



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 31, 2025

TIME: 8:02 AM

WSR 25-04-069

Agency: Department of Social and Health Services, Aging and Long Term Support Administration, RCS

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) March 4, 2025 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: This rulemaking restores the flexibility of the previous rule and adds clarity that will help adult family homes (AFH) with compliance while maintaining resident safety and well-being in AFHs. New AFHs will be able to consider toilets in ensuite bathrooms in resident bedrooms toward the total number of toilets available to residents. The anticipated effect is a reduced financial and regulatory burden for new AFHs.

Citation of rules affected by this order:

New: none
 Repealed: none
 Amended: WAC 388-76-10780
 Suspended: none

Statutory authority for adoption: RCW 70.128.040

Other authority: none

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 24-24-015 on 11/22/24 (date).
 Describe any changes other than editing from proposed to adopted version: none

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Colleen Jensen
 Address: P.O. Box 45600, Olympia, WA 98504
 Phone: 564-999-3182
 Fax:
 TTY: 711 Relay Service
 Email: colleen.jensen1@dshs.wa.gov
 Web site:
 Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	<u>1</u>	Repealed	___
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The number of sections adopted using:

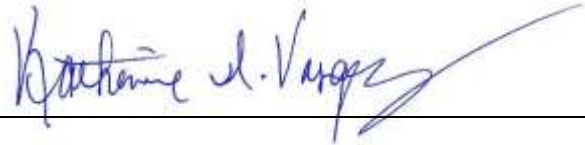
Negotiated rule making:	New	___	Amended	<u>1</u>	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: January 31, 2025

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 23-12-075, filed 6/6/23, effective 8/1/23)

WAC 388-76-10780 Toilets and bathing facilities. (1) All adult family homes must ensure the home has toilets and bathing facilities that provide each resident with privacy and include at least:

(a) One accessible indoor flush toilet that meets WAC 51-51-0330 for each five persons including residents and household members who live in the home; and

(b) Sinks with hot and cold running water.

(2) For the purposes of this section, "accessible" means available and licensed for resident use.

~~((2))~~ (3) Homes licensed after July 1, 2007, must also ensure each resident has access to a toilet, and bathing facilities without going through another person's room.

~~((3) Homes licensed after August 1, 2023, that have a licensed capacity of more than five residents must have at least two indoor flush toilets available and accessible for resident use without requiring any resident to go through another person's room.))~~

(4) Homes licensed after August 1, 2023, must have a sufficient number of toilets to maintain a ratio of one accessible toilet to five persons, without having to go through another person's room to use a toilet.

(5) Toilets and bathing facilities not used by residents do not need to meet requirements of WAC 51-51-0330 and must not be accessible to residents.