

SHB 2168 - H AMD 801

By Representative Blake

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that there is a  
4 growing need for ecologically sustainable and affordable housing, and  
5 small home construction is a way to meet this need. The legislature  
6 also finds that minimum room area and floor area square footage  
7 requirements that do not further fire, life safety, or environmental  
8 purposes, objectives, or standards prevent construction of such small  
9 homes. It is the intent of the legislature that state and local  
10 regulations of any minimum room area or floor area square footage for  
11 single-family residential buildings may not completely prohibit the  
12 construction of small homes statewide and within each city or county.

13 **Sec. 2.** RCW 19.27.060 and 2002 c 135 s 1 are each amended to read  
14 as follows:

15 (1) The governing bodies of counties and cities may amend the codes  
16 enumerated in RCW 19.27.031 as amended and adopted by the state  
17 building code council as they apply within their respective  
18 jurisdictions, but the amendments shall not result in a code that is  
19 less than the minimum performance standards and objectives contained in  
20 the state building code.

21 (a) No amendment to a code enumerated in RCW 19.27.031 as amended  
22 and adopted by the state building code council that affects single-  
23 family or multifamily residential buildings shall be effective unless  
24 the amendment is approved by the building code council under RCW  
25 19.27.074(1)(b).

26 (b) Any county or city amendment to a code enumerated in RCW  
27 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to  
28 be effective after any action is taken under RCW 19.27.074(1)(a)  
29 without necessity of reapproval under RCW 19.27.074(1)(b) unless the

1 amendment is declared null and void by the council at the time any  
2 action is taken under RCW 19.27.074(1)(a) because such action in any  
3 way altered the impact of the amendment.

4 (c) No county or city amendment may require minimum room area or  
5 floor area square footage without including a reasonable exception for  
6 single-family residential buildings.

7 (2) Except as permitted or provided otherwise under this section,  
8 the state building code shall be applicable to all buildings and  
9 structures including those owned by the state or by any governmental  
10 subdivision or unit of local government.

11 (3) The governing body of each county or city may limit the  
12 application of any portion of the state building code to exclude  
13 specified classes or types of buildings or structures according to use  
14 other than single-family or multifamily residential buildings.  
15 However, in no event shall fruits or vegetables of the tree or vine  
16 stored in buildings or warehouses constitute combustible stock for the  
17 purposes of application of the uniform fire code. A governing body of  
18 a county or city may inspect facilities used for temporary storage and  
19 processing of agricultural commodities.

20 (4) The provisions of this chapter shall not apply to any building  
21 four or more stories high with a B occupancy as defined by the uniform  
22 building code, 1982 edition, and with a city fire insurance rating of  
23 1, 2, or 3 as defined by a recognized fire rating bureau or  
24 organization.

25 (5) No provision of the uniform fire code concerning roadways shall  
26 be part of the state building code: PROVIDED, That this subsection  
27 shall not limit the authority of a county or city to adopt street,  
28 road, or access standards.

29 (6) The provisions of the state building code may be preempted by  
30 any city or county to the extent that the code provisions relating to  
31 the installation or use of sprinklers in jail cells conflict with the  
32 secure and humane operation of jails.

33 (7)(a) Effective one year after July 23, 1989, the governing bodies  
34 of counties and cities may adopt an ordinance or resolution to exempt  
35 from permit requirements certain construction or alteration of either  
36 group R, division 3, or group M, division 1 occupancies, or both, as  
37 defined in the uniform building code, 1988 edition, for which the total  
38 cost of fair market value of the construction or alteration does not

1 exceed fifteen hundred dollars. The permit exemption shall not  
2 otherwise exempt the construction or alteration from the substantive  
3 standards of the codes enumerated in RCW 19.27.031, as amended and  
4 maintained by the state building code council under RCW 19.27.070.

5 (b) Prior to July 23, 1989, the state building code council shall  
6 adopt by rule, guidelines exempting from permit requirements certain  
7 construction and alteration activities under (a) of this subsection.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.27 RCW  
9 to read as follows:

10 By December 1, 2014, the building code council shall adopt rules  
11 that eliminate any minimum room area or floor area square footage  
12 requirements for single-family residences. The building code council  
13 may make any limited exception to such rules only if it determines that  
14 the regulation of minimum room area or floor area square footage is  
15 necessary for a fire, life safety, or environmental purpose.

16 **Sec. 4.** RCW 35.63.080 and 1979 ex.s. c 170 s 4 are each amended to  
17 read as follows:

18 (1) The council or board may provide for the preparation by its  
19 commission and the adoption and enforcement of coordinated plans for  
20 the physical development of the municipality. For this purpose the  
21 council or board, in such measure as is deemed reasonably necessary or  
22 requisite in the interest of health, safety, morals, and the general  
23 welfare, upon recommendation by its commission, by general ordinances  
24 of the city or general resolution of the board, may do the following:

25 (a) Regulate and restrict:

26 (i) The location and the use of buildings, structures, and land for  
27 residence, trade, industrial, and other purposes;

28 (ii) The height, number of stories, size, construction and design  
29 of buildings and other structures, except any minimum room area or  
30 floor area square footage requirement must include a reasonable  
31 exception for single-family residential buildings;

32 (iii) The size of yards, courts, and other open spaces on the lot  
33 or tract;

34 (iv) The density of population;

35 (v) The set-back of buildings along highways, parks, or public  
36 water frontages; and

1        (vi) The subdivision and development of land; and ~~((may))~~

2        (b) Encourage and protect access to direct sunlight for solar  
3 energy systems.

4        (2) A council where such ordinances are in effect, may, on the  
5 recommendation of its commission provide for the appointment of a board  
6 of adjustment, to make, in appropriate cases and subject to appropriate  
7 conditions and safeguards established by ordinance, special exceptions  
8 in harmony with the general purposes and intent and in accordance with  
9 general or specific rules therein contained.

10        **Sec. 5.** RCW 35A.63.100 and 1979 ex.s. c 170 s 8 are each amended  
11 to read as follows:

12        After approval of the comprehensive plan, as set forth above, the  
13 legislative body, in developing the municipality and in regulating the  
14 use of land, may implement or give effect to the comprehensive plan or  
15 parts thereof by ordinance or other action to such extent as the  
16 legislative body deems necessary or appropriate. Such ordinances or  
17 other action may provide for:

18        (1) Adoption of an official map and regulations relating thereto  
19 designating locations and requirements for one or more of the  
20 following: Streets, parks, public buildings, and other public  
21 facilities, and protecting such sites against encroachment by buildings  
22 and other physical structures.

23        (2) Dividing the municipality, or portions thereof, into  
24 appropriate zones within which specific standards, requirements, and  
25 conditions may be provided for regulating: The use of public and  
26 private land, buildings, and structures(~~(, and)~~); the location, height,  
27 bulk, number of stories, and size of buildings and structures, except  
28 any minimum room area or floor area square footage requirement must  
29 include a reasonable exception for single-family residential buildings;  
30 size of yards, courts, and open spaces(~~(, )~~); density of  
31 population(~~(, )~~); ratio of land area to the area of buildings and  
32 structures(~~(, )~~); setbacks(~~(, )~~); area required for off-street  
33 parking(~~(, )~~); protection of access to direct sunlight for solar energy  
34 systems(~~(, )~~); and such other standards, requirements, regulations, and  
35 procedures as are appropriately related thereto. The ordinance  
36 encompassing the matters of this subsection is hereinafter called the  
37 "zoning ordinance". No zoning ordinance, or amendment thereto, shall

1 be enacted by the legislative body without at least one public hearing,  
2 notice of which shall be given as set forth in RCW 35A.63.070. Such  
3 hearing may be held before the planning agency or the board of  
4 adjustment or such other body as the legislative body shall designate.

5 (3) Adoption of design standards, requirements, regulations, and  
6 procedures for the subdivision of land into two or more parcels,  
7 including, but not limited to, the approval of plats, dedications,  
8 acquisitions, improvements, and reservation of sites for public use.

9 (4) Scheduling public improvements on the basis of recommended  
10 priorities over a period of years, subject to periodic review.

11 (5) Such other matters as may be otherwise authorized by law or as  
12 the legislative body deems necessary or appropriate to effectuate the  
13 goals and objectives of the comprehensive plan or parts thereof and the  
14 purposes of this chapter.

15 **Sec. 6.** RCW 36.43.010 and 1963 c 4 s 36.43.010 are each amended to  
16 read as follows:

17 (1) The boards of county commissioners may adopt standard building  
18 codes and standard fire regulations to be applied within their  
19 respective jurisdictions.

20 (2) Standard building codes adopted by boards of county  
21 commissioners may not require minimum room area or floor area square  
22 footage without including a reasonable exception for single-family  
23 residential buildings.

24 **Sec. 7.** RCW 36.70.750 and 1963 c 4 s 36.70.750 are each amended to  
25 read as follows:

26 Any board, by ordinance, may establish classifications, within each  
27 of which, specific controls are identified, and which will:

28 (1) Regulate the use of buildings, structures, and land as between  
29 agriculture, industry, business, residence, and other purposes;

30 (2) Regulate location, height, bulk, number of stories, and size of  
31 buildings and structures, except any minimum room area or floor area  
32 square footage requirement must include a reasonable exception for  
33 single-family residential buildings; the size of yards, courts, and  
34 other open spaces; the density of population; the percentage of a lot  
35 which may be occupied by buildings and structures; and the area

1 required to provide off-street facilities for the parking of motor  
2 vehicles.

3 NEW SECTION. **Sec. 8.** A new section is added to chapter 64.38 RCW  
4 to read as follows:

5 Any exception for single-family residential buildings from minimum  
6 room area or floor area square footage requirements, as provided under  
7 RCW 35.63.080, 35A.63.100, 36.43.010, and 36.70.750, may not be used to  
8 restrict or limit the governing documents of any association."

9 Correct the title.

EFFECT: Requires cities and counties that set minimum room and  
floor area regulations to include reasonable exceptions for single-  
family residential buildings, instead of totally prohibiting cities and  
counties from adopting any minimum room and floor area regulations.

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