

HB 1123 - H AMD 154

By Representative Blake

ADOPTED 3/5/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that there is a
4 growing need for ecologically sustainable and affordable housing, and
5 small home construction is a way to meet this need. The legislature
6 also finds that regulations mandating a minimum gross floor area for
7 single-family dwellings, such as minimum floor or room area
8 requirements, that do not further fire, life safety, or environmental
9 purposes, objectives, or standards prevent construction of small
10 homes. It is the intent of the legislature that counties, cities with
11 a population of less than one hundred twenty-five thousand, and towns
12 may not adopt regulations mandating a minimum gross floor area for
13 single-family dwellings, unless such regulations are necessary to
14 ensure that buildings meet fire, life safety, or environmental
15 standards.

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

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

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

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

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

1 (3) The International Fire Code, published by the International
2 Code Council(~~(+)~~), Inc., including those standards of the National
3 Fire Protection Association specifically referenced in the
4 International Fire Code: PROVIDED, That, notwithstanding any wording
5 in this code, participants in religious ceremonies shall not be
6 precluded from carrying hand-held candles;

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

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

16 In case of conflict among the codes enumerated in subsections
17 (1), (2), (3), and (4) of this section, the first named code shall
18 govern over those following.

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

23 The council may issue opinions relating to the codes at the
24 request of a local official charged with the duty to enforce the
25 enumerated codes.

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

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

34 (a) No amendment to a code enumerated in RCW 19.27.031 as amended
35 and adopted by the state building code council that affects single-
36 family or multifamily residential buildings shall be effective unless
37 the amendment is approved by the building code council under RCW
38 19.27.074(1)(b).

1 (b) Any county or city amendment to a code enumerated in RCW
2 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue
3 to be effective after any action is taken under RCW 19.27.074(1)(a)
4 without necessity of reapproval under RCW 19.27.074(1)(b) unless the
5 amendment is declared null and void by the council at the time any
6 action is taken under RCW 19.27.074(1)(a) because such action in any
7 way altered the impact of the amendment.

8 (2)(a) The legislative body of a county or city, in exercising
9 the authority provided under subsection (1) of this section to amend
10 the code enumerated in RCW 19.27.031(1)(b), may not adopt amendments
11 that regulate or restrict the minimum gross floor area for single-
12 family detached dwellings.

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

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

19 ~~((+3))~~ (4) The governing body of each county or city may limit
20 the application of any portion of the state building code to exclude
21 specified classes or types of buildings or structures according to
22 use other than single-family or multifamily residential buildings.
23 However, in no event shall fruits or vegetables of the tree or vine
24 stored in buildings or warehouses constitute combustible stock for
25 the purposes of application of the uniform fire code. A governing
26 body of a county or city may inspect facilities used for temporary
27 storage and processing of agricultural commodities.

28 ~~((+4))~~ (5) The provisions of this chapter shall not apply to any
29 building four or more stories high with a B occupancy as defined by
30 the uniform building code, 1982 edition, and with a city fire
31 insurance rating of 1, 2, or 3 as defined by a recognized fire rating
32 bureau or organization.

33 ~~((+5))~~ (6) No provision of the uniform fire code concerning
34 roadways shall be part of the state building code: PROVIDED, That
35 this subsection shall not limit the authority of a county or city to
36 adopt street, road, or access standards.

37 ~~((+6))~~ (7) The provisions of the state building code may be
38 preempted by any city or county to the extent that the code
39 provisions relating to the installation or use of sprinklers in jail
40 cells conflict with the secure and humane operation of jails.

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

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

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

17 (1) The council or board may provide for the preparation by its
18 commission and the adoption and enforcement of coordinated plans for
19 the physical development of the municipality. For this purpose the
20 council or board, in such measure as is deemed reasonably necessary
21 or requisite in the interest of health, safety, morals, and the
22 general welfare, upon recommendation by its commission, by general
23 ordinances of the city or general resolution of the board, may:

24 (a) Regulate and restrict:

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

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

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

32 (iv) The density of population;

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

35 (vi) The subdivision and development of land; and (~~may~~)

36 (b) Encourage and protect access to direct sunlight for solar
37 energy systems.

38 ((A)) (2) The council of a city with a population of less than
39 one hundred twenty-five thousand or a board may not regulate or

1 restrict the minimum gross floor area for single-family detached
2 dwellings.

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

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

12 After approval of the comprehensive plan(~~(, as set forth above)~~)
13 in accordance with provisions of this chapter, the legislative body,
14 in developing the municipality and in regulating the use of land, may
15 implement or give effect to the comprehensive plan or parts thereof
16 by ordinance or other action to such extent as the legislative body
17 deems necessary or appropriate. Such ordinances or other action may
18 provide for:

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

24 (2)(a) Dividing the municipality, or portions thereof, into
25 appropriate zones within which specific standards, requirements, and
26 conditions may be provided for regulating: The use of public and
27 private land, buildings, and structures((τ)and); except as provided
28 in (b) of this subsection, the location, height, bulk, number of
29 stories, and size of buildings and structures((τ)); size of yards,
30 courts, and open spaces((τ)); density of population((τ)); ratio of
31 land area to the area of buildings and structures((τ));
32 setbacks((τ)); area required for off-street parking((τ)); protection
33 of access to direct sunlight for solar energy systems((τ)); and such
34 other standards, requirements, regulations, and procedures as are
35 appropriately related thereto.

36 (b) The legislative body of a city with a population of less than
37 one hundred twenty-five thousand may not regulate or restrict the
38 minimum gross floor area for single-family detached dwellings.

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

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

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

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

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

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

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

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

29 Any board, by ordinance, may establish classifications, within
30 each of which, specific controls are identified, and which will
31 regulate:

32 (1) (~~Regulate~~) The use of buildings, structures, and land as
33 between agriculture, industry, business, residence, and other
34 purposes;

35 (2) (~~Regulate~~) Except for the minimum gross floor area for
36 single-family detached dwellings, the location, height, bulk, number
37 of stories, and size of buildings and structures; the size of yards,
38 courts, and other open spaces; the density of population; the

1 percentage of a lot which may be occupied by buildings and
2 structures; and the area required to provide off-street facilities
3 for the parking of motor vehicles."

4 Correct the title.

EFFECT: Replaces the prohibition on state and local building regulations from requiring any minimum area of habitable space and room size in single-family buildings, with a prohibition on any minimum gross floor area requirements for single-family detached dwellings.

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