

HOUSE BILL REPORT

SSB 6302

As Reported by House Committee On: Local Government

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:

Local Government: 2/25/20, 2/28/20 [DPA].

Brief Summary of Substitute Bill (As Amended by Committee)

- Requires governments that limit the number of unrelated persons that can occupy a household or dwelling unit to provide a process for applying for an exception to this limit.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 4 members: Representatives Pollet, Chair; Duerr, Vice Chair; Appleton and Senn.

Minority Report: Do not pass. Signed by 2 members: Representatives Kraft, Ranking Minority Member; Goehner.

Minority Report: Without recommendation. Signed by 1 member: Representative Griffey, Assistant Ranking Minority Member.

Staff: Kellen Wright (786-7134).

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:

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, while the number of unrelated persons living together is often 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 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 Amended Bill:

Cities, towns, code cities, and counties that regulate or limit the number of unrelated persons that may occupy a household or dwelling unit (not including occupant limits on group living arrangements regulated under state law or on short-term rentals), must provide a process for a property owner to apply to exceed the limit. The process may include a review of the household or dwelling's compliance with applicable building codes, the public health impacts of the application, any public safety concerns raised by the application, the cooking and sanitation available relative to the occupancy in the proposal, and the infrastructure capacity of the property. Approval of an application may be conditioned on the household or dwelling unit complying with conditions established by the city or county. An approved application may later be revoked if the household or dwelling is not in compliance with provisions of the local fire, building, or other codes.

Amended Bill Compared to Substitute Bill:

The amended bill:

- replaces the prohibition on local government regulation of unrelated persons' occupancy of a household or dwelling unit with a requirement that, if the local government does have such regulations, it must provide a process for seeking an exception to the regulations;
- allows a local government to review various aspects of the proposed household or dwelling units, including its compliance with applicable building codes and the infrastructure capacity of the property, when making a decision on an application for an exception, and to condition approval on the household or dwelling unit's compliance with certain conditions established by the local government; and
- allows a local government to later revoke approval if the household or dwelling unit is not in compliance with building, fire, or other code requirements.

Appropriation: None.

Fiscal Note: Requested on February 28, 2020.

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

Staff Summary of Public Testimony:

(In support) In many places occupancy limits on unrelated persons living together are very restrictive. The origins of these limits are discriminatory. The lowest limits are in university areas, and current policies target and discriminate against young people and especially students. There are already significant difficulties with housing, and these occupant limits can force people to break the law. These regulations limit housing that would otherwise be available and would not cost the government anything. These limits can prevent innovative, successful, and cost-effective low-income housing. Removing the limits would provide another tool in the affordable housing tool chest. Any concerns that local governments have can be addressed through other generally applicable ordinances.

(Opposed) The purpose of this bill is good, but the current language doesn't ensure that the bill will be used in altruistic manner. Without the ability to regulate the number of persons at all, the unlimited number of people that could live within a home could cause significant health and safety violations that would not otherwise be covered by regulations. Limits on the number of people per bedroom, bathroom, and septic system are important. There needs to be greater clarity about what can be regulated by the building code council, and about the different entities that can provide housing; a nonprofit trying to do good things in a community is fundamentally different from a landlord trying to get the maximum amount of profit by fitting as many people as possible within a home.

(Other) Cities are taking action to provide affordable housing, and support the intent of the bill to provide affordable housing. However, cities are dealing with issues of too many people living in homes causing numerous problems. The building code only ensures that basic life safety concerns are being met—it does not regulate the number of occupants, or address things like the number of bathrooms needed, the amount of square footage per person required, utility or septic system capacity, or the amount of parking that is needed. Without limits on the number of residents, illegal home conversion will be encouraged, code compliance issues will multiply, and this will create legal and financial hardships for homeowners. Cities need some ability to regulate occupancy in order to address multiple concerns. Stakeholders should come together to work on the bill in order to help it meet the intended objectives while retaining cities' ability to protect public safety and public health.

Persons Testifying: (In support) Senator Rolfes, prime sponsor; and Matthew Sutherland, Graduate and Professional Student Association of Washington State University.

(Opposed) Briahna Murray, Cities of Kent, Tacoma, Bellevue, and Pasco.

(Other) Mike Katterman and Kellye Mazzoli, City of Bothell.

Persons Signed In To Testify But Not Testifying: None.