

SENATE BILL REPORT

SSB 6302

As Passed Senate, February 14, 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: Senate Committee on Housing Stability & Affordability (originally sponsored by Senators Rolfes, Saldaña, Randall, Takko, Das, Hasegawa, Hunt, Lovelett, Nguyen and Wilson, C.).

Brief History:

Committee Activity: Housing Stability & Affordability: 1/20/20, 2/03/20 [DPS, w/oRec, DNP].

Floor Activity:

Passed Senate: 2/14/20, 27-20.

Brief Summary of First Substitute Bill

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

SENATE COMMITTEE ON HOUSING STABILITY & AFFORDABILITY

Majority Report: That Substitute Senate Bill No. 6302 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kuderer, Chair; Das, Vice Chair; Darneille and Saldaña.

Minority Report: That it be referred without recommendation.

Signed by Senator Zeiger, Ranking Member.

Minority Report: Do not pass.

Signed by Senators Fortunato, Assistant Ranking Member; Warnick.

Staff: Brandon Popovac (786-7465)

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.

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. For example, adult family homes are regulated under state law as residential homes in which persons provide personal care, special care, room, and board to qualifying persons. Adult family homes consist of at least one but no more than six adults who are not related by blood or marriage to the persons providing services.

Some local ordinances set occupancy limits for short-term rentals, or, as defined in state statute with exceptions, any lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights. Any short-term rental operator who offers a dwelling unit, or portion thereof, for short-term rental use must post the maximum occupancy limit for the unit in a conspicuous place.

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 First Substitute 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 except for occupant limits on group living arrangements regulated under state law or on short-term rentals and any restrictions on occupant load of the structure within the applicable building code.

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 on Original Bill: *The committee recommended a different version of the bill than what was heard.* 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.