

# Fairwood Greens HOA and Adult Family Homes

September 2021

## FGHOA Description

The Fairwood Greens Homeowners' Association was established in the mid-1960s and the neighborhood appearance and community pride is due in large measure to past and current active board enforcement of Covenants, Conditions and Restrictions (CC&Rs), Rules & Regulations (R&Rs) and Policies. The HOA consists of approximately 1500 Homeowners and is one of the largest HOAs in Washington State. The quality and pleasant aesthetics, family friendly nature and maintaining property values are important objectives of the HOA and member homeowners. The HOA Board is responsible to all Homeowners and strives to treat all Homeowners and residents equally and professionally with respect, compassion, in good faith and in compliance with governing documents and Federal and State laws and regulations. Fairwood Greens is an all-inclusive neighborhood, without prejudice, and supports equal housing rights for all.

## Adult Family Homes in FG

There are currently 16 licensed Adult Family Homes (AFH) within FGHOA. Within the last 5 months, there have been 4 additional homes purchased and Architectural Control Committee (ACC) approval forms for exterior modifications and improvements in order to comply with the Washington State laws and guidelines. Interior modifications must be made with permits from unincorporated King County and pass inspections by WABO (Washington Association of Building Officials). Training, inspections and certifications are required in order to receive a license to operate.

It is forecasted that by the end of 2021, there will be 20 AFHs representing ~25% increase and 1.33% density within FGHOA.

## What is an AFH?

An AFH is a residential home where up to 6-8 residents are being cared for. Residents are anyone over the age of 18 years that require personal care, special care, room and board and not related to the provider. Generally, residents are over 60 years old and this is the usual case of the AFHs within FGHOA. This usually means people with physical and/or mental disabilities or challenges. The AFH licensing specifies and qualifies the level of care that an AFH can provide. The AFH and DSHS/ALISA /RCS are responsible for carefully screening and background checking of AFH professionals. An AFH is a business.

## Federal and Washington State (WA) Laws vs HOA jurisdiction

WA statutes and rules (in compliance with Federal Laws) supersede FGHOA rules and regulations. This has been reviewed and examined several times over the past 10 years or more by the Board and the FGHOA legal counsel. Although an AFH is a business operated within a home, which is prohibited by FGHOA rules, AFHs are allowed to operate. The FGHOA jurisdiction is limited to the exterior of the home, ensuring compliance roof, paint, fences, driveways, ramps, structures, windows, decks, patio covers, landscaping and upkeep, as well as noise issues and nuisance issues. The WA legislature has made statutes that allow unlimited AFHs to be located within any neighborhood or location, without regard to density, saturation, evaluation of need, or evaluation/understanding of impact on a residential community.

There are two sets of WA statutes and rules that guide AFHs and HOAs.

1. RCW (Revised Code of Washington) – A statute of RCW is written by the WA Legislature. Once legislation is signed by the governor, it becomes law.
2. WAC (Washington Administrative Code) – A rule or WAC is written to provide interpretive support for the people or entities to whom the rule applies. Department of Health rules are written and adopted by a board or commission, or the secretary of Health. Rules or WACs carry the full force of the law.

### **WA Department of Health Services (DSHS) Structure and AFHs**

WAC rules are enforced and managed by the Secretary of DSHS, which is under the WA governor. The Aging and Long-Term Support Administration (AL TSA) department is a branch of the WA DSHS. Residential Care Services (RCS) is a department of AL TSA that manages the licensing and monitoring of AFHs. We have reached out to the RCS and have identified those staff members who manage state wide policy as well as license and monitor AFHs within communities that include Fairwood Greens. RCS representatives have said that other communities in addition to FGHOA have expressed concerns about AFHs popping up in the locations. We were advised to contact WA Legislative Committees to express concerns and needs;

WA Senate Health & Long Term Care Committee

WA House Health Care & Wellness Committee

### **FGHOA Homeowners Comments and Feedback**

We have received HO comments and feedback, consisting of questions, comments positive and comments negative. The Board reviews all comments and takes appropriate actions. In general, the 16 existing AFHs within FGHOA have not been problems and keep the exteriors of the homes in reasonable condition. There have been a couple of recent minor incidents.

### **What should a FGHOA Homeowner Do?**

In the unlikely event that you run into a problem, such as an individual who is wandering around in the FG neighborhood or in the streets or have an issue or complaint, please note the following. These steps will document and provide King County and the Board with records and visibility of what is happening and how often, so appropriate action or future planning or resources take place.

Immediate response required; resident is in immediate jeopardy/harm or poses as an immediate threat/harm –

1. Call 911
2. Call Pacific Coast Security (206-573-4114) to come, review and file an Incident Report
3. Call Complaint Hotline AL TSA (RCS/RCU – Complaint Resolution Unit, 1-800-562-6078).

Non-emergency; resident is not in jeopardy/harm and is causing a nuisance or problem

1. Call Pacific Coast Security (206-573-4114) to come, review and file an Incident Report
2. Call King County Sheriff Office, non-emergency number (206-296-3311), or online, so a report will be officially on file.
3. Call Complaint Hotline AL TSA (RCS/RCU – Complaint Resolution Unit, 1-800-562-6078).

You may also wish to contact local county and state elected officials with your feedback and comments in order to guide future laws and statutes legislation.

WA Senate Health & Long Term Care Committee

WA House Health Care & Wellness Committee

### **Questions & Answers**