
HOUSE BILL 2168

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Blake, Fitzgibbon, and Sawyer

Prefiled 01/07/14. Read first time 01/13/14. Referred to Committee on Community Development, Housing & Tribal Affairs.

1 AN ACT Relating to regulations requiring minimum room area or floor
2 area square footage of single-family residential buildings; amending
3 RCW 19.27.031, 19.27.060, 35.63.080, 35A.63.100, 36.43.010, and
4 36.70.750; and creating a new section.

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

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

17 **Sec. 2.** RCW 19.27.031 and 2003 c 291 s 2 are each amended to read
18 as follows:

1 Except as otherwise provided in this chapter, there shall be in
2 effect in all counties and cities the state building code which shall
3 consist of the following codes which are hereby adopted by reference:

4 (1)(a) The International Building Code, published by the
5 International Code Council(~~(+)~~), Inc.;

6 (b) The International Residential Code, published by the
7 International Code Council, Inc., except that the minimum room area
8 requirements contained in sections R304.1, R304.2, and R304.3 of the
9 International Residential Code are not adopted;

10 (2) The International Mechanical Code, published by the
11 International Code Council(~~(+)~~), Inc., except that the standards for
12 liquified petroleum gas installations shall be NFPA 58 (Storage and
13 Handling of Liquified Petroleum Gases) and ANSI Z223.1/NFPA 54
14 (National Fuel Gas Code);

15 (3) The International Fire Code, published by the International
16 Code Council(~~(+)~~), Inc., including those standards of the National
17 Fire Protection Association specifically referenced in the
18 International Fire Code: PROVIDED, That, notwithstanding any wording
19 in this code, participants in religious ceremonies shall not be
20 precluded from carrying hand-held candles;

21 (4) Except as provided in RCW 19.27.170, the Uniform Plumbing Code
22 and Uniform Plumbing Code Standards, published by the International
23 Association of Plumbing and Mechanical Officials: PROVIDED, That any
24 provisions of such code affecting sewers or fuel gas piping are not
25 adopted; and

26 (5) The rules adopted by the council establishing standards for
27 making buildings and facilities accessible to and usable by (~~the~~
28 ~~physically disabled~~) persons with physical disabilities or elderly
29 persons as provided in RCW 70.92.100 through 70.92.160.

30 In case of conflict among the codes enumerated in subsections (1),
31 (2), (3), and (4) of this section, the first named code shall govern
32 over those following.

33 The codes enumerated in this section shall be adopted by the
34 council as provided in RCW 19.27.074. The council shall solicit input
35 from first responders to ensure that firefighter safety issues are
36 addressed during the code adoption process.

37 The council may issue opinions relating to the codes at the request

1 of a local official charged with the duty to enforce the enumerated
2 codes.

3 **Sec. 3.** RCW 19.27.060 and 2002 c 135 s 1 are each amended to read
4 as follows:

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

11 (a) No amendment to a code enumerated in RCW 19.27.031 as amended
12 and adopted by the state building code council that affects single-
13 family or multifamily residential buildings shall be effective unless
14 the amendment is approved by the building code council under RCW
15 19.27.074(1)(b).

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

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

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

32 ((+3)) (4) The governing body of each county or city may limit the
33 application of any portion of the state building code to exclude
34 specified classes or types of buildings or structures according to use
35 other than single-family or multifamily residential buildings.
36 However, in no event shall fruits or vegetables of the tree or vine
37 stored in buildings or warehouses constitute combustible stock for the

1 purposes of application of the uniform fire code. A governing body of
2 a county or city may inspect facilities used for temporary storage and
3 processing of agricultural commodities.

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

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

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

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

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

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

33 (1) The council or board may provide for the preparation by its
34 commission and the adoption and enforcement of coordinated plans for
35 the physical development of the municipality. For this purpose the
36 council or board, in such measure as is deemed reasonably necessary or

1 requisite in the interest of health, safety, morals, and the general
2 welfare, upon recommendation by its commission, by general ordinances
3 of the city or general resolution of the board, may do the following:

4 (a) Regulate and restrict:

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

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

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

14 (iv) The density of population;

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

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

18 (b) Encourage and protect access to direct sunlight for solar
19 energy systems.

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

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

28 After approval of the comprehensive plan, as set forth above, the
29 legislative body, in developing the municipality and in regulating the
30 use of land, may implement or give effect to the comprehensive plan or
31 parts thereof by ordinance or other action to such extent as the
32 legislative body deems necessary or appropriate. Such ordinances or
33 other action may provide for:

34 (1) Adoption of an official map and regulations relating thereto
35 designating locations and requirements for one or more of the
36 following: Streets, parks, public buildings, and other public

1 facilities, and protecting such sites against encroachment by buildings
2 and other physical structures.

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

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

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

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

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

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

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

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

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

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

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

--- END ---