



## Planning Commission Meeting Agenda Tuesday, April 19, 2022, 7:00 PM REMOTE PARTICIPATION

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*NOTE: The City welcomes public meeting citizen participation. TTY Relay Service: 711. In compliance with the ADA, if you need special assistance to participate in a meeting, contact the City Clerk's office at (360) 834-6864, 72 hours prior to the meeting so reasonable accommodations can be made (28 CFR 35.102-35.104 ADA Title 1)*

### **To Participate Remotely:**

#### **OPTION 1 -**

1. Go to [www.zoom.us](http://www.zoom.us) and download the app or click "Join A Meeting" and use Meeting ID – 92275013087
2. Or, from any device click <https://us06web.zoom.us/j/92275013087>

#### **OPTION 2 - Join by phone (audio only):**

1. Dial 877-853-5257 and enter meeting ID# 92275013087

#### **For Public Comment:**

1. Click the raise hand icon in the app or by phone, hit \*9 to "raise your hand"
2. Or, email to [publiccomments@cityofcamas.us](mailto:publiccomments@cityofcamas.us) (400 word limit)

*These will be entered into the meeting record. Emails received by one hour before the start of the meeting will be emailed to the Meeting Body prior to the meeting start time. During the meeting, the clerk will read aloud the submitter's name, the subject, and the date/time it was received. Emails will be accepted until 1 hour received after the meeting and will be emailed to the Meeting Body no later than the end of the next business day.*

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### **CALL TO ORDER**

### **ROLL CALL**

### **MINUTES**

1. Minutes from the January 19, 2022 Planning Commission Meeting.

### **MEETING ITEMS**

2. Public Hearing for the Annual Code Amendments (File No. MC21-01)

Presenter: Madeline Sutherland, Planner

### **MISCELLANEOUS UPDATES**

### **NEXT MEETING DATE**

The next meeting is scheduled for May 17, 2022, at 7 p.m.

### **ADJOURNMENT**



**Planning Commission Meeting Minutes**  
**Wednesday, January 19, 2022, 7:00 PM**  
**Remote Participation**

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## **CALL TO ORDER**

Commissioner Hull called the meeting to order at 7:00 p.m.

## **ROLL CALL**

Planning Commissioners Present: Troy Hull, Mahsa Eshghi, Warren Montgomery, Marlo Maroon, Geoerl Niles, Joe Walsh and Shawn High

Staff Present: Robert Maul, David Schultz, Anita Ashton, and Madeline Sutherland

Council Liaison: Shannon Roberts

## **MINUTES**

1. Minutes from the November 16, 2021, Planning Commission Meeting.

**It was moved by Commissioner Niles and seconded by Commissioner High, to approve the minutes of the November 16, 2021, Planning Commission Meeting. The motion passed unanimously.**

2. Minutes from the December 21, 2021, Planning Commission Meeting.

**It was moved by Commissioner Niles and seconded by Commissioner Eshghi, to approve the minutes of the December 21, 2021, Planning Commission Meeting. The motion passed unanimously.**

## **MEETING ITEMS**

3. Election of Chair and Vice Chair

Recommended Action: The Commissioners nominate and approve a Chair and Vice Chair for the 2022 Planning Commission.

**It was moved by Commissioner Niles and seconded by Commissioner High, to nominate and approve Commissioner Hull as the Chair. The motion passed unanimously.**

**It was moved by Commissioner Eshghi and seconded by Commissioner High, to nominate and approve Commissioner Niles as the Vice Chair. The motion passed unanimously.**

4. New Planning Commission Member Protocol

Presenter: David Schultz, Assistant City Attorney

*These materials are archived electronically by the City of Camas. DESTROY AFTER USE.*

David reviewed the new member protocol for the Planning Commissioners.

5. Public Hearing for the Annual Code Amendments (File No. MC21-01)  
Presenter: Madeline Sutherland, Planner

Madeline Sutherland reviewed the code amendments and responded to the Commissioners questions.

There following offered testimony at the public hearing:

Brian Lewallen 5248 NW Fernridge Dr

Justin Wood 19600 NE 3<sup>rd</sup> St

Brian Wiklem 3413 NW 23<sup>rd</sup> Ave

**It was moved by Niles and seconded by High to approve the Annual Code Amendments and change the proposed "Substance Abuse Treatment Facility" definition title in CMC 18.03.030 to "Residential Treatment Facility" and add language for "Sober Living Homes" and "Transitional Housing". The motion passed unanimously.**

#### **MISCELLANEOUS UPDATES**

Robert Maul gave an update regarding The North Shore Subarea Plan.

#### **NEXT MEETING DATE**

The next meeting is scheduled for February 15, 2022, at 7 p.m.

#### **ADJOURNMENT**

The meeting adjourned at 8:37 p.m.

## STAFF REPORT

### Annual Amendments to Camas Municipal Code (CMC)

File No. MC21-01

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TO	Troy Hull, Chair Planning Commission
FROM	Madeline Sutherland, Planner
DATE	April 13, 2022

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#### **Summary**

As part of the city’s annual code improvement project, the amendments include corrections to typos, citations, or punctuation, and to clarify sections of the Camas Municipal Code (CMC) that were challenging to administer over the past review cycle. This report includes an evaluation of each amendment in accordance with the review criteria at CMC Section 18.51.030.

Planning Commission held a public hearing on January 19, 2022, and received public testimony on several of the proposed code changes. Some of the suggestions from the public were then incorporated in the recommendation from the Planning Commission to the City Council (See exhibit 1). Specifically, the suggested language changes included changing the definition of “Substance Abuse Treatment Facilities” to “Residential Treatment Facility” thereby matching up with State definitions. The other addition to the definition included the terms “Sober Living Home” and “Transitional Housing.”

Upon the closure of the Planning Commission Public Hearing, staff found that the inclusion of some additional terms within the definition as recommended had created issues of compliance with the Fair Housing Act. As such, staff and the City Attorney’s office have reviewed language with the Municipal Research and Services Center and the Washington State Department of Commerce to draft language that is compliant with State and Federal requirements on fair housing (See City Attorney Memorandum, Exhibit 3).

Staff recommends that these new terms be added as separate definitions to comply with state law as shown in Exhibit 2.

#### **DISCUSSION**

The following is a list of proposed amendments to sections of the CMC in numerical order and includes a brief description of the changes.

- CMC 18.03.030- Definitions for land uses/ CMC 18.07 - Table 1—Commercial and industrial land uses/ CMC 18.07 Table 2—Residential and multifamily land uses.
  - Staff is recommending creating separate definitions for “Sober Living Homes” and “Transitional Housing” to comply with state law.

- People in Sober Living Homes are considered “persons with handicaps” and therefore may not be treated differently than a single-family residence. The bed count for a Sober Living Home will be limited to no more than eight unrelated people to be consistent with an Adult Family Home, which houses “persons of handicap” as well. Sober Living Homes are also proposed to be permitted in the same zones as an Adult Family Home. Staff is proposing additional language to the Residential Treatment Facility definition to require more than 8 unrelated individuals to differentiate the use from a Sober Living Home.
- Transitional Housing was a part of a state legislative update that requires this type of housing to be permitted in all zones where residential dwelling units and hotels are permitted. The definition proposed is from RCW 84.36.043.2.c.

CRITERIA OF APPROVAL – CMC 18.51.030	Finding
A. Impact upon the city of Camas comprehensive plan and zoning code;	The proposed changes consist of edits to typos or adding clarity to the zoning code. No substantive changes are proposed at this time.
B. Impact upon surrounding properties, if applicable;	The proposed changes will have minor impacts on future development citywide.
C. Alternatives to the proposed amendment; and	No alternatives are proposed at this time.
D. Relevant code citations and other adopted documents that may be affected by the proposed change.	No citations or documents will be affected beyond what has been provided within Exhibit 1 and 2.

**Recommendation**

Staff recommends that the Commission discuss the proposed amendments, conduct a public hearing, and forward a recommendation to City Council.

## Exhibit 1: Planning Commission Recommendation Annual Code Amendments (MC21-01)

The code amendments below in red were recommended by Planning Commission at the January Public Hearing. However, due to conflicts with state law, staff is recommending the amendments in Exhibit 2.

### **CMC 18.03.030- Definitions for land uses**

"Nursing, rest or convalescent home" means an establishment which provides full-time care for three or more chronically ill or infirm persons. Such care shall not include surgical, drug or alcohol treatment services, or obstetrical or acute illness services. See residential treatment facility definition for drug and alcohol treatment services.

### **CMC 18.03.030 – definitions for land use**

“Residential treatment facility (RTF)” means a facility meeting applicable state and federal standards that provides support services including, but not limited to, counseling, rehabilitation and medical supervision for the need of drug or alcohol treatment. An RTF may function as a residence, day-treatment facility, sober living home, transitional housing or a combination thereof. An RTF may be staffed by resident or nonresident staff. An RTF shall not be located within 1,000 feet of public and private schools, public parks, public libraries, other RTFs, or similar uses.

### **CMC 18.07.030 - Table 1—Commercial and industrial land uses.**

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
<u>Residential Treatment Facility<sup>12</sup></u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

Footnote 12: A Residential Treatment Facility shall not be located within 1,000 feet of public and private schools, public parks, public libraries, other RTFs or similar uses.

### **CMC 18.07.040 Table 2—Residential and multifamily land uses.**

Zoning Districts	R	MF
<u>Residential Treatment Facility<sup>5</sup></u>	<u>X</u>	<u>X</u>

Footnote 5: A Residential Treatment Facility shall not be located within 1,000 feet of public and private schools, public parks, public libraries, other RTFs, or similar uses.

### **CMC 18.15.100.A – Temporary signs**

4. Location. Temporary signs are prohibited from being placed within the center islands of roundabouts and within 150 feet of the outer curb of the circulatory travel lanes that are within the public right-of-way.

## Exhibit 2: Staff Recommendation Annual Code Amendments (MC21-01)

The code amendments below in red were recommended by Planning Commission at the January public hearing. Staff’s recommended edits are in blue. Staff is recommending to the following code amendments to include both the red and blue lines:

**CMC 18.03.030 – Definitions for land uses**

“Residential treatment facility (RTF)” means a facility meeting applicable state and federal standards that provides support services including, but not limited to, counseling, rehabilitation and medical supervision for the need of drug or alcohol treatment. An RTF may function as a residence, day-treatment facility, or a combination thereof. An RTF may be staffed by resident or nonresident staff and shall include more than eight unrelated individuals. An RTF shall not be located within 1,000 feet of public and private schools, public parks, public libraries, other RTFs, or similar uses.

“Sober Living Homes” means a home-like environment that promotes healthy recovery from a substance use disorder and supports persons recovering from a substance use disorder through the use of peer recovery support. Sober living homes are limited to no more than eight unrelated individuals.

“Transitional housing” means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

**CMC 18.07.030 - Table 1—Commercial and industrial land uses.**

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Group Home	C	P	P	X	P	X	X	X	X
Adult Family Home	C	P	P	X	P	X	X	X	X
Single Family Dwelling	X	X	X	X	P	X	X	X	X
<u>Sober Living Homes</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Permanent Supportive Housing	C	P	X/P <sup>10</sup>	X/P <sup>10</sup>	P	X	X	X	X
Hotel/motel	X	C	C	P	P	P	X	P	X
<u>Transitional Housing</u>	<u>C</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>
<u>Residential Treatment Facility<sup>12</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Footnote 12: A Residential Treatment Facility shall not be located within 1,000 feet of public and private schools, public parks, public libraries, other RTFs or similar uses.

**CMC 18.07.040 Table 2—Residential and multifamily land uses.**

Zoning Districts	R	MF
Adult family home, residential care facility, supported living arrangement, or housing for the disabled	P	P
Group Home	P	P
Single Family Dwelling	P	P
<a href="#">Sober Living Homes</a>	<u>P</u>	<u>P</u>
Permanent Supportive Housing	C/P <sup>2</sup>	P
<a href="#">Transitional Housing</a>	<u>P</u>	<u>P</u>
<a href="#">Residential Treatment Facility<sup>5</sup></a>	X	C

Footnote 5: A Residential Treatment Facility shall not be located within 1,000 feet of public and private schools, public parks, public libraries, other RTFs, or similar uses.



## M E M O R A N D U M

**TO:** Robert Maul, Interim Community Development Director  
**FROM:** David Schultz, Assistant City Attorney  
**DATE:** March 25, 2022  
**RE:** Sober Homes/Transitional Homes/Recovery Residence

This memorandum is provided in response to questions related to the inclusion of “sober homes” and “transitional homes” in the proposed amendment to CMC 18.03.030, as recommended by the Planning Commission during the meeting of January 19, 2022. As you know, originally the staff report reference to this code amendment did not include or discuss these terms. During the meeting itself a recommendation was made and adopted to include both terms within the Code provision under consideration.

Our office and your staff have now been provided with sufficient opportunity to review this issue which included an inquiry to the Municipal Research and Services Center as well as input from the Department of Commerce. Your office is recommending, per CMC 18.55.320, that a revised staff report be prepared and the matter remanded back to the Planning Commission for further consideration. This memorandum will be included as part of said review.

Based upon the recommendation of MRSC and review of other sources as set forth below there is the possibility that adoption of any ‘local zoning option’, such as inclusion of ‘sober homes’ or ‘transitional homes’ in any code amendment, may violate the Fair Housing Act and other applicable statutes. Accordingly, our office concurs in your recommendation related to a remand back to the Planning Commission on this matter.

As a starting point, please note RCW 36.70A.200, relating to essential public facilities.

(1)(a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, **and inpatient facilities including substance abuse facilities, mental health facilities, group homes**, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained

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in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under \*RCW 71.09.020 (6) or (15) or chapter 10.77 or 71.05 RCW.

(c) The department of children, youth, and families may not attempt to site new community facilities as defined in RCW 72.05.020 east of the crest of the Cascade mountain range unless there is an equal or greater number of sited community facilities as defined in RCW 72.05.020 on the western side of the crest of the Cascade mountain range.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

In Washington, inpatient facilities, including substance abuse facilities, mental health facilities, group homes, are expressly defined as 'essential public facilities.' As such, the City cannot

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preclude the siting of an essential public facility through local zoning.

The next main consideration is keeping the City of Camas Code in compliance with the Fair Housing Act:

“No city may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. As used in this section, "handicaps" are as defined in the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3602). RCW 35A.63.240.”

“Disability” under the Fair Housing Act has been interpreted as including individuals recovering from drug or alcohol addiction and as such discriminatory housing practices involving those recovering from addiction is unlawful. According to the U.S. Department of Justice, the Fair Housing Act prohibits discrimination on the basis of disability in all types of housing transactions. The Act defines persons with a disability to mean those individuals with mental or physical impairments that substantially limit one or more major life activities. The term mental or physical impairment may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. See <https://www.justice.gov/crt/fair-housing-act-1#disability>. I have also attached the Washington Housing Policy Act which sets forth strong goal statements and legislative findings on the topic of fair housing. The City, in fashioning the Code amendment at issue, should be mindful of allowing reasonable accommodation to allow those individuals with disabilities to reside in the community of their choice with the minimal restrictions required by law.

The MRSC research also addressed “transitional housing” and concluded that the inclusion of “transitional housing” into the definition of Residential Treatment Facilities as proposed would violate a newly adopted statute relating to transitional housing, permanent supportive housing, indoor emergency shelters, and indoor emergency housing:

“A city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and

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intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).” RCW 35.21.683

The original definition as proposed by staff provided: “substance abuse treatment facility (SATF) . . . means a facility meeting applicable state and federal standards that provides support services including, but not limited to, counseling, rehabilitation and medical supervision for the need of drug or alcohol treatment. An SATF may function as a residence, day-treatment facility, or a combination thereof. A SATF may be staffed by resident or nonresident staff. A SATF shall not be located within 1,000 feet of public and private schools, public parks, public libraries, other SATF, or similar uses.” This definition also potentially will have issues meeting the Fair Housing Act’s requirements.

As noted above, a “substance abuse facility” is considered an essential public facility, and cannot be prohibited. Because “disability” under the Federal Fair Housing Act has been interpreted as including individuals recovering from drug or alcohol addiction, discriminatory housing practices involving those recovering from addiction would be unlawful. Accordingly, The City’s definition may be too broad, and as a result violate the legal standards. The revised staff report as proposed includes definitions for “recovery residence,” and “transitional housing,” which would appear to mitigate the potential expansion of the City’s definition of SATF. For example, Oxford Housing and the like have been around for a while, however, I did not find one currently located in Camas on the registry. I have attached the proposed changes to “Table 1” hereto.

As addressed in the updated report, reasonable questions include whether the number of “residential treatment facility” residents should be capped, whether the City should seek to limit clustering of residential treatment facilities and whether the City should require that “recovery residences” be properly licensed. The Fair Housing Amendment Act of 1988 requires reasonable accommodation to enable people with disabilities to live in the community of their choice. Consistent with the reasonable accommodation requirement, the City may consider addressing the size and capping the number of residents at both an SATF and Recovery Residence.

**Residential Treatment Facility, Sober Living Homes, and Transitional Housing Code Updates**

The proposed code amendments below are in red text. The current code is in black text.

**"Sober Living Homes"** means a home-like environment that promotes healthy recovery from a substance use disorder and supports persons recovering from a substance use disorder through the use of peer recovery support. Sober living homes are limited to no more than eight unrelated individuals.

(RCW 41.05.760)

**"Transitional housing"** means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

(RCW 84.36.043.2.c)

**"Residential treatment facility (RTF)"** means a facility meeting applicable state and federal standards that provides support services including, but not limited to, counseling, rehabilitation and medical supervision for the need of drug or alcohol treatment. An RTF may function as a residence, day-treatment facility, or a combination thereof. An RTF may be staffed by resident or nonresident staff and shall include more than eight unrelated individuals, otherwise the use is considered a sober living home. An RTF shall not be located within 1,000 feet of public and private schools, public parks, public libraries, other RTFs, or similar uses.

**CMC 18.07 - Table 1—Commercial and industrial land uses.**

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Group Home	C	P	P	X	P	X	X	X	X
Adult Family Home	C	P	P	X	P	X	X	X	X
Single Family Dwelling	X	X	X	X	P	X	X	X	X
<u>Sober Living Homes</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Permanent Supportive Housing	C	P	X/P <sup>10</sup>	X/P <sup>10</sup>	P	X	X	X	X
Hotel/motel	X	C	C	P	P	P	X	P	X
<u>Transitional Housing</u>	<u>C</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>
<u>Residential Treatment Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

**CMC 18.07 Table 2—Residential and multifamily land uses.**

<b>Zoning Districts</b>	<b>R</b>	<b>MF</b>
Adult family home, residential care facility, supported living arrangement, or housing for the disabled	P	P
Group Home	P	P
Single Family Dwelling	P	P
<u>Recovery Residences/Sober Living Homes</u>	<u>P</u>	<u>P</u>
Permanent Supportive Housing	C/P <sup>2</sup>	P
<u>Transitional Housing</u>	<u>P</u>	<u>P</u>
<u>Residential Treatment Facility</u>	<u>X</u>	<u>C</u>

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5584**

Chapter 478, Laws of 1993

53rd Legislature  
1993 Regular Session

WASHINGTON HOUSING POLICY ACT

EFFECTIVE DATE: 7/25/93

Passed by the Senate April 20, 1993  
YEAS 33 NAYS 7

JOEL PRITCHARD

**President of the Senate**

Passed by the House April 18, 1993  
YEAS 93 NAYS 1

BRIAN EBERSOLE

**Speaker of the  
House of Representatives**

Approved May 17, 1993

MIKE LOWRY

**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5584** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

**Secretary**

FILED

May 17, 1993 - 2:14 p.m.

**Secretary of State  
State of Washington**

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**SENATE BILL 5584**


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AS AMENDED BY THE HOUSE

Passed Legislature - 1993 Regular Session

**State of Washington                      53rd Legislature                      1993 Regular Session****By** Senators Franklin, Winsley, McAuliffe, Skratek, M. Rasmussen, Hargrove, Wojahn, Niemi, Drew and Pelz

Read first time 02/04/93. Referred to Committee on Labor &amp; Commerce.

1            AN ACT Relating to housing; amending RCW 43.185.110, 43.185A.020,  
 2 and 35.82.070; adding new sections to chapter 43.63A RCW; adding new  
 3 sections to chapter 35.63 RCW; adding new sections to chapter 35A.63  
 4 RCW; adding new sections to chapter 36.70 RCW; adding new sections to  
 5 chapter 36.70A RCW; and adding a new chapter to Title 43 RCW.

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

7            NEW SECTION.    **Sec. 1.** (1) The legislature finds that:

8            (a) Housing is of vital state-wide importance to the health,  
 9 safety, and welfare of the residents of the state;

10           (b) Safe, affordable housing is an essential factor in stabilizing  
 11 communities;

12           (c) Residents must have a choice of housing opportunities within  
 13 the community where they choose to live;

14           (d) Housing markets are linked to a healthy economy and can  
 15 contribute to the state's economy;

16           (e) Land supply is a major contributor to the cost of housing;

17           (f) Housing must be an integral component of any comprehensive  
 18 community and economic development strategy;



1 (g) State and local government must continue working cooperatively  
 2 toward the enhancement of increased housing units by reviewing,  
 3 updating, and removing conflicting regulatory language;

4 (h) State and local government should work together in developing  
 5 creative ways to reduce the shortage of housing;

6 (i) The lack of a coordinated state housing policy inhibits the  
 7 effective delivery of housing for some of the state's most vulnerable  
 8 citizens and those with limited incomes; and

9 (j) It is in the public interest to adopt a statement of housing  
 10 policy objectives.

11 (2) The legislature declares that the purposes of the Washington  
 12 housing policy act are to:

13 (a) Provide policy direction to the public and private sectors in  
 14 their attempt to meet the shelter needs of Washington residents;

15 (b) Reevaluate housing and housing-related programs and policies in  
 16 order to ensure proper coordination of those programs and policies to  
 17 meet the housing needs of Washington residents;

18 (c) Improve the delivery of state services and assistance to very  
 19 low-income and low-income households and special needs populations;

20 (d) Strengthen partnerships among all levels of government, and the  
 21 public and private sectors, including for-profit and nonprofit  
 22 organizations, in the production and operation of housing to targeted  
 23 populations including low-income and moderate-income households;

24 (e) Increase the supply of housing for persons with special needs;

25 (f) Encourage collaborative planning with social service providers;

26 (g) Encourage financial institutions to increase residential  
 27 mortgage lending; and

28 (h) Coordinate housing into comprehensive community and economic  
 29 development strategies at the state and local level.

30 NEW SECTION. **Sec. 2.** It is the goal of the state of Washington to  
 31 coordinate, encourage, and direct, when necessary, the efforts of the  
 32 public and private sectors of the state and to cooperate and  
 33 participate, when necessary, in the attainment of a decent home in a  
 34 healthy, safe environment for every resident of the state. The  
 35 legislature declares that attainment of that goal is a state priority.

36 NEW SECTION. **Sec. 3.** The objectives of the Washington housing  
 37 policy act shall be to attain the state's goal of a decent home in a

1 healthy, safe environment for every resident of the state by  
2 strengthening public and private institutions that are able to:

3 (1) Develop an adequate and affordable supply of housing for all  
4 economic segments of the population;

5 (2) Assist very low-income and special needs households who cannot  
6 obtain affordable, safe, and adequate housing in the private market;

7 (3) Encourage and maintain home ownership opportunities;

8 (4) Reduce life cycle housing costs while preserving public health  
9 and safety;

10 (5) Preserve the supply of existing affordable housing;

11 (6) Provide housing for special needs populations;

12 (7) Ensure fair and equal access to the housing market;

13 (8) Increase the availability of mortgage credit at low interest  
14 rates; and

15 (9) Coordinate and be consistent with the goals, objectives, and  
16 required housing element of the comprehensive plan in the state's  
17 growth management act in RCW 36.70A.070.

18 NEW SECTION. **Sec. 4.** Unless the context clearly requires  
19 otherwise, the definitions in this section apply throughout this  
20 chapter.

21 (1) "Affordable housing" means residential housing that is rented  
22 or owned by a person or household whose monthly housing costs,  
23 including utilities other than telephone, do not exceed thirty percent  
24 of the household's monthly income.

25 (2) "Department" means the department of community development.

26 (3) "Director" means the director of community development.

27 (4) "Nonprofit organization" means any public or private nonprofit  
28 organization that: (a) Is organized under federal, state, or local  
29 laws; (b) has no part of its net earnings inuring to the benefit of any  
30 member, founder, contributor, or individual; and (c) has among its  
31 purposes significant activities related to the provision of decent  
32 housing that is affordable to very low-income, low-income, or moderate-  
33 income households and special needs populations.

34 (5) "Regulatory barriers to affordable housing" and "regulatory  
35 barriers" mean any public policies (including those embodied in  
36 statutes, ordinances, regulations, or administrative procedures or  
37 processes) required to be identified by the state or local government  
38 in connection with its strategy under section 105(b)(4) of the

1 Cranston-Gonzalez national affordable housing act (42 U.S.C. 12701 et  
2 seq.).

3 (6) "Tenant-based organization" means a nonprofit organization  
4 whose governing body includes a majority of members who reside in the  
5 housing development and are considered low-income households.

6 NEW SECTION. **Sec. 5.** (1) The department shall establish the  
7 affordable housing advisory board to consist of twenty-one members.

8 (a) The following eighteen members shall be appointed by the  
9 governor:

10 (i) Two representatives of the residential construction industry;

11 (ii) Two representatives of the home mortgage lending profession;

12 (iii) One representative of the real estate sales profession;

13 (iv) One representative of the apartment management and operation  
14 industry;

15 (v) One representative of the for-profit housing development  
16 industry;

17 (vi) One representative of the nonprofit housing development  
18 industry;

19 (vii) One representative of homeless shelter operators;

20 (viii) One representative of lower-income persons;

21 (ix) One representative of special needs populations;

22 (x) One representative of public housing authorities as created  
23 under chapter 35.82 RCW;

24 (xi) Two representatives of the Washington association of counties,  
25 one representative shall be from a county that is located east of the  
26 crest of the Cascade mountains;

27 (xii) Two representatives of the association of Washington cities,  
28 one representative shall be from a city that is located east of the  
29 crest of the Cascade mountains;

30 (xiii) One representative to serve as chair of the affordable  
31 housing advisory board;

32 (xiv) One representative at large.

33 (b) The following three members shall serve as ex officio,  
34 nonvoting members:

35 (i) The director or the director's designee;

36 (ii) The executive director of the Washington state housing finance  
37 commission or the executive director's designee; and

1 (iii) The secretary of social and health services or the  
2 secretary's designee.

3 (2)(a) The members of the affordable housing advisory board  
4 appointed by the governor shall be appointed for four-year terms,  
5 except that the chair shall be appointed to serve a two-year term. The  
6 terms of five of the initial appointees shall be for two years from the  
7 date of appointment and the terms of six of the initial appointees  
8 shall be for three years from the date of appointment. The governor  
9 shall designate the appointees who will serve the two-year and three-  
10 year terms. The members of the advisory board shall serve without  
11 compensation, but shall be reimbursed for travel expenses as provided  
12 in RCW 43.03.050 and 43.03.060.

13 (b) The governor, when making appointments to the affordable  
14 housing advisory board, shall make appointments that reflect the  
15 cultural diversity of the state of Washington.

16 (3) The affordable housing advisory board shall serve as the  
17 department's principal advisory body on housing and housing-related  
18 issues, and replaces the department's existing boards and task forces  
19 on housing and housing-related issues.

20 (4) The affordable housing advisory board shall meet regularly and  
21 may appoint technical advisory committees, which may include members  
22 of the affordable housing advisory board, as needed to address specific  
23 issues and concerns.

24 (5) The department, in conjunction with the Washington state  
25 housing finance commission and the department of social and health  
26 services, shall supply such information and assistance as are deemed  
27 necessary for the advisory board to carry out its duties under this  
28 section.

29 (6) The department shall provide administrative and clerical  
30 assistance to the affordable housing advisory board.

31 NEW SECTION. **Sec. 6.** The affordable housing advisory board shall:

32 (1) Analyze those solutions and programs that could begin to  
33 address the state's need for housing that is affordable for all  
34 economic segments of the state, and special needs populations,  
35 including but not limited to programs or proposals which provide for:

36 (a) Financing for the acquisition, rehabilitation, preservation, or  
37 construction of housing;

1 (b) Use of publicly owned land and buildings as sites for  
2 affordable housing;

3 (c) Coordination of state initiatives with federal initiatives and  
4 financing programs that are referenced in the Cranston-Gonzalez  
5 national affordable housing act (42 U.S.C. Sec. 12701 et seq.), as  
6 amended, and development of an approved housing strategy as required in  
7 the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec.  
8 12701 et seq.), as amended;

9 (d) Identification and removal, where appropriate and not  
10 detrimental to the public health and safety, or environment, of state  
11 and local regulatory barriers to the development and placement of  
12 affordable housing;

13 (e) Stimulating public and private sector cooperation in the  
14 development of affordable housing; and

15 (f) Development of solutions and programs affecting housing,  
16 including the equitable geographic distribution of housing for all  
17 economic segments, as the advisory board deems necessary;

18 (2) Consider both homeownership and rental housing as viable  
19 options for the provision of housing. The advisory board shall give  
20 consideration to various types of residential construction and  
21 innovative housing options, including but not limited to manufactured  
22 housing;

23 (3) Review, evaluate, and make recommendations regarding existing  
24 and proposed housing programs and initiatives including but not limited  
25 to tax policies, land use policies, and financing programs. The  
26 advisory board shall provide recommendations to the director, along  
27 with the department's response in the annual housing report to the  
28 legislature required in section 12 of this act; and

29 (4) Prepare and submit to the director, by each December 1st,  
30 beginning December 1, 1993, a report detailing its findings and make  
31 specific program, legislative, and funding recommendations and any  
32 other recommendations it deems appropriate.

33 **NEW SECTION. Sec. 7.** A new section is added to chapter 43.63A RCW  
34 to read as follows:

35 (1) The department shall, in consultation with the affordable  
36 housing advisory board created in section 5 of this act, report to the  
37 legislature on the development and placement of accessory apartments.

1 The department shall produce a written report by December 15, 1993,  
2 which:

3 (a) Identifies local governments that allow the siting of accessory  
4 apartments in areas zoned for single-family residential use; and

5 (b) Makes recommendations to the legislature designed to encourage  
6 the development and placement of accessory apartments in areas zoned  
7 for single-family residential use.

8 (2) The recommendations made under subsection (1) of this section  
9 shall not take effect before ninety days following adjournment of the  
10 1994 regular legislative session.

11 (3) Unless provided otherwise by the legislature, by December 31,  
12 1994, local governments shall incorporate in their development  
13 regulations, zoning regulations, or official controls the  
14 recommendations contained in subsection (1) of this section. The  
15 accessory apartment provisions shall be part of the local government's  
16 development regulation, zoning regulation, or official control. To  
17 allow local flexibility, the recommendations shall be subject to such  
18 regulations, conditions, procedures, and limitations as determined by  
19 the local legislative authority.

20 (4) As used in this section, "local government" means:

21 (a) A city or code city with a population that exceeds twenty  
22 thousand;

23 (b) A county that is required to or has elected to plan under the  
24 state growth management act; and

25 (c) A county with a population that exceeds one hundred twenty-five  
26 thousand.

27 NEW SECTION. **Sec. 8.** A new section is added to chapter 35.63 RCW  
28 to read as follows:

29 Any local government, as defined in section 7 of this act, that is  
30 planning under this chapter shall comply with section 7(3) of this act.

31 NEW SECTION. **Sec. 9.** A new section is added to chapter 35A.63 RCW  
32 to read as follows:

33 Any local government, as defined in section 7 of this act, that is  
34 planning under this chapter shall comply with section 7(3) of this act.

35 NEW SECTION. **Sec. 10.** A new section is added to chapter 36.70 RCW  
36 to read as follows:

1 Any local government, as defined in section 7 of this act, that is  
2 planning under this chapter shall comply with section 7(3) of this act.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 36.70A  
4 RCW to read as follows:

5 Any local government, as defined in section 7 of this act, that is  
6 planning under this chapter shall comply with section 7(3) of this act.

7 NEW SECTION. **Sec. 12.** (1) The department shall, in consultation  
8 with the affordable housing advisory board created in section 5 of this  
9 act, prepare and from time to time amend a five-year housing advisory  
10 plan. The purpose of the plan is to document the need for affordable  
11 housing in the state and the extent to which that need is being met  
12 through public and private sector programs, to facilitate planning to  
13 meet the affordable housing needs of the state, and to enable the  
14 development of sound strategies and programs for affordable housing.  
15 The information in the five-year housing advisory plan must include:

16 (a) An assessment of the state's housing market trends;

17 (b) An assessment of the housing needs for all economic segments of  
18 the state and special needs populations;

19 (c) An inventory of the supply and geographic distribution of  
20 affordable housing units made available through public and private  
21 sector programs;

22 (d) A status report on the degree of progress made by the public  
23 and private sector toward meeting the housing needs of the state;

24 (e) An identification of state and local regulatory barriers to  
25 affordable housing and proposed regulatory and administrative  
26 techniques designed to remove barriers to the development and placement  
27 of affordable housing; and

28 (f) Specific recommendations, policies, or proposals for meeting  
29 the affordable housing needs of the state.

30 (2)(a) The five-year housing advisory plan required under  
31 subsection (1) of this section must be submitted to the legislature on  
32 or before February 1, 1994, and subsequent plans must be submitted  
33 every five years thereafter.

34 (b) Each February 1st, beginning February 1, 1995, the department  
35 shall submit an annual progress report, to the legislature, detailing  
36 the extent to which the state's affordable housing needs were met  
37 during the preceding year and recommendations for meeting those needs.

1        NEW SECTION.    **Sec. 13.**    A new section is added to chapter 43.63A  
2    RCW to read as follows:

3        (1) The department shall be the principal state department  
4    responsible for coordinating federal and state resources and activities  
5    in housing, except for programs administered by the Washington state  
6    housing finance commission under chapter 43.180 RCW, and for evaluating  
7    the operations and accomplishments of other state departments and  
8    agencies as they affect housing.

9        (2) The department shall work with local governments, tribal  
10    organizations, local housing authorities, nonprofit community or  
11    neighborhood-based organizations, and regional or state-wide nonprofit  
12    housing assistance organizations, for the purpose of coordinating  
13    federal and state resources with local resources for housing.

14       NEW SECTION.    **Sec. 14.**    A new section is added to chapter 43.63A  
15    RCW to read as follows:

16       The department shall provide technical assistance and information  
17    to state agencies and local governments to assist in the identification  
18    and removal of regulatory barriers to the development and placement of  
19    affordable housing. In providing assistance the department may:

20       (1) Analyze the costs and benefits of state legislation, rules, and  
21    administrative actions and their impact on the development and  
22    placement of affordable housing;

23       (2) Analyze the costs and benefits of local legislation, rules, and  
24    administrative actions and their impact on the development and  
25    placement of affordable housing;

26       (3) Assist state agencies and local governments in determining the  
27    impact of existing and anticipated actions, legislation, and rules on  
28    the development and placement of affordable housing;

29       (4) Investigate techniques and opportunities for reducing the life  
30    cycle housing costs through regulatory reform;

31       (5) Develop model standards and ordinances designed to reduce  
32    regulatory barriers to affordable housing and assisting n their  
33    adoption and use at the state and local government level;

34       (6) Provide technical assistance and information to state agencies  
35    and local governments for implementation of legislative and  
36    administrative reform programs to remove barriers to affordable  
37    housing;

38       (7) Prepare state regulatory barrier removal strategies;



1 (8) Provide staffing to the affordable housing advisory board  
2 created in section 5 of this act; and

3 (9) Perform other activities as the director deems necessary to  
4 assist the state, local governments, and the housing industry in  
5 meeting the affordable housing needs of the state.

6 **Sec. 15.** RCW 43.185.110 and 1991 c 204 s 4 are each amended to  
7 read as follows:

8 ~~((The director shall prepare an annual report and shall send copies  
9 to the chair of the house of representatives committee on housing, the  
10 chair of the senate committee on commerce and labor, and one copy to  
11 the staff of each committee that summarizes the housing trust fund's  
12 income, grants and operating expenses, implementation of its program,  
13 and any problems arising in the administration thereof. The director  
14 shall promptly appoint a low income housing assistance advisory  
15 committee composed of a representative from each of the following  
16 groups: Apartment owners, realtors, mortgage lending or servicing  
17 institutions, private nonprofit housing assistance programs, tenant  
18 associations, and public housing assistance programs.))~~ The affordable  
19 housing advisory ((group)) board established in section 5 of this act  
20 shall advise the director on housing needs in this state, including  
21 housing needs for persons who are mentally ill or developmentally  
22 disabled or youth who are blind or deaf or otherwise disabled,  
23 operational aspects of the grant and loan program or revenue collection  
24 programs established by this chapter, and implementation of the policy  
25 and goals of this chapter. Such advice shall be consistent with  
26 policies and plans developed by regional support networks according to  
27 chapter 71.24 RCW for the mentally ill and the developmental  
28 disabilities planning council for the developmentally disabled.

29 **Sec. 16.** RCW 43.185A.020 and 1991 c 356 s 11 are each amended to  
30 read as follows:

31 The affordable housing program is created in the department of  
32 community development for the purpose of developing and coordinating  
33 public and private resources targeted to meet the affordable housing  
34 needs of low-income households in the state of Washington. The program  
35 shall be developed and administered by the department with advice and  
36 input from the ~~((low income [housing] assistance advisory committee~~

1 ~~established in RCW 43.185.110))~~ affordable housing advisory board  
2 established in section 5 of this act.

3 **Sec. 17.** RCW 35.82.070 and 1991 c 167 s 1 are each amended to read  
4 as follows:

5 An authority shall constitute a public body corporate and politic,  
6 exercising public and essential governmental functions, and having all  
7 the powers necessary or convenient to carry out and effectuate the  
8 purposes and provisions of this chapter, including the following powers  
9 in addition to others herein granted:

10 (1) To sue and be sued; to have a seal and to alter the same at  
11 pleasure; to have perpetual succession; to make and execute contracts  
12 and other instruments, including but not limited to partnership  
13 agreements and joint venture agreements, necessary or convenient to the  
14 exercise of the powers of the authority; to participate in the  
15 organization or the operation of a nonprofit corporation which has as  
16 one of its purposes to provide or assist in the provision of housing  
17 for persons of low income; and to make and from time to time amend and  
18 repeal bylaws, rules and regulations, not inconsistent with this  
19 chapter, to carry into effect the powers and purposes of the authority.

20 (2) Within its area of operation: To prepare, carry out, acquire,  
21 lease and operate housing projects; to provide for the construction,  
22 reconstruction, improvement, alteration or repair of any housing  
23 project or any part thereof; to agree to rent or sell dwellings forming  
24 part of the projects to or for persons of low income. Where an  
25 agreement or option is made to sell a dwelling to a person of low  
26 income, the authority may convey the dwelling to the person upon  
27 fulfillment of the agreement irrespective of whether the person is at  
28 the time of the conveyance a person of low income. Leases, options,  
29 agreements, or conveyances may include such covenants as the authority  
30 deems appropriate to assure the achievement of the objectives of this  
31 chapter.

32 (3) To acquire, lease, rent, sell, or otherwise dispose of any  
33 commercial space located in buildings or structures containing a  
34 housing project or projects.

35 (4) To arrange or contract for the furnishing by any person or  
36 agency, public or private, of services, privileges, works, or  
37 facilities for, or in connection with, a housing project or the  
38 occupants thereof; and (notwithstanding anything to the contrary

1 contained in this chapter or in any other provision of law) to include  
2 in any contract let in connection with a project, stipulations  
3 requiring that the contractor and any subcontractors comply with  
4 requirements as to minimum wages and maximum hours of labor, and comply  
5 with any conditions which the federal government may have attached to  
6 its financial aid of the project.

7 (5) To lease or rent any dwellings, houses, accommodations, lands,  
8 buildings, structures or facilities embraced in any housing project and  
9 (subject to the limitations contained in this chapter) to establish and  
10 revise the rents or charges therefor; to own or manage buildings  
11 containing a housing project or projects as well as commercial space or  
12 other dwelling units that do not constitute a housing project as that  
13 term is defined in this chapter: PROVIDED, That notwithstanding the  
14 provisions under subsection (1) of this section, dwelling units made  
15 available or sold to persons of low income, together with functionally  
16 related and subordinate facilities, shall occupy ((~~at least thirty~~  
17 ~~percent of the interior space of any individual building other than a~~  
18 ~~detached single family or duplex residential building or mobile or~~  
19 ~~manufactured home and~~)) at least fifty percent of the interior space in  
20 the total development owned by the authority or at least fifty percent  
21 of the total number of units in the development owned by the authority,  
22 whichever produces the greater number of units for persons of low  
23 income, and for mobile home parks, the mobile home lots made available  
24 to persons of low income shall be at least fifty percent of the total  
25 number of mobile home lots in the park owned by the authority; to own,  
26 hold, and improve real or personal property; to purchase, lease, obtain  
27 options upon, acquire by gift, grant, bequest, devise, or otherwise  
28 including financial assistance and other aid from the state or any  
29 public body, person or corporation, any real or personal property or  
30 any interest therein; to acquire by the exercise of the power of  
31 eminent domain any real property; to sell, lease, exchange, transfer,  
32 assign, pledge, or dispose of any real or personal property or any  
33 interest therein; to sell, lease, exchange, transfer, or dispose of any  
34 real or personal property or interest therein at less than fair market  
35 value to a governmental entity for any purpose when such action assists  
36 the housing authority in carrying out its powers and purposes under  
37 this chapter, to a low-income person or family for the purpose of  
38 providing housing for that person or family, or to a nonprofit  
39 corporation provided the nonprofit corporation agrees to sell the

1 property to a low-income person or family or to use the property for  
2 the provision of housing for persons of low income for at least twenty  
3 years; to insure or provide for the insurance of any real or personal  
4 property or operations of the authority against any risks or hazards;  
5 to procure or agree to the procurement of insurance or guarantees from  
6 the federal government of the payment of any bonds or parts thereof  
7 issued by an authority, including the power to pay premiums on any such  
8 insurance.

9 (6) To invest any funds held in reserves or sinking funds, or any  
10 funds not required for immediate disbursement, in property or  
11 securities in which savings banks may legally invest funds subject to  
12 their control; to purchase its bonds at a price not more than the  
13 principal amount thereof and accrued interest, all bonds so purchased  
14 to be canceled.

15 (7) Within its area of operation: To investigate into living,  
16 dwelling and housing conditions and into the means and methods of  
17 improving such conditions; to determine where slum areas exist or where  
18 there is a shortage of decent, safe and sanitary dwelling  
19 accommodations for persons of low income; to make studies and  
20 recommendations relating to the problem of clearing, replanning and  
21 reconstructing of slum areas, and the problem of providing dwelling  
22 accommodations for persons of low income, and to cooperate with the  
23 city, the county, the state or any political subdivision thereof in  
24 action taken in connection with such problems; and to engage in  
25 research, studies and experimentation on the subject of housing.

26 (8) Acting through one or more commissioners or other person or  
27 persons designated by the authority: To conduct examinations and  
28 investigations and to hear testimony and take proof under oath at  
29 public or private hearings on any matter material for its information;  
30 to administer oaths, issue subpoenas requiring the attendance of  
31 witnesses or the production of books and papers and to issue  
32 commissions for the examination of witnesses who are outside of the  
33 state or unable to attend before the authority, or excused from  
34 attendance; to make available to appropriate agencies (including those  
35 charged with the duty of abating or requiring the correction of  
36 nuisances or like conditions, or of demolishing unsafe or insanitary  
37 structures within its area of operation) its findings and  
38 recommendations with regard to any building or property where

1 conditions exist which are dangerous to the public health, morals,  
2 safety or welfare.

3 (9) To initiate eviction proceedings against any tenant as provided  
4 by law. Activity occurring in any housing authority unit that  
5 constitutes a violation of chapter 69.41, 69.50 or 69.52 RCW shall  
6 constitute a nuisance for the purpose of RCW 59.12.030(5).

7 (10) To exercise all or any part or combination of powers herein  
8 granted.

9 No provisions of law with respect to the acquisition, operation or  
10 disposition of property by other public bodies shall be applicable to  
11 an authority unless the legislature shall specifically so state.

12 (11) To agree (notwithstanding the limitation contained in RCW  
13 35.82.210) to make such payments in lieu of taxes as the authority  
14 finds consistent with the achievement of the purposes of this chapter.

15 (12) Upon the request of a county or city, to exercise any powers  
16 of an urban renewal agency under chapter 35.81 RCW or a public  
17 corporation, commission, or authority under chapter 35.21 RCW.  
18 However, in the exercise of any such powers the housing authority shall  
19 be subject to any express limitations contained in this chapter.

20 (13) To exercise the powers granted in this chapter within the  
21 boundaries of any city, town, or county not included in the area in  
22 which such housing authority is originally authorized to function:  
23 PROVIDED, HOWEVER, The governing or legislative body of such city,  
24 town, or county, as the case may be, adopts a resolution declaring that  
25 there is a need for the authority to function in such territory.

26 ~~((13))~~ (14) To administer contracts for assistance payments to  
27 persons of low income in accordance with section 8 of the United States  
28 Housing Act of 1937, as amended by Title II, section 201 of the Housing  
29 and Community Development Act of 1974, P.L. 93-383.

30 ~~((14))~~ (15) To sell at public or private sale, with or without  
31 public bidding, for fair market value, any mortgage or other obligation  
32 held by the authority.

33 ~~((15))~~ (16) To the extent permitted under its contract with the  
34 holders of bonds, notes, and other obligations of the authority, to  
35 consent to any modification with respect to rate of interest, time and  
36 payment of any installment of principal or interest security, or any  
37 other term of any contract, mortgage, mortgage loan, mortgage loan  
38 commitment, contract or agreement of any kind to which the authority is  
39 a party.

1        ~~((16))~~ (17) To make, purchase, participate in, invest in, take  
 2 assignments of, or otherwise acquire loans to persons of low income to  
 3 enable them to acquire, construct, reconstruct, rehabilitate, improve,  
 4 lease, or refinance their dwellings, and to take such security therefor  
 5 as is deemed necessary and prudent by the authority.

6        ~~((17))~~ (18) To make, purchase, participate in, invest in, take  
 7 assignments of, or otherwise acquire loans for the acquisition,  
 8 construction, reconstruction, rehabilitation, improvement, leasing, or  
 9 refinancing of land, buildings, or developments for housing for persons  
 10 of low income. For purposes of this subsection, development shall  
 11 include either land or buildings or both.

12        (a) Any development financed under this subsection shall be subject  
 13 to an agreement that for at least twenty years the dwelling units made  
 14 available to persons of low income together with functionally related  
 15 and subordinate facilities shall occupy at least ~~((thirty percent of  
 16 the interior space of any individual building other than a detached  
 17 single family or duplex residential building or mobile or manufactured  
 18 home and shall occupy at least))~~ fifty percent of the interior space in  
 19 the total development or at least fifty percent of the total number of  
 20 units in the development, whichever produces the greater number of  
 21 units for persons of low income. For mobile home parks, the mobile  
 22 home lots made available to persons of low income shall be at least  
 23 fifty percent of the total number of mobile home lots in the park.  
 24 During the term of the agreement, the owner shall use its best efforts  
 25 in good faith to maintain the dwelling units or mobile home lots  
 26 required to be made available to persons of low income at rents  
 27 affordable to persons of low income. The twenty-year requirement under  
 28 this subsection (18)(a) shall not apply when an authority finances the  
 29 development by nonprofit corporations or governmental units of  
 30 dwellings or mobile home lots intended for sale to persons of low and  
 31 moderate income, and shall not apply to construction or other short-  
 32 term financing provided to nonprofit corporations or governmental units  
 33 when the financing has a repayment term of one year or less.

34        (b) In addition, if the development is owned by a for-profit  
 35 entity, the dwelling units or mobile home lots required to be made  
 36 available to persons of low income shall be rented to persons whose  
 37 incomes do not exceed fifty percent of the area median income, adjusted  
 38 for household size, and shall have unit or lot rents that do not exceed  
 39 fifteen percent of area median income, adjusted for household size,

1 unless rent subsidies are provided to make them affordable to persons  
2 of low income.

3 For purposes of this subsection (~~((17))~~) (18) (b), if the development  
4 is owned directly or through a partnership by a governmental entity or  
5 a nonprofit organization, which nonprofit organization is itself not  
6 controlled by a for-profit entity or affiliated with any for-profit  
7 entity that a nonprofit organization itself does not control, it shall  
8 not be treated as being owned by a for-profit entity when the  
9 governmental entity or nonprofit organization exercises legal control  
10 of the ownership entity and in addition, (i) the dwelling units or  
11 mobile home lots required to be made available to persons of low income  
12 are rented to persons whose incomes do not exceed sixty percent of the  
13 area median income, adjusted for household size, and (ii) the  
14 development is subject to an agreement that transfers ownership to the  
15 governmental entity or nonprofit organization or extends an irrevocable  
16 right of first refusal to purchase the development under a formula for  
17 setting the acquisition price that is specified in the agreement.

18 (c) Commercial space in any building financed under this subsection  
19 that exceeds four stories in height shall not constitute more than  
20 twenty percent of the interior area of the building. Before financing  
21 any development under this subsection the authority shall make a  
22 written finding that financing is important for project feasibility or  
23 necessary to enable the authority to carry out its powers and purposes  
24 under this chapter.

25 (~~((18))~~) (19) To contract with a public authority or corporation,  
26 created by a county, city, or town under RCW 35.21.730 through  
27 35.21.755, to act as the developer for new housing projects or  
28 improvement of existing housing projects.

29 NEW SECTION. **Sec. 18.** A new section is added to chapter 43.63A  
30 RCW to read as follows:

31 (1) The legislature finds that:

32 (a) The trend toward smaller household sizes will continue into the  
33 foreseeable future;

34 (b) Many of these households are in housing units that contain more  
35 bedrooms than occupants;

36 (c) There are older homeowners on relatively low, fixed income who  
37 are experiencing difficulties maintaining their homes; and

1 (d) There are single parents, recently widowed persons, people in  
2 the midst of divorce or separation, and handicapped that are faced with  
3 displacement due to the high cost of housing.

4 (2) The legislature declares that the purpose of section 19 of this  
5 act is to develop a pilot program designed to:

6 (a) Provide home-matching services that can enable people to  
7 continue living in their homes while promoting continuity of home  
8 ownership and community stability; and

9 (b) Counter the problem of displacement among people on relatively  
10 low, fixed incomes by linking people offering living space with people  
11 seeking housing.

12 NEW SECTION. **Sec. 19.** A new section is added to chapter 43.63A  
13 RCW to read as follows:

14 (1) The department may develop and administer a home-matching  
15 program for the purpose of providing grants and technical assistance to  
16 eligible organizations to operate local home-matching programs. For  
17 purposes of this section, "eligible organizations" are those  
18 organizations eligible to receive assistance through the Washington  
19 housing trust fund, chapter 43.185 RCW.

20 (2) The department may select up to five eligible organizations for  
21 the purpose of implementing a local home-matching program. The local  
22 home-matching programs are designed to facilitate: (a)  
23 Intergenerational homesharing involving older homeowners sharing homes  
24 with younger persons; (b) homesharing arrangements that involve an  
25 exchange of services such as cooking, housework, gardening, or  
26 babysitting for room and board or some financial consideration such as  
27 rent; and (c) the more efficient use of available housing.

28 (3) In selecting local pilot programs under this section, the  
29 department shall consider:

30 (a) The eligible organization's ability, stability, and resources  
31 to implement the local home-matching program;

32 (b) The eligible organization's efforts to coordinate other support  
33 services needed by the individual or family participating in the local  
34 home-matching program; and

35 (c) Other factors the department deems appropriate.

36 (4) The eligible organizations shall establish criteria for  
37 participation in the local home-matching program. The eligible  
38 organization shall make a determination of eligibility regarding the



1 individuals' or families' participation in the local home-matching  
 2 program. The determination shall include, but is not limited to a  
 3 verification of the individual's or family's history of making rent  
 4 payments in a consistent and timely manner.

5 NEW SECTION. **Sec. 20.** A new section is added to chapter 35.63 RCW  
 6 to read as follows:

7 No city may enact or maintain an ordinance, development regulation,  
 8 zoning regulation or official control, policy, or administrative  
 9 practice which treats a residential structure occupied by persons with  
 10 handicaps differently than a similar residential structure occupied by  
 11 a family or other unrelated individuals. As used in this section,  
 12 "handicaps" are as defined in the federal fair housing amendments act  
 13 of 1988 (42 U.S.C. Sec. 3602).

14 **Sec. 21.** A new section is added to chapter 35A.63 RCW to read as  
 15 follows:

16 No city may enact or maintain an ordinance, development regulation,  
 17 zoning regulation or official control, policy, or administrative  
 18 practice which treats a residential structure occupied by persons with  
 19 handicaps differently than a similar residential structure occupied by  
 20 a family or other unrelated individuals. As used in this section,  
 21 "handicaps" are as defined in the federal fair housing amendments act  
 22 of 1988 (42 U.S.C. Sec. 3602).

23 NEW SECTION. **Sec. 22.** A new section is added to chapter 36.70 RCW  
 24 to read as follows:

25 No county may enact or maintain an ordinance, development  
 26 regulation, zoning regulation or official control, policy, or  
 27 administrative practice which treats a residential structure occupied  
 28 by persons with handicaps differently than a similar residential  
 29 structure occupied by a family or other unrelated individuals. As used  
 30 in this section, "handicaps" are as defined in the federal fair housing  
 31 amendments act of 1988 (42 U.S.C. Sec. 3602).

32 NEW SECTION. **Sec. 23.** A new section is added to chapter 36.70A  
 33 RCW to read as follows:

34 No county or city that plans or elects to plan under this chapter  
 35 may enact or maintain an ordinance, development regulation, zoning

1 regulation or official control, policy, or administrative practice  
2 which treats a residential structure occupied by persons with handicaps  
3 differently than a similar residential structure occupied by a family  
4 or other unrelated individuals. As used in this section, "handicaps"  
5 are as defined in the federal fair housing amendments act of 1988 (42  
6 U.S.C. Sec. 3602).

7 NEW SECTION. **Sec. 24.** This chapter may be known and cited as the  
8 "Washington housing policy act."

9 NEW SECTION. **Sec. 25.** Sections 1 through 6, 12, and 24 of this  
10 act shall constitute a new chapter in Title 43 RCW.

Passed the Senate April 20, 1993.

Passed the House April 18, 1993.

Approved by the Governor May 17, 1993.

Filed in Office of Secretary of State May 17, 1993.

**RCW 71.12.550****Local authorities may also prescribe standards.**

This chapter shall not prevent local authorities of any city, or city and county, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health and hygiene for establishments as defined in this chapter, which are not in conflict with the provisions of this chapter, and requiring a certificate by the local health officer, that the local health, sanitation and hygiene laws have been complied with before maintaining or conducting any such institution within such city or city and county.

[ 1959 c 25 § 71.12.550. Prior: 1949 c 198 § 64; Rem. Supp. 1949 § 6953-63.]

**RCW 71.12.455****Definitions.**

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Elopement" means any situation in which an admitted patient of a psychiatric hospital who is cognitively, physically, mentally, emotionally, and/or chemically impaired wanders, walks, runs away, escapes, or otherwise leaves a psychiatric hospital or the grounds of a psychiatric hospital prior to the patient's scheduled discharge unsupervised, unnoticed, and without the staff's knowledge.

(3) "Establishment" and "institution" mean:

(a) Every private or county or municipal hospital, including public hospital districts, sanitariums, homes, psychiatric hospitals, residential treatment facilities, or other places receiving or caring for any person with mental illness, mentally incompetent person, or chemically dependent person; and

(b) Beginning January 1, 2019, facilities providing pediatric transitional care services.

(4) "Immediate jeopardy" means a situation in which the psychiatric hospital's noncompliance with one or more statutory or regulatory requirements has placed the health and safety of patients in its care at risk for serious injury, serious harm, serious impairment, or death.

(5) "Pediatric transitional care services" means short-term, temporary, health and comfort services for drug exposed infants according to the requirements of this chapter and provided in an establishment licensed by the department of health.

(6) "Psychiatric hospital" means an establishment caring for any person with mental illness or substance use disorder excluding acute care hospitals licensed under chapter 70.41 RCW, state psychiatric hospitals established under chapter 72.23 RCW, and residential treatment facilities as defined in this section.

(7) "Residential treatment facility" means an establishment in which twenty-four hour on-site care is provided for the evaluation, stabilization, or treatment of residents for substance use, mental health, co-occurring disorders, or for drug exposed infants.

(8) "Secretary" means the secretary of the department of health.

(9) "Technical assistance" means the provision of information on the state laws and rules applicable to the regulation of psychiatric hospitals, the process to apply for a license, and methods and resources to avoid or address compliance problems. Technical assistance does not include assistance provided under chapter 43.05 RCW.

(10) "Trained caregiver" means a noncredentialed, unlicensed person trained by the establishment providing pediatric transitional care services to provide hands-on care to drug exposed infants. Caregivers may not provide medical care to infants and may only work under the supervision of an appropriate health care professional.

[ 2020 c 115 § 6. Prior: 2017 c 263 § 2; 2001 c 254 § 1; 2000 c 93 § 21; 1977 ex.s. c 80 § 43; 1959 c 25 § 71.12.455; prior: 1949 c 198 § 53; Rem. Supp. 1949 § 6953-52a. Formerly RCW 71.12.010, part.]

**NOTES:**

**Reviser's note:** The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

**Findings—Intent—Effective date—2020 c 115:** See notes following RCW 71.12.700.

**Findings—Intent—2017 c 263:** "The legislature finds that more than twelve thousand infants born in Washington each year have been prenatally exposed to opiates, methamphetamines, and other drugs. Prenatal drug exposure frequently results in infants suffering from neonatal abstinence syndrome and its accompanying withdrawal symptoms after birth. Withdrawal symptoms may include sleep problems, excessive crying, tremors, seizures, poor feeding, fever, generalized convulsions, vomiting, diarrhea, and hyperactive reflexes. Consequently, the legislature finds that drug exposed infants have unique medical needs and benefit from specialized health care that addresses their withdrawal symptoms. Specialized care for infants experiencing neonatal abstinence syndrome is based on the individual needs of the infant and includes: Administration of intravenous fluids and drugs such as morphine; personalized, hands-on therapeutic care such as gentle rocking, reduction in noise and lights, and swaddling; and frequent high-calorie feedings.

The legislature further finds that drug exposed infants often require hospitalization which burdens hospitals and hospital staff who either have to increase staffing levels or require current staff to take on additional duties to administer the specialized care needed by drug exposed infants.

The legislature further finds that drug exposed infants benefit from early and consistent family involvement in their care, and families thrive when they are provided the opportunity, skills, and training to help them participate in their child's care.

The legislature further finds that infants with neonatal abstinence syndrome often can be treated in a nonhospital clinic setting where they receive appropriate medical and nonmedical care for their symptoms. The legislature, therefore, intends to encourage alternatives to continued hospitalization for drug exposed infants, including the continuation and development of pediatric transitional care services that provide short-term medical care as well as training and assistance to caregivers in order to support the transition from hospital to home for drug exposed infants." [ 2017 c 263 § 1.]

**Purpose—Intent—Severability—1977 ex.s. c 80:** See notes following RCW 4.16.190.

**RCW 71.12.460****License to be obtained—Penalty.**

No person, association, county, municipality, public hospital district, or corporation, shall establish or keep, for compensation or hire, an establishment as defined in this chapter without first having obtained a license therefor from the department of health, complied with rules adopted under this chapter, and paid the license fee provided in this chapter. Any person who carries on, conducts, or attempts to carry on or conduct an establishment as defined in this chapter without first having obtained a license from the department of health, as in this chapter provided, is guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment. The managing and executive officers of any corporation violating the provisions of this chapter shall be liable under the provisions of this chapter in the same manner and to the same effect as a private individual violating the same.

[ 2001 c 254 § 2; 2000 c 93 § 22; 1989 1st ex.s. c 9 § 226; 1979 c 141 § 133; 1959 c 25 § 71.12.460. Prior: 1949 c 198 § 54; Rem. Supp. 1949 § 6953-53.]

**NOTES:**

**Effective date—Severability—1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.**

**RCW 35.63.220**

**Treatment of residential structures occupied by persons with handicaps.**

No city may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. As used in this section, "handicaps" are as defined in the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3602).

[ 1993 c 478 § 20.]

**RCW 41.05.760****Recovery residences—Registry.**

(1) The authority shall establish and maintain a registry of approved recovery residences. The authority may contract with a nationally recognized recovery residence certification organization based in Washington to establish and maintain the registry.

(2) The authority or the contracted entity described in subsection (1) of this section shall determine that a recovery residence is approved for inclusion in the registry if the recovery residence has been certified by a nationally recognized recovery residence certification organization based in Washington that is approved by the authority or if the recovery residence is a chapter of a national recovery residence organization with peer-run homes that is approved by the authority as meeting the following standards in its certification process:

(a) Peers are required to be involved in the governance of the recovery residence;

(b) Recovery support is integrated into the daily activities;

(c) The recovery residence must be maintained as a home-like environment that promotes healthy recovery;

(d) Resident activities are promoted within the recovery residence and in the community through work, education, community engagement, or other activities; and

(e) The recovery residence maintains an environment free from alcohol and illicit drugs.

(3) Nothing in this section requires that a recovery residence become certified by the certifying organization approved by the authority in subsection (2) of this section or be included in the registry, unless the recovery residence decides to participate in the recovery residence program activities established in this chapter.

(4) For the purposes of this section, "recovery residence" means a home-like environment that promotes healthy recovery from a substance use disorder and supports persons recovering from a substance use disorder through the use of peer recovery support.

[ 2019 c 264 § 2.]

**NOTES:**

**Findings—2019 c 264:** "(1) The legislature finds that substance use disorder is a disease impacting the whole family and the whole society and requires a system of care that includes prevention, treatment, and recovery services that support and strengthen impacted individuals, families, and the community at large.

(2) The legislature further finds that access to quality recovery housing is crucial for helping individuals remain in recovery from substance use disorder beyond treatment. Furthermore, recovery housing serves to preserve the state's financial investment in a person's treatment. Without access to quality recovery housing, individuals are much less likely to recover from substance use disorder and more likely to face continued issues that impact their well-being, their families, and their communities. These issues include death by overdose or other substance use disorder-related medical complications; higher health care costs; high use of emergency departments and public health care systems; higher risk for involvement with law enforcement and incarceration; and an inability to obtain and maintain employment. These challenges are compounded by an overall lack of affordable housing nationwide.

(3) The legislature recognizes that recovery is a long-term process and requires a comprehensive approach. Recognizing the potential for fraudulent and unethical recovery housing operators, this act is designed to address the quality of recovery housing in the state of Washington." [ 2019 c 264 § 1.]



**RCW 84.36.043****Nonprofit organization property used in providing emergency or transitional housing to low-income homeless persons or victims of domestic violence.**

(1) The real and personal property used by a nonprofit organization in providing emergency or transitional housing for low-income homeless persons as defined in RCW 35.21.685 or 36.32.415 or victims of domestic violence who are homeless for personal safety reasons is exempt from taxation if:

- (a) The charge, if any, for the housing does not exceed the actual cost of operating and maintaining the housing; and
- (b)(i) The property is owned by the nonprofit organization; or
- (ii) The property is rented or leased by the nonprofit organization and the benefit of the exemption inures to the nonprofit organization.

(2) As used in this section:

(a) "Homeless" means persons, including families, who, on one particular day or night, do not have decent and safe shelter nor sufficient funds to purchase or rent a place to stay.

(b) "Emergency housing" means a project that provides housing and supportive services to homeless persons or families for up to sixty days.

(c) "Transitional housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

(3) This exemption is subject to the administrative provisions contained in RCW 84.36.800 through 84.36.865.

[ 1998 c 174 § 1; 1991 c 198 § 1; 1990 c 283 § 2; 1983 1st ex.s. c 55 § 12.]

**NOTES:**

**Effective dates—1983 1st ex.s. c 55:** See note following RCW 82.08.010.