

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1085

65th Legislature
2018 Regular Session

Passed by the House January 24, 2018
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate February 27, 2018
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1085** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1085

Passed Legislature - 2018 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By Representatives Blake, Vick, J. Walsh, Chapman, Buys, and McBride

Read first time 01/11/17. 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 19.27.060, 35.63.080, 35A.63.100, 36.43.010, and 36.70.750; and
4 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, and
14 towns may adopt regulations eliminating any minimum gross floor area
15 requirement for single-family dwellings or providing a minimum gross
16 floor area requirement that is below the minimum performance
17 standards and objectives contained in the state building code, unless
18 such regulations are necessary to ensure that buildings meet fire,
19 life safety, or environmental standards.

1 **Sec. 2.** RCW 19.27.060 and 2015 c 226 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 except as provided in subsection (2) of
9 this section.

10 (a) Except as provided in subsection (2) of this section, no
11 amendment to a code enumerated in RCW 19.27.031 as amended and
12 adopted by the state building code council that affects single-family
13 or multifamily residential buildings shall be effective unless the
14 amendment is approved by the building code council under RCW
15 19.27.074(1)(b).

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

23 (2) The legislative body of a county or city, in exercising the
24 authority provided under subsection (1) of this section to amend the
25 code enumerated in RCW 19.27.031(1)(b), may adopt amendments that
26 eliminate any minimum gross floor area requirement for single-family
27 detached dwellings or that provide a minimum gross floor area
28 requirement below the minimum performance standards and objectives
29 contained in the state building code.

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

34 (~~(3)~~) (4) The governing body of each county or city may limit
35 the application of any portion of the state building code to exclude
36 specified classes or types of buildings or structures according to
37 use other than single-family or multifamily residential buildings.
38 However, in no event shall fruits or vegetables of the tree or vine
39 stored in buildings or warehouses constitute combustible stock for
40 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) No provision of the uniform fire code concerning
4 roadways shall be part of the state building code: PROVIDED, That
5 this subsection shall not limit the authority of a county or city to
6 adopt street, road, or access standards.

7 ~~((5))~~ (6) The provisions of the state building code may be
8 preempted by any city or county to the extent that the code
9 provisions relating to the installation or use of sprinklers in jail
10 cells conflict with the secure and humane operation of jails.

11 ~~((6))~~ (7)(a) Effective one year after July 23, 1989, the
12 governing bodies of counties and cities may adopt an ordinance or
13 resolution to exempt from permit requirements certain construction or
14 alteration of either group R, division 3, or group M, division 1
15 occupancies, or both, as defined in the uniform building code, 1988
16 edition, for which the total cost of fair market value of the
17 construction or alteration does not exceed fifteen hundred dollars.
18 The permit exemption shall not otherwise exempt the construction or
19 alteration from the substantive standards of the codes enumerated in
20 RCW 19.27.031, as amended and maintained by the state building code
21 council under RCW 19.27.070.

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

25 **Sec. 3.** RCW 35.63.080 and 1979 ex.s. c 170 s 4 are each amended
26 to read as follows:

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

34 (a) Regulate and restrict:

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

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

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

3 (iv) The density of population;

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

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

7 (b) Eliminate the minimum gross floor area requirements for
8 single-family detached dwellings or reduce the requirements below the
9 minimum performance standards and objectives contained in the state
10 building code; and

11 (c) Encourage and protect access to direct sunlight for solar
12 energy systems.

13 ((A)) (2) The council of a city where ((such)) ordinances adopted
14 in accordance with this section are in effect((~~τ~~)) may, on the
15 recommendation of its commission, provide for the appointment of a
16 board of adjustment((~~τ~~)) to make, in appropriate cases and subject to
17 appropriate conditions and safeguards established by ordinance,
18 special exceptions in harmony with the general purposes and intent
19 and in accordance with general or specific rules therein contained.

20 **Sec. 4.** RCW 35A.63.100 and 1979 ex.s. c 170 s 8 are each amended
21 to read as follows:

22 After approval of the comprehensive plan(~~(, as set forth above))~~
23 in accordance with provisions of this chapter, the legislative body,
24 in developing the municipality and in regulating the use of land, may
25 implement or give effect to the comprehensive plan or parts thereof
26 by ordinance or other action to such extent as the legislative body
27 deems necessary or appropriate. Such ordinances or other action may
28 provide for:

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

34 (2)(a)(i) Dividing the municipality, or portions thereof, into
35 appropriate zones within which specific standards, requirements, and
36 conditions may be provided for regulating: The use of public and
37 private land, buildings, and structures((~~τ~~—and)); the location,
38 height, bulk, number of stories, and size of buildings and
39 structures((~~τ~~)); size of yards, courts, and open spaces((~~τ~~)); density

1 of population((τ))i ratio of land area to the area of buildings and
2 structures((τ))i setbacks((τ))i area required for off-street
3 parking((τ))i protection of access to direct sunlight for solar
4 energy systems((τ))i and such other standards, requirements,
5 regulations, and procedures as are appropriately related thereto.

6 (ii) Eliminating the minimum gross floor area requirements for
7 single-family detached dwellings or reducing the requirements below
8 the minimum performance standards and objectives contained in the
9 state building code.

10 (b) The ordinance encompassing the matters of this subsection (2)
11 is hereinafter called the "zoning ordinance." No zoning ordinance, or
12 amendment thereto, shall be enacted by the legislative body without
13 at least one public hearing, notice of which shall be given as set
14 forth in RCW 35A.63.070. Such hearing may be held before the planning
15 agency or the board of adjustment or such other body as the
16 legislative body shall designate.

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

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

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

27 **Sec. 5.** RCW 36.43.010 and 1963 c 4 s 36.43.010 are each amended
28 to read as follows:

29 (1) The boards of county commissioners may adopt standard
30 building codes and standard fire regulations to be applied within
31 their respective jurisdictions.

32 (2) The boards of county commissioners may eliminate the minimum
33 gross floor area requirements for single-family detached dwellings or
34 reduce the requirements below the minimum performance standards and
35 objectives contained in the state building code.

36 **Sec. 6.** RCW 36.70.750 and 1963 c 4 s 36.70.750 are each amended
37 to read as follows:

1 Any board, by ordinance, may establish classifications, within
2 each of which, specific controls are identified, and which will
3 regulate:

4 (1) (~~Regulate~~) The use of buildings, structures, and land as
5 between agriculture, industry, business, residence, and other
6 purposes;

7 (2) (~~Regulate~~) The location, height, bulk, number of stories,
8 and size of buildings and structures; the size of yards, courts, and
9 other open spaces; the density of population; the percentage of a lot
10 which may be occupied by buildings and structures; and the area
11 required to provide off-street facilities for the parking of motor
12 vehicles; and

13 (3) The minimum gross floor area requirements for single-family
14 detached dwellings, including the elimination of such requirements or
15 reduction of such requirements below the minimum performance
16 standards and objectives contained in the state building code.

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