

**CITY COUNCIL REGULAR SESSION**

Ordinance imposing an interim official control to amend sections 20.10.440, 20.25A.050, 20.25D.070, 20.25F.010, 20.25L.020, and 20.25P.050 of the Land Use Code (LUC) to allow permanent supportive housing and transitional housing in all land use districts where residential dwellings and/or hotels and motels are allowed, and to allow Homeless Services Uses in all land use districts where hotels and motels are allowed; amending the definition of Homeless Services Uses in LUC 20.20.455 for conformance and consistency with state law; providing for severability; and establishing an effective date.

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**EXECUTIVE SUMMARY**

The Interim Official Control is necessary to timely bring the Land Use Code (LUC) into conformance with Washington State House Bill (HB) 1220, which becomes effective on July 25. By that date, this new state law mandates that cities allow permanent supportive housing and transitional housing in all land use districts where residential dwellings and/or hotels are allowed. In addition, and by September 30, HB 1220 requires that cities allow indoor emergency shelters and indoor emergency housing in all land use districts where hotels are allowed.

Since this is an interim official control, a public hearing will be required within 60 days of the enactment of this Ordinance. Council is also asked to initiate the development and processing of permanent regulations during the effective period of this Ordinance.

**RECOMMENDATION**

Move to adopt Ordinance No. 6585.

**BACKGROUND/ANALYSIS**

HB 1220 was signed into law in May and goes into effect on July 25. In part, the bill amends several sections in the Growth Management Act, chapter 36.70A RCW, and the Code City provisions, chapter 35A.21 RCW, to require cities to implement the following:

- Allow permanent supportive housing and transitional housing in all land use districts where residential dwellings and/or hotels are allowed; and
- Allow indoor emergency housing and indoor emergency shelter in all land use districts where hotels are allowed.

For each of these uses, HB 1220 grants cities the limited ability to impose reasonable regulations regarding spacing, occupancy, and intensity of use standards to protect public health and safety.

The City's current LUC does not regulate permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelter consistently with HB 1220. Therefore, to conform with the new legislation, interim amendments to the LUC are necessary prior to the effective date of HB 1220.

### **Permanent Supportive Housing and Transitional Housing**

Permanent supportive housing is defined under RCW 36.70A.030(16) as:

*... subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the residents' health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.*

Transitional housing is defined under RCW 84.36.043 as:

*A project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.*

Per these RCW definitions, supportive services must be accommodated within each of these respective housing types. The following LUC sections are proposed to be amended by this Interim Official Control in response to the requirements of HB 1220 as related to permanent supportive housing and transitional housing:

1. LUC 20.10.440 Land use charts;
2. LUC 20.25A.050 Downtown Land Use Charts;
3. LUC 20.25D.070 Land Use Charts (BelRed);
4. LUC 20.25F.010 Permitted land uses (Evergreen Highlands);
5. LUC 20.25L.020 Permitted land uses (OLB-OS); and
6. LUC 20.25P.020 Land Use Chart (EG-TOD).

Consistent with HB 1220, the Interim Official Control would add appropriate notes to allow permanent supportive housing and transitional housing uses in those land use districts where residential dwellings and/or hotels and motels are allowed, subject to any applicable land use approvals and the density and dimensional standards of the district. A redlined strike-draft of the Interim Official Control is included as Attachment A.

Although permanent supportive housing and transitional housing must be allowed in land use districts where residential dwellings and/or hotels and motels are allowed, the RCW does distinguish these uses

from other residential dwellings. As such, Council should note that the permanent regulations developed through the Land Use Code Amendment (LUCA) process may ultimately generate a distinct regulatory scheme for these specific uses. Nevertheless, this proposed Interim Official Control is designed to bring the City into immediate compliance with state law by the July 2021 deadline set by HB 1220.

### **Emergency Housing and Emergency Shelter**

HB 1220 will add two new definitions to the Growth Management Act, at RCW 36.70A.030:

- A. *Emergency Housing*: Temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.
- B. *Emergency shelter*: A facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

Under LUC 20.20.455.C, Homeless Services Uses include both permanent overnight homeless shelters and day centers. The definition of “Homeless Services Use” in LUC 20.20.455.C.1.a is consistent with the definition for “emergency housing” as adopted by HB 1220 and codified in RCW 36.70A.030(9). Likewise, the definition of “Overnight Shelter: Permanent” in LUC 20.20.455.C.1.d is consistent with the definition for “emergency shelter” as adopted by HB 1220 and codified in RCW 36.70A.030(10).

This Interim Official Control will regulate emergency housing and indoor emergency shelter as Homeless Services Uses under LUC 20.20.455, and minor modifications to the definition section in LUC 20.20.455.C will provide consistency and clarity regarding the regulation of these uses. See Attachment A. In addition, the following sections in the LUC will be modified to allow homeless services uses in all land use districts where hotels and motels are allowed, specifically the Neighborhood Mixed Use (NMU) and Office and Limited Business – Open Space (OLB-OS) land use districts as a conditional use, per LUC 20.20.455 and Part 20.30B LUC.

1. LUC 20.10.440 Land use charts;
2. LUC 20.20.455.C Definitions (Homeless services uses); and
3. LUC 20.25L.020 Permitted land uses (OLB-OS).

These proposed changes to the LUC are designed to bring the City into immediate compliance with state law with respect to local regulation of the emergency housing and indoor emergency shelter uses identified in HB 1220.

### **Interim Official Control**

Notice and a public hearing are not necessary prior to adoption of an interim official control, to allow for the regulations to be put in place quickly. However, a public hearing must be held within 60 days of its adoption. In addition, the Growth Management Act, RCW 36.70A.390, states that this Interim Official Control may be effective for six months, and if necessary, may be renewed for one or more six month

periods if a subsequent public hearing is held and findings of fact are made prior to each successive renewal.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

This Interim Official Control will bring the LUC into conformance with state law as amended under HB 1220. Because this is an interim official control, a public hearing will be required within 60 days of the enactment of this Ordinance for the Interim Official Control to remain in effect. In addition, the Growth Management Act, RCW 36.70A.390, states that an interim official control may be effective for six months, and if necessary, may be renewed for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each successive renewal. Permanent regulations will be prepared during the effective period of this Ordinance.

The amendments are also consistent with the following Comprehensive Plan policies:

1. LU-15: Provide, through land use regulation, the potential for a broad range of housing choices to meet the changing needs of the community.
2. HO-38: Supporting regional efforts to prevent homelessness through the provision of a range of affordable housing options, and to support efforts to move homeless persons and families to long-term financial independence.
3. HS-18: Support an intentional local community response to homelessness with housing and supportive services provided to families, youth, and single adults.

### **Fiscal Impact**

There is no fiscal impact associated with implementing these changes.

## **OPTIONS**

1. Adopt the Ordinance imposing an interim official control to amend sections 20.10.440, 20.25A.050, 20.25D.070, 20.25F.010, 20.25L.020, and 20.25P.050 of the Land Use Code (LUC) to allow permanent supportive housing and transitional housing in all land use districts where residential dwellings and/or hotels and motels are allowed, and to allow Homeless Services Uses in all land use districts where hotels and motels are allowed; amending the definition of Homeless Services Uses in LUC 20.20.455 for conformance and consistency with state law; providing for severability; and establishing an effective date.
2. Do not adopt the Ordinance and provide alternative direction to staff.

## **ATTACHMENTS & AVAILABLE DOCUMENTS**

- A. Interim Official Control Redlined Strike-Draft  
Proposed Ordinance No. 6585

## **AVAILABLE IN COUNCIL LIBRARY**

N/A