

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1085**

Chapter 302, Laws of 2018

(partial veto)

65th Legislature  
2018 Regular Session

SINGLE FAMILY DETACHED HOMES--MINIMUM FLOOR AREA

EFFECTIVE DATE: June 7, 2018

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

FRANK CHOPP

**Speaker of the House of Representatives**

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

CYRUS HABIB

**President of the Senate**

Approved March 28, 2018 1:27 PM with  
the exception of Section 1, which is  
vetoed.

JAY INSLEE

**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.

BERNARD DEAN

**Chief Clerk**

FILED

March 29, 2018

**Secretary of State  
State of Washington**

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HOUSE BILL 1085

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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.*

*\*Sec. 1 was vetoed. See message at end of chapter.*

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.

Passed by the House January 24, 2018.

Passed by the Senate February 27, 2018.

Approved by the Governor March 28, 2018, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State March 29, 2018.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 1,  
House Bill No. 1085 entitled:

"AN ACT Relating to regulation of the minimum dimensions of  
habitable spaces in single-family residential buildings."

House Bill 1085 authorizes the governing body of a city or county to  
adopt ordinances eliminating floor space requirements for single-  
family dwellings or reduce the requirements for floor space below the  
minimum gross floor area standards of the state building code.  
Currently, the state building code requires that habitable rooms have  
a minimum floor area of at least 70 square feet and must be at least  
seven feet wide. While I support the broader intent of this  
legislation, which allows for ecologically sustainable and affordable  
small home construction, I am concerned that Section 1 establishes  
legislative intent and precedent to create exemptions to the building  
code standards, without considering how these exemptions will be  
implemented consistently by local governments.

The Washington State Building Codes Council adopts statewide  
residential construction standards in consultation with technical  
experts, after rigorous review of international best practices.  
Smaller sleeping and living spaces should only be allowed after a  
rigorous review to ensure safety and health of occupants. I am asking  
the Council to develop, through a technical advisory group or other  
such means, appropriate guidance for consideration by local  
jurisdictions in implementation of this statute so that life, health  
and safety considerations are properly addressed when square footage  
of habitable space is reduced.

I encourage the local jurisdictions to request opinions from the State Building Codes Council with respect to reducing gross floor area requirements as they relate to other performance standards and objectives. This guidance will be beneficial to local officials in determining how best to adopt any proposed reduction to minimum gross floor area requirements while ensuring occupant health, safety and quality of life.

For these reasons I have vetoed Section 1 of House Bill No. 1085.

With the exception of Section 1, House Bill No. 1085 is approved."

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