S-3700.1

SENATE BILL 5964

State of Washington 69th Legislature 2026 Regular Session

By Senators Bateman, Alvarado, Nobles, Riccelli, Valdez, and C. Wilson

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AN ACT Relating to the establishment of an independent living ombuds to support seniors living in independent living facilities and the independent living portion of continuing care retirement communities; and adding a new chapter to Title 43 RCW.

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

NEW SECTION. **Sec. 1.** The legislature finds that many Washingtonians over 55 years of age choose to live in communities specifically designed for, and marketed to, seniors who wish to live independently in a community of their peers. These senior independent living housing options are often composed of renters or individuals entering into long-term contracts, such as in continuing care retirement communities. As such, residents of these communities are unable to reasonably move should they have a conflict with management. Further, these seniors do not have access to ombuds services because the long-term care ombuds do not have jurisdiction over senior independent living.

As such, the legislature will create senior independent living ombuds who will track data on the types of complaints and identified resolutions and specialize in landlord-tenant and consumer protection advocacy to assist seniors living in these kinds of housing arrangements with issues that may arise.

NEW SECTION. **Sec. 2.** (1) As used in this chapter, "senior independent living" means any of the following:

(a) An apartment building, condominium, or residential neighborhood that:

(i) Limits residents based on age;

(ii) Requires residents to rent the housing unit, rent the land on which they live, or both; and

(iii) Is not a long-term care facility as defined in RCW 43.190.020;

(b) Any section or portion of a continuing care retirement community, as defined in RCW 18.390.010, which is not licensed by the department of social and health services;

(c) Any portion or room in a building approved for assisted living services, as defined in RCW 74.39A.009, that is not actively being used as an assisted living facility room.

(2) "Senior independent living" does not include a facility that provides medical care or assistance with activities of daily living, such as an assisted living facility, a nursing home, a long-term care facility, or other similar living arrangement that is not licensed or certified by the department of social and health services.

NEW SECTION. **Sec. 3.** There is created the office of the state senior independent living ombuds. The department of commerce shall contract with a private nonprofit organization to provide senior independent living ombuds services as specified by the state and the needs of its residents. The department of commerce shall ensure all program and staff support necessary to enable the ombuds to effectively protect the interest of residents and their families is provided by the nonprofit organization that contracts to provide senior independent living ombuds services. The department of commerce shall adopt rules necessary to carry out this chapter. The senior independent living ombuds shall have the following powers and duties:

(1) Provide services for coordinating the activities of senior independent living ombuds throughout the state;

(2) Carry out such other activities as the department of commerce deems appropriate;

(3) Establish procedures, where relevant, for coordinating with the office of the state long-term care ombuds and the office of the state ombuds for developmental disabilities to ensure the needs of mutual clients or shared communities are met;

(4) Establish a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in senior independent living for the purpose of identifying and resolving significant problems, with provision for submission of such data to the department of commerce and the legislature, on at least an annual basis; and

(5) Establish procedures to assure that any files maintained by ombuds programs are disclosed only at the discretion of the ombuds having authority over the disposition of such files, except that the identity of any complainant or resident of a senior independent living community may not be disclosed by such ombuds unless:

(a) Such complainant or resident, or the complainant's or resident's legal representative, consents in writing to such disclosure; or

(b) Such disclosure is required by court order.

NEW SECTION. **Sec. 4.** (1) A senior independent living ombuds authorized by this chapter or a local governmental authority shall have training or experience in one or more of the following areas:

(a) Housing or other related programs;

(b) The consumer protection act, chapter 19.86 RCW;

(c) The state legal system; and

(d) Landlord-tenant law, including the residential landlord-tenant act, chapter 59.18 RCW, and manufactured/mobile home landlord-tenant act, chapter 59.20 RCW.

(2) A senior independent living ombuds or any member of his or her family may not, in the past five years, have benefited financially from:

(a) Full or partial ownership of a senior independent living community; or

(b) Full or partial ownership or work at an assisted living facility.

(3) A senior independent living ombuds may not be assigned to work at or with a senior independent living community where they or a member of their immediate family resides.

NEW SECTION. **Sec. 5.** A senior independent living community shall post, in a conspicuous location, a notice of the name, address, and phone number of the office of the appropriate senior independent living ombuds and a brief description of the services provided by the

office. The form of notice shall be approved by the office. This notice shall be distributed to residents and prospective residents before finalization of any rental agreement, sales agreement, or contract allowing an individual to reside at the senior independent living community indefinitely. The notice shall be provided to residents at any subsequent renewal of the relevant rental agreements or contracts.

NEW SECTION. **Sec. 6.** (1) A senior independent living ombuds shall:

(a) Identify, investigate, and resolve complaints made by, or on behalf of, residents of a senior independent living community relating to administrative action, inaction, or decisions that may adversely affect the health, safety, welfare, and rights of the residents;

(b) Monitor the development and implementation of federal, state, and local laws, rules, regulations, and policies with respect to housing in this state;

(c) Provide information, as appropriate, to residents, resident representatives, and others regarding the rights of residents and to public agencies regarding the problems of individuals residing in senior living communities; and

(d) Provide for training of volunteers and promote the development of citizen organizations to participate in the ombuds program. A trained volunteer ombuds, in accordance with the policies and procedures established by the state senior independent living ombuds program, shall inform residents, their representatives, and others about the rights of residents and may identify, investigate, and resolve complaints made by or on behalf of residents of senior independent living communities relating to action, inaction, or decisions which may adversely affect the health, safety, welfare, and rights of the residents.

(2) Nothing in this section shall be construed to empower the state senior independent living ombuds or any local senior independent living ombuds with statutory or regulatory licensing or sanctioning authority.

NEW SECTION. **Sec. 7.** (1) The office of senior independent living ombuds shall make referrals to relevant state agencies when their investigations find violations or issues that potentially

warrant action by state or local government agencies, law enforcement agencies, or the office of the attorney general's consumer protection division.

(2) State or local government agencies, law enforcement agencies, and the office of the attorney general shall respond to any complaint against a senior independent living community which was referred to it by the ombuds and provide the ombuds with a summary of the results of the investigation and any further actions proposed or taken.

NEW SECTION. **Sec. 8.** (1) A senior independent living ombuds is not liable for the good faith performance of responsibilities under this chapter.

(2) A discriminatory, disciplinary, or retaliatory action may not be taken against any person for communications made, or information given or disclosed, to aid the senior independent living ombuds in carrying out its duties and responsibilities under this chapter.

(3) All communications by a senior independent living ombuds are privileged if reasonably related to the requirements of the ombuds' responsibilities under this chapter and if made in good faith. Such privilege shall serve as a defense to any action in libel or slander.

(4) A senior independent living ombuds or other representative of his or her office may not be compelled to testify in court as to any confidential matters, except as the court may deem necessary to enforce this chapter.

NEW SECTION. **Sec. 9.** All records and files of the senior independent living ombuds relating to any complaint or investigation made pursuant to carrying out the ombuds' duties, and the identities of complainants, witnesses, patients, or residents, shall remain confidential unless disclosure is authorized by the resident or his or her guardian or legal representative. Disclosure may not be made outside the office without the consent of any named witnesses, resident, or complainant unless the disclosure is made without the identity of any of these individuals being disclosed.

NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute a new chapter in Title 43 RCW.

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