
HOUSE BILL 1873

State of Washington

58th Legislature

2003 Regular Session

By Representative Miloscia

Read first time 02/12/2003. Referred to Committee on Children & Family Services.

1 AN ACT Relating to the licensing of sober living facilities; and
2 adding a new chapter to Title 70 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature recognizes that sober living
5 homes are like a single-family residence in many respects and should be
6 afforded the same treatment as a single-family residence for most
7 purposes. The legislature does, however, recognize that sober living
8 homes differ from most single-family residences in some respects. A
9 sober living home offers housing to several unrelated persons within
10 the same residential building. The very nature of the residence, that
11 of housing several individuals, will likely cause the home to differ
12 from most homes in the community in which the home is located. The
13 increased traffic flow to and from the home is one example of how such
14 a home may be different from others in the community.

15 Washington state does not currently regulate the establishment of
16 sober living homes in Washington. Due to the lack of regulation, there
17 is no means of monitoring to ensure that the homes meet any standards
18 for safety or compliance with state and local laws.

1 The state of Washington has a compelling interest in regulating
2 sober living homes in the state to ensure the homes comply with all
3 state and local laws governing building, fire, safety, health code as
4 well as zoning standards, and traffic regulations.

5 NEW SECTION. **Sec. 2.** Unless the context clearly requires
6 otherwise, the definitions in this section apply throughout this
7 chapter.

8 (1) "Department" means the department of social and health
9 services.

10 (2) "Resident" means a person who receives room or board, or both,
11 from a sober living home.

12 (3) "Sober living home" means a home that provides room or board,
13 or both, and that requires residents to abstain from using alcohol or
14 illicit drugs but does not provide or require participation in any
15 recovery maintenance activities, does not require supervision, and does
16 not maintain case management files as a condition of residency.

17 NEW SECTION. **Sec. 3.** (1) The department shall adopt rules and
18 standards with respect to sober living homes to be licensed under this
19 chapter to carry out the purposes and requirements of this chapter. In
20 developing rules and standards, the department shall recognize the
21 residential family-like nature of sober living homes and not develop
22 rules and standards which by their complexity serve as an overly
23 restrictive barrier to the development of the sober living homes in the
24 state. Procedures and forms established by the department shall be
25 developed so they are easy to understand and comply with. Paper work
26 requirements shall be minimal. Easy to understand materials shall be
27 developed for sober living homes explaining licensing requirements and
28 procedures.

29 (2) In developing the rules and standards, the department shall
30 consult with all divisions and administrations within the department
31 serving populations living in sober living homes, including the
32 division of alcohol and substance abuse.

33 (3) Except where provided otherwise, chapter 34.05 RCW shall govern
34 all department rule-making and adjudicative activities under this
35 chapter.

1 (4) After July 1, 2004, no person shall operate, maintain, or
2 reside in a sober living home in this state without a license under
3 this chapter.

4 NEW SECTION. **Sec. 4.** Notwithstanding the existence or use of any
5 other remedy, the department may, in the manner provided by law, upon
6 the advice of the attorney general who shall represent the department
7 in the proceedings, maintain an action in the name of the state for an
8 injunction, civil penalty, or other process against a person to
9 restrain or prevent the operation or maintenance of a sober living home
10 without a license under this chapter.

11 NEW SECTION. **Sec. 5.** (1) An application for a license shall be
12 made to the department upon forms provided by it and shall contain such
13 information as the department reasonably requires.

14 (2)(a) Upon receipt of an application for a license, the department
15 shall make public notification in the local community of the proposed
16 site.

17 (b) Notifications required under this section shall be provided to
18 the following:

19 (i) Appropriate school districts, private schools, and local
20 chambers of commerce within three hundred feet of the proposed site or
21 sites; and

22 (ii) In writing to all residents and/or property owners within
23 three hundred feet of the proposed site or sites.

24 (3) The department shall issue a license to a sober living home if
25 the department finds that the home is in compliance with this chapter
26 and the rules adopted under this chapter.

27 (4) The license fee shall be submitted with the application.

28 (5) The license fee shall be set at fifty dollars per year for each
29 home. A fifty dollar processing fee shall also be charged each home
30 when the home is initially licensed.

31 (6) The department shall serve upon the home a copy of the decision
32 granting or denying an application for a license. A sober living home
33 shall have the right to contest denial of the application for a license
34 as provided in chapter 34.05 RCW by requesting a hearing in writing
35 within twenty-eight days after receipt of the notice of denial.

1 (7) A license shall remain valid unless voluntarily surrendered,
2 suspended, or revoked in accordance with this chapter.

3 (8)(a) The department has the authority to immediately suspend a
4 license if it finds that conditions there constitute an imminent danger
5 to residents.

6 (b) The department may commence an action in superior court to
7 enjoin the operation of a sober living home if it finds that conditions
8 there constitute an imminent danger to residents.

9 NEW SECTION. **Sec. 6.** (1) Sober living homes shall be maintained
10 internally and externally in good repair and condition. Such homes
11 shall have safe and functioning systems for heating, cooling, hot and
12 cold water, electricity, plumbing, garbage disposal, sewage, cooking,
13 laundry, artificial and natural light, ventilation, and any other
14 feature of the home as required by state and local regulations,
15 statutes, or ordinances.

16 (2) Each sober living home shall meet applicable local licensing,
17 zoning, building, and housing codes, and state and local fire safety
18 regulations as they pertain to a single-family residence. It is the
19 responsibility of the home to check with local authorities to ensure
20 all local codes are met.

21 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute
22 a new chapter in Title 70 RCW.

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