City of Bellevue

MEMORANDUM

DATE: September 25, 2015

TO: East Bellevue Community Council

FROM: Carol Helland, Land Use Director
Development Services Department

SUBJECT: Regulations of Group Care Facilities

I understand that members of the East Bellevue Community Council recently raised issues regarding the regulation of group homes in Bellevue. This memorandum contains a brief history of the City's efforts to regulate group care facilities and a summary of the City's state and federal legislative policy regarding the regulation of group care facilities.

Brief History of Regulatory Efforts

In 1994, Bellevue adopted a group homes ordinance that regulated all group care facilities and excluded group homes for youth from residential land use districts in the City. The 1994 ordinance was invalidated by the Growth Management Hearings Board based on the rationale that group homes are essential public facilities, and that development regulations may not preclude the siting of essential public facilities.

In 1995, Bellevue adopted a revised group homes ordinance that regulated location, size, staffing, length of stay and resident populations of group care facilities. This ordinance survived scrutiny by the Growth Management Hearings Board. However, it was subsequently found in violation of the federal Fair Housing Act and the Washington Law Against Discrimination in an order issued by Judge Zilly of the United States District Court, Western District of Washington at Seattle. State law also requires that adult family homes be considered a residential use of property for zoning purposes, and that they be a permitted use in all areas zoned for residential or commercial purposes.

The effect of the court order, when read together with state law, is that the City is precluded from regulating group homes differently from any family. Group home providers are allowed to site facilities anywhere in the City where residential uses are permitted. In order to respond to Judge Zilly's invalidation, the City repealed all Bellevue City Code provisions relating to the regulation of group homes (Ordinance Nos. 4999 and 5001) and adopted a new definition of "Family" and process for granting reasonable accommodation (Ordinance No. 5001).

In addition to the regulatory changes required by Judge Zilly's decision, Council directed staff to pursue changes to state and federal law to preserve local municipal authority to

shape our communities while considering and balancing the needs of everyone. The legislative direction is summarized below:

Group Care Facilities. In concert with related changes in federal law, support changes in state law that will preserve local municipal authority to shape our communities while considering and balancing the needs of everyone. In particular, support changes to ensure that the Statement Department of Social and Health Services and other state agencies are responsive to local safety and neighborhood concerns in siting and overseeing group care facilities.

The definition of family and the process for granting reasonable accommodation have been amended and applied consistent with the terms of Judge Zilly's order for the last two decades. The practical effect is that adult family homes are not regulated under the Bellevue City Code any differently than a residential home that is occupied by a single family. Staff have also continued to pursue state and federal legislative changes as described above, but to-date additional local control has not been granted.

I hope this information is useful. Please let me know if I can answer any additional questions.