



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310) Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: April 30, 2024

TIME: 2:59 PM

WSR 24-10-097

**Agency:** Department of Social and Health Services (department), Aging and Long-Term Support, RCS

**Subject of possible rule making:** The department is considering amending WAC 388-76-10031, License requirements—Seven or eight bed adult family homes—Licensure.

This proposal refiles the project previously filed as WSR-23-17-056 that seeks to clarify requirements for homes wishing to increase capacity to seven or eight beds when the adult family home (home) serves only residents who do not require assistance with evacuation and the home does not have a residential sprinkler system.

This project also implements ESHB Chapter 147, Laws of 2024- Adult Family Homes- Applications to Increase Bed Capacity. The department is filing this notice to combine the two projects. The department may amend other related rules as necessary.

**Statutes authorizing the agency to adopt rules on this subject:** Adult Family Home – RCW 70.128.040, Adoption of rules and standards – Negotiated rulemaking – Specialty license and RCW 70.128.066, Seven or eight bed adult family homes—Requirements—Licensure. \*\*\* CHANGE IN 2024 \*\*\* (SEE 2015-S.SL) \*\*\*

**Reasons why rules on this subject may be needed and what they might accomplish:** The department is considering updates to reflect the department’s interpretation of RCW 70.128.066(2)(f), which requires (seven and eight bed adult family homes) to “have a residential sprinkler system in place in order to serve residents who require assistance during an evacuation”.

The department interprets RCW 70.128.066(2)(f) to mean homes licensed for seven or eight beds whose residents do not require assistance with evacuation do not require a residential sprinkler system. The department places a limit on the license of these homes specifying the home may not care for residents who require assistance during evacuation.

The current rule requires all homes licensed for seven or eight beds to have a residential sprinkler system and includes no language to reflect the department’s interpretation of the statute. Updating the rule will allow homes meeting requirements in RCW 70.128.066 to request a capacity increase for up to eight beds without having a residential sprinkler system, when the home serves only residents who do not require assistance with evacuation. This will expand the number of adult family home beds while maintaining the safety of residents.

The department is considering amendments to comply with passed legislation, ESHB 2015, Chapter 147, Laws of 2024, that gives the department the ability to temporarily prioritize licensing inspections of adult family homes requesting to increase licensed capacity to seven or eight beds when the home has met all other requirements.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The Washington State Building Code Council oversees state building codes. The department will confirm consistency with the state requirements and consult as necessary.

**Process for developing new rule (check all that apply):**

Negotiated rule making

Pilot rule making

Agency study

Other (describe) The department will use a collaborative rulemaking process to develop and receive comments

on draft rules. Contact the staff listed below to receive draft material and information about how to participate in the rulemaking process.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

(If necessary)

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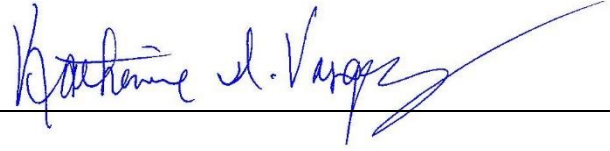
Additional comments:

**Date:** April 30, 2024

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**

A handwritten signature in blue ink that reads "Katherine I. Vasquez". The signature is written in a cursive style with a long, sweeping underline.