/1/06)

WAC 51-04-015 Definitions. (1) (~~("Supplements and accumulative supplements" mean the publications between editions of the model codes and standards which include changes to the current edition of the model codes and standards.~~)

~~(2))~~ "Council" means the Washington state building code council.

~~((3))~~ (2) "Emergency statewide amendment" means any proposed statewide amendment, the adoption of which is necessary immediately in order to protect life, safety or health of building occupants; preserve the structural integrity of buildings built to the state building code; to correct errors and omissions; or by the direction of the Washington state legislature or federal legislation. Emergency statewide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

~~((4))~~ (3) "Local government amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions.

~~((5))~~ (4) "Local government residential amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions, that applies to single and multifamily buildings as defined by RCW 19.27.015.

~~((6))~~ (5) "Model codes" means the codes developed by the model code organizations and adopted by and referenced in chapter 19.27 RCW.

~~((7))~~ (6) "Model code organization(s)" means the national code-promulgating organizations that develop the model codes (as defined herein), such as the International Code Council, International Association of Plumbing and Mechanical Officials, and National Fire Protection Association.

~~((8))~~ (7) "State building code" means the codes adopted by and referenced in chapter 19.27 RCW; the state energy code; and any other codes so designated by the Washington state legislature as adopted and amended by the council.

~~((9))~~ (8) "Statewide amendment" means any amendment to the building code, initiated through council action or by petition to the council from any agency, city or county, or interested individual or organization, that would have the effect of amending the building code for the entire state of Washington. Statewide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

~~((10))~~ (9) "State building code update cycle" means that period during which the model code and standards referenced in chapter 19.27 RCW are updated and amended by the council in accordance with the Administrative Procedure Act, chapter 34.05 RCW hereinafter referred to as the "adoption period" and those additional periods when code changes are received for review as proposed amendments to the model codes, hereinafter referred to as "submission periods."

AMENDATORY SECTION (Amending WSR 07-15-043, filed 7/13/07, effective 8/13/07)

WAC 51-04-020 Policies for the consideration of proposed statewide amendments. ~~((Statewide and emergency statewide amendments to the state building code shall be based on one of the following criteria:~~

~~(1) The amendment is needed to address a critical life/safety need.~~

~~(2) The amendment is needed to address a specific state policy or statute.~~

~~(3) The amendment is needed for consistency with state or federal regulations.~~

~~(4) The amendment is needed to address a unique character of the state.~~

~~(5) The amendment corrects errors and omissions.~~

~~Statewide and emergency statewide amendments to the state building code shall conform to the purposes, objectives, and standards prescribed in RCW 19.27.020.~~

~~The council will accept and consider petitions for emergency statewide amendments to the building code at any time, in accordance with RCW 19.27.074 and chapter 34.05 RCW.)~~ (1) The council will accept and consider petitions for emergency statewide amendments to the building code at any time, in accordance with RCW 19.27.074 and chapter 34.05 RCW. The council will accept and consider all ~~((other))~~ petitions for statewide amendments in conjunction with the state building code update cycle, in accordance with RCW 19.27.074 and chapter 34.05 RCW, and WAC 51-04-015 and 51-04-020 as follows:

~~((The state building code council shall publicize the state building code amendment process in January of each year. Proposed state amendments must be received by March 1 to be considered for adoption by December 1. The state building code council shall review all proposed statewide amendments and file for future rule making those proposals approved as submitted or as amended by the council.))~~

(a) For the purpose of review and adoption of new model code editions and statewide amendment submission, the state building code shall be divided into two groups:

(i) Group 1: International Building Code (IBC); International Existing Building Code (IEBC); International Fire Code (IFC) Washington state energy code-commercial (WSEC-C).

(ii) Group 2: International Residential Code (IRC); International Mechanical Code (IMC); International Fuel Gas Code (IFGC); standards liquefied petroleum gas are National Fire Protection Association (NFPA) standards 58 and 54; Uniform Plumbing Code (UPC); Washington state energy code-residential (WSEC-R).

(b) The adoption period of new model codes commences when new editions of the model codes are available to the public. Within sixty days, the council shall publish a timeline to include a report of significant model code amendments and applicability of existing state amendments, followed by a submission period for new proposed statewide amendments.

(i) The council shall review Group 1 codes and approve a report on significant changes and applicability of existing state amendments. The Group 1 report shall be posted on the council web site and a submission period of at least two months shall be allowed for new proposed statewide amendments.

(ii) Upon completion and posting of the Group 1 report, and provided new editions of Group 2 model codes are available to the public, the council shall review the Group 2 codes and approve a report on significant changes and applicability of existing state amendments. The Group 2 report shall be posted on the council web site and a submission period of at least two months shall be allowed for new proposed statewide amendments

(2) The council shall review proposed new statewide amendments, and approve those meeting the appropriate criteria to file as proposed rules in accordance with chapter 34.05 RCW. The proposed rules filing shall include a small business economic impact statement in accordance with chapter 19.85 RCW.

(3) The council shall conduct at least two public hearings for each group.

(4) The code adoption period shall conclude with formal adoption of the state building code as amended by the council. As required by RCW 19.27.074, all decisions to adopt or amend the state building code shall be made prior to December 1st and shall not take effect before the end of the regular legislative session in the next year. Group 1 and 2 codes shall be filed with the code reviser at the same time. Amendments to Group 1 codes during the Group 2 adoption shall be limited to code correlation, errors, language clarification and updated section references.

(5) State amendments as approved by the council shall be submitted to the appropriate model code organization, at the direction of the council, except those adopted for consistency with state statutes or regulation and held for further review during the adoption period of those model codes by the council. The effective date of any statewide amendments shall be the same as the effective date of the new ed-

ition of the model codes, except for emergency amendments adopted in accordance with chapter 34.05 RCW and deemed appropriate by the council.

~~((The adoption period of new model codes commences upon availability of the publication of the new edition of the model codes and concludes with formal adoption of the building code as amended by the council and final review by the state legislature. For the purposes of this section, the publication of supplements shall not be considered a new edition.~~

~~The council will consider state amendments to: The model codes provided that the proposed amendments shall be limited to address changes in the model codes since the previous edition; or, address existing statewide amendments to the model codes; or, address portions of the state building code other than the model codes. The state building code council shall consider the action of the model code organizations in their consideration of these proposals.~~

~~Within sixty days of the receipt of the new edition of the model codes the council shall enter rule making to update the state building code.))~~

AMENDATORY SECTION (Amending WSR 07-15-043, filed 7/13/07, effective 8/13/07)

WAC 51-04-025 Procedure for submittal of proposed statewide amendments. (1) Statewide and emergency statewide amendments to the state building code shall conform to the purposes, objectives, and standards prescribed in RCW 19.27.020.

All proposed statewide amendments shall be submitted in writing to the council, on the form provided by the council. The amendment must address existing model code language; a change in the model codes since a previous edition; or an existing state or local amendment to the model code; or a portion of the state code other than the model code. The state building code council shall consider the action of the model code organizations in their consideration of these proposals.

Statewide and emergency statewide amendments to the state building code shall be based on one of the following criteria:

(a) The amendment is needed to address a critical life/safety need.

(b) The amendment clarifies the intent or application of the code.

(c) The amendment is necessary for consistency with state or federal regulations.

(d) The amendment corrects errors and omissions.

(e) The amendment eliminates an obsolete, conflicting, duplicating or unnecessary regulation.

(2) Petitions for statewide amendments to the building code shall be submitted to the council during the submission period and the adoption period in accordance with WAC 51-04-020. Minimum requirements specified on the form for submittals must be included. Incomplete submittals will be held for thirty days and the proponent will be notified with a request for more information. If after thirty days, the applicant has not provided requested information for a complete application, the proponent's proposal will be deemed incomplete and shall not move forward.

(3) Petitions for emergency statewide amendments to the building code may be submitted at any time, in accordance with RCW 19.27.074 and chapter 34.05 RCW, and WAC 51-04-015 and 51-04-020.

The council may refer a proposed statewide amendment to one of the council standing committees for review and comment prior to council action in accordance with chapter 34.05 RCW.

(4) The council shall ~~((deal with))~~ consider and take action on all proposed statewide amendments within the time frames required by chapter 19.27 RCW, RCW 34.05.330, and all other deadlines established by statute.

AMENDATORY SECTION (Amending WSR 07-15-043, filed 7/13/07, effective 8/13/07)

WAC 51-04-030 Policies for consideration of proposed local government residential amendments. (1) All amendments to the building code, as adopted by cities and counties for implementation and enforcement in their respective jurisdictions, that apply to single and multifamily buildings as defined by RCW 19.27.015, shall be submitted to the council for approval.

(2) The council shall consider and approve or deny all proposed local government residential amendments to the state building code as presented to the council within ninety calendar days of receipt of a proposal, unless alternative scheduling is agreed to by the council and the proposing entity. Where a proposed local government residential amendment is modified upon adoption by the city or county legislative body, it shall be resubmitted to the council. Local government residential amendments shall not be effective until approved by the council and the local governing authority.

(3) All local government residential amendments to the building code that require council approval shall be submitted in writing to the council, ~~((after the city or county legislative body has adopted the amendment and))~~ by the authorized local code or elected official, prior to implementation and enforcement of the amendment by the local jurisdiction. All local amendments submitted for review shall be accompanied by findings of fact ~~((adopted by the governing body of the local jurisdiction))~~ justifying the adoption of the local amendment in accordance with the five criteria noted below in this section.

(4) It is the policy of the council to encourage joint proposals for local government residential amendments from more than one jurisdiction. Local government residential amendments submitted to the council for approval shall be based on:

~~((1))~~ (a) Climatic conditions that are unique to the jurisdiction.

~~((2))~~ (b) Geologic or seismic conditions that are unique to the jurisdiction.

~~((3))~~ (c) Environmental impacts such as noise, dust, etc., that are unique to the jurisdiction.

~~((4))~~ (d) Life, health, or safety conditions that are unique to the local jurisdiction.

~~((5))~~ (e) Other special conditions that are unique to the jurisdiction.

EXCEPTION: Local government residential amendments to administrative provisions (departmental operational procedures) contained within the state building code need not be submitted to the council for review and approval provided that such amendments do not alter the construction requirements of those chapters.

~~((Those portions of the supplement or accumulative supplements))~~
(5) Appendices to the codes that affect single and multifamily residential buildings as defined by RCW 19.27.015 that are not adopted by the council shall be submitted to the council for consideration as local government residential amendments to the building code.

Local government residential amendments shall conform to the limitations provided in RCW 19.27.040.

AMENDATORY SECTION (Amending WSR 16-01-042, filed 12/9/15, effective 1/9/16)

WAC 51-04-040 Reconsideration. (1) When the council approves, denies or modifies a statewide or local amendment to the building code, ~~((the party proposing the amendment))~~ any party with written or oral testimony to the council related to the amendment on the record may file a petition for reconsideration. The petition must be received by the Washington State Building Code Council, 1500 Jefferson Avenue S.E., P.O. Box 41449, Olympia, Washington 98504-1449, within ~~((ten))~~ twenty calendar days of the date of the ~~((denial))~~ council action on the amendment. The petition must give specific reasons for why the council should reconsider the amendment for approval or denial.

(2) Within sixty calendar days of receipt of a timely petition for reconsideration, the council shall in writing:

(a) Grant the petition for reconsideration and ~~((approve))~~ enter rule making to revise the amendment;

(b) Deny the petition for reconsideration, giving reasons for the denial; or

(c) Request additional information and extend the time period for not more than thirty calendar days to either grant or deny the petition for reconsideration.

(3) The council's denial of a proposed statewide or local government amendment, or the council denial of a petition for reconsideration under this section, is subject to judicial review under chapter 34.05 RCW.