

HOUSE BILL REPORT

EHB 1123

As Passed House:
March 5, 2015

Title: An act relating to regulation of the minimum dimensions of habitable spaces in single-family residential buildings.

Brief Description: Regulating the minimum dimensions of habitable spaces in single-family residential areas.

Sponsors: Representatives Blake and Buys.

Brief History:

Committee Activity:

Community Development, Housing & Tribal Affairs: 1/26/15, 2/2/15 [DP].

Floor Activity:

Passed House: 3/5/15, 91-7.

Brief Summary of Engrossed Bill

- Exempts minimum gross floor area requirements for single-family dwellings from the State Building Code.
- Prohibits cities with populations under 125,000 people and counties from regulating minimum gross floor area requirements for single-family dwellings.

HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 7 members: Representatives Appleton, Chair; Robinson, Vice Chair; Johnson, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member; Hawkins, Sawyer and Van De Wege.

Staff: Sean Flynn (786-7124).

Background:

The State Building Code.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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, 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 latest updated model codes were published for 2015, and are pending adoption by the SBCC.

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 last adopted 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 of at least 70 square feet (except for kitchens).
- 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 multifamily 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 include the location, construction and size 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.

Summary of Engrossed Bill:

Any provisions of the International Residential Code that establish the minimum gross floor areas for single-family detached dwellings are not adopted into the SBC. Local governments, except cities with a population of 125,000 or more, according to the latest federal census data, may not adopt amendments to the SBC that regulate the minimum gross floor space for single-family detached dwellings.

Any city, with a population under 125,000, or county, may not adopt ordinances that regulate or restrict the minimum gross floor space for single-family detached dwellings.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In Support) Small homes increase housing availability and affordability. Mortgage on small home can be \$300-\$400, which opens up home ownership possibilities to more people who otherwise would not have the financial means to buy a home. This includes low-income wage earners and disabled persons. This bill provides sustainable development with very little ecological impact. Small homes conserve more energy than large homes. People should have the choice to live in a small home where there are no fire or safety concerns.

The 2015 International Residential Code removes many of the restrictions to accommodate these popular homes. Jurisdictions with populations over 125,000 people often have their own rules system that can accommodate these projects. The issues raised by opponents can be addressed. Allowing small homes creates affordable housing and is environmentally friendly.

(Neutral with concerns) The housing floor requirements are used by local jurisdictions to enforce codes against bad actor landlords that cut up houses into very small rooms. An amendment could address some concerns by eliminating total house size rather than room size.

(Opposed) None.

Persons Testifying: (In support) Jason Knott.

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

Persons Signed In To Testify But Not Testifying: None.