



Building Industry Association of Washington
300 Deschutes Way SW, Ste. 300
Tumwater, WA 98501
(360) 352-7800 | BIAW.com

Tuesday, November 26, 2024

Via electronic mail to: [EMAIL]

[NAME]
[ADDRESS 1] [ADDRESS 2]
[CITY][STATE][ZIP]

Re: Code Officials Must Comply with Initiative 2066

Dear [NAME]:

I am the Vice President, General Counsel of the Building Industry Association of Washington (“BIAW”), representing nearly 8,000 businesses in the Washington home building industry. I hope you are aware that on November 5, 2024, Washington voters approved Initiative 2066, which protects natural gas as an energy source.

The Washington State Constitution provides that an initiative enacted by the people of Washington take effect thirty days following the election, which means **Initiative 2066 will be effective December 5, 2024.**

Any measure initiated by the people or referred to the people as herein provided shall take effect and become the law if it is approved by a majority of the votes cast thereon: Provided, that the vote cast upon such question or measure shall equal one-third of the total votes cast at such election and not otherwise. Such measure shall be in operation on and after the thirtieth day after the election at which it is approved. See WA Const. Art. II § 1d.

Therefore, on December 5, 2024, the current 2021 Washington State Energy Code (“WSEC”), which penalizes and discourages natural gas primarily via Section R406, will be unenforceable.

Per Section R103.1, code officials are authorized to waive the requirements for construction documents or other supporting data **if the code official determines they are not necessary to confirm compliance with the code.** Any code sections that penalize, discourage, or disincentivize natural gas are preempted by Initiative 2066, specifically the amendments made to RCW 19.27A.020. Therefore, any construction documents or supporting data required by the preempted code sections are no longer required. Building code officials should use their discretion to waive these requirements.

Further, per Section R103.3 code officials shall examine the accompanying construction documents and shall ascertain whether the construction indicated and described is following the requirements of the code **and other pertinent laws or ordinances.** Therefore, code officials must assess applications with respect to both the current code *and* Initiative 2066.

Code officials have no authority to go against the will of the voters by ignoring that certain sections of the 2021 WSEC are preempted by Initiative 2066. BIAW members expect code officials to follow the law as it becomes effective on December 5, 2024.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ashli Penner", with a long horizontal flourish extending to the right.

Ashli Penner
Vice President, General Counsel
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