
Local Government Committee

SSB 6302

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.).

<p style="text-align: center;">Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">• Prohibits local governments from limiting the number of unrelated persons occupying a home.
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Hearing Date: 2/25/20

Staff: Kellen Wright (786-7134).

Background:

Local governments regulate the residential use of property in various ways. One of the ways is by limiting the occupancy of a household or dwelling unit by ordinance. These ordinances often distinguish between occupation by "family" and occupation by "unrelated persons." The number of family members that occupy a household or dwelling unit is generally not restricted (the United States Supreme Court struck down an attempt to limit the family members who could reside together to only those in the "nuclear family" in *Moore v. City of East Cleveland* (1977)), while the number of unrelated persons living together is restricted. Such restrictions are allowed, as long as they do not conflict with the Federal Fair Housing Act or any state laws regulating certain group living arrangements. For example, certain restrictions on group homes for persons with disabilities may be prohibited by the Fair Housing Act or the Washington Housing Policy Act.

Some local ordinances also set occupancy limits for short-term rentals (a short term rental is generally a type of lodging where a home, or part of a home, is rented for a fee for fewer than 30

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consecutive nights). State law requires that a 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.

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 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.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.