
SENATE BILL 5060

State of Washington

65th Legislature

2017 Regular Session

By Senator O'Ban

1 AN ACT Relating to the number of adult family homes permitted in
2 residential neighborhoods; and amending RCW 70.128.007 and
3 70.128.040.

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

5 **Sec. 1.** RCW 70.128.007 and 2001 c 319 s 5 are each amended to
6 read as follows:

7 The purposes of this chapter are to:

8 (1) Encourage the establishment and maintenance of adult family
9 homes that provide a humane, safe, and residential home environment
10 for persons with functional limitations who need personal and special
11 care;

12 (2) Establish standards for regulating adult family homes that
13 adequately protect residents and the community in which they reside;

14 (3) Encourage consumers, families, providers, and the public to
15 become active in assuring their full participation in development of
16 adult family homes that provide high quality and cost-effective care;

17 (4) Provide for appropriate care of residents in adult family
18 homes by requiring that each resident have a care plan that promotes
19 the most appropriate level of physical, mental, and psychosocial
20 well-being consistent with client choice; and

1 (5) Accord each resident the right to participate in the
2 development of the care plan and in other major decisions involving
3 the resident and their care.

4 **Sec. 2.** RCW 70.128.040 and 2009 c 530 s 1 are each amended to
5 read as follows:

6 (1) The department shall adopt rules and standards with respect
7 to adult family homes and the operators thereof to be licensed under
8 this chapter to carry out the purposes and requirements of this
9 chapter. The rules and standards relating to applicants and operators
10 shall address the differences between individual providers and
11 providers that are partnerships, corporations, associations, or
12 companies. The rules and standards shall also recognize and be
13 appropriate to the different needs and capacities of the various
14 populations served by adult family homes such as but not limited to
15 persons who are developmentally disabled or elderly. In developing
16 rules and standards the department shall recognize the residential
17 family-like nature of adult family homes and not develop rules and
18 standards which by their complexity serve as an overly restrictive
19 barrier to the development of the adult family homes in the state.
20 However, the rules and standards must also recognize the additional
21 vehicular traffic and need for services that adult family homes
22 require in residential neighborhoods. Consequently, the rules and
23 standards adopted by the department must provide that no more than
24 two adult family homes may be located within a four block area of a
25 residential community. Procedures and forms established by the
26 department shall be developed so they are easy to understand and
27 comply with. Paper work requirements shall be minimal. Easy to
28 understand materials shall be developed for applicants and providers
29 explaining licensure requirements and procedures.

30 (2)(a) In developing the rules and standards, the department
31 shall consult with all divisions and administrations within the
32 department serving the various populations living in adult family
33 homes, including the division of developmental disabilities and the
34 aging and adult services administration. Involvement by the divisions
35 and administration shall be for the purposes of assisting the
36 department to develop rules and standards appropriate to the
37 different needs and capacities of the various populations served by
38 adult family homes. During the initial stages of development of
39 proposed rules, the department shall provide notice of development of

1 the rules to organizations representing adult family homes and their
2 residents, and other groups that the department finds appropriate.
3 The notice shall state the subject of the rules under consideration
4 and solicit written recommendations regarding their form and content.

5 (b) In addition, the department shall engage in negotiated rule
6 making pursuant to RCW 34.05.310(2)(a) with the exclusive
7 representative of the adult family home licensees selected in
8 accordance with RCW 70.128.043 and with other affected interests
9 before adopting requirements that affect adult family home licensees.

10 (3) Except where provided otherwise, chapter 34.05 RCW shall
11 govern all department rule-making and adjudicative activities under
12 this chapter.

13 (4) The department shall establish a specialty license to include
14 geriatric specialty certification for providers who have successfully
15 completed the University of Washington school of nursing certified
16 geriatric certification program and testing.

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