

CITY COUNCIL REGULAR SESSION

Ordinance imposing an interim official control to amend sections 20.20.120, 20.20.700, and 20.50.020 of the Land Use Code (LUC) to remove limitations on the number of unrelated persons that may occupy a dwelling unit, and amend LUC 20.50.044 and LUC 20.50.046 for clarification and consistency; providing for severability; and establishing an effective date.

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EXECUTIVE SUMMARY

This Interim Official Control is necessary to timely bring the City's LUC into conformance with Senate Bill (SB) 5235, which will be codified as a new section in Chapter 35A.21 RCW and become effective on July 25. This new RCW section prohibits cities from limiting the number of unrelated persons that may occupy a dwelling unit. Because this is an interim official control, a public hearing will be required within 60 days of the enactment of this Ordinance in order for the removal of occupancy limitations to remain in effect and to maintain conformance with state law. Council is also asked to initiate the development and processing of permanent regulations during the effective period of this Ordinance.

RECOMMENDATION

Move to adopt Ordinance No. 6586.

BACKGROUND/ANALYSIS

In May 2021, SB 5235 was signed into law. The new legislation prohibits the City from limiting, or otherwise regulating, the number of unrelated persons occupying a dwelling unit, except based on occupant load per square foot or generally applicable health and safety provisions. Because the City currently limits occupancy of a single-family dwelling to no more than four unrelated persons, an interim official control is necessary to bring the LUC into conformance with state law prior to the July 25 effective date for SB 5235.

Current Occupancy Limits in the LUC

The definition of "Family" in LUC 20.50.020 is the primary governor of the number of persons who may occupy a "single family" dwelling unit in the City. This definition allows for an unlimited number of persons related by blood, marriage, or legal adoption to be considered a "Family" and thus occupy a single family dwelling unit.

For unrelated persons, the maximum number of adults that may be considered a "Family" under the LUC, and thus occupy a single-family dwelling unit, is four. This maximum number may be increased on a case-by-case basis through a formal determination by the Director, provided that those individuals can meet the qualifying criteria and factors to establish that they are occupying the dwelling unit as the

functional equivalent of a “Family” under the LUC. This current limitation in the definition of Family in LUC 20.50.020 is inconsistent with SB 5235.

There are other types of dwelling units with their own specific limitations on occupancy. The provisions for Accessory Dwelling Units (ADUs) in LUC 20.20.120.A.3 limit the number of persons that may occupy the primary residence and the ADU to a combined total of a “Family.” Additionally, Rooming Houses are limited to no more than five individuals renting no more than four rooms at any one time, per LUC 20.20.700.A.2. The current limitations in LUC 20.20.120.A.3 and LUC 20.20.700.A.2 are also inconsistent with SB 5235.

Interim Official Control

The Interim Official Control amends the LUC to conform to the requirements in SB 5235. Amendments to the following LUC sections are proposed by this Interim Official Control (Attachment A):

1. LUC 20.20.120.A.3: Strike this subsection to remove the occupancy limits for properties with ADUs.
2. LUC 20.20.700.A.2: Remove the limitation on the number of occupants in Rooming Houses. The limitation on the number of rooms being rented would remain.
3. LUC 20.50.020: Amend the definition of “Family” to remove any occupancy limits.
4. LUC 20.50.044: Amend the definition of “Rooming House” for consistency with SB 5235.
5. LUC 20.50.046: Amend the definition of “Single Housekeeping Unit” to remove single lease requirements for rented properties and provide clarity regarding City regulation of transient lodging.

Notice and a public hearing are not necessary prior to adoption of an interim official control, allowing for the regulations to be put in place quickly. However, a public hearing must be held within 60 days of its adoption. In addition, the Growth Management Act, RCW 36.70A.390, states that an interim official control may be effective for six months, and if necessary, may be renewed for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each successive renewal.

POLICY & FISCAL IMPACTS

Policy Impact

This Interim Official Control will timely bring the LUC into conformance with state law. Because this is an interim official control, notice and a public hearing are not necessary prior to adoption, but a public hearing will be required within 60 days of the enactment of this Ordinance for the Interim Official Control to remain in effect. An interim official control may be effective for six months and may be renewed for one or more six month periods as discussed above. Permanent regulations will be prepared during the effective period of this Ordinance.

While not a specifically listed action or policy, this Interim Official Control and any subsequent permanent regulations will support the City’s Affordable Housing Strategy by providing additional housing options and removing barriers for housing within the City. By removing the limitations on the

number of unrelated persons that may occupy a dwelling unit, the proposed amendments will provide new housing opportunities, while preserving applicable maintenance, health, and safety standards.

Fiscal Impact

There is no fiscal impact associated with implementing these changes to the LUC.

OPTIONS

1. Adopt the Ordinance imposing an interim official control to amend sections 20.20.120, 20.20.700, and 20.50.020 of the Land Use Code (LUC) to remove limitations on the number of unrelated persons that may occupy a dwelling unit, and amend LUC 20.50.044 and LUC 20.50.046 for clarification and consistency; providing for severability; and establishing an effective date.
2. Do not adopt the Ordinance and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Interim Official Control Redlined Strike-Draft
Proposed Ordinance No. 6586

AVAILABLE IN COUNCIL LIBRARY

N/A