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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

NORTHWEST REGIONAL COUNCIL OF THE NATIONAL CONSTRUCTION ALLIANCE, a labor organization; BUILDING INDUSTRY ASSOCIATION OF WASHINGTON, a Washington non-profit corporation; ANDREA SMITH, an individual; ANDREWS MECHANICAL, INC., a Washington corporation; ASSOCIATED GENERAL CONTRACTORS OF WASHINGTON, a Washington nonprofit trade association; BLUE STAR GAS-SEATTLE CO., a Washington corporation; CENTRAL WASHINGTON HOME BUILDERS ASSOCIATION, a Washington nonprofit corporation; CRAIG REIMER CUSTOM HOMES, LLC a Washington limited liability company; ENERGY SAVING PRODUCTS, INC., a foreign profit corporation; KYLE FOX, an individual; LOMBARDI'S RESTAURANT GROUP, LLC, a Washington limited liability company; NEW TRADITION HOMES, a Washington corporation; NEWPORT WEST, LLC, a Washington limited liability company; NORTHWEST HEARTH, PATIO & BARBECUE ASSOCIATION, a Washington nonprofit corporation; NORTHWEST HVAC/R ASSOCIATION & TRAINING CENTER. a Washington nonprofit corporation; RED FLANNEL CONSTRUCTION CO., LLC, a Washington limited liability company; SOUNDBUILT HOMES, a Washington limited liability company; TENHULZEN RESIDENTIAL, LLC, a Washington limited liability company; TENHULZEN CONSTRUCTION, LLC, a Washington limited liability company; TOWN AND COUNTRY HOMES, LLC, a Washington limited liability company;

Case No.

**PETITION FOR DECLARATORY JUDGMENT (RCW 34.05.570(2))**

1 WALLACE PROPERTIES – BELLEVUE  
2 NORTH, LLC, a Washington limited liability  
3 company; and WASHINGTON BUSINESS  
4 PROPERTIES ASSOCIATION, a Washington  
5 nonprofit corporation

6 Petitioners,

7 v.

8 WASHINGTON STATE BUILDING CODE  
9 COUNCIL,

10 Respondent.

### 11 **I. PARTIES**

12 1. Petitioner Northwest Regional Council of the National Construction Alliance  
13 (NCA) is an umbrella labor organization representing four construction unions with a membership  
14 exceeding 40,000 across the state. The NCA and its members are invested in all matters related to  
15 construction and have a particular interest in natural gas infrastructure work.

16 2. Petitioner Building Industry Association of Washington (BIAW) is a non-profit  
17 trade association with its principal office address located at 200 Deschutes Way SW, Ste. 300,  
18 Tumwater, WA, 98501. BIAW promotes the interests of Washington homebuilders. BIAW  
19 represents more than 8,000 member companies that employ approximately 265,000 people in all  
20 aspects of home construction.

21 3. Petitioner Andrea Smith is an individual homeowner residing in Vancouver,  
22 Washington. Ms. Smith has a personal interest in affordable housing having experienced  
23 homelessness as a child. Ms. Smith provides education and training on the reasons why people  
24 experience housing insecurity and the root causes of it, including lack of available, low-cost  
25 housing. Ms. Smith is also personally concerned about individuals such as herself being unable to  
26 maintain their homes because of the cost of repairs and lack of affordable options for required  
27 appliances such as heat pumps and hot water heaters.

4. Petitioner Andrews Mechanical, Inc. is a Washington corporation with its principal  
office address located at 2727 N Madelia St., Ste. 8, Spokane, WA 99207. Founded in 1989,

1 Andrews Mechanical offers comprehensive heating, ventilation, air conditioning, radiant heating  
2 and cooling, commercial refrigeration, plumbing and process-piping solutions to the greater  
3 Spokane, WA region.

4 5. Petitioner Associated General Contractors of Washington (AGC) is a Washington  
5 nonprofit trade association with its principle office address located at 1200 Westlake Ave. N, Ste.  
6 301, Seattle, WA 98109. AGC promotes the interests of Washington contractors. It is the largest  
7 and oldest commercial construction trade association in Washington, representing over 700  
8 member companies.

9 6. Petitioner Blue Star Gas-Seattle Co. is a Washington corporation with its principal  
10 office address located at 108020 E Marginal Way S, Tukwila, WA 98168. Blue Star Gas-Seattle  
11 has been serving and meeting the propane needs of the Puget Sound area since 2011. The company  
12 markets and distributes propane for residential, commercial, and industrial applications such as  
13 space and water heating.

14 7. Petitioner Central Washington Home Builders Association is a Washington  
15 nonprofit corporation with its principle office address located at 3301 W Nob Hill Blvd., Yakima,  
16 WA, 98902. The Central Washington Home Builders Association was founded in 1955, and has  
17 served as the leading not-for-profit trade organization dedicated to residential construction and  
18 remodeling throughout Central Washington.

19 8. Petitioner Craig Reimer Custom Homes, LLC is a Washington limited liability  
20 company with its principle office address located at 18607 Olympic View Dr., Edmonds, WA  
21 98020. Craig Reimer Custom Homes, LLC was founded by northwest native, Craig Reimer, and  
22 builds custom and spec homes in the Tumble Creek and Suncadia communities in Cle Elum,  
23 Washington.

24 9. Petitioner Energy Saving Products, Inc. is a foreign profit corporation with its  
25 principle office address at 10400 SW Tualatin Rd., Tualatin, OR, 97062. Energy Saving Products,  
26 Inc. was founded in 1938, and is a wholesale distributor of gas and electric HVAC equipment used  
27 in commercial buildings throughout Washington.

1           10.     Petitioner Kyle Fox is an individual landowner and prospective building applicant  
2 residing in the state of Washington.

3           11.     Petitioner Lombardi’s Restaurant Group, LLC is a Washington limited liability  
4 company with its principle office address located at 2911 Bond St., Ste. 106, Everett, WA 98201.  
5 Lombardi’s Restaurant Group, LLC is a family-owned business founded in 1987 that specializes  
6 in Italian cuisine in Bellingham, Everett, and Bothell, Washington.

7           12.     Petitioner New Tradition Homes is a Washington corporation with its principle  
8 office address located at 11815 NE 113<sup>th</sup> St., Ste. 106, Vancouver, WA, 98662. New Tradition  
9 Homes was founded in 1987, and builds and designs homes in the tri-cities region of Washington.

10          13.     Petitioner Newport West, LLC is a Washington limited liability company with its  
11 principle office address located at 4958 126<sup>th</sup> Pl. SE, Bellevue, WA 98006. Newport West, LLC  
12 builds homes and has offered Washingtonians vision, advice, and management skills necessary for  
13 homebuilding requirements for over forty years.

14          14.     Petitioner Northwest Hearth, Patio & Barbecue Association (NWPBA) is a  
15 Washington nonprofit corporation with its principle office address located at 5727 Baker Way  
16 NW, Ste. 200, Gig Harbor, WA 98332. NWPBA is a trade association representing and  
17 promoting the interests of the hearth and barbecue products industry in the states of Washington,  
18 Idaho, Montana and Alaska. The Association includes manufacturers, retailers, distributors,  
19 manufacturers' representatives, service and installation firms, and other companies and  
20 individuals—all having business interests in and related to the hearth, patio, and barbecue products  
21 industry.

22          15.     Petitioner Northwest HVAC/R Association & Training Center is a Washington  
23 nonprofit corporation with its principle office address located at 204 E Nora Ave., Spokane, WA  
24 99207. Northwest HVAC/R Association & Training Center provides education and training,  
25 promoting the highest standards of workmanship, to improve the quality of installation and service  
26 on HVAC, gas, and refrigeration equipment since 1955.

1           16.     Petitioner Pacific Propane Gas Association (PPGA) is a Washington nonprofit  
2 corporation with its principle office address located at 629 W Hillsdale St., Lansing, MI 48933.  
3 The PPGA represents propane marketers, suppliers and equipment manufacturers across  
4 Washington State. PPGA members provide clean-burning and critical energy to agricultural,  
5 commercial, industrial, and residential customers in Washington State.

6           17.     Petitioner Red Flannel Construction Co., LLC is a Washington limited liability  
7 company with its principle office address located at 41 NE Midway Blvd., Ste. 105, Oak Harbor,  
8 WA 98277. Red Flannel Construction is a small residential remodel company dedicated to  
9 completing quality home improvement for the residents of Whidbey Island and the San Juan  
10 Islands.

11           18.     Petitioner Soundbuild Homes is a Washington limited liability company with its  
12 principle office address located at 12815 Canyon Rd. E, Ste. M, Puyallup, WA 98373. Soundbuilt  
13 Homes was founded in 1980, and is a locally owned and operated company that has been building  
14 homes in Washington for more than forty years.

15           19.     Petitioner Tenhulzen Residential, LLC is a Washington limited liability company  
16 with its principle office address located at 14701 148<sup>th</sup> Ave. NE, Ste 300, Woodinville, WA 98072.

17           20.     Petitioner Tenhulzen Construction, LLC is a Washington limited liability company  
18 with its principle office address located at 14701 148<sup>th</sup> Ave, NE, Woodinville, WA 98072.  
19 Together, Tenhulzen Residential, LLC and Tenhulzen Construction, LLC specialize in designing,  
20 building, and remodeling home in Seattle's Eastside cities and the unincorporated King County  
21 area.

22           21.     Petitioner Town and Country Homes, LLC is a Washington limited liability  
23 company with its principle office address located at 1901B E Sanders Rd., Ellensburg, WA 98926.  
24 Town and Country Homes, LLC is a third-generation home building company.

25           22.     Petitioner Wallace Properties – Bellevue North, LLC is a Washington limited  
26 liability company with its principle office address located at 330 112<sup>th</sup> Ave NE, Ste. 200, Bellevue,  
27 WA 98004. Wallace Properties develops properties throughout the Puget Sound region.

1           23.     Petitioner Washington Business Properties Association (WBPA) is a Washington  
2 nonprofit corporation with its principle office address located at 123 Fir St. NE #221, Olympia,  
3 WA 98506. The WBPA is the broadest coalition of business and professional associations focused  
4 on commercial, residential, and retail real estate and property rights issues in Washington State.

5           24.     Collectively, Petitioners are residents across the state of Washington, businesses  
6 engaged in the building and construction industries, broad-reaching trade organizations, and union  
7 representatives who are greatly concerned with and will be harmed by the widespread and  
8 detrimental revisions to the State Building Code, Residential and Commercial Energy Codes, and  
9 the Wildland Urban Interface Code adopted by the Washington State Building Code Council via  
10 rulemaking.

11           25.     Respondent Washington State Building Code Council (“SBCC” or “the Council”)  
12 is a subagency of the Department of Enterprise Services of the State of Washington with its office  
13 located at 1500 Jefferson Street SE, Olympia, WA 98501. The SBCC is made up of 15  
14 gubernatorial appointed voting members with collective responsibility to establish the minimum  
15 building, mechanical, fire, plumbing, and energy code requirements for the State.

16   **II. JURISDICTION AND VENUE**

17           26.     This Court has authority to review the validity of the Council’s rules and to grant  
18 declaratory relief upon a petition for declaratory judgment under RCW 34.05.570(2)(b)(i).

19           27.     Jurisdiction and venue are proper under article IV, section 6 of the Washington  
20 Constitution, RCW 2.08.010, RCW 34.05.514(1)(a), and RCW 34.05.570(2)(b)(i).

21   **III. STATEMENT OF FACTS**

22 **A.     Background**

23           28.     The Washington State Legislature adopted the State Building Code Act (the SBCA  
24 or “the Act”) to provide a mechanism for uniform building codes throughout the state. Codes  
25 adopted under the Act must, among other requirements, be “consistent with accepted standards;”  
26 “permit the use of modern technical methods, devices and improvements;” “eliminate restrictive,  
27 obsolete, conflicting, duplicating, and unnecessary regulations and requirements which could

1 unnecessarily increase construction costs or retard the use of new materials and methods of  
2 installation or provide unwarranted preferential treatment to types or classes of materials or  
3 products or methods of construction.” RCW 19.27.020.

4 29. The State Building Code consists of multiple parts including the International  
5 Building Code, the International Residential Code, and “Portions of the International Wildland  
6 Urban Interface Code.” RCW 19.27.031.

7 30. The Legislature granted the Council authority to adopt, maintain, and amend the  
8 State Building Code via rulemaking, so long as the Code remains “consistent with the State’s  
9 interest as set forth in RCW 19.27.020.” RCW 19.27.074(1)(a).

10 31. Actions taken by the Council to adopt or amend the State Building Code must be  
11 taken pursuant to the Administrative Procedure Act, RCW 34.05. RCW 19.27.074

12 32. The Legislature established the Washington State Energy Code, which is to be “the  
13 maximum and minimum energy code” for residential and nonresidential buildings in the State.  
14 RCW 19.27A.015.

15 33. The Legislature also granted the Council authority to adopt rules for the State  
16 Energy Code “follow[ing] the legislature’s standards.” RCW 19.27A.020(2).

17 34. The Energy Code must be designed, in relevant part, to “require new buildings to  
18 meet a certain level of energy efficiency, but allow flexibility in design, construction, and heating  
19 equipment efficiencies within that framework.” RCW 19.27A.020(2)(b).

20 35. Energy Code provisions for commercial buildings must “increase the energy  
21 efficiency of typical newly constructed nonresidential buildings” but also “must be technically  
22 feasible, commercially available, and developed to yield the lowest overall cost to the building  
23 owner and occupant” while meeting state energy reduction goals. RCW 19.27A.025.

24 36. Energy Code provisions for residential structures must increase the energy of newly  
25 constructed residential buildings, while at the same time satisfy the legislative standards of  
26 allowing flexibility in design, construction and heating equipment. RCW 19.27A.045.

1 **B. Washington State Building Code Council Adopts Rules To Ban Natural Gas in**  
2 **Residential and Commercial Structures**

3 37. In 2021, Governor Jay Inslee introduced legislation, House Bill 1084, that would  
4 have required the 2027 State Energy Code to eliminate natural gas infrastructure for space and  
5 water heating in new residential and commercial construction and required elimination of natural  
6 gas systems when construction is undertaken on existing buildings. The bill did not pass the  
7 Washington State Legislature.

8 38. In 2022, Governor Jay Inslee introduced legislation, House Bill 1770, that would  
9 have required the Energy Code to include specific standards for net energy consumption in  
10 residential and commercial buildings. House Bill 1770 would also have granted the State Building  
11 Code Council authority to adopt code provisions that define and include net-zero energy  
12 consumption measures and to achieve the legislatively-defined reductions in energy consumption  
13 and greenhouse gas emissions. The bill did not pass the Washington State Legislature.

14 39. The State Building Code Council, which is made up of Governor-appointed  
15 members, proceeded to adopt amendments to the State’s Building and Energy Codes in 2022,  
16 promulgating these same legislative measures despite having no legislative authority to do so.

17 **C. Washington State Energy Code, Residential Provisions**

18 40. On August 23, 2022, the SBCC filed proposal WSR 22-17-149, to amend the  
19 Energy Code Residential provisions to require, among other changes, that residential space heating  
20 and service hot water be provided by a heat pump system. *See* 21-GP1-065, -066.

21 41. On January 3, 2023, after modifying its original proposal, the Council adopted  
22 permanent changes to the Energy Code-Residential by a vote of 9 to 5. *See* WSR 22-02-060. The  
23 Council cited RCW 19.27A.020, 19.27A.045, 19.27A.160, and 19.27A, generally as authorities  
24 for this adoption. The rules codified the requirements that residential space heating and service hot  
25 water be provided by a heat pump system.

26 42. Effective July 1, 2023, WAC 51-11R-40392 Section R403.13 states that “space  
27 heating shall be provided by a heat pump system.” *See* WSR 22-02-060.



1           43.     Effective July 1, 2023, WAC 51-11R-40340 Section R403.5.7 states that “service  
2 hot water in one- and two-family dwellings and multiple single-family dwellings (townhouses)  
3 shall be provided by a heat pump system.” *See* WSR 22-02-060.

4           44.     The Council’s rules effectively eliminate all but electric heating for both residential  
5 interiors and water due to the lack of commercially available natural gas heat pumps. This imposed  
6 requirement exceeds the statutory authority of the Council. To the extent that RCW 19.27 or  
7 19.27A permit the SBCC to legislate such prohibitions, it is an unconstitutional delegation of  
8 authority by the Legislature. The State Building Code Council also arbitrarily and capriciously  
9 adopted the rules in contravention of the agency’s mandated requirements to consider and impose  
10 Codes that are consistent with accepted standards, permit use of modern technical methods and  
11 devices, and eliminate restrictive and unnecessary regulations that increase construction costs or  
12 retard the use of new materials.

13           45.     Composed of a broad group of individuals, businesses, trade organizations, and  
14 unions in Washington state, the Petitioners are adversely affected by the Council’s promulgation  
15 of WAC 51-11R-40392 Section R403 and WAC 51-11R-40340 Section R403.5.7. These  
16 regulations effectively eliminate natural gas or propane use in the home; interfere with commercial  
17 and consumer energy choice; unnecessarily increase the cost of homebuilding, ownership, and  
18 maintenance; impair commerce; and jeopardize the jobs and livelihoods of thousands in the trade  
19 industry.

20 **D.     Washington State Energy Code, Commercial Provisions**

21           46.     On January 5, 2022, the Council filed proposal WSR 22-02-076. As part of this  
22 proposal, the Council contemplated amending the Washington State Energy Code Commercial  
23 Provisions to ban HVAC heating energy provided by fossil fuel combustion and impose a  
24 prohibition on all but electric air-source heat pumps.

25           47.     On July 1, 2022, after modifying its initial proposal, the Council adopted permanent  
26 changes to the Energy Code Commercial Provisions by a vote of 11 to 3. *See* WSR 22-14-091.  
27 The Council cited RCW 19.27, 19.27A, 19.27A.020, 19.27A.025, 19.27A.160 as authorities for

1 this adoption. The rules codified the ban on HVAC heating energy provided by fossil fuel  
2 combustion and the prohibition of all but electric air-source heat pumps with only few exceptions.

3 48. Effective July 1, 2023, WAC 51-11C-40314 Section 403.1.4 states that “HVAC  
4 heating energy shall not be provided by electrical resistance or fossil fuel combustion appliances.”  
5 *See* WSR 22-14-091.

6 49. Effective July 1, 2023, WAC 51-11C-40402 Section 404.2.1 states that “service hot  
7 water shall be provided by an electric air-source heat pump water heating . . . system meeting the  
8 requirements of this section.” *See* WSR 22-14-091.

9 50. The Council’s sweeping prohibition on HVAC heating energy provided by fossil  
10 fuel combustion appliances and the prohibition of all but electric air-source heat pump water  
11 heating in commercial buildings exceeds the statutory authority of the agency. The rules allow no  
12 flexibility in design, construction, and effectively eliminate available heating equipment  
13 efficiencies. Furthermore, the rules will have the effect of increasing the cost of constructing and  
14 maintaining commercial buildings, which include multifamily complexes, and will not yield the  
15 lowest overall cost to the building owner or occupants as statutorily required. To the extent that  
16 RCW 19.27 or 19.27A permit the SBCC to legislate these prohibitions, it is an unconstitutional  
17 delegation of authority by the Legislature. The Council’s adoption of these rules also constitutes  
18 arbitrary and capricious agency action.

19 51. Composed of a broad group of individuals, businesses, trade organizations, and  
20 unions in Washington state, the Petitioners are adversely affected by the Council’s promulgation  
21 of WAC 51-11C-40314 Section C403.1.4 and WAC 51-11C-40402 Section 404.2.1. These  
22 regulations effectively eliminate natural gas or propane use in commercial buildings and  
23 multifamily complexes; interfere with commercial and consumer energy choice; increases the cost  
24 of construction, ownership, and maintenance of commercial buildings; unnecessarily and  
25 detrimentally increase the cost of multifamily housing; impair manufacturing and commerce of  
26 specific products; and jeopardize the jobs and livelihoods of thousands in the trade industry.

1 **E. Washington Wildland – Urban Interface Code**

2 52. RCW 19.27.031 requires, in part, that the Council adopt “portions of the  
3 International Wildland Urban Interface Code, published by the International Code Council Inc., as  
4 set forth in RCW 19.27.560.

5 53. RCW 19.27.560 enumerates specific provisions of the 2018 International Wildland  
6 Urban Interface Code that the Council “shall, upon the completion of statewide mapping of  
7 wildland urban interface areas” adopt.

8 54. On August 23, 2022, the Council filed proposal WSR 22-17-150. As part of this  
9 proposal, the Council contemplated adoption of portions of the Wildland Urban Interface Code  
10 beyond those contemplated by RCW 19.27.560.

11 55. On January 3, 2023, the Council adopted the 2021 Washington Wildland – Urban  
12 Interface Code, which included portions of the Wildland Urban Interface Code beyond those stated  
13 by RCW 19.27.560. *See* WSR 23-02-056. The Council cited RCW 19.27.031, 19.27.074, and  
14 19.27.560 as authorities for this adoption.

15 56. Effective July 1, 2023, WAC 51-55 implements drastic changes to building  
16 requirements in Washington State. *See* WSR 23-02-056.

17 57. The Council’s adoption of WAC 51-55 exceeds the statutory authority granted to  
18 the agency by RCW 19.27.560. The Council’s adoption of this chapter was also arbitrary and  
19 capricious agency action.

20 58. Composed of a broad group of residents, businesses, trade organizations, and  
21 unions in Washington state, the Petitioners are adversely affected by the Council’s promulgation  
22 of the Wildland Urban Interface Code beyond those contemplated by RCW 19.27.560.

23 **F. State Building Code**

24 59. On August 23, 2022, the Council filed proposal WSR 22-17-148. As part of this  
25 proposal, the Council contemplated requiring a minimum of one 40-ampere dedicated 208/240-  
26 volt branch circuit installed in the electrical panel for each dwelling unit. This requirement would  
27 be for dwelling units with attached private garages or attached private carports. In other words, the

1 proposal requires that each garage or carport be installed with the means to charge an electric  
2 vehicle.

3 60. On January 3, 2023, after modifying its initial proposal, the Council adopted  
4 permanent changes to the State Building Code. *See* WSR 23-02-058. The Council cited RCW  
5 19.27.031 and 19.27.074 as authorities for this adoption. The changes codified the required  
6 minimum of one 40-ampere dedicated 208/240-volt branch circuit installed in the electrical panel  
7 for each dwelling unit. This requirement would be for dwelling units with attached private garages  
8 or attached private carports.

9 61. Effective July 1, 2023, WAC 51-51-0309 Section R309.6.2 states that “a minimum  
10 of one 40-ampere dedicated 208/240-volt branch circuit shall be installed in the electric panel for  
11 each dwelling unit . . .” *See* WSR 23-02-058.

12 62. The Council’s requirement that all newly-constructed dwelling units with attached  
13 private garages or attached private carports have a circuit for electric vehicle charging exceeds the  
14 statutory authority granted to the agency by RCW 19.27. Adoption of this requirement was also  
15 arbitrary and capricious in that it adds unnecessary costs to the construction of residential homes  
16 and imposes policy requirements rather than necessary building standards.

17 **IV. CAUSES FOR DECLARATORY RELIEF**

18 63. Petitioners incorporate by reference the allegations contained in paragraphs 1  
19 through 62 of this Petition, as though fully set forth below.

20 64. Petitioners seek judicial review of the Washington State Energy Code Residential  
21 Provision as amended by WSR 22-02-060, the Washington State Energy Code Commercial  
22 Provision as amended by WSR 22-14-091, the Washington Wildland Urban Interface Code as  
23 implemented by WSR 23-02-056, and the State Building Code as amended by WSR 23-02-058.  
24 effective July 1, 2023.

25 65. The Court may declare an agency rule invalid if “the rule violates constitutional  
26 provisions; the rule exceeds the statutory authority of the agency; the rule was adopted without  
27

1 compliance with the statutory rule-making procedures; or the rule is arbitrary and capricious.”  
2 RCW 34.05.570(2)(c).

3 66. The State Building Code Council exceeded its statutory authority under both RCW  
4 19.27 and RCW 19.27A when it adopted the amendments to each of the Code provisions as  
5 discussed above.

6 67. To the extent that RCW 19.27 or 19.27A permit the State Building Code Council  
7 to legislate the prohibition of natural gas use in commercial and residential buildings, it is an  
8 unconstitutional delegation of authority by the Legislature under article II, section 1 of the  
9 Washington Constitution.

10 68. The Council adopted the Code provisions without compliance to the statutory rule-  
11 making procedures set forth in RCW 34.05.310 through .395.

12 69. The State Building Code Council’s adoption of the Code provisions impose broad  
13 prohibitions on the use of fossil fuel combustion appliances for HVAC heating, restrict all but  
14 electric air-source heat pump water heating, and demand unnecessary costs across a state-wide  
15 residential and commercial market. The Council adopted these Code provisions without regard to  
16 the attending facts or circumstances of the costs imposed on homeowners, workers, businesses,  
17 developers, and myriad others across the state.

18 **V. PRAYER FOR RELIEF**

19 1. Declare invalid State Building Code Council’s amendments to the Washington  
20 State Energy Code Residential Provision as amended by WSR 22-02-060, the Washington State  
21 Energy Code Commercial Provision as amended by WSR 22-14-091, the Washington Wildland  
22 Urban Interface Code as implemented by WSR 23-02-056, and the State Building Code as  
23 amended by WSR 23-02-058, effective July 1, 2023.

24 2. Award the Petitioners their costs and expenses, including reasonable attorneys’  
25 fees, as allowed under RCW 4.84.350; and

26 3. Order such other and further relief as this Court deems just and equitable.  
27

1 DATED: February 28, 2023

2 LANE POWELL PC

3  
4 By: 

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6 Jesse Miles, WSBA No. 58096

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