
SENATE BILL 5557

State of Washington 66th Legislature 2019 Regular Session

By Senators Lias, Hunt, Van De Wege, Das, Kuderer, and Takko

Read first time 01/23/19. Referred to Committee on Local Government.

1 AN ACT Relating to seismic hazard risk reduction; adding new
2 sections to chapter 70.86 RCW; adding a new section to chapter 84.36
3 RCW; adding a new section to chapter 19.27 RCW; adding a new section
4 to chapter 38.52 RCW; creating new sections; and providing expiration
5 dates.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that Washington
8 state has the second highest earthquake risk in the United States.
9 The seven hundred mile cascadia subduction zone represents an extreme
10 threat to the Pacific Northwest, capable of generating a nine point
11 zero or higher earthquake and tsunami. The most recent studies
12 estimate ten thousand fatalities and direct economic losses of more
13 than eighty billion dollars combined for Washington and Oregon. In
14 addition to the cascadia subduction zone offshore, Washington's
15 mainland is littered with active crustal faults which pose seismic
16 hazards. The histories and hazards of many of these faults are still
17 being uncovered. The legislature finds that developing a state that
18 is prepared for these impending natural disasters will significantly
19 mitigate the damage they can cause to its people, property, economy,
20 and long-term survival.

1 To that end, the legislature finds that important to this
2 preparation effort is the concept of functional recovery: A
3 building's ability to support its intended use and occupancy,
4 following a seismic event. Therefore, it is the intent of the
5 legislature to convene a task force to develop criteria and
6 implementation measures necessary for the adoption of a functional
7 recovery standard to apply to all emergency services and state-owned
8 buildings. The criteria developed by this task force will ensure that
9 in the event of seismic disaster, emergency crews will be able to
10 respond immediately to crisis and people will have a place to seek
11 shelter and refuge. Furthermore, the legislature intends to create a
12 position dedicated to seismic hazard works within the state military
13 department, provide a tax preference to encourage functional recovery
14 construction, establish a grant program for unreinforced masonry
15 buildings, and authorize local governments to incentivize functional
16 recovery in order to mitigate earthquake disaster. These measures are
17 essential to protect the health, safety, and welfare of the people of
18 the state of Washington.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.86
20 RCW to read as follows:

21 The definitions in this section apply throughout this chapter
22 unless the context clearly requires otherwise.

23 (1) "Emergency services building" means any building, including
24 buildings designed and constructed, for public agencies used, or
25 designed to be used, or any building a portion of which is used, or
26 designed to be used, as a fire station, police station, emergency
27 operations center, Washington state patrol office, sheriff's office,
28 emergency communication dispatch center, or emergency shelter.

29 (2) "Functional recovery standard" means a set of enforceable
30 building code provisions and regulations that provide specific design
31 and construction requirements intended to result in a building for
32 which postearthquake structural and nonstructural capacity are
33 maintained or can be restored to support the basic intended functions
34 of the building's preearthquake use and occupancy within a maximum
35 acceptable time, where the maximum acceptable time might differ for
36 various uses or occupancies.

37 (3) "Unreinforced masonry building" means a building with one or
38 more bearing walls made of plain clay brick or clay tile masonry that
39 provide the primary support for vertical loads from floors or roofs.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.86

2 RCW to read as follows:

3 (1) The functional recovery task force is established to
4 determine criteria and implementation measures necessary for the
5 adoption of a functional recovery standard for all emergency services
6 buildings and state-owned buildings.

7 (2) Implementation measures must include:

8 (a) Integration of infrastructure necessary to support functional
9 recovery, including but not limited to water availability, electrical
10 power, transportation, communications, fuel, and other services;

11 (b) Practical means for implementing a functional recovery
12 standard, including:

13 (i) Amendments to the state building code;

14 (ii) Estimated costs for compliance;

15 (iii) Practical financial incentives and programs, including
16 public-private partnerships to cover costs; and

17 (iv) Education and outreach.

18 (3) The work of the task force must be prioritized as follows:

19 (a) Determination of criteria and implementation measures for the
20 adoption of a functional recovery standard for all new emergency
21 services buildings and state-owned buildings;

22 (b) Identification of practical means for the seismic
23 retrofitting of all existing emergency services buildings and state-
24 owned buildings; and

25 (c) Defining and establishing criteria and implementation
26 measures for an immediate occupancy standard as considered in the
27 National Institute of Standards and Technology (NIST) Special
28 Publication 1224: Research Needs to Support Immediate Occupancy
29 Building Performance Objective Following Natural Hazard Events.

30 (4) In order to determine criteria for a functional recovery
31 standard, the task force may examine:

32 (a) The NIST report referenced in subsection (3)(c) of this
33 section;

34 (b) California Administrative Code, Part 1, Chapter 4,
35 Administrative Regulations for the Division of the State Architect,
36 Structural Safety; and

37 (c) Any other relevant reports, industry and government
38 standards, best practices, or academic research.

39 (5) The task force must consist of:

1 (a) Two members from the house of representatives, with one
2 member appointed from each of the two major caucuses of the house of
3 representatives by the speaker of the house of representatives and
4 the minority leader of the house of representatives;

5 (b) Two members from the senate, with one member appointed from
6 each of the two major caucuses of the senate by the majority leader
7 and minority leader of the senate; and

8 (c) Appropriate representatives from public and private sector
9 entities, including but not limited to the:

- 10 (i) State building code council;
- 11 (ii) State military department;
- 12 (iii) Office of the insurance commissioner;
- 13 (iv) Department of enterprise services;
- 14 (v) Department of natural resources;
- 15 (vi) Department of ecology;
- 16 (vii) Local governments;
- 17 (viii) Department of commerce;
- 18 (ix) State board for architects;
- 19 (x) Building officials;
- 20 (xi) State fire marshal;
- 21 (xii) Structural and civil engineers;
- 22 (xiii) Insurance industry;
- 23 (xiv) Construction industry;
- 24 (xv) Washington geological survey;
- 25 (xvi) International code council; and
- 26 (xvii) First responders.

27 (6) Staff support for the task force must be provided by the
28 senate committee services and the house of representatives office of
29 program research.

30 (7) Legislative members of the task force are reimbursed for
31 travel expenses in accordance with RCW 44.04.120. Nonlegislative
32 members are entitled to be reimbursed for travel expenses if they are
33 elected officials or are participating on behalf of an employer,
34 governmental entity, or other organization. Any reimbursement for
35 other nonlegislative members is subject to chapter 43.03 RCW.

36 (8) The expenses of the task force must be paid jointly by the
37 senate and the house of representatives. Task force expenditures are
38 subject to approval by the senate facilities and operations committee
39 and the house of representatives executive rules committee, or their
40 successor committees.

1 (9) The task force must provide periodic progress reports after
2 the completion of each priority listed in this section to the
3 governor and the appropriate committees of the legislature. The
4 progress reports must include findings, successes, challenges, and
5 any recommendations to the legislature to assist the task force in
6 its work.

7 (10) By December 1, 2021, and in compliance with RCW 43.01.036,
8 the task force must report its final set of findings and
9 recommendations to the governor and the appropriate committees of the
10 legislature.

11 (11) This section expires December 31, 2021.

12 NEW SECTION. **Sec. 4.** (1) This section is the tax preference
13 performance statement for the tax preference created in section 5,
14 chapter . . ., Laws of 2019 (section 5 of this act). This performance
15 statement is only intended to be used for subsequent evaluation of
16 the tax preference.

17 (2) The legislature categorizes this tax preference as one
18 intended to induce certain designated behavior by taxpayers, as
19 indicated in RCW 82.32.808(2) (a).

20 (3) It is the legislature's specific public policy objective to
21 incentivize property owners to seismically retrofit or construct new
22 buildings to meet a functional recovery standard as defined in
23 section 2 of this act. It is the legislature's intent to provide a
24 property tax exemption that may be used to offset the costs of
25 construction and seismic retrofitting that meet a functional recovery
26 standard.

27 (4) If the joint legislative audit and review committee finds
28 that the property tax exemption has led to a significant increase in
29 the amount of buildings that meet a functional recovery standard in
30 the ten years following enactment of this tax preference, then the
31 legislature intends to extend the expiration date of the tax
32 preference.

33 (5) In order to obtain the data necessary to perform the review
34 in subsection (4) of this section, the joint legislative audit and
35 review committee may refer to tax exemption data available from the
36 department of revenue.

37 NEW SECTION. **Sec. 5.** A new section is added to chapter 84.36
38 RCW to read as follows:

1 (1) Beginning July 1, 2026, property owners who meet the
2 requirements of this section may apply to the assessor of the county
3 in which the property is located for a property tax exemption for the
4 costs of new construction or seismic retrofitting that meets the
5 criteria of a functional recovery standard as determined pursuant to
6 subsection (2) of this section. This application must be made upon
7 forms prescribed by the department of revenue and supplied by the
8 county assessor.

9 (2) By July 1, 2025, the department of commerce, in consultation
10 with the work of the task force established in section 3 of this act,
11 the state building code council, and interested stakeholders, must
12 determine criteria for the types and quality of construction that
13 meet a functional recovery standard.

14 (3) If the costs of new construction or seismic retrofitting
15 exceed the annual property tax due for a property owner, the property
16 owner may apply the balance of costs towards an exemption for
17 property tax due in the succeeding year and the following years until
18 the full costs of new construction or seismic retrofitting are
19 recovered.

20 (4) The department of commerce and the department of revenue must
21 promulgate rules and regulations necessary to administer the
22 provisions of this section.

23 (5) This section expires July 1, 2036.

24 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.86
25 RCW to read as follows:

26 Cities, towns, and counties are authorized to enact programs and
27 incentives to encourage new construction or seismic retrofitting that
28 meet a functional recovery standard, including but not limited to:

- 29 (1) Grant or loan programs;
30 (2) Tax exemptions, credits, or rebates;
31 (3) Architectural fee reimbursement; and
32 (4) Fee waivers, zoning modifications, transfer of development
33 rights, and on-site parking exemptions.

34 NEW SECTION. **Sec. 7.** A new section is added to chapter 70.86
35 RCW to read as follows:

36 (1) To protect residents from the dangers posed by unreinforced
37 masonry buildings in the event of an earthquake, a state grant

1 program is established for improving the earthquake safety of
2 unreinforced masonry buildings.

3 (2) The department of commerce must develop and administer the
4 program. The department may develop rules to administer the program.

5 (3) The department may consult with task force members as
6 referenced in section 3(5)(c) of this act and other interested
7 stakeholders in developing the program.

8 (4) Property owners may apply to the department for a grant to be
9 used for the seismic retrofit costs of unreinforced masonry
10 buildings.

11 (5) Grant awards must be determined through a competitive
12 process. The department must develop award criteria, including but
13 not limited to the development of the relative weight to be assigned
14 to the following criteria:

15 (a) The seismic retrofit's contribution towards public safety;

16 (b) The historic and cultural character of the building; and

17 (c) Avoidance of building demolition or vacancy.

18 (6) All grant awards must be matched by a one-to-one private-to-
19 state match.

20 NEW SECTION. **Sec. 8.** A new section is added to chapter 19.27
21 RCW to read as follows:

22 By December 31, 2025, in addition to the provisions of RCW
23 19.27.031, the state building code must consist of Appendix A of the
24 2018 International Existing Building Code, published by the
25 International Code Council, Inc., which provides guidelines for the
26 seismic retrofit of existing buildings.

27 NEW SECTION. **Sec. 9.** A new section is added to chapter 38.52
28 RCW to read as follows:

29 (1) The military department emergency management division must
30 synchronize catastrophic planning and preparedness activities for
31 seismic hazards across all levels of government. The division will
32 develop strategies to address the resilience for key lifeline
33 critical infrastructure such as critical transportation, emergency
34 communications, power, water, wastewater, and fuel.

35 (2) In addition, the military department emergency management
36 division must partner with local government jurisdictions,
37 nongovernmental associations, state agencies, and other relevant
38 organizations to improve seismic risk reduction in Washington.

1 Activities may include, but are not limited to: Synchronizing
2 catastrophic planning and preparedness activities; catastrophic
3 incident response planning; alert and warning; a recovery framework
4 that establishes standards for recovery; and other initiatives as
5 determined by the functional recovery task force established in
6 section 3 of this act.

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