

Building and Development Permits

ATTENTION developers of Condominiums and Multi-Family Housing

Additional Regulations Effective August 1, 2005

- **Engrossed House Bill 1848**, an act relating to managing construction defect disputes involving multiunit residential buildings.
- **Applicable to all multi-unit residential buildings** including but not limited to buildings containing more than two attached dwelling units, including buildings containing non-residential units if the building also contains more than two attached dwelling units..
- The following classes of buildings are not subject to this bill
 - Hotels
 - Dormitories
 - Care Facilities
 - Floating homes
 - A building containing attached dwelling units that are each located on their own platted lot
 - A building in which all of the dwelling units are held under one ownership and is subject to a recorded irrevocable sale prohibition covenant.
- **All** applications for construction of multi-unit residential buildings must include design documents prepared and stamped by an architect or engineer that identify the building enclosure (building enclosure documents), including but not limited to, waterproofing, weather proofing and/or otherwise protected from water or moisture intrusion, unless a recorded irrevocable sale prohibition covenant is submitted to the City.
- **Effective August 1, 2005** the City is prohibited from issuing a permit for construction or rehabilitation construction unless the building enclosure documents that contain a stamped statement by the person stamping the building enclosure design documents in substantially the following form “The undersigned has provided building enclosure documents that in my professional judgment are appropriate to satisfy the requirements of sections 1 through 10 of this act”.
- This act is **applicable to all permits issued August 1, 2005 or later** regardless of the application date.
- All multi-unit residential buildings shall have the building enclosure **inspected by a Qualified Inspector** during the course of initial construction and during rehabilitative construction. **This inspection is to be done by a third party, independent inspector**
- The City **shall not issue a Certificate of Occupancy** until the Qualified Inspector prepares a report and submits to the building department a signed letter certifying that the building enclosure has been inspected during the course of construction or rehabilitative construction and that the construction is in substantial compliance with the building enclosure design documents.
- The City is not responsible for determining whether the building enclosure design documents or the inspections performed are adequate or appropriate to satisfy the requirements of the act.
- For a complete copy of the act, please click on [EHB 1848](#)

Engrossed House Bill 1848 Design Document and Inspection Requirements for Building Enclosures

In the 2005 Legislative Session, the Washington State Legislature passed Engrossed House Bill (EHB) 1848, an act “relating to managing construction defect disputes involving multiunit residential buildings”. This bill contains several sections that affect building permit application submittals, and requires additional third-party inspections for weatherproofing of the building envelope. These new requirements take effect August 1, 2005, at which time the Building Department will begin to enforce them. The rest of this article will cover highlights of the bill, as they affect submittal and inspection requirements. Text in italics are quotes from the bill. The complete text of the bill may be found at [EHB 1848](#)

I. Which projects are affected by EHB 1848?

The regulations in EHB 1848 apply to multi-unit residential buildings, as defined below. While there are other types of projects which this bill addresses (for example, condominium conversions), this article focuses on the issue surrounding construction or rehabilitation of multi-unit residential buildings.

According to the language in EHB 1848, these provisions apply if a permit is **issued** after August 1. This means building permit applications already submitted to the Building Department that are not issued before August 1 will have to meet the requirements in EHB 1848.

II. Key definitions of EHB 1848 – while the bill has a number of definitions, the following are important in “scoping” the types of projects which the bill does and does not apply to:

Building enclosure design documents “...plans, details, and specifications for the building enclosure that have been stamped by a licensed engineer or architect. The building enclosure design documents shall include details and specifications that are appropriate for the building in the professional judgment of the architect or engineer which prepared the same to waterproof, weatherproof, and otherwise protect the building or its components from water or moisture intrusion, including details of flashing, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane, and details around openings.”

Multi-unit residential building is defined as “A building containing more than two attached dwelling units, including a building containing nonresidential units if the building also contains more than two attached dwelling units.” It does not include hotels, motels, dormitories, care facilities, or floating homes. It does include “A building that contains attached dwelling units that are each located on a single platted lot.” This last definition appears to include townhouse developments that undergo unit lot subdivisions. There is also a provision that allows a developer to elect to treat a development with duplexes and single-family residences as a multiunit residential building.

Rehabilitative construction means construction work on the building enclosure of a multiunit residential building if the cost of such construction work is more than five percent of the assessed value of the building.

III. What documents are required to be submitted prior to issuance of the building permit?

EHB 1848 requires the plans, details, and statements listed below to be submitted to the Building Department before the building permit will be issued. However, the bill does not require a plan review to determine if the details are adequate. EHB 1848 only requires that we collect and archive the information.

A. Building Enclosure Design Documents

EHB 1848 requires all applicants for multiunit residential building construction or rehabilitation submit “building enclosure design documents”. Except for projects that have already submitted for permit application, “building enclosure design documents” shall be submitted at the time of permit application.

The “building enclosure” is any part or element of the building that separates the exterior environment from the internal environment, whether it is above or below grade, intended to protect the building from water or moisture intrusion. These elements include (but are not limited to) roofs, walls, balcony support columns, decks, windows, doors, vents, and other penetrations through exterior walls.

Note that “rehabilitative construction” is defined as costing more than five percent of the assessed value of the building. If a project applicant does not want to submit the building enclosure design documents on the basis that it is not “rehabilitative construction”, EHB 1848 requires the applicant to submit a letter certifying that the cost is 5% or less of the assessed value of the building.

Note also that these design details must be submitted under the seal and signature of a Washington State registered design professional (architect or engineer).

Revisions to the building enclosure design documents that “*alter the manner in which the building or its components is waterproofed, weatherproofed, and otherwise protected from water or moisture intrusion shall be stamped by the architect or engineer*”. The revised documents must be submitted to the Building Department and to the building enclosure inspector discussed in Section IV below. The revisions “*may be provided through individual updates, cumulative updates, or as-built updates.*”

B. Design Engineer or Architect Statement

In addition to the details specified above, the building enclosure design documents must contain a statement from the design professional who stamped the drawings, substantially stating the following:

“The undersigned has provided building enclosure documents that in my professional judgment are appropriate to satisfy the requirements of Sections 1 through 10 of EHB 1848.”

IV. What inspections will be required?

EHB 1848 requires all multiunit residential buildings to have the building enclosure inspected by a “qualified inspector” during construction, whether the building is new or being rehabilitated. The Building Department will not verify the qualifications of the inspector, nor will we determine whether the building enclosure inspection is adequate or appropriate. However, the certificate of occupancy for the building will not be issued until the proper certifications have been received by the Building Department (see below).

A. Qualified Building Enclosure Inspector

According to EHB 1848, a qualified building enclosure inspector:

(a) Must be a person with substantial and verifiable training and experience in building enclosure design and construction;

(b) Shall be free from improper interference or influence relating to the inspections; and

(c) May not be an employee, officer, or director of, nor have any pecuniary interest in, the declarant, developer, association, or any party providing services or materials for the project, or any of their respective affiliates, except that the qualified inspector may be the architect or engineer who approved the building enclosure design documents or the architect or engineer of record.

B. Scope of Inspection

EHB 1848 requires the following tests and inspections to be conducted by the building enclosure inspector:

(a) Water penetration resistance testing of a representative sample of windows and window installations. Such tests shall be conducted according to industry standards. Where appropriate, tests shall be conducted with an induced air pressure difference across the window and window installation. Additional testing is not required if the same assembly has previously been tested in situ within the previous two years in the project under construction by the builder, by another member of the construction team such as an architect or engineer, or by an independent testing laboratory; and

(b) An independent periodic review of the building enclosure during the course of construction or rehabilitative construction to ascertain whether the multiunit residential building has been constructed, or the rehabilitative construction has been performed, in

substantial compliance with the building enclosure design documents.

Item (a) above is not required for rehabilitation projects, if windows and cladding are not altered.

C. Certification

Once the above tests and inspections are completed, the building enclosure inspector must submit a signed letter to the Building Department, certifying that the building enclosure has been inspected during the construction of the project, and that it has been constructed in substantial compliance with the building enclosure design documents, including any revisions.