
HOUSE BILL 1049

State of Washington 55th Legislature 1997 Regular Session

By Representatives Carlson, Ogden, Radcliff, Pennington and Wensman

Read first time 01/13/97. Referred to Committee on Government Reform & Land Use.

1 AN ACT Relating to promoting the desegregation of group homes;
2 amending RCW 35.63.220; adding a new section to chapter 35.21 RCW;
3 recodifying RCW 35.63.220; and repealing RCW 35A.63.240, 36.70.990, and
4 36.70A.450.

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

6 **Sec. 1.** RCW 35.63.220 and 1993 c 478 s 20 are each amended to read
7 as follows:

8 (1) Except as provided in subsection (2) of this section, no
9 county, city, or town, including a code city, may enact or maintain an
10 ordinance, development regulation, zoning regulation, or official
11 control, policy, or administrative practice which treats a residential
12 structure occupied by persons with ~~((handicaps))~~ disabilities
13 differently than a similar residential structure occupied by a family
14 or other unrelated individuals. As used in this section,
15 "disabilities" has the same meaning as "handicaps" ((are)) as defined
16 in the federal fair housing amendments act of 1988 (42 U.S.C. Sec.
17 3602).

18 (2)(a) The legislature finds that in order to carry out the purpose
19 and intent of the Washington housing policy act and to facilitate the

1 mainstreaming of persons with disabilities into local communities, it
2 is necessary to ensure that group homes, as defined in this section,
3 are integrated throughout communities and not clustered in
4 neighborhoods that recreate an institutional environment. The
5 legislature further finds that to facilitate effective and safe use of
6 emergency and other similar vital services, dispersion requirements are
7 necessary for group homes. It is the intent of the legislature to
8 ensure that nonclustering dispersion of group homes promote the
9 nondiscriminatory integration of persons with disabilities within all
10 communities and facilitate the true independence, dignity, and self-
11 determination associated with noninstitutional independent group home
12 living for persons with disabilities.

13 (b) "Group home" means a residential facility that accommodates
14 persons with disabilities or medically frail individuals, who require
15 a combination or sequence of special interdisciplinary or generic care,
16 medical treatment, treatment for recovering drug addicts and
17 alcoholics, or other related services that are individually planned and
18 coordinated in a group home to allow the person to function as
19 independently as possible in a residential neighborhood. "Group home"
20 may include a facility licensed by the department of social and health
21 services or the department of health for adult family home care,
22 developmental disabilities, mental health, or alcoholism under chapter
23 70.128 or 74.15 RCW.

24 (c) A county, city, or town may promote the nondiscriminatory
25 integration of persons with disabilities and medically frail
26 individuals who live in group homes by regulating the dispersion of
27 group homes in residential neighborhoods. Any ordinance that regulates
28 the dispersion of group homes must ensure that persons with
29 disabilities are assisted in their efforts to secure appropriate
30 housing and that only the clustering of group homes is limited. Group
31 homes are exempt from dispersion ordinances if the department of social
32 and health services determines that the group homes have been developed
33 and administered in a clustered setting prior to the effective date of
34 this act. Nothing in this section prohibits a city, county, or town
35 from regulating the siting of residential facilities within an
36 established residential neighborhood. Any such regulations must make
37 provisions for such reasonable accommodations as may be necessary to
38 afford persons with handicaps equal opportunity to use and enjoy a
39 dwelling.

1 NEW SECTION. **Sec. 2.** RCW 35.63.220 is recodified as a section in
2 chapter 35.21 RCW.

3 NEW SECTION. **Sec. 3.** The following acts or parts of acts are each
4 repealed:

5 (1) RCW 35A.63.240 and 1993 c 478 s 21;

6 (2) RCW 36.70.990 and 1993 c 478 s 22; and

7 (3) RCW 36.70A.450 and 1995 c 49 s 3 & 1994 c 273 s 17.

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