



Single-Family Dwelling Rentals

Emergency provisions now in effect

March 2014

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On September 23, 2013, the City Council adopted Ordinance No. 6128, amending Land Use Code definitions and regulations pertaining to rentals of dwelling units. The ordinance went into immediate effect on September 23, except in the jurisdiction of the East Bellevue Community Council, where it became effective October 1, 2013. In March 2014 both the City Council and East Bellevue Community Council adopted Ordinance No. 6152 extending the interim regulations to September 23, 2014.

Can I rent out rooms in my house?

There are several ways a homeowner can rent space in their home to other parties. Two of these ways – operating a boarding/rooming house or a bed and breakfast – require a Home Occupation permit and those rules apply. The third way – renting all or part of a home to single or multiple individuals meeting the definition of “family” – is the subject of this bulletin. Some of the rules have changed as a result of Ordinance 6128.

What are the key provisions of Ordinance 6128?

- It lowers the number of unrelated people who can live together as a family from six persons to four adults, while retaining the ability for any number of related persons to live as a family.
- It clarifies what constitutes “related persons”;
- It allows more than four unrelated adults to live together if they operate in a manner that is functionally equivalent to a family;
- It clarifies the definition of “Boarding/rooming houses and bed and breakfasts”; and
- It provides for amortization of certain uses that do not conform to the amended provisions of the *Land Use Code* (LUC).

How is “family” defined?

Ordinance 6128 defines “family” as: One or more adult persons related by blood, marriage, or legal adoption; or a group of not more than four unrelated adult persons living together in a dwelling unit. A group of more than four unrelated adult persons living together in a dwelling unit may also be included within the definition of “family” if they demonstrate to the director of Development

Services that they operate in a manner that is functionally equivalent to a family. Factors that will be considered by the director include whether the group of more than four unrelated persons:

- a. Shares the entire dwelling unit or act as separate roomers;
- b. Includes minor, dependent children regularly residing in the household;
- c. Can produce proof of sharing expenses for food, rent, or ownership costs, utilities, and other household expenses;
- d. Shares common ownership of furniture and appliances among the members of the household;
- e. Constitutes a permanent living arrangement, and is not a framework for transient living;
- f. Maintains a stable composition that does not change from year to year or within the year;
- g. Is not a society, fraternity, sorority, lodge, organization or other group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary; or
- h. Can demonstrate any other factors reasonably related to whether or not the group of persons is the functional equivalent of a family.

For the purposes of this definition, children with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h) will not be counted as unrelated persons.

What if I am already renting to 6 unrelated persons?

Any situation that lawfully existed on the date Ordinance 6128 became effective, but due to changes in the definition of “Boarding/Rooming houses and bed and breakfasts” and/or “Family” became non-conforming, is granted a grace period and may continue until July 1, 2014, at which time that situation must be discontinued. If a tenant moves out during this grace period that tenant may not be replaced if it would result in the total number of unrelated adults exceeding four--*unless* it is demonstrated that the functional equivalent of a family will exist.

Why was Ordinance 6128 adopted?

The ordinance was adopted in response to community concerns about the rental of multiple rooms in single-family dwellings to unrelated individuals and the impacts of such rentals, including the erosion of single-family neighborhood character, increased density, declining property maintenance, and increased on-street parking, traffic, noise, and instances of speeding, among others. The City Council determined that adopting the ordinance as an emergency action was necessary for the protection of the public health and safety.

Is Ordinance 6128 permanent? What happens next?

Ordinance 6128 was effective for an initial period of six months, and was extended to September 23, 2014, by Ordinance 6152. Additional six-month extensions can occur after any additional required public hearing.

What are other key definitions I should know?

- LUC 20.50.012: Bed and Breakfast. A dwelling which temporarily houses guests for profit.
- LUC 20.50.012: Boarding/Rooming House *. A dwelling in which individuals unrelated to the owner are housed and/or fed for profit for any time period, including stays of 30 days or more. This definition includes, but is not limited to, Transient Lodging as defined in LUC 20.50.048. (Refer to LUC 20.20.140 for General Development Requirements applicable to Boarding/Rooming House uses).
- LUC 20.50.018: Dwelling, Single-Family. A building containing but one kitchen, designed for and occupied exclusively by one family, except where a valid accessory dwelling unit registration has been approved.
- LUC 20.50.018: Dwelling Unit. Houses, apartments, condominiums, groups of rooms, or single rooms, which are occupied, or vacant, but intended for occupancy, as separate living quarters. Specifically, there is a dwelling unit when the occupants live and eat separately from any other persons in the structure and there is either (1) direct access to the unit from the outside or through a common hall, or (2) complete kitchen facilities for the occupants' exclusive use. A single unit providing complete, independent living facilities for one or more persons including permanent provisions of living, sleeping, eating, cooking, and sanitation.

Where can I get additional information?

- Land Use and Zoning Information desk in Development Services, 425-452-4188 or landusereview@bellevuewa.gov.
- Ordinance No. 6128 (adopted September 23, 2013, and in effect until further notice) <http://www.bellevuewa.gov/Ordinances/Ord-6128.pdf>
- Ordinance No. 6152 (adopted March 3, 2014), extending the provisions of Ordinance No. 6128 to September 23, 2014
- LUC 20.20.140*, Boarding/Rooming Houses and Bed and Breakfasts
- Part 20.30N LUC, Home Occupation Permit

* amended by Ordinance No. 6128

This document is intended to provide guidance in applying certain Land Use Code regulations and is for informational use only. It cannot be used as a substitute for the Land Use Code or for other city codes. Other city codes, such as the Building Code, Clearing & Grading Code, etc., may apply to your project. Additional information is available from the Development Services Center at Bellevue City Hall.

For additional information about the land use regulations that may apply to your project, contact the Land Use Information Desk in the Development Services Center. Phone: 425-452-4188. E-mail: landusereview@bellevuewa.gov.

