
ENGROSSED HOUSE BILL 1123

State of Washington

64th Legislature

2015 Regular Session

By Representatives Blake and Buys

Read first time 01/13/15. Referred to Committee on Community Development, Housing & Tribal Affairs.

1 AN ACT Relating to regulation of the minimum dimensions of
2 habitable spaces in single-family residential buildings; amending RCW
3 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 regulations mandating a minimum gross floor area for
10 single-family dwellings, such as minimum floor or room area
11 requirements, that do not further fire, life safety, or environmental
12 purposes, objectives, or standards prevent construction of small
13 homes. It is the intent of the legislature that counties, cities with
14 a population of less than one hundred twenty-five thousand, and towns
15 may not adopt regulations mandating a minimum gross floor area for
16 single-family dwellings, unless such regulations are necessary to
17 ensure that buildings meet fire, life safety, or environmental
18 standards.

19 **Sec. 2.** RCW 19.27.031 and 2003 c 291 s 2 are each amended to
20 read 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(~~{,}~~)l Inc.;

6 (b) The International Residential Code, published by the
7 International Code Council, Inc., except that any provision of the
8 code establishing a minimum gross floor area for single-family
9 detached dwellings is not adopted;

10 (2) The International Mechanical Code, published by the
11 International Code Council(~~{,}~~)l Inc., except that the standards
12 for liquified petroleum gas installations shall be NFPA 58 (Storage
13 and 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(~~{,}~~)l 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
22 Code and Uniform Plumbing Code Standards, published by the
23 International Association of Plumbing and Mechanical Officials:
24 PROVIDED, That any provisions of such code affecting sewers or fuel
25 gas piping are not 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
31 (1), (2), (3), and (4) of this section, the first named code shall
32 govern 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
38 request of a local official charged with the duty to enforce the
39 enumerated codes.

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

3 (1) The governing bodies of counties and cities may amend the
4 codes 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
8 in 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
16 to 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)(a) The legislative body of a county or city, in exercising
22 the authority provided under subsection (1) of this section to amend
23 the code enumerated in RCW 19.27.031(1)(b), may not adopt amendments
24 that regulate or restrict the minimum gross floor area for single-
25 family detached dwellings.

26 (b) (a) of this subsection does not apply to cities with a
27 population of one hundred twenty-five thousand or more, as determined
28 by the last federal census.

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

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

1 body of a county or city may inspect facilities used for temporary
2 storage and processing of agricultural commodities.

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

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

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

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

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

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

32 (1) The council or board may provide for the preparation by its
33 commission and the adoption and enforcement of coordinated plans for
34 the physical development of the municipality. For this purpose the
35 council or board, in such measure as is deemed reasonably necessary
36 or requisite in the interest of health, safety, morals, and the
37 general welfare, upon recommendation by its commission, by general
38 ordinances of the city or general resolution of the board, may:

39 (a) Regulate and restrict:

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

3 (ii) Except as provided in subsection (2) of this section, the
4 height, number of stories, size, construction, and design of
5 buildings and other structures;

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

8 (iv) The density of population;

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

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

12 (b) Encourage and protect access to direct sunlight for solar
13 energy systems.

14 ((A)) (2) The council of a city with a population of less than
15 one hundred twenty-five thousand, as determined by the last federal
16 census, or a board may not regulate or restrict the minimum gross
17 floor area for single-family detached dwellings.

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

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

27 After approval of the comprehensive plan(~~(, as set forth above))~~
28 in accordance with provisions of this chapter, the legislative body,
29 in developing the municipality and in regulating the use of land, may
30 implement or give effect to the comprehensive plan or parts thereof
31 by ordinance or other action to such extent as the legislative body
32 deems necessary or appropriate. Such ordinances or other action may
33 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
37 facilities, and protecting such sites against encroachment by
38 buildings and other physical structures.

1 (2)(a) Dividing the municipality, or portions thereof, into
2 appropriate zones within which specific standards, requirements, and
3 conditions may be provided for regulating: The use of public and
4 private land, buildings, and structures(~~(τ)and~~); except as provided
5 in (b) of this subsection, the location, height, bulk, number of
6 stories, and size of buildings and structures(~~(τ)~~); size of yards,
7 courts, and open spaces(~~(τ)~~); density of population(~~(τ)~~); ratio of
8 land area to the area of buildings and structures(~~(τ)~~);
9 setbacks(~~(τ)~~); area required for off-street parking(~~(τ)~~); protection
10 of access to direct sunlight for solar energy systems(~~(τ)~~); and such
11 other standards, requirements, regulations, and procedures as are
12 appropriately related thereto.

13 (b) The legislative body of a city with a population of less than
14 one hundred twenty-five thousand, as determined by the last federal
15 census, may not regulate or restrict the minimum gross floor area for
16 single-family detached dwellings.

17 (c) The ordinance encompassing the matters of this subsection (2)
18 is hereinafter called the "zoning ordinance." No zoning ordinance, or
19 amendment thereto, shall be enacted by the legislative body without
20 at least one public hearing, notice of which shall be given as set
21 forth in RCW 35A.63.070. Such hearing may be held before the planning
22 agency or the board of adjustment or such other body as the
23 legislative body shall designate.

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

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

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

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

36 (1) Except as provided in subsection (2) of this section, the
37 boards of county commissioners may adopt standard building codes and
38 standard fire regulations to be applied within their respective
39 jurisdictions.

1 (2) The boards of county commissioners may not adopt regulations
2 that restrict the minimum gross floor area for single-family detached
3 dwellings.

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

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

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

12 (2) (~~Regulate~~) Except for the minimum gross floor area for
13 single-family detached dwellings, the location, height, bulk, number
14 of stories, and size of buildings and structures; the size of yards,
15 courts, and other open spaces; the density of population; the
16 percentage of a lot which may be occupied by buildings and
17 structures; and the area required to provide off-street facilities
18 for the parking of motor vehicles.

--- END ---