

Model Ordinance for Addressing Conflicts Between Initiative 2066 and the 2021 Washington State Energy Code

Section 1: Purpose and Intent

This ordinance is adopted to ensure compliance with Initiative 2066 by aligning local energy code requirements with state law. The ordinance aims to:

1. Allow the continued use of natural gas as an energy source in residential construction.
2. Provide clear guidance for energy code compliance to builders and developers.
3. Mitigate legal risks to the jurisdiction by addressing conflicts between the 2021 Washington State Energy Code (WSEC) and state law.
4. Facilitate affordable, practical, and sustainable building practices for all stakeholders.

Section 2: Adoption of Alternative Compliance Mechanisms

Local jurisdictions shall authorize alternative means of compliance under the provisions of Sections R102.1 and R103.1 of the 2021 WSEC, as follows:

1. Alternative Methods Approval Process:

- Builders may submit a written application to the building official proposing alternative materials, designs, or methods of construction.
- The building official shall evaluate the proposal for compliance with the intent of the code and equivalency in energy efficiency, safety, and durability.

2. Modified Total Building Performance Pathway:

- Builders may comply using the Energy Rating Index (ERI) as specified in the 2021 International Energy Conservation Code.
- ERI compliance scores:
 - Climate Zone 4: 54
 - Climate Zone 5: 55
- Compliance reports must be generated by a certified third-party consultant using approved software and submitted with building permit applications.

3. Required Inspection and Documentation Requirements:

- Inspections must be conducted by a certified Residential Energy Inspector/Plans Examiner.
- Required inspections include air sealing, insulation, windows and doors, and final testing (blower door and duct leakage tests).
- Final compliance documentation must be submitted before the issuance of a Certificate of Occupancy.

Section 3: Enforcement and Liability Protections

1. Jurisdictions shall retain discretionary authority to approve alternative compliance measures without incurring additional liability, as provided under Section R112 of the 2021 WSEC.
2. Enforcement mechanisms shall ensure transparency and fairness in applying energy code provisions.

Section 4: Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5: Effective Date

This ordinance shall take effect immediately upon its passage and publication as required by law.