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

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

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

6 (1)(a) The International Building Code, published by the
7 International Code Council(~~{,}~~) Inc.;

8 (b) The International Residential Code, published by the
9 International Code Council, Inc., except that any provision of the
10 code establishing minimum dimensions for habitable spaces in single-
11 family residential buildings, including, but not limited to, minimum
12 dimensions of floor or room area, is not adopted;

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

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

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

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

33 In case of conflict among the codes enumerated in subsections
34 (1), (2), (3), and (4) of this section, the first named code shall
35 govern over those following.

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

1 The council may issue opinions relating to the codes at the
2 request of a local official charged with the duty to enforce the
3 enumerated codes.

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

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

12 (a) No amendment to a code enumerated in RCW 19.27.031 as amended
13 and adopted by the state building code council that affects single-
14 family or multifamily residential buildings shall be effective unless
15 the amendment is approved by the building code council under RCW
16 19.27.074(1)(b).

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

24 (2)(a) The legislative body of a county or city, in exercising
25 the authority provided under subsection (1) of this section to amend
26 the code enumerated in RCW 19.27.031(1)(b), may not adopt amendments
27 that regulate or restrict the minimum dimensions of habitable spaces
28 in single-family residential buildings including, but not limited to,
29 the minimum dimensions of floor or room area, unless the regulation
30 is necessary for a fire, life safety, or environmental purpose.

31 (b) (a) of this subsection does not apply to cities with a
32 population of one hundred twenty-five thousand or more.

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

37 ~~((3))~~ (4) The governing body of each county or city may limit
38 the application of any portion of the state building code to exclude
39 specified classes or types of buildings or structures according to

1 use other than single-family or multifamily residential buildings.
2 However, in no event shall fruits or vegetables of the tree or vine
3 stored in buildings or warehouses constitute combustible stock for
4 the purposes of application of the uniform fire code. A governing
5 body of a county or city may inspect facilities used for temporary
6 storage and processing of agricultural commodities.

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

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

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

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

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

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

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

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

4 (a) Regulate and restrict:

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

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

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

12 (iv) The density of population;

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

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

16 (b) Encourage and protect access to direct sunlight for solar
17 energy systems.

18 ((A)) (2) The council of a city with a population of less than
19 one hundred twenty-five thousand or a board may not regulate or
20 restrict the minimum dimensions of habitable spaces in single-family
21 residential buildings, including but not limited to, the minimum
22 dimensions of floor or room area, unless the regulation is necessary
23 for a fire, life safety, or environmental purpose.

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

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

33 After approval of the comprehensive plan(~~(, as set forth above)~~)
34 in accordance with provisions of this chapter, the legislative body,
35 in developing the municipality and in regulating the use of land, may
36 implement or give effect to the comprehensive plan or parts thereof
37 by ordinance or other action to such extent as the legislative body
38 deems necessary or appropriate. Such ordinances or other action may
39 provide for:

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

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

18 (b) The legislative body of a city with a population of less than
19 one hundred twenty-five thousand may not regulate or restrict the
20 minimum dimensions of habitable spaces in single-family residential
21 buildings including, but not limited to, the minimum dimensions of
22 floor or room area, unless the regulation is necessary for a fire,
23 life safety, or environmental purpose.

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

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

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

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

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

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

7 (2) The boards of county commissioners may not adopt regulations
8 that restrict the minimum dimensions of habitable spaces in single-
9 family residential buildings including, but not limited to, the
10 minimum dimensions of floor or room area, unless the regulation is
11 necessary for a fire, life safety, or environmental purpose.

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

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

17 (1) (~~Regulate~~) The use of buildings, structures, and land as
18 between agriculture, industry, business, residence, and other
19 purposes;

20 (2) (~~Regulate~~) Except for minimum dimensions of habitable
21 spaces in single-family residential buildings when regulation is not
22 necessary for a fire, life safety, or environmental purpose, the
23 location, height, bulk, number of stories, and size of buildings and
24 structures; the size of yards, courts, and other open spaces; the
25 density of population; the percentage of a lot which may be occupied
26 by buildings and structures; and the area required to provide off-
27 street facilities for the parking of motor vehicles.

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