

**ESHB 1770** - S COMM AMD

By Committee on Environment, Energy & Technology

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** In order to meet the statewide greenhouse  
4 gas emissions limits in RCW 70A.45.020, the state must require  
5 construction of increasingly low-emission energy efficient homes and  
6 buildings and achieve construction of zero fossil-fuel greenhouse gas  
7 emission homes and buildings by 2030. Top categories of clean energy  
8 jobs in the buildings sector include: High-efficiency heating,  
9 ventilation, and air conditioning; energy efficiency technologies;  
10 and renewable heating and cooling. As the fastest growing clean  
11 energy industries in our state, work in these areas also supports job  
12 creation in other construction trades, which is a critical component  
13 of a clean energy economic recovery strategy.

14 **Sec. 2.** RCW 19.27A.160 and 2009 c 423 s 5 are each amended to  
15 read as follows:

16 (1) Except as provided in subsection (2) of this section,  
17 residential and nonresidential construction (~~permitted under the~~  
18 ~~2031 state energy code~~) must achieve (~~a seventy percent reduction~~  
19 ~~in annual net energy consumption, using the adopted 2006 Washington~~  
20 ~~state energy code as a baseline~~) a reduction of at least 70 percent  
21 in annual net energy consumption under the residential and  
22 nonresidential energy codes that are adopted by the council by  
23 December 1, 2031, using the adopted 2006 Washington state energy code  
24 as a baseline.

25 (2) The council shall adopt state energy codes from 2013 through  
26 2031 that incrementally move towards achieving the seventy percent  
27 reduction in annual net energy consumption requirements as specified  
28 in subsection (1) of this section. The council shall report its  
29 progress by December 31, 2012, and every three years thereafter. If  
30 the council determines that economic, technological, or process

1 factors would significantly impede adoption of or compliance with  
2 this subsection, the council may defer the implementation of the  
3 proposed energy code update and shall report its findings to the  
4 legislature by December 31st of the year prior to the year in which  
5 those codes would otherwise be enacted.

6 **Sec. 3.** RCW 19.27A.015 and 1990 c 2 s 2 are each amended to read  
7 as follows:

8 ~~((Except as provided in RCW 19.27A.020(7), the Washington state~~  
9 ~~energy code for residential buildings shall be the maximum and~~  
10 ~~minimum energy code for residential buildings in each city, town, and~~  
11 ~~county and shall be enforced by each city, town, and county no later~~  
12 ~~than July 1, 1991.)) (1) Each city, town, and county must enforce the  
13 Washington state energy code for residential buildings or adopt the  
14 statewide residential reach code established pursuant to RCW  
15 19.27A.020(6). Any local residential energy code other than the  
16 Washington state energy code for residential buildings and the  
17 statewide residential reach code is preempted. The reach code may not  
18 require more annual renewable production than a residential building  
19 is predicted to use.~~

20 (2) The Washington state energy code for nonresidential buildings  
21 shall be the minimum energy code for nonresidential buildings  
22 enforced by each city, town, and county.

23 **Sec. 4.** RCW 19.27A.020 and 2018 c 207 s 7 are each amended to  
24 read as follows:

25 (1) The state building code council in the department of  
26 enterprise services shall adopt rules to be known as the Washington  
27 state energy code as part of the state building code.

28 (2) The council shall follow the legislature's standards set  
29 forth in this section to adopt rules to be known as the Washington  
30 state energy code. The Washington state energy code shall be designed  
31 to:

32 (a) Construct increasingly energy efficient homes and buildings  
33 that help achieve the broader goal of building zero fossil-fuel  
34 greenhouse gas emission homes and buildings by the year 2031; and

35 (b) Require new buildings to meet a certain level of energy  
36 efficiency, but allow flexibility in building design, construction,  
37 and heating equipment efficiencies within that framework(~~and~~

1 ~~(c) Allow space heating equipment efficiency to offset or~~  
2 ~~substitute for building envelope thermal performance)).~~

3 (3) The Washington state energy code shall take into account  
4 regional climatic conditions. One climate zone includes: Adams,  
5 Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield,  
6 Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille,  
7 Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima  
8 counties. The other climate zone includes all other counties not  
9 listed in this subsection (3). The assignment of a county to a  
10 climate zone may not be changed by adoption of a model code or rule.  
11 Nothing in this section prohibits the council from adopting the same  
12 rules or standards for each climate zone.

13 (4) The Washington state energy code for residential buildings  
14 shall be the 2006 edition of the Washington state energy code, or as  
15 amended by rule by the council.

16 (5) The minimum state energy code for new nonresidential  
17 buildings shall be the Washington state energy code, 2006 edition, or  
18 as amended by the council by rule.

19 ~~(6) ((a) Except as provided in (b) of this subsection, the~~  
20 ~~Washington state energy code for residential structures shall preempt~~  
21 ~~the residential energy code of each city, town, and county in the~~  
22 ~~state of Washington.~~

23 ~~(b) The state energy code for residential structures does not~~  
24 ~~preempt a city, town, or county's energy code for residential~~  
25 ~~structures which exceeds the requirements of the state energy code~~  
26 ~~and which was adopted by the city, town, or county prior to March 1,~~  
27 ~~1990. Such cities, towns, or counties may not subsequently amend~~  
28 ~~their energy code for residential structures to exceed the~~  
29 ~~requirements adopted prior to March 1, 1990)) The state building code~~

30 council must adopt by rule a statewide residential reach code for  
31 optional adoption and enforcement by any city, town, or county. The  
32 statewide residential reach code must achieve the 70 percent  
33 reduction in energy consumption and greenhouse gas emissions required  
34 in the 2030 energy code for residential buildings under RCW  
35 19.27A.160 in incremental steps by the 2027 energy code. The  
36 department of commerce shall develop a proposal covering the  
37 technical provisions of the reach code and the rule-making documents  
38 required by RCW 34.05.328. The state building code council must adopt  
39 the statewide residential reach code as an appendix to the 2021  
40 residential energy code to be effective by July 1, 2024.

1 (7) The state building code council shall consult with the  
2 department of enterprise services as provided in RCW 34.05.310 prior  
3 to publication of proposed rules. The director of the department of  
4 enterprise services shall recommend to the state building code  
5 council any changes necessary to conform the proposed rules to the  
6 requirements of this section.

7 ~~(8) ((The state building code council shall evaluate and consider  
8 adoption of the international energy conservation code in Washington  
9 state in place of the existing state energy code.~~

10 ~~(9))~~ The definitions in RCW 19.27A.140 apply throughout this  
11 section."

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12 On page 1, line 1 of the title, after "codes;" strike the  
13 remainder of the title and insert "amending RCW 19.27A.160,  
14 19.27A.015, and 19.27A.020; and creating a new section."

EFFECT: Eliminates the net-zero readiness requirement by 2034.  
Eliminates the requirement for an 80% reduction in annual net energy  
consumption from the 2006 Washington state energy code. Eliminates  
the home affordability cost analysis.

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