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**SUBSTITUTE HOUSE BILL 2015**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Health Care & Wellness (originally sponsored by Representatives Senn, Schmick, Ryu, Reed, Ormsby, Callan, Macri, Doglio, Lekanoff, Reeves, and Tharinger)

READ FIRST TIME 01/16/24.

1 AN ACT Relating to incentivizing adult family homes to increase  
2 bed capacity to seven or eight beds; amending RCW 70.128.066 and  
3 70.128.070; and declaring an emergency.

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

5 **Sec. 1.** RCW 70.128.066 and 2020 c 220 s 2 are each amended to  
6 read as follows:

7 (1) An applicant requesting to increase bed capacity to seven or  
8 eight beds must successfully demonstrate to the department financial  
9 solvency and management experience for the home under its ownership  
10 and the ability to meet other relevant safety, health, and operating  
11 standards pertaining to the operation of an eight bed home, including  
12 the ability to meet the needs of all current and prospective  
13 residents and ways to mitigate the potential impact of vehicular  
14 traffic related to the operation of the home.

15 (2) The department may only accept and process an application to  
16 increase the bed capacity to seven or eight beds when:

17 (a) A period of no less than twenty-four months has passed since  
18 the issuance of the initial adult family home license;

19 (b) The home has been licensed for six residents for at least  
20 twelve months prior to application;

1 (c) The home has completed two full inspections that have  
2 resulted in no enforcement actions. For adult family homes applying  
3 to increase bed capacity under this section prior to January 1, 2026,  
4 the department may:

5 (i) Complete the first inspection upon receipt of an application  
6 to increase bed capacity if the home has otherwise met the  
7 requirements of this section.

8 (ii) Complete a second inspection upon receipt of an application  
9 to increase bed capacity if at least six months have passed since the  
10 first inspection;

11 (d) The home has submitted an attestation that an increase in the  
12 number of beds will not adversely affect the health, safety, or  
13 quality of life of current residents of the home;

14 (e) The home has demonstrated to the department the ability to  
15 comply with the emergency evacuation standards established by the  
16 department in rule;

17 (f) The home has a residential sprinkler system in place in order  
18 to serve residents who require assistance during an evacuation; and

19 (g) The home has paid any fees associated with licensure or  
20 additional inspections.

21 (3) The department shall accept and process applications under  
22 RCW 70.128.060(13) for a seven or eight bed adult family home only  
23 if:

24 (a) The new provider is a provider of a currently licensed adult  
25 family home that has been licensed for a period of no less than  
26 twenty-four months since the issuance of the initial adult family  
27 home license;

28 (b) The new provider's current adult family home has been  
29 licensed for six or more residents for at least twelve months prior  
30 to application; and

31 (c) The adult family home has completed at least two full  
32 inspections, and the most recent two full inspections have resulted  
33 in no enforcement actions.

34 (4) Prior to issuing a license to operate a seven or eight bed  
35 adult family home, the department shall:

36 (a) Notify the local jurisdiction in which the home is located,  
37 in writing, of the applicant's request to increase bed capacity, and  
38 allow the local jurisdiction to provide any recommendations to the  
39 department as to whether or not the department should approve the

1 applicant's request to increase its bed capacity to seven or eight  
2 beds; and

3 (b) Conduct an inspection to determine compliance with licensing  
4 standards and the ability to meet the needs of eight residents.

5 (5) In addition to the consideration of other criteria  
6 established in this section, the department shall consider comments  
7 received from current residents of the adult family home related to  
8 the quality of care and quality of life offered by the home, as well  
9 as their views regarding the addition of one or two more residents.

10 (6) Upon application for an initial seven or eight bed adult  
11 family home, a home must provide at least sixty days' notice to all  
12 residents and the residents' designated representatives that the home  
13 has applied for a license to admit up to seven or eight residents  
14 before admitting a seventh resident. The notice must be in writing  
15 and written in a manner or language that is understood by the  
16 residents and the residents' designated representatives.

17 (7) In the event of serious noncompliance in a seven or eight bed  
18 adult family home, in addition to, or in lieu of, the imposition of  
19 one or more actions listed in RCW 70.128.160(2), the department may  
20 revoke the adult family home's authority to accept more than six  
21 residents.

22 **Sec. 2.** RCW 70.128.070 and 2021 c 203 s 13 are each amended to  
23 read as follows:

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

26 (2)(a) Homes applying for a license shall be inspected at the  
27 time of licensure.

28 (b) (i) Homes licensed by the department shall be inspected at  
29 least every eighteen months, with an annual average of fifteen  
30 months. However, an adult family home may be allowed to continue  
31 without inspection for two years if the adult family home had no  
32 inspection citations for the past three consecutive inspections and  
33 has received no written notice of violations resulting from complaint  
34 investigations during that same time period.

35 (ii) For adult family homes applying to increase bed capacity  
36 under RCW 70.128.066 prior to January 1, 2026, the department may:

37 (A) Complete the first inspection upon receipt of an application  
38 to increase bed capacity if the home has otherwise met the  
39 requirements of RCW 70.128.066.

1       (B) Complete a second inspection upon receipt of an application  
2 to increase bed capacity if at least six months have passed since the  
3 first inspection.

4       (c) The department may make an unannounced inspection of a  
5 licensed home at any time to assure that the home and provider are in  
6 compliance with this chapter and the rules adopted under this  
7 chapter.

8       (d) If a pandemic, natural disaster, or other declared state of  
9 emergency prevents the department from completing inspections  
10 according to the timeline in this subsection, the department shall  
11 adopt rules to reestablish inspection timelines based on the length  
12 of time since last inspection, compliance history of each facility,  
13 and immediate health or safety concerns.

14       (i) Rules adopted under this subsection (2)(d) are effective  
15 until the termination of the pandemic, natural disaster, or other  
16 declared state of emergency or until the department determines that  
17 all facility inspections are occurring according to time frames  
18 established in (b) of this subsection, whichever is later. Once the  
19 department determines a rule adopted under this subsection (2)(d) is  
20 no longer necessary, it must repeal the rule under RCW 34.05.353.

21       (ii) Within 12 months of the termination of the pandemic, natural  
22 disaster, or declared state of emergency, the department shall  
23 conduct a review of inspection compliance with (b) of this subsection  
24 and provide the legislature with a report.

25       (3) If the department finds that the home is not in compliance  
26 with this chapter, it shall require the home to correct any  
27 violations as provided in this chapter.

28       NEW SECTION.   **Sec. 3.** This act is necessary for the immediate  
29 preservation of the public peace, health, or safety, or support of  
30 the state government and its existing public institutions, and takes  
31 effect immediately.

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