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**HOUSE BILL 2071**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Duerr and Bateman

Prefiled 01/02/24.

1 AN ACT Relating to residential housing regulations; adding new  
2 sections to chapter 19.27 RCW; adding new sections to chapter 36.70A  
3 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.27  
6 RCW to read as follows:

7 (1) The state building code council shall convene a technical  
8 advisory group for the purpose of recommending the additions or  
9 amendments to rules or codes that are necessary for the council to  
10 apply the international residential code to multiplex housing and  
11 exempt multiplex housing from the international building code. These  
12 recommendations must include those code changes necessary to ensure  
13 public health and safety in multifamily housing under the  
14 international residential code and may include the life safety  
15 systems for multiplex housing from the international building code.

16 (2) The advisory group shall provide its recommendations to the  
17 council in time for the council to adopt or amend rules or codes as  
18 necessary for implementation in the 2024 international building code.  
19 The council shall take action to adopt additions and amendments to  
20 rules or codes as necessary to apply the international residential  
21 code to multiplex housing by July 1, 2026.

1 (3) For the purposes of this section, "multiplex housing" means a  
2 building with up to six dwelling units consolidated into a single  
3 structure with common walls and floors and a functional primary  
4 street entrance, or a building of up to three stories containing up  
5 to six dwelling units consolidated into a single structure.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.27  
7 RCW to read as follows:

8 (1) The state building code council shall convene a technical  
9 advisory group for the purpose of recommending amendments to the  
10 international building code that would allow for a minimum dwelling  
11 unit size that is less than 190 square feet but greater than or equal  
12 to 70 square feet of habitable space. The technical advisory group  
13 shall strive to align the state building code sections related to  
14 interior environment with the relevant sections of the national  
15 healthy housing standard published by the national center for healthy  
16 housing. When developing the recommendations, the technical advisory  
17 group must review the differences between the state building code and  
18 the national healthy housing standard in consultation with experts in  
19 public health and fire safety.

20 (2) The technical advisory group shall provide its  
21 recommendations to the council in time for the council to adopt or  
22 amend rules or codes as necessary for implementation in the 2024  
23 international building code. The council shall take action to adopt  
24 additions and amendments to rules or codes as necessary by July 1,  
25 2026.

26 NEW SECTION. **Sec. 3.** The office of regulatory innovation and  
27 assistance shall contract with a qualified external consultant or  
28 entity to develop a standard plan set demonstrating a prescriptive  
29 compliance pathway that will meet or exceed all energy code  
30 regulations for residential housing in the state subject to the  
31 international residential code. The standard plan set may be used,  
32 but is not required, by local governments and building industries. In  
33 developing the standard plan set, the consultant shall, at a minimum,  
34 seek feedback from cities, counties, building industries, and  
35 building officials. The standard plan set must be completed by June  
36 30, 2025.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 36.70A  
2    RCW to read as follows:

3        (1)    For retrofits of existing buildings to be used for  
4    residential housing, a city or county must allow the portion of  
5    exterior wall assemblies that include insulation to project up to an  
6    additional eight inches into the setbacks on all sides.

7        (2)    For existing nonconforming buildings already projecting into  
8    setbacks, a city or county must allow the portion of exterior wall  
9    assemblies that include insulation to project up to an additional  
10   eight inches into the setbacks on all sides if the building is to be  
11   used for residential housing.

12       (3)    For retrofits of existing buildings to be used for  
13   residential housing, gross floor area must be measured from the  
14   interior face of the exterior walls, which includes drywall, as  
15   typically depicted on the architectural floor plans.

16       NEW SECTION.    **Sec. 5.**    A new section is added to chapter 36.70A  
17    RCW to read as follows:

18       (1)    For new residential construction meeting passive house  
19    requirements:

20       (a)    Any required setback must be measured to the outside face of  
21    the foundation, and a city or county must allow the portion of  
22    exterior wall assemblies that include insulation to project up to  
23    eight inches into setbacks on all sides; and

24       (b)    Gross floor area must be measured from the interior face of  
25    the exterior walls, which includes drywall, as typically depicted on  
26    the architectural floor plans.

27       (2)    For new construction and the retrofit of existing buildings  
28    meeting passive house requirements, a city or county must allow  
29    residential housing to exceed the maximum allowable roof height by  
30    eight inches to accommodate additional insulation.

31       (3)    A city or county may not require off-street parking as a  
32    condition of permitting a residential project meeting passive house  
33    requirements.

34       (4)    For the purposes of this section, "passive house  
35    requirements" means the energy modeling requirements of the passive  
36    house institute United States.

37       NEW SECTION.    **Sec. 6.**    A new section is added to chapter 36.70A  
38    RCW to read as follows:

1       A city or county may not require off-street parking as a  
2 condition of permitting a residential project if compliance with tree  
3 retention or protection requirements would otherwise make a proposed  
4 residential development or redevelopment infeasible.

--- **END** ---