

SB 6302 Prohibiting local governments from limiting the number of unrelated persons occupying a home

A bill to free up more homes and protect non-traditional households from discrimination.

Introduced by Senator Christine Rolfes (D-Bainbridge), **SB 6302** would lift local limits on the number of *unrelated* people allowed to reside together in a single home. Federal law already prohibits caps on the number of *related* occupants.

Almost all Washington cities impose **unrelated occupant limits**, which:

- worsen the state’s housing crisis by preventing full utilization of homes;
- discriminate against non-traditional households;
- are redundant because nearly all municipalities regulate overcrowding by requiring minimum square footage of floor space per occupant; and
- provide no public benefits.

SB 6302 would help relieve the state’s housing crisis by allowing more people to share homes. And it would strike discrimination by family and household type out of local land use codes.

Unrelated occupant limits are based on obsolete assumptions about families.

Over recent decades, the idea of “family” has diversified. Divorce, delayed marriage and childbearing, and extended lifespans, along with the proliferation of cohabitation, melded households, domestic partnerships, and shared housing, have **all** increased the likelihood that people who wish to live together may not be legally related.

Yet most Washington cities still have laws on their books that cap the number of unrelated people allowed to reside in a single house or apartment. Municipalities impose no such limits on members of a legally related extended family: the US Supreme Court **struck down** limits on *related* occupants in 1977. Underscoring how archaic occupancy laws are, the city of Yakima doesn’t count **live-in servants** against its limit of five unrelated occupants.

In 2017, Iowa **passed a similar bill** banning unrelated occupancy limits, with bipartisan support.

Unrelated occupant limits have numerous downsides and no upsides.

- They arbitrarily discriminate: There is no justification for why households with members who are not legally related should be subject to size restrictions, when no such restrictions apply to households with related members.
- They exacerbate the state’s housing shortage and drive up prices and rents because they impede the full use of existing homes—for example, limits can make it illegal to fill a large house’s vacant bedrooms with housemates.

- They reduce housing choices for low and moderate-income people in particular by prohibiting boarding houses, and also may render in-law suites illegal to rent out.
- They don't prevent overcrowding because they are not tied to the size of the dwelling—the same limits apply to a studio apartment and a mansion.
- Their primary original intention was to exclude low-income people from neighborhoods by limiting the number of “roommates” a homeowner could take in.
- They are poorly defined and difficult to enforce—who counts as “related”?
- If challenged in state court they could be struck down, as they were in California, Michigan, and New Jersey.
- Federal law already prohibits discrimination against potential tenants or buyers on the basis of family status.

Most Washington cities restrict unrelated occupants.

Of 228 Washington cities Sightline surveyed, 162 (71 percent) impose limits on unrelated occupants and 66 do not. (This count excludes allowances for unrelated people living together for medical care or other support.) Limits range from 12 all the way down to zero, with an average of five. Cities with the tightest limits:

- *Zero*: Granger, Hunts Point
- *Two*: Cheney
- *Three*: 13 cities, including Bellingham, Des Moines, La Conner, Normandy Park, Pullman
- *Four*: 10 cities, including Kent, Auburn, Bellevue, Oak Harbor, Renton
- *Five*: 78 cities, including Bainbridge, Edmonds, Federal Way, Issaquah, Kirkland, Lynnwood, Spokane Valley, Yakima

How many more people might Washington house?

Passing **SB 6302** to eliminate unrelated occupant limits would increase housing choices in two ways. First, it would legalize higher occupation of existing housing. For example, the commonly imposed limit of five unrelated occupants could prevent full utilization of a five-bedroom house.

An estimate of vacant bedrooms gives a sense of the potential. On a typical night around one in six of Washington's bedrooms **sit empty**—that's more than **one million bedrooms**. If we assume that unrelated occupant limits are to blame for just one in fifty of those, repealing those limits statewide could potentially free up **housing for 20,000 people** at zero cost to the public purse.

Second, repealing unrelated occupant limits would boost construction of new homes such as basement suites, apartments over garages, or rooming houses that might otherwise run up against limits. It's difficult to project how much housing would result, but there's no risk in removing the regulatory barrier to maximize the opportunities to build more homes.