H-3993.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 2812**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Young, Shea, and Walsh

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Regulate and restrict:

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

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

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

(iv) The density of population;

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

(vi) The subdivision and development of land;

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

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

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

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

**--- END ---**