
HOUSE BILL 2812

State of Washington

66th Legislature

2020 Regular Session

By Representatives Young, Shea, and Walsh

Read first time 01/23/20. Referred to Committee on Local Government.

1 AN ACT Relating to uniform due process of land use code
2 violations; amending RCW 36.70.670, 35A.63.120, 19.27.050, and
3 35.63.080; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that it is important
6 to preserve due process in civil code enforcement. As such, anonymous
7 reports of land use violations oppose that fundamental principle and
8 must not be allowed.

9 **Sec. 2.** RCW 36.70.670 and 1963 c 4 s 36.70.670 are each amended
10 to read as follows:

11 (1) The board may determine and establish administrative rules
12 and procedures for the application and enforcement of official
13 controls, and may assign or delegate such administrative functions,
14 powers and duties to such department or official as may be
15 appropriate.

16 (2) Before any violation of an ordinance is issued under this
17 chapter, the name of any complainant must be available to the person
18 receiving a notice of violation. A notice of violation may be based
19 on information provided by a complainant if a determination to
20 investigate is made after receiving a phone call, email, letter,

1 report, complaint, or other information from a party who claims that
2 a violation is or may be occurring or will soon occur. Activities may
3 not be investigated based on information provided by an anonymous
4 complainant. This subsection does not create any civil liability on
5 the part of the state or any state agency, officer, employee, or
6 agent.

7 **Sec. 3.** RCW 35A.63.120 and 1967 ex.s. c 119 s 35A.63.120 are
8 each amended to read as follows:

9 (1) In order to carry into effect the purposes of this chapter,
10 administrative and enforcement responsibilities, other than those set
11 forth in RCW 35A.63.110, may be assigned by ordinance to such
12 departments, boards, officials, employees, or agents as the
13 legislative body deems appropriate.

14 (2) Before any violation of an ordinance is issued under this
15 chapter, the name of any complainant must be available to the person
16 receiving a notice of violation. A notice of violation may be based
17 on information provided by a complainant if a determination to
18 investigate is made after receiving a phone call, email, letter,
19 report, complaint, or other information from a party who claims that
20 a violation is or may be occurring or will soon occur. Activities may
21 not be investigated based on information provided by an anonymous
22 complainant. This subsection does not create any civil liability on
23 the part of the state or any state agency, officer, employee, or
24 agent.

25 **Sec. 4.** RCW 19.27.050 and 1985 c 360 s 9 are each amended to
26 read as follows:

27 (1) The state building code required by this chapter shall be
28 enforced by the counties and cities. Any county or city not having a
29 building department shall contract with another county, city, or
30 inspection agency approved by the county or city for enforcement of
31 the state building code within its jurisdictional boundaries.

32 (2) Before any violation of an ordinance is issued under this
33 chapter, the name of any complainant must be available to the person
34 receiving a notice of violation. A notice of violation may be based
35 on information provided by a complainant if a determination to
36 investigate is made after receiving a phone call, email, letter,
37 report, complaint, or other information from a party who claims that
38 a violation is or may be occurring or will soon occur. Activities may

1 not be investigated based on information provided by an anonymous
2 complainant. This subsection does not create any civil liability on
3 the part of the state or any state agency, officer, employee, or
4 agent.

5 **Sec. 5.** RCW 35.63.080 and 2018 c 302 s 3 are each amended to
6 read as follows:

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

14 (a) Regulate and restrict:

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

17 (ii) The height, number of stories, size, construction, and
18 design of buildings and other structures;

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

21 (iv) The density of population;

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

24 (vi) The subdivision and development of land;

25 (b) Eliminate the minimum gross floor area requirements for
26 single-family detached dwellings or reduce the requirements below the
27 minimum performance standards and objectives contained in the state
28 building code; and

29 (c) Encourage and protect access to direct sunlight for solar
30 energy systems.

31 (2) The council of a city where ordinances adopted in accordance
32 with this section are in effect may, on the recommendation of its
33 commission, provide for the appointment of a board of adjustment to
34 make, in appropriate cases and subject to appropriate conditions and
35 safeguards established by ordinance, special exceptions in harmony
36 with the general purposes and intent and in accordance with general
37 or specific rules therein contained.

38 (3) Before any violation of an ordinance is issued under this
39 chapter, the name of any complainant must be available to the person

1 receiving a notice of violation. A notice of violation may be based
2 on information provided by a complainant if a determination to
3 investigate is made after receiving a phone call, email, letter,
4 report, complaint, or other information from a party who claims that
5 a violation is or may be occurring or will soon occur. Activities may
6 not be investigated based on information provided by an anonymous
7 complainant. This subsection does not create any civil liability on
8 the part of the state or any state agency, officer, employee, or
9 agent.

--- END ---