



**BUILDING INDUSTRY**  
ASSOCIATION OF WASHINGTON  
CHAMPIONS OF AFFORDABLE HOUSING

# Builder News Facts

*June 8, 2010*

---

## **BUILDERS GET TEMPORARY REPRIEVE FROM NEW ENERGY CODE**

### **■ *Victory comes days after BIAW files lawsuit***

Just days after BIAW filed a lawsuit in federal court, Governor Gregoire has announced that she is requesting the Washington State Building Code Council (SBCC) delay the implementation of the new energy code for a period of nine months.

While BIAW and other coalition partners have been lobbying the SBCC and the Gregoire Administration to rethink these energy code regulations for over a year, the decision was made just days after BIAW made good on its previous threats to challenge the new rules in court.

In November of last year, BIAW attorneys warned the SBCC that their proposed changes to the energy code were pre-empted by federal law, and thus illegal. In the lawsuit filed in federal court on May 26, BIAW and several HVAC contractors and builders alleged these regulations will lead to loss of sales and related activities as consumers choose not to buy new homes, or simply are not able to buy new homes because they will be priced out of the market, hurting an already fragile homebuilding industry.

In her letter to the SBCC requesting the delay, Gregoire said "it is clear that the recovery of the construction industry is central to the recovery of our state's economy" and a "delay is necessary to allow the construction industry to stabilize. We cannot risk further delay of our state recovery, or worse, a deepening recession."

Ironically, Gregoire's request for the delay comes after her repeated direction to the SBCC over the past year to press forward with the stringent new energy efficiency regulations.

While Gregoire has officially requested the SBCC delay implementation, the delay will not take effect until the SBCC takes action. The SBCC is scheduled to convene this Friday; presumably Gregoire's request will come up during this meeting.

While the battle to repeal the new energy code is not over, clearly a nine-month delay is a small victory. BIAW will continue its proceedings in federal court, asking the judge to strike down the regulations and start over.