

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2015

Chapter 147, Laws of 2024

(partial veto)

68th Legislature
2024 Regular Session

ADULT FAMILY HOMES—APPLICATIONS TO INCREASE BED CAPACITY

EFFECTIVE DATE: June 6, 2024

Passed by the House January 29, 2024
Yeas 96 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate February 27,
2024
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Approved March 18, 2024 3:14 PM with
the exception of section 3, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2015** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 19, 2024

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2015

Passed Legislature - 2024 Regular Session

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.***

****Sec. 3 was vetoed. See message at end of chapter.***

Passed by the House January 29, 2024.
Passed by the Senate February 27, 2024.
Approved by the Governor March 18, 2024, with the exception of
certain items that were vetoed.
Filed in Office of Secretary of State March 19, 2024.

Note: Governor's explanation of partial veto is as follows:
"I am returning herewith, without my approval as to Section 3,
Substitute House Bill No. 2015 entitled:

"AN ACT Relating to incentivizing adult family homes to increase bed capacity to seven or eight beds."

The language of this bill is permissive and does not require DSHS to undertake the inspections as described. Therefore, there is not the necessary justification for the emergency clause. The substance of the bill remains in place.

For these reasons I have vetoed Section 3 of Substitute House Bill No. 2015.

With the exception of Section 3, Substitute House Bill No. 2015 is approved."

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