

June 21, 1995
REPORT TO THE COMMITTEE
ON LAND USE AND HOUSING

RESIDENTIAL CARE FACILITIES - IMPACT OF RULING IN
CITY OF EDMONDS V. OXFORD HOUSE, INC.

At the Land Use and Housing Committee meeting on May 17, 1995, this office was requested to report back on the impact of a recent United States Supreme Court case dealing with residential group homes. Local news articles had given the impression that this case represented substantial change or clarification of the law relating to a city's ability to regulate construction and operation of residential care facilities.

A review of the case indicates, however, that the decision in City of Edmonds v. Oxford House Inc., 95 Daily Journal D.A.R. 6197, did not significantly change or clarify the law relating to residential care facilities. The case simply concluded that the City of Edmonds' ordinance, in the manner it defined "family," was not a restriction on occupancy and, therefore, was not entitled to an exemption from the Fair Housing Act. There was in fact no substantive change in the law as a result of the decision.

Please see the attached review of the decision by Douglas Humphreys, a deputy in this office.

Respectfully submitted,
JOHN W. WITT
City Attorney

HOV:ps:600
Attachment
RC-95-15