

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1899 HB

Title: Wildfire reconstruction

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

Cities: Adopt specific exemptions to the state building and energy code for properties damaged during the 2023 wildfire season.

Counties: Same as above.

Special Districts:

Specific jurisdictions only: Only jurisdictions that have properties that need repair or replacement subsequent to the governor's emergency proclamation for the 2023 wildfire season.

Variance occurs due to:

Part II: Estimates

No fiscal impacts.

Expenditures represent one-time costs: Ordinance adoption costs and training costs for new permitting and enforcement procedures.

Legislation provides local option:

Key variables cannot be estimated with certainty at this time:

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

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Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/19/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/19/2024

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

This act would amend state building code statute and permitting application processes for local governments to allow more flexible reconstruction efforts in communities affected by destructive wildfires in 2023.

Sec. 1 would provide that building permit applications for repairing or rebuilding structures after wildfire damages can be built in compliance with either the state building code rules in effect on January 1, 2023, or the ones in place at the time of the application. This section would expire June 30, 2026.

Sec. 2 would amend state building code statute such that counties and cities must allow all property that is damaged or destroyed by wildfires covered by an emergency proclamation to be rebuilt or repaired in compliance with the applicants' choice of the state building code rules in effect on January 1, 2023. Jurisdictions must allow this process from the effective date of this section through June 30, 2025. This section would expire June 30, 2026.

Sec. 3 of this act would amend state building code council obligations statute so that it conforms to Sec. 2 of this act.

Sec. 4 establishes that local governments must process building permit applications for properties damaged by wildfires in 2023 under the building and energy code in effect on January 1, 2023.

Sec. 5 establishes that permit applications for properties damaged by wildfires in 2023 can be constructed in accordance with the state energy code in effect on January 1, 2023.

Sec. 6 is similar to Sec. 5 but for new non-residential buildings.

Sec. 7 requires the State Building Code Council to provide an exemption from new energy code requirements for properties need repairs or and that were damaged or destroyed by wildfire during 2023.

Sec. 8 states that this act would take effect immediately.

Sec. 9 would set an effective date for the amendments in Sec. 3 through Sec. 7 as June 30, 2026.

Background:

Governor Inslee's Emergency Proclamation 23-05, issued August 19, 2023, proclaimed a state of emergency in all areas of the state of Washington. The 2023 season saw more than 1,880 fires across Washington burn approximately 165,000 acres, the second-highest number of ignitions in recorded state history but well below the 10-year average of roughly 470,000 acres burned. More than half of the fires on Department of Natural Resources (DNR)-protected lands were on the western side of the state.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

For jurisdictions that sustained wildfire damage during the 2023 wildfire season, this act would create changes to their building permit process, code enforcement, and result in administrative activities such as training staff on the differences in code enforcement and new processing permits. These impacts are expected to be indeterminate, but minor, due to this act creating flexibility for property owners to use the state building and energy code that was effective on January 1, 2023, or the new state building code.

There were at least nine counties with named fires during the 2023 wildfire season, however then number of impacted cities and towns is not currently known. For all other jurisdictions, this act would have no impact.

Discussion:

All cities and counties are required to adopt the state building code as adopted by the State Building Code Council in Chapter 51 WAC through reference. These jurisdictions may adopt that code as-is, or make strengthening amendments. Local legislative authorities that have wildfire damages due to the 2023 wildfire season would adopt the changes to the state building code found in Sec. 3 through Sec. 7. These cities and counties would make process changes to building code enforcement and permitting to facilitate the interests set forth in Sec. 2.

Local Code Amendments:

The act would involve local government building, planning, and permitting departments to work on any amendments to building and energy statute in their jurisdiction's local code. The Local Government Fiscal Program Unit Cost Model estimates that the typical cost to adopt a moderately complex ordinance with a hearing of the same complexity as \$4,944 per city, and \$5,087 per county. The following steps would be involved with passing the moderately complex ordinance:

This work would include staff from the building and planning departments review the updated state code. These amendments would be vetted with the development department team (planning, building, and permitting staff), which would then be reviewed by a planning director or local building manager. Staff would then write a minimum of four staff reports. The building manager, planning director, and attorney would review all four staff reports. The two staff reports prepared for the city or county council would be presented to the planning commission of the jurisdiction. This work would be conducted over four public meetings (one of the meetings would be the public hearing) to update the code. During this work, there would be two planning commission meetings and two council meetings (at a required minimum).

The planning commission clerk would prepare advertisements, post comment letters to the web, prepare meeting packets for two meetings and setup for/attend two meetings to inform and solicit feedback from the public. They would also review and publish two sets of minutes following these meetings. The clerk would do the same for at a minimum two city or county council meetings. All meetings would be staffed with a clerk, attorney, planner, development department director at a minimum for this item.

Processing Permits:

This act would require an update internal policies and procedures within the building and permitting departments to align with the flexible use of state building code and energy code for properties that were damaged by the 2023 wildfires. There may be a need to update forms, but these would likely be minor revision.

Code Enforcement and Permit Amendment Training:

Training may be a requirement of this act as it would change the processes involved in permitting residential and nonresidential building repair or replacement and the building and energy code enforcement. Permit technicians and code enforcement staff may only require a minor level of training, which the Local Government Fiscal Note Program assumes as less than two hours, to review the changes this legislation makes to state building and energy code requirements and changes to any forms. Additionally, there may be a need to train staff on how to inform affected property owners that call in, visit, or email the development department.

According to the Association of Washing Cities 2023 Salary Survey, this may result in associated training costs of less than \$80 per permit technician or \$100 per code enforcement staff, per jurisdiction.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

There would no revenue impact associated with this act.

SOURCES:

Association of Washing Cities Salary Survey (2024)

Department of Natural Resources, “Commissioner Franz, DNR Leaders Recap Wildfire Season, Celebrate Partnerships.”
(Oct. 2023)

Local Government Fiscal Note Program, Unit Cost Model (2024)

Office of Governor Jay Inslee, Emergency Proclamation 23-05, (Aug. 2023)