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**HOUSE BILL 2890**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representative MacEwen

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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