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**SUBSTITUTE HOUSE BILL 2168**

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**State of Washington**

**63rd Legislature**

**2014 Regular Session**

**By** House Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Blake, Fitzgibbon, and Sawyer)

READ FIRST TIME 01/30/14.

1           AN ACT Relating to regulations requiring minimum room area or floor  
2 area square footage of single-family residential buildings; amending  
3 RCW 19.27.060, 35.63.080, 35A.63.100, 36.43.010, and 36.70.750; adding  
4 a new section to chapter 19.27 RCW; adding a new section to chapter  
5 64.38 RCW; and creating a new section.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7           NEW SECTION.   **Sec. 1.** The legislature finds that there is a  
8 growing need for ecologically sustainable and affordable housing, and  
9 small home construction is a way to meet this need. The legislature  
10 also finds that minimum room area and floor area square footage  
11 requirements that do not further fire, life safety, or environmental  
12 purposes, objectives, or standards prevent construction of such small  
13 homes. It is the intent of the legislature that regulations adopted  
14 throughout the state may not require minimum room area or floor area  
15 square footage for single-family residential buildings, except as may  
16 be necessary to ensure that structures meet fire, life safety, or  
17 environmental standards.

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

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

9       (a) No amendment to a code enumerated in RCW 19.27.031 as amended  
10 and adopted by the state building code council that affects single-  
11 family or multifamily residential buildings shall be effective unless  
12 the amendment is approved by the building code council under RCW  
13 19.27.074(1)(b).

14       (b) Any county or city amendment to a code enumerated in RCW  
15 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to  
16 be effective after any action is taken under RCW 19.27.074(1)(a)  
17 without necessity of reapproval under RCW 19.27.074(1)(b) unless the  
18 amendment is declared null and void by the council at the time any  
19 action is taken under RCW 19.27.074(1)(a) because such action in any  
20 way altered the impact of the amendment.

21       (2) County or city amendments to the residential code enumerated in  
22 RCW 19.27.031(1)(b) may not require minimum room area or floor area  
23 square footage for a single-family residential building, unless such  
24 regulation is necessary for a fire, life safety, or environmental  
25 purpose.

26       (3) Except as permitted or provided otherwise under this section,  
27 the state building code shall be applicable to all buildings and  
28 structures including those owned by the state or by any governmental  
29 subdivision or unit of local government.

30       (~~(3)~~) (4) The governing body of each county or city may limit the  
31 application of any portion of the state building code to exclude  
32 specified classes or types of buildings or structures according to use  
33 other than single-family or multifamily residential buildings.  
34 However, in no event shall fruits or vegetables of the tree or vine  
35 stored in buildings or warehouses constitute combustible stock for the  
36 purposes of application of the uniform fire code. A governing body of  
37 a county or city may inspect facilities used for temporary storage and  
38 processing of agricultural commodities.

1        ~~((4))~~ (5) The provisions of this chapter shall not apply to any  
2 building four or more stories high with a B occupancy as defined by the  
3 uniform building code, 1982 edition, and with a city fire insurance  
4 rating of 1, 2, or 3 as defined by a recognized fire rating bureau or  
5 organization.

6        ~~((5))~~ (6) No provision of the uniform fire code concerning  
7 roadways shall be part of the state building code: PROVIDED, That this  
8 subsection shall not limit the authority of a county or city to adopt  
9 street, road, or access standards.

10       ~~((6))~~ (7) The provisions of the state building code may be  
11 preempted by any city or county to the extent that the code provisions  
12 relating to the installation or use of sprinklers in jail cells  
13 conflict with the secure and humane operation of jails.

14       ~~((7))~~ (8)(a) Effective one year after July 23, 1989, the  
15 governing bodies of counties and cities may adopt an ordinance or  
16 resolution to exempt from permit requirements certain construction or  
17 alteration of either group R, division 3, or group M, division 1  
18 occupancies, or both, as defined in the uniform building code, 1988  
19 edition, for which the total cost of fair market value of the  
20 construction or alteration does not exceed fifteen hundred dollars.  
21 The permit exemption shall not otherwise exempt the construction or  
22 alteration from the substantive standards of the codes enumerated in  
23 RCW 19.27.031, as amended and maintained by the state building code  
24 council under RCW 19.27.070.

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

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

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

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

3           (1) The council or board may provide for the preparation by its  
4 commission and the adoption and enforcement of coordinated plans for  
5 the physical development of the municipality. For this purpose the  
6 council or board, in such measure as is deemed reasonably necessary or  
7 requisite in the interest of health, safety, morals, and the general  
8 welfare, upon recommendation by its commission, by general ordinances  
9 of the city or general resolution of the board, may do the following:

10           (a) Regulate and restrict:

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

13           (ii) The height, number of stories, size, construction and design  
14 of buildings and other structures, except minimum room area or floor  
15 area square footage for a single-family residential building may not be  
16 regulated or restricted unless necessary for a fire, life safety, or  
17 environmental purpose;

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

20           (iv) The density of population;

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

23           (vi) The subdivision and development of land; and ((may))

24           (b) Encourage and protect access to direct sunlight for solar  
25 energy systems.

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

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

34           After approval of the comprehensive plan, as set forth above, the  
35 legislative body, in developing the municipality and in regulating the  
36 use of land, may implement or give effect to the comprehensive plan or

1 parts thereof by ordinance or other action to such extent as the  
2 legislative body deems necessary or appropriate. Such ordinances or  
3 other action may provide for:

4 (1) Adoption of an official map and regulations relating thereto  
5 designating locations and requirements for one or more of the  
6 following: Streets, parks, public buildings, and other public  
7 facilities, and protecting such sites against encroachment by buildings  
8 and other physical structures.

9 (2) Dividing the municipality, or portions thereof, into  
10 appropriate zones within which specific standards, requirements, and  
11 conditions may be provided for regulating: The use of public and  
12 private land, buildings, and structures(~~( $\tau$  and~~)); the location, height,  
13 bulk, number of stories, and size of buildings and structures, ~~except~~  
14 minimum room area or floor area square footage for a single-family  
15 residential building may not be regulated unless necessary for a fire,  
16 life safety, or environmental purpose; size of yards, courts, and open  
17 spaces(~~( $\tau$ )~~); density of population(~~( $\tau$ )~~); ratio of land area to the area  
18 of buildings and structures(~~( $\tau$ )~~); setbacks(~~( $\tau$ )~~); area required for off-  
19 street parking(~~( $\tau$ )~~); protection of access to direct sunlight for solar  
20 energy systems(~~( $\tau$ )~~); and such other standards, requirements,  
21 regulations, and procedures as are appropriately related thereto. The  
22 ordinance encompassing the matters of this subsection is hereinafter  
23 called the "zoning ordinance". No zoning ordinance, or amendment  
24 thereto, shall be enacted by the legislative body without at least one  
25 public hearing, notice of which shall be given as set forth in RCW  
26 35A.63.070. Such hearing may be held before the planning agency or the  
27 board of adjustment or such other body as the legislative body shall  
28 designate.

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

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

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

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

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

6       (2) Standard building codes adopted by boards of county  
7 commissioners may not require minimum room area or floor area square  
8 footage for a single-family residential building, unless the  
9 requirement is necessary for a fire, life safety, or environmental  
10 purpose.

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

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

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

17       (2) Regulate location, height, bulk, number of stories, and size of  
18 buildings and structures, except minimum room area or floor area square  
19 footage for a single-family residential building may not be regulated  
20 unless necessary for a fire, life safety, or environmental purpose; the  
21 size of yards, courts, and other open spaces; the density of  
22 population; the percentage of a lot which may be occupied by buildings  
23 and structures; and the area required to provide off-street facilities  
24 for the parking of motor vehicles.

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

27       The prohibition on cities and counties from requiring any minimum  
28 room area or floor area square footage for a single-family residential  
29 building, as provided under RCW 35.63.080, 35A.63.100, 36.43.010, and  
30 36.70.750, does not restrict or otherwise apply in any way to the  
31 governing documents of any association.

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