

# SENATE BILL REPORT

## EHB 1123

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As Reported by Senate Committee On:  
Government Operations & Security, March 24, 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:** Passed House: 3/05/15, 91-7.

**Committee Activity:** Government Operations & Security: 3/16/15, 3/24/15 [DP, w/oRec].

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## SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

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**Majority Report:** Do pass.

Signed by Senators Roach, Chair; Lias, Ranking Minority Member; Habib and McCoy.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Pearson, Vice Chair; Dansel.

**Staff:** Karen Epps (786-7424)

**Background:** The State Building Code Council (Council) was established in 1974 to provide analysis and advice to the Legislature and the Office of the Governor on State Building Code (Code) issues. The Council establishes the minimum building, mechanical, fire, plumbing, and energy code requirements in Washington by reviewing, developing, and adopting the Code.

The Code sets forth requirements through the provision of building codes to promote the health, safety, and welfare of the occupants or users of buildings and structures throughout the state. The Code consists of regulations adopted by reference from the International Building Code, the International Residential Code, the International Mechanical Code, the National Fuel Gas Code, the International Fire Code, and the Uniform Plumbing Code and Uniform Plumbing Code Standards. The Council reviews, updates, and adopts a new Code every three years.

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*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 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 the following:

- 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; and
- Any habitable room must be at least 7 feet wide – except for kitchens.

Cities and counties may amend the Code 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 Council.

**Summary of Bill:** Any provisions of the IRC that establish a minimum gross floor area for single-family detached dwelling are not adopted into the Code. With the exception of cities with a population of 125,000 or more, the legislative body of a county or a city may not adopt amendments that regulate or restrict the minimum gross floor area for single-family detached dwellings.

The board of county commissioners of a county, or the legislative body of a city with a population under 125,000, may not adopt ordinances that regulate or restrict the minimum gross floor area for single-family detached dwellings. The board of county commissioners of a county may not regulate the minimum gross floor area for single-family detached dwellings.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: After seeing some innovative designs for small cottages, things like micro housing, that are available in other jurisdictions, this bill is designed to allow small cottages to be built in jurisdictions in Washington. The building code presents an issue so this bill is an attempt to create some flexibility for landowners who want to build small homes and jurisdictions who want to allow small homes. Small homes tend to be very energy efficient and can be built on limited resources. This bill is designed to create affordable housing. This bill will make it less restrictive to build a smaller home. The bill exempts the larger cities in the state because of concerns around available parking. This bill does not apply to apartments. This bill will allow counties and most cities to develop a small housing code for their jurisdiction. This bill is designed to get small homes off trailers so that small homes comply with environmental laws, connect to a septic system or sewer system, and comply with fire safety requirements, the energy code, and the building code. Putting small homes on a foundation increases code compliance and allows banks to use

them as collateral. This bill will allow for more affordable housing. This bill means that tiny homes can be built within city limits so that the owners have access to city services.

**Persons Testifying:** PRO: Representative Blake, prime sponsor; Jason Knott, Marilyn Vogler, citizens.

**Persons Signed in to Testify But Not Testifying:** No one.