



ECONOMIC & COMMUNITY DEVELOPMENT

Kurt Hanson, Director
PLANNING SERVICES

Nate Schildmeyer, AICP, Current Planning Manager

Director's Rule 2024-1

Effective: May 29, 2024

Approved:

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Code and Section Reference:

- KCC 15.02.173(A)

Purpose:

This Director's Rule related to the definition of "Class I Group Home" is necessary for consistency with state law. RCW 70.128.066, which was amended by ESHB 1023 (2020), allows state-licensed adult family homes (AFH) to increase capacity from six to eight residents when certain qualifying conditions are met. The City's current code sets the maximum number of residents of any Class I Group Home, including AFHs, at six without providing an allowance for state-licensed AFHs to increase capacity.

Background:

The City adopted Ordinance 4339 on November 19, 2019, which included the current limitation of six residents for all types of Class I Group Homes including state licensed AFHs. The limit on the allowed number of residents is a part of the definition of Class I Group Home found in KCC 15.02.173(A), which includes "adult family homes as defined by RCW 70.128.010." The RCW's definition of "Adult Family Home" in RCW 70.128.010 was amended in 2020 under HB1023 to allow for AFHs to increase their capacity up to a maximum of eight residents. The definition in RCW 70.128.010 references criteria in RCW 70.128.066, which, if met, allows a state licensed AFH operator to increase their capacity up to eight residents.

The City now finds that the occupancy limitation in KCC 15.02.173(A) is outdated for AFHs and is inconsistent with state law.

Rule:

Adult Family Homes are not subject to the limitation of six residents stated in KCC 15.02.173(A); rather, Adult Family Homes are subject to a maximum of eight residents when approved by the state department of social and health services

pursuant to RCW 70.128.010 and RCW 70.128.066, and such approval has been provided to the City.