



Building Industry Association of Washington
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August 19, 2026

Governor Bob Ferguson
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002

Re: Emergency Proclamation 26-03

Dear Governor Ferguson:

Your emergency proclamation recognizes that rebuilding may be delayed by existing regulations by directing state agencies to identify GMA, SEPA, SMA and building and energy code requirements that should be waived or suspended to avoid hindering or delaying recovery. The Building Industry Association of Washington (“BIAW”) represents Washington’s residential construction industry, including the builders, remodelers, and suppliers, working to restore homes and communities following the Spokane Complex fires. BIAW recommends targeted regulatory waivers and suspensions to create a practical path for replacing what was lost without months or years of unnecessary delay.

Growth Management Act

While your proclamation 26-03 is in effect, the urgent need for housing must outweigh the state's environmental goals under the GMA. First, jurisdictions planning under the GMA should allow projects replacing a lawfully existing structure damaged and destroyed by the fires to be vested to the zoning and land use ordinances in existence prior to the loss. Second, jurisdictions should allow residential development at the same density as neighboring residential parcels and permit connections to available urban services. Third, jurisdictions should immediately permit the building of middle housing in residential zones under RCW 36.70A.536 regardless of whether a pertinent ordinance has been adopted and implemented. Fourth, climate change and resiliency requirements of the GMA, namely additions to any jurisdictions’ comprehensive plans pursuant to ESSHB 1181, should be suspended. Fifth, jurisdictions should apply unit lot subdivisions in short plat approval regardless of comprehensive plan adoption. Sixth, jurisdictions should expedite application of an integrated and consolidated project permit process pursuant to RCW 36.70B. Moreover, jurisdictions should give priority review to building projects responding to Spokane-area wildfire loss. Finally, any penalties or sanctions under RCW 36.70A.340-345 should be waived to encourage flexibility in GMA requirements.

State Environmental Policy Act

All parties interested in SEPA review on a recovery project should be involved in the initial stages of review with no opportunity for last minute objection delaying the permitting process. Moreover, jurisdictions should liberally construe projects exempted from SEPA review, such as lot splitting. If a parcel can reasonably be divided into multiple lots, jurisdictions should make every effort to permit division.

Shoreline Management Act

Jurisdictions must strictly adhere to the best available science standard in applying Shoreline Master Program requirements to fire rebuilding projects. Oftentimes, jurisdictions require arbitrary mitigation and setbacks that lead to less buildable land and conflict between builders, homeowners, and government. Any requirements of jurisdictional Shoreline Master Programs should be amended as necessary to allow for maximum development while legitimately protecting shorelines pursuant to best available science.

State Building and Energy Codes

Many homes that have been destroyed by wildfires in Eastern WA were built before the 21st century. Also, many of the affected homeowners are underinsured and have policies that do not cover the increased cost of construction from building codes. For these reasons, rebuilding to current building code requirements will make rebuilding prohibitively expensive for wildfire victims. We ask that for projects that repair, restore, demolish, or replace residential structures or facilities that were substantially damaged or destroyed as a result of the wildfires, you suspend the 2021 Washington State Energy Codes (“WSEC”) provided that projects instead comply with either the 2006 WSEC or the 2015 WSEC; the code that is closer to the vesting of the original structure shall apply. This accommodation will ensure that home restorations or replacements will still have cost-effective energy efficiency requirements without facing the full costs of complying with the 2021 WSEC or making discouraging like-for-like equipment replacement.

Additionally, local jurisdictions should be directed to create expedited plan review, including same-day or 72-hour review for like-for-like rebuilds on existing foundations or previously approved building pads; over-the-counter permits for minor repairs, utility reconnections, decks, garages, and damaged accessory structures; concurrent rather than sequential review by building, fire, planning, health, and utility departments; temporary third-party plan review when jurisdictions lack capacity; standard engineering details for foundations, roof assemblies, fire-resistant exterior materials, and defensible-space improvements; and priority inspection for households that lost their primary residence.

Thank you for your leadership and dedication to the recovery and rebuilding of Spokane. As the state moves forward in responding to this disaster, BIAW urges your administration to take full advantage of available emergency authorities to suspend or streamline regulations that may unnecessarily delay reconstruction efforts. Our members are committed to being part of the

solution and stand ready to work alongside state and local leaders to help restore homes, businesses, and communities. We appreciate your consideration of these recommendations and look forward to partnering with your administration to support an efficient and successful recovery for the people of Spokane.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Lane', followed by a long horizontal flourish.

Greg Lane, Executive Vice President, BIAW