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HOUSE BILL 2890

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State of Washington

66th Legislature

2020 Regular Session

By Representative MacEwen

Read first time 01/28/20. Referred to Committee on Local Government.

1 AN ACT Relating to boarding homes; adding a new section to  
2 chapter 35.21 RCW; adding a new section to chapter 35.63 RCW; adding  
3 a new section to chapter 35A.63 RCW; adding a new section to chapter  
4 36.70 RCW; and adding a new section to chapter 36.70A RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21  
7 RCW to read as follows:

8 (1) Except as provided in subsections (2) and (3) of this  
9 section, no city or town may enact, enforce, or maintain an  
10 ordinance, development regulation, zoning regulation, or official  
11 control, policy, or administrative practice that prohibits the use of  
12 a residential dwelling, located in an area zoned for residential or  
13 commercial use, as a boarding home.

14 (2) A city or town may require that a boarding home:

15 (a) Comply with all building, fire, safety, health code, and  
16 business licensing requirements; and

17 (b) Conform to lot size, building size, setbacks, and lot  
18 coverage standards applicable to the zoning district except if the  
19 structure is a legal nonconforming structure.

20 (3) A city or town may also require that the boarding home  
21 provider provide proof of written notification by the provider to the

1 immediately adjoining property owners, informing the property owners  
2 of the intent to locate and maintain such a facility.

3 (4) Nothing in this section shall be construed to prohibit a city  
4 or town from imposing zoning conditions on the establishment and  
5 maintenance of a boarding home in an area zoned for residential or  
6 commercial use, so long as such conditions are no more restrictive  
7 than conditions imposed on other residential dwellings in the same  
8 zone and the establishment of such facilities is not precluded.

9 (5) As used in this section, "boarding home" means any home or  
10 other institution, however named, which is advertised, announced, or  
11 maintains for the express or implied purpose of providing board and  
12 domiciliary care, housing, basic services to residents, and which  
13 assumes general responsibility for the safety and well-being of the  
14 residents in a residential structure located in an urban or rural  
15 residential zone, and housing between seven and sixteen unrelated  
16 residents. A boarding home is a place where a person purchases food,  
17 shelter, and household maintenance of a board and room basis for  
18 residence of permanent boarders. Individuals in a boarding home may  
19 be provided with a combination of personalized care, meals, social  
20 services, and transportation as special needs. A boarding home shall  
21 be designed for supportive services in order for residents to live  
22 independently or semi-independently. A licensed in-home care agency  
23 may provide care as needed pursuant to chapter 70.127 RCW. A boarding  
24 home may be located adjacent to other boarding homes.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.63  
26 RCW to read as follows:

27 (1) Except as provided in subsections (2) and (3) of this  
28 section, no city may enact, enforce, or maintain an ordinance,  
29 development regulation, zoning regulation, or official control,  
30 policy, or administrative practice that prohibits the use of a  
31 residential dwelling, located in an area zoned for residential or  
32 commercial use, as a boarding home.

33 (2) A city may require that a boarding home:

34 (a) Comply with all building, fire, safety, health code, and  
35 business licensing requirements; and

36 (b) Conform to lot size, building size, setbacks, and lot  
37 coverage standards applicable to the zoning district except if the  
38 structure is a legal nonconforming structure.

1 (3) A city may also require that the boarding home provider  
2 provide proof of written notification by the provider to the  
3 immediately adjoining property owners, informing the property owners  
4 of the intent to locate and maintain such a facility.

5 (4) Nothing in this section shall be construed to prohibit a city  
6 from imposing zoning conditions on the establishment and maintenance  
7 of a boarding home in an area zoned for residential or commercial  
8 use, so long as such conditions are no more restrictive than  
9 conditions imposed on other residential dwellings in the same zone  
10 and the establishment of such facilities is not precluded.

11 (5) As used in this section, "boarding home" means any home or  
12 other institution, however named, which is advertised, announced, or  
13 maintains for the express or implied purpose of providing board and  
14 domiciliary care, housing, basic services to residents, and which  
15 assumes general responsibility for the safety and well-being of the  
16 residents in a residential structure located in an urban or rural  
17 residential zone, and housing between seven and sixteen unrelated  
18 residents. A boarding home is a place where a person purchases food,  
19 shelter, and household maintenance of a board and room basis for  
20 residence of permanent boarders. Individuals in a boarding home may  
21 be provided with a combination of personalized care, meals, social  
22 services, and transportation as special needs. A boarding home shall  
23 be designed for supportive services in order for residents to live  
24 independently or semi-independently. A licensed in-home care agency  
25 may provide care as needed pursuant to chapter 70.127 RCW. A boarding  
26 home may be located adjacent to other boarding homes.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.63  
28 RCW to read as follows:

29 (1) Except as provided in subsections (2) and (3) of this  
30 section, no code city may enact, enforce, or maintain an ordinance,  
31 development regulation, zoning regulation, or official control,  
32 policy, or administrative practice that prohibits the use of a  
33 residential dwelling, located in an area zoned for residential or  
34 commercial use, as a boarding home.

35 (2) A code city may require that a boarding home:

36 (a) Comply with all building, fire, safety, health code, and  
37 business licensing requirements; and

1 (b) Conform to lot size, building size, setbacks, and lot  
2 coverage standards applicable to the zoning district except if the  
3 structure is a legal nonconforming structure.

4 (3) A code city may also require that the boarding home provider  
5 provide proof of written notification by the provider to the  
6 immediately adjoining property owners, informing the property owners  
7 of the intent to locate and maintain such a facility.

8 (4) Nothing in this section shall be construed to prohibit a code  
9 city from imposing zoning conditions on the establishment and  
10 maintenance of a boarding home in an area zoned for residential or  
11 commercial use, so long as such conditions are no more restrictive  
12 than conditions imposed on other residential dwellings in the same  
13 zone and the establishment of such facilities is not precluded.

14 (5) As used in this section, "boarding home" means any home or  
15 other institution, however named, which is advertised, announced, or  
16 maintains for the express or implied purpose of providing board and  
17 domiciliary care, housing, basic services to residents, and which  
18 assumes general responsibility for the safety and well-being of the  
19 residents in a residential structure located in an urban or rural  
20 residential zone, and housing between seven and sixteen unrelated  
21 residents. A boarding home is a place where a person purchases food,  
22 shelter, and household maintenance of a board and room basis for  
23 residence of permanent boarders. Individuals in a boarding home may  
24 be provided with a combination of personalized care, meals, social  
25 services, and transportation as special needs. A boarding home shall  
26 be designed for supportive services in order for residents to live  
27 independently or semi-independently. A licensed in-home care agency  
28 may provide care as needed pursuant to chapter 70.127 RCW. A boarding  
29 home may be located adjacent to other boarding homes.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70  
31 RCW to read as follows:

32 (1) Except as provided in subsections (2) and (3) of this  
33 section, no county may enact, enforce, or maintain an ordinance,  
34 development regulation, zoning regulation, or official control,  
35 policy, or administrative practice that prohibits the use of a  
36 residential dwelling, located in an area zoned for residential or  
37 commercial use, as a boarding home.

38 (2) A county may require that a boarding home:

1 (a) Comply with all building, fire, safety, health code, and  
2 business licensing requirements; and

3 (b) Conform to lot size, building size, setbacks, and lot  
4 coverage standards applicable to the zoning district except if the  
5 structure is a legal nonconforming structure.

6 (3) A county may also require that the boarding home provider  
7 provide proof of written notification by the provider to the  
8 immediately adjoining property owners, informing the property owners  
9 of the intent to locate and maintain such a facility.

10 (4) Nothing in this section shall be construed to prohibit a  
11 county from imposing zoning conditions on the establishment and  
12 maintenance of a boarding home in an area zoned for residential or  
13 commercial use, so long as such conditions are no more restrictive  
14 than conditions imposed on other residential dwellings in the same  
15 zone and the establishment of such facilities is not precluded.

16 (5) As used in this section, "boarding home" means any home or  
17 other institution, however named, which is advertised, announced, or  
18 maintains for the express or implied purpose of providing board and  
19 domiciliary care, housing, basic services to residents, and which  
20 assumes general responsibility for the safety and well-being of the  
21 residents in a residential structure located in an urban or rural  
22 residential zone, and housing between seven and sixteen unrelated  
23 residents. A boarding home is a place where a person purchases food,  
24 shelter, and household maintenance of a board and room basis for  
25 residence of permanent boarders. Individuals in a boarding home may  
26 be provided with a combination of personalized care, meals, social  
27 services, and transportation as special needs. A boarding home shall  
28 be designed for supportive services in order for residents to live  
29 independently or semi-independently. A licensed in-home care agency  
30 may provide care as needed pursuant to chapter 70.127 RCW. A boarding  
31 home may be located adjacent to other boarding homes.

32 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A  
33 RCW to read as follows:

34 (1) Except as provided in subsections (2) and (3) of this  
35 section, no county or city may enact, enforce, or maintain an  
36 ordinance, development regulation, zoning regulation, or official  
37 control, policy, or administrative practice that prohibits the use of  
38 a residential dwelling, located in an area zoned for residential or  
39 commercial use, as a boarding home.

1 (2) A county or city may require that a boarding home:  
2 (a) Comply with all building, fire, safety, health code, and  
3 business licensing requirements; and  
4 (b) Conform to lot size, building size, setbacks, and lot  
5 coverage standards applicable to the zoning district except if the  
6 structure is a legal nonconforming structure.

7 (3) A county or city may also require that the boarding home  
8 provider provide proof of written notification by the provider to the  
9 immediately adjoining property owners, informing the property owners  
10 of the intent to locate and maintain such a facility.

11 (4) Nothing in this section shall be construed to prohibit a  
12 county or city from imposing zoning conditions on the establishment  
13 and maintenance of a boarding home in an area zoned for residential  
14 or commercial use, so long as such conditions are no more restrictive  
15 than conditions imposed on other residential dwellings in the same  
16 zone and the establishment of such facilities is not precluded.

17 (5) As used in this section, "boarding home" means any home or  
18 other institution, however named, which is advertised, announced, or  
19 maintains for the express or implied purpose of providing board and  
20 domiciliary care, housing, basic services to residents, and which  
21 assumes general responsibility for the safety and well-being of the  
22 residents in a residential structure located in an urban or rural  
23 residential zone, and housing between seven and sixteen unrelated  
24 residents. A boarding home is a place where a person purchases food,  
25 shelter, and household maintenance of a board and room basis for  
26 residence of permanent boarders. Individuals in a boarding home may  
27 be provided with a combination of personalized care, meals, social  
28 services, and transportation as special needs. A boarding home shall  
29 be designed for supportive services in order for residents to live  
30 independently or semi-independently. A licensed in-home care agency  
31 may provide care as needed pursuant to chapter 70.127 RCW. A boarding  
32 home may be located adjacent to other boarding homes.

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