



City of Tacoma – PDS

Director’s Rule 03-2021

Applicant: City of Tacoma Planning and Development Services	Page 1 of 2	Director’s Rule 03-2021
	Publication: 7/22/21	Effective: 7/25/21
	Code & Section Reference: TMC 13.01.060.F	
	Type of Rule: Land Use Code Definition	
	Ordinance Authority: TMC 13.01	
Index: Land Use; Definitions	Approved:  Peter Huffman, Director	Date 7/21/21

A. Background

During the 2021 Washington State Legislative Session, Senate Bill 5235 (SB 5235) was passed and signed into law by the Governor and will become effective July 25, 2021. A key provision of the law is a restriction on how local governments define and regulate residential unit occupancies.

Many local jurisdictions have regulated occupancy in residential dwelling units, often on the basis of family ties. Many local ordinances also make a distinction between what constitutes family and unrelated persons, usually with a limit on the total number of unrelated individuals when regulating residential uses in single or multi-family zones.

The City of Tacoma presently has such a regulation within the Land Use Regulatory Code, Title 13, where “Family” is defined as (emphasis added):

“Family.” One or more persons related either by blood, marriage, adoption, or guardianship, and including foster children and exchange students, or a group of not more than six unrelated persons, living together as a single nonprofit housekeeping unit; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3604(f)(3)(b).

Per the new State law, these types of broad zoning limitations on the number of unrelated individuals that can live in a dwelling unit are no longer allowed. SB 5235 does allow for occupant limits on group living arrangements regulated under state law (such as adult family homes) or on short-term rentals and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or city ordinance.

Therefore, in order to prevent a conflict with State law, the City of Tacoma, Planning and Development Services, will no longer use this definition to limit residential occupancy. However, it should be noted that all provisions of the building and fire code, including their associated occupancy limitations, will remain in force and shall remain unchanged in application.

B. Additional Information

As part of the annual amendment process to the City of Tacoma Comprehensive Plan and Land Use Regulatory Code, this issue and potential permanent corrective code amendments will be taken to the Planning Commission for consideration and action and then come before the Tacoma City Council sometime in early to mid-2022.