Residential Disaster Reconstruction

Building and Energy Code Compliance Guide | Contractor / Property Owner Handout

The Washington State Building Code Council adopted an emergency residential energy-code rule for qualifying natural-disaster reconstruction in the Spokane Fire Complex Area only. The rule permits the local jurisdiction to allow specified energy-code alternatives; it does not automatically authorize every project to use an older energy code.

1 | Building code requirements

Reconstruction requiring a new building permit remains subject to the currently applicable building codes, including the 2021 Washington State Residential Code (2021 IRC with Washington amendments), as applicable to the permit. The emergency rule changes only the residential energy-code compliance options described below; it does not waive building, structural, fire, mechanical, plumbing, electrical or other applicable requirements. Existing-building repair classifications and legally vested permit rights are evaluated separately.

2 | Available residential energy-code compliance options

For a qualifying project, the City may allow either of the following alternatives to ordinary 2021 Washington State Energy Code—Residential (WSEC-R) compliance:

- Option A — Previous-edition WSEC-R: Use the WSEC-R edition that was in effect at the time of original construction, but not earlier than the 2015 edition. The chosen edition applies as a complete compliance pathway; do not combine selected requirements from different editions.
- Option B — Reduced additional credits: Comply with the current 2021 WSEC-R using R401.2, item 1, and obtain two fewer additional energy efficiency credits than otherwise required by R406.3. Other applicable 2021 WSEC-R requirements remain in effect.

A qualifying applicant may also elect to comply fully with the current 2021 WSEC-R without using emergency-rule relief.

3 | Determine the historical edition for Option A

Original construction / applicable edition period	Previous WSEC-R edition allowed under Option A
Before July 1, 2016	2015 WSEC-R (minimum historical edition permitted)
July 1, 2016 – January 31, 2021	2015 WSEC-R
February 1, 2021 – March 14, 2024	2018 WSEC-R
March 15, 2024 onward	2021 WSEC-R

These dates are a practical reference to Washington code effective periods. The City must verify the edition applicable to the original construction using permit records and other available evidence; do not rely solely on the age shown in property records.

4 | All emergency-rule conditions must be met

- The property is within the area of the City of Spokane fire Complex which is covered by the Governor's emergency proclamation for a natural disaster, and the disaster caused damage or destruction requiring reconstruction or repair.
- The total floor area after repair or reconstruction does not exceed the original floor area by more than 500 square feet.
- The application for the repair or reconstruction permit is submitted within two years after the applicable emergency proclamation expires.
- The exception ceases to apply upon transfer of title, except for transfers by deed of trust and qualifying family transfers involving blood, marriage, domestic partnership, adoption or legal guardianship under Washington law.

5 | What to submit with your permit application

- Identify the property, disaster event and applicable Governor's emergency proclamation (Emergency WAC 51-11R-10100E).
- Provide evidence of the original construction date and original permitted floor area (for example, City permit records, approved plans or other acceptable documentation).
- Provide proposed floor-area calculations and plans showing the existing/original and proposed areas.
- Identify the requested energy compliance pathway: Option A (specific historic WSEC-R edition), Option B (2021 WSEC-R with reduced R406.3 credits), or full 2021 WSEC-R compliance.
- Provide a complete energy-code compliance package consistent with the selected pathway.

Questions and approvals: Contact City of Spokane Development Services Center before submitting if original floor area, original construction edition, title-transfer status or emergency-proclamation applicability is uncertain.

Authority: Emergency WAC 51-11R-10100E, Section R101.2E, as shown in the SBCC filed emergency rule; Washington State Energy Code residential provisions, WAC chapter 51-11R. Verify that the emergency rule remains in effect when the permit application is reviewed.