



AB 5941:

State Mandated Code
Amendments

September 21, 2021

Overview

- State legislation
 - ESSB 5235 - Unrelated Persons Cohabiting
 - ESHB 1023 (2020) – Adult Family Home Capacity
 - E2SHB 1220 – Transitional and Permanent Supportive Housing
- Timeline
 - E2SHB 1220 requires compliance by September 30, 2021
 - ESSB 5235 and ESHB 1023 also require code amendments
- Approach
 - Consolidated review
 - Interim ordinances
 - 12-month work plan to enable thorough analysis and review
 - Adopt permanent regulations by Q3 2022



State Legislation

- **ESSB 5235 - Unrelated Persons Cohabiting**
 - Prohibits cities from regulating or limiting the number of unrelated people occupying a house/dwelling unit
 - Some exceptions: lawful limits on occupant load per square feet, occupant limits on state regulated group living, short-term rentals

- **ESHB 1023 – Adult Family Home Capacity**
 - Allows for adult family homes that provide services to up to 8 adults (formerly 6) – cities must accommodate these homes/services



State Legislation

- E2SHB 1220 – Transitional and Permanent Supportive Housing
 - Cities cannot prohibit transitional or permanent supportive housing in zones that allow residential dwelling units or hotels
 - Cities cannot prohibit indoor emergency shelters/housing in any zones that allow hotels
 - Except for cities that authorize indoor emergency shelters/housing in a majority of zones within a one-mile proximity to transit



State Legislation

- E2SHB 1220 – Transitional and Permanent Supportive Housing, continued
 - Occupancy, spacing, and intensity of use requirements must be reasonable and designed to protect public health and safety
 - Cannot be used to prevent the siting of a “sufficient number necessary to meet” the projected need for housing and shelter



Recommended Code Amendments

- Ordinance No. 21C-19, amends MICC 19.16.010, Definitions
 - Amends the definition of “Family” to include any individuals who live together in a single housekeeping unit regardless of relation to each other
 - Adds a definition of “Single Housekeeping Unit”
- Ordinance No. 21C-22, amends MICC 19.16.010, Definitions
 - Increases the maximum number of adults served in an adult family home from 6 to 8
- Ordinance No. 21C-23, amends MICC 19.16.010, Definitions
 - Expands the definition of “Social Service Transitional Housing” to include emergency housing, transitional housing, and emergency shelter
 - Expands the definition of “Special Needs Group Housing” to include permanent supportive housing



Recommended Motions

1. Move to adopt Ordinance No. 21C-19, amending Mercer Island City Code 19.16.010, Definitions, relating to the definitions of Family and Housekeeping Units.
2. Move to adopt Ordinance No. 21C-22, amending Mercer Island City Code 19.16.010, Definitions, relating to Adult Family Homes.
3. Move to adopt Ordinance No. 21C-23 amending Mercer Island City Code 19.16.010, Definitions, relating to Emergency Shelters and Housing, Transitional Housing, and Permanent Supportive Housing.

