

SENATE BILL REPORT

SB 6302

As of January 21, 2020

Title: An act relating to prohibiting local governments from limiting the number of unrelated persons occupying a home.

Brief Description: Prohibiting local governments from limiting the number of unrelated persons occupying a home.

Sponsors: Senators Rolfes, Saldaña, Randall, Takko, Das, Hasegawa, Hunt, Lovelett, Nguyen and Wilson, C.

Brief History:

Committee Activity: Housing Stability & Affordability: 1/20/20.

Brief Summary of Bill

- Prohibits local governments from limiting the number of unrelated persons occupying a home.

SENATE COMMITTEE ON HOUSING STABILITY & AFFORDABILITY

Staff: Brandon Popovac (786-7465)

Background: Many local ordinances make a distinction between what constitutes "family" and "unrelated persons"—usually with a limit on the total number of unrelated individuals—when regulating residential uses in single or multi-family zones. A local jurisdiction can limit the number of unrelated individuals living together as long as it does not conflict with the Federal Fair Housing Act or any state laws regulating certain group living arrangements.

There is a federal prohibition on limiting the number of related persons or family residing together pursuant to the United States Supreme Court case, *Moore v. City of East Cleveland* (1977).

Summary of Bill: Cities, towns, code cities, and counties may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit consistent with restrictions on occupant load of the structure within the applicable building code.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Appropriation: None.

Fiscal Note: Not requested.

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: PRO: The bill addresses both affordable housing and access to housing in our state. The bill does not impact development or land use patterns, but attempts to fill the bedrooms of houses that are already in existence. There are an estimated 1 million bedrooms in Washington that are empty right now. Of an estimated 228 Washington cities surveyed, 71 percent impose limits on unrelated occupants, with at least two cities with a limit of zero. Bellingham and Pullman, the homes of major universities, have an unrelated resident limit of three, making it difficult for college students to live together in one household. It is now more expensive for people to live alone in apartments. If limits on unrelated persons residing together were removed, there could be a significant increase in the amount of housing available with people, like retired women, sharing rooms or houses more easily. This bill does not prohibit local governments from imposing limits on persons per bedroom or per square feet or any parking limits.

Washington is experiencing a housing crisis with an estimated need of 225,000 affordable homes that should have been built across the state in the last decade. Unrelated occupant laws exacerbate the state's housing shortage and impedes on full utilization of existing housing stock. No limits on unrelated occupants residing together could potentially free up 20,000 bedrooms at zero cost to the public.

OTHER: The bill might apply more successfully to rental housing to support maximizing the use of existing bedrooms in the homes. The University of Washington is conducting a study regarding use of shared housing. Limits on unrelated occupants are often useful to address negative behavior in communities, like enforcement against occupants in homes causing problems and contaminating the premises. It is also very difficult to enforce or define what constitutes a family.

Persons Testifying: PRO: Senator Christine Rolfes, Prime Sponsor; Lou Whalley, Sightline Institute.

OTHER: Carl Schroeder, Association of Washington Cities.

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