

SENATE BILL REPORT

SB 5060

As Reported by Senate Committee On:
Health Care, February 7, 2017

Title: An act relating to the number of adult family homes permitted in residential neighborhoods.

Brief Description: Concerning the number of adult family homes permitted in residential neighborhoods.

Sponsors: Senators O'Ban and Conway.

Brief History:

Committee Activity: Health Care: 1/23/17, 2/07/17 [DPS, DNP, w/oRec].

Brief Summary of Substitute Bill

- Prohibits more than two adult family homes from being located within a four block area of a residential community.

SENATE COMMITTEE ON HEALTH CARE

Majority Report: That Substitute Senate Bill No. 5060 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rivers, Chair; Becker, Vice Chair; Bailey, Fain, Miloscia, O'Ban and Walsh.

Minority Report: Do not pass.

Signed by Senators Cleveland, Ranking Minority Member; Kuderer, Assistant Ranking Minority Member; Keiser and Mullet.

Minority Report: That it be referred without recommendation.

Signed by Senator Conway.

Staff: Kathleen Buchli (786-7488)

Background: Adult family homes are regular neighborhood homes where staff assumes responsibility for the safety and wellbeing of the adult. A room, meals, laundry, supervision,

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and varying levels of assistance with care are provided. Some provide occasional nursing care. Some offer specialized care for people with mental health issues, developmental disabilities, or dementia. The home can have two to six residents and is licensed by the Department of Social and Health Services (DSHS).

Each adult family home must meet local licensing, zoning, building, and housing codes, and state and local fire safety regulations as they pertain to a single-family residence. An adult family home is considered a residential use of property for zoning and public and private utility rate purposes. Adult family homes are a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings.

Summary of Bill (First Substitute): DSHS rules with respect to adult family homes must recognize the additional vehicular traffic and need for services that adult family homes require in residential neighborhoods. No more than two adult family homes may be located within a four-block area of a residential community in a county with a population of between 750,000 and 1 million that is located to the south of the most populous county in the state. This requirement does not apply to adult family homes that are licensed as of the effective date of the act.

EFFECT OF CHANGES MADE BY HEALTH CARE COMMITTEE (First Substitute):

- Adds a grandfather clause.
- Limits application of the bill to counties with a population of between 750,000 and 1,000,000 that are located south of the most populous county in the state.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Adult family homes provide great services for the clients who reside in this. This addresses a unique problem in Pierce County where there is an overconcentration of adult family homes in certain neighborhoods and DSHS does not have a policy on overconcentration. There are pockets of adult family homes on residential streets which changes the complexion of the neighborhood. There will be an amendment offered that grandfathers in existing homes. Adult family homes are a less expensive place to put our aging population and they were envisioned to address aging populations; they have now expanded to include placement of people with disabilities, people with mental illness, and sex offenders. The city of Lakewood has a high density of these homes and one neighborhood has 42 percent of the adult families in that city. Adult family homes lower the property values of neighboring properties. We support legislation that clarifies whether sex offenders may be in adult family homes. Most adult family homes convert the homes in ways that can't be used again. We don't know how many people are in

the homes. Parking is hazardous, people visiting the adult family homes park in front of other houses and block driveways.

CON: Adult family homes provide a way to take care of family; the home is in the community and allow people, including disabled people, to participate in the community. All families in communities have issues relating to traffic, all have parking needs, and all have emergencies that require emergency vehicles. It is better for the people in adult family homes to stay in the community. The care provided to residents in adult family homes results in savings to the state as compared to the cost of nursing homes. We need more adult family homes and this issue should be addressed by the Joint Legislative Executive Committee on Aging and Disability. The two homes in a four block radius requirement is arbitrary. Restrictions and prohibitions are contrary to public interest and are discriminatory. These homes pay business licenses with the city and we do communicate with the city. DSHS cannot license a home that does not have a permit and the city is aware of the permit and changes that are made to the home. Keeping the homes located near to each other allows caregivers to meet the needs of their clients by going between homes as needed. This implies that adult family homes are detrimental and does not grandfather existing homes. Traffic studies should be done to determine the impact of traffic on the neighborhood. This will limit individual choice and there are existing DSHS rules that address vehicular traffic and parking. This violates federal law and is discriminatory. People with dementia benefit from being in a smaller home; they would get more confused in a larger facility with unfamiliar faces. All homes are inspected according to statewide building codes and they are expected to meet all county codes. This conflicts with the Fair Housing Act and the Americans with Disabilities Act. Limiting facilities would result in people having to move from their communities and leave their neighbors.

Persons Testifying: PRO: Senator Steve O'Ban, Prime Sponsor; John Caulfield, City of Lakewood, City Manager; Dudley Dvorak, Oakbrook Neighborhood Association, Former President.

CON: Dorothy Schlimme, Adult Family Home Council - Vice President; John Ficker, Adult Family Home Council - Executive Director; Joe Stephens, Adult Family Home Provider; Candace Goehring, Aging and Long Term Support Administration; Denis Costin, Immanuel Adult Family Home/Provider spouse; David Lord, citizen; Alyssa Arley, citizen; Balwinder Rai, Adult family Home owner.

Persons Signed In To Testify But Not Testifying: No one.