

# HOUSE BILL REPORT

## HB 2168

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**As Reported by House Committee On:**  
Community Development, Housing & Tribal Affairs

**Title:** An act relating to regulations requiring minimum room area or floor area square footage of single-family residential buildings.

**Brief Description:** Concerning minimum room area and floor area square footage requirements for single-family residential areas.

**Sponsors:** Representatives Blake, Fitzgibbon and Sawyer.

**Brief History:**

**Committee Activity:**

Community Development, Housing & Tribal Affairs: 1/21/14, 1/28/14 [DPS].

**Brief Summary of Substitute Bill**

- Exempts minimum room area requirements from the State Building Code.
- Prohibits cities and counties from regulating or restricting minimum room or floor area requirements for single-family residential buildings, unless necessary for fire, life safety, or environmental purposes.

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**HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS**

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Appleton, Chair; Sawyer, Vice Chair; Johnson, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Gregerson, Hope, Robinson, Santos and Young.

**Staff:** Sean Flynn (786-7124).

**Background:**

The State Building Code.

The State Building Code (SBC) provides a set of statewide standards and requirements related to building construction. The SBC is comprised of various international model codes,

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including building, residential, fire, and plumbing codes (model codes) adopted by reference by the Legislature. The model codes are promulgated by the International Code Council.

The State Building Code Council (SBCC) consists of local government officials as well as building industry and public representatives. The SBCC is responsible for adopting, amending, and maintaining the SBC. The SBCC must regularly review updated versions of the model codes and adopt a process for reviewing proposed statewide and local amendments. The model codes are updated and published every three years. The next updated model codes will be published in 2015.

The International Residential Code (IRC), is one of the model codes adopted by the Legislature. The IRC creates minimum standards for one or two family dwellings. The current version of the IRC contains certain minimum floor space requirements, including:

- every dwelling must include at least one habitable room no less than 120 square feet;
- other rooms must have a floor area at least 70 square feet (except for kitchens); and
- any habitable room must be at least 7 feet wide (except for kitchens).

Cities and counties may amend the SBC as applied within their jurisdiction, except that amendments may not be below minimum performance standards and no amendment affecting single or multi-family residential buildings may be effective until approved by the SBCC.

#### Local Development Regulations.

Cities and counties engaging in comprehensive planning may enact ordinances regulating the use of land and zoning certain development and activities. Such regulations generally may include: the location of buildings for residence, industry, trade, and other purposes; the height, construction, and design of buildings and structures; the size of yards, open spaces, lots, and tracts; the density of population; the set-back of buildings; and the subdivision and development of land.

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#### **Summary of Substitute Bill:**

The SBCC must adopt rules by December 1, 2014, that eliminate any minimum room area or floor area square footage requirements for single-family residences, except if necessary for a fire, life safety, or environmental purpose.

Local governments may not amend the SBC to require a minimum room area or floor area square footage, unless necessary for fire, life safety, or environmental purposes.

Cities and counties may not regulate or restrict the minimum room area or floor area square footage for single-family residential buildings through a comprehensive plan, unless necessary for fire, life safety, or environmental purposes. The prohibition on cities and counties from requiring any minimum room area or floor area square footage does not apply to the governing documents of any homeowners association.

#### **Substitute Bill Compared to Original Bill:**

The SBCC is directed to adopt rules to eliminate the room area requirements, rather than directly amending the SBC in statute. It is clarified that the restrictions on local governments from requiring minimum room area or floor area square footage for single residence homes do not apply to the governing documents of a homeowner association.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Micro-house innovations should be encouraged. Some local ordinances include a 2,000-2,200 square footage minimum requirement. Over time, the average family size has shrunk while house sizes have increased. In the Housing Finance Commission first time homebuyer program for the last 30 years, the average homebuyer family has remained at approximately 2.1 people. This is partly a reflection of growing incomes. Larger, more expensive homes are not compatible with affordable housing. Forcing people to live in larger homes may not be suitable for certain lifestyles or incomes. Allowing local governments to regulate the size of homes tends to have a gentrifying effect on a community by eliminating possibilities for retirees, young persons, and low-income populations. Small homes can increase energy efficiency.

(In support with concerns) Applying the restriction statewide might not fit for some communities. A better option would be to allow permitting for small homes without restricting local government regulatory authority across the state.

(Opposed) None.

**Persons Testifying:** (In support) Representative Blake, prime sponsor; Kim Herman, Washington State Housing Finance Commission; and Jason Knott.

(In support with concerns) Carl Schroeder, Association of Washington Cities.

**Persons Signed In To Testify But Not Testifying:** None.