



CITY OF PUYALLUP
Development & Permitting Services Department
Planning Division
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To: Planning Commission
From: Katie Baker, AICP, Planning Manager

RE: Supportive Housing Facilities (HB 1220) – Overview

Date: November 10, 2021

Background

In May 2021, HB 1220 was passed into law, which eliminates certain zoning barriers related to the provision of transitional housing, emergency shelters, and similar homelessness-related facilities. Specifically, HB 1220 includes the following requirements:

- Preempts local authority to prohibit transitional housing and permanent supportive housing in any zone in which residential dwelling units or hotels are allowed. This requirement went into effect July 25, 2021.
- Preempts local authority to prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. This requirement went into effect September 30, 2021.
- Adds definitions for “emergency housing”, “emergency shelter”, and “moderate-income household”.

In addition, two other legislative actions, SB 5235 and HB 1023 have prompted amendment to two other areas of code. It will remove restrictions on the number of unrelated persons who may occupy a dwelling unit and increase the number of people who may reside in an adult family home from six to eight.

In response to the above provisions, the City has reviewed our existing zoning regulations and has determined that code amendments are necessary to comply with these laws. It is anticipated that proposed code amendments should:

1. Establish definitions for the housing types addressed in HB 1220;
2. Modify definitions of “family” and “adult family home”;
3. Establish use allowances for the specified housing types; and
4. Review and establish reasonable occupancy, spacing, and intensity of use requirements.

The sections below outline the City’s current development regulations that pertain to the facility types addressed in HB 1220 as well as the potential area for amendments to comply with the changes and the steps moving forward. The City Council adopted interim zoning changes on September 28 and readopted on October 12 to comply with the law by the time it went into effect September 30. At the November 10 Planning Commission meeting, the Commission will be provided an overview presentation to understand the

requirements of HB 1220, the City’s existing code regulations, the interim zoning regulations, and the options for adopting permanent regulations.

Definitions

1. Existing Code

- a. The Puyallup Municipal Code (PMC) definitions chapter (PMC 20.15) does not currently include definitions for: (1) “transitional housing”, (2) “permanent supportive housing”, (3) “emergency housing”, (4) “emergency shelter”.

Terms defined – RCW 36.70A.030 and RCW 84.36.043:

- i. “Transitional housing” means 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.
 - ii. “Permanent supportive housing” is 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 resident's 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.
 - iii. “Emergency housing” means 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.
 - iv. “Emergency shelter” means 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.
- b. PMC 20.72 – Homeless Drop-In Centers and Overnight Shelters does include definitions for “daytime drop-in center” and “overnight shelter”. The PMC definition of “overnight shelter” is similar to the State definition of “emergency housing”, and the State definition of “emergency shelter” seems to encompass the PMC definition of both “daytime drop-in center” and “overnight shelter”.

Terms defined – PMC 20.72:

- i. “Daytime drop-in center” means a center which has a primary purpose of serving homeless individuals, whose clientele may spend time during day or evening hours, but with no overnight stays. Services may include counseling and/or medication monitoring on a formal or informal basis, personal hygiene supplies, facilities for showering, shaving, napping, laundering clothes, making necessary telephone calls and other basic supportive services. Centers may also provide meals or facilities for cooking.
- ii. “Overnight shelter” means a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless. Temporary shelter facilities associated with disaster relief are excluded from this use category. Homeless drop-in center services may also be provided on the same site during daytime hours.

2. Interim Zoning Controls

- a. PMC 20.15 was amended to include definitions for “permanent supportive housing” and “transitional housing”; PMC 20.72 was amended to include definitions for “emergency housing” and “emergency shelter”, retaining the definition for “daytime drop-in center” and removing the definition for “overnight shelter”. These terms are then used throughout the PMC to be clear and consistent in their usage.

3. Options for Permanent Zoning

- a. Retain definitions of (1) “transitional housing”, (2) “permanent supportive housing”, (3) “emergency housing”, (4) “emergency shelter”, as established in interim zoning controls.
- b. Amend definition of “family” to exclude limits of six unrelated persons, consistent with SB 5235.
- c. Amend definition of “adult family home” to reference RCW 70.128.010 in reference to the number of residents permitted.

Use Allowances and Permit Process

1. Existing Code

- a. Transitional housing and permanent supportive housing: As noted above in “Definitions”, these terms are not defined in the PMC, nor are they expressly called out as permitted uses in any zone. However, this housing type already exists throughout the City and is allowed as long as the housing structure meets the use allowances of a specific zone (e.g. individuals living in a single-family home in an RS zone). Helping Hand House and Share & Care House are two examples of service providers that provide and maintain housing meeting these definitions within the City.

HB 1220 requires that these uses are already allowed in any zone that allows residential dwelling units or hotels. While the uses are allowed indirectly, amending the code to expressly permit these uses in all zones that allow residential dwelling units or hotels would provide clarity in meeting the law.

- b. Emergency housing and emergency shelter: As noted above in “Definitions”, PMC 20.72 establishes regulations for uses that seem to meet the terms used in HB 1220. The PMC allows these uses in three zones: ML Limited Manufacturing, CG General Commercial, and CB Community Business, subject to a conditional use permit process and other siting standards.

HB 1220 requires that these uses be allowed in any zone that allows hotels, which would result in allowing these uses in nine additional zones.
- c. Process: Transitional housing and permanent supportive housing facilities are indirectly allowed in any zone consistent with the permitted housing types (e.g. a single family home in the RS-08 zone may be used as permanent supportive housing). Emergency housing and emergency shelters are authorized in PMC 20.72 through a conditional use permit or a development agreement.

2. Interim Zoning Controls

- a. Transitional housing and permanent supportive housing: HB 1220 requires that transitional housing and permanent supportive housing facilities be allowed in any zone that allows residential dwelling units or hotels. As discussed above, while the uses are already allowed indirectly, the interim zoning expressly permits these uses in all zones that allow residential dwelling units or hotels. This resulted in amending the permitted use table in approximately two-thirds of zones in the City – all eight residential (RS and RM) zones, all five commercial (C) zones, all five mixed-use (MX) zones and the medical (MED) zone – to allow these uses.
- b. Emergency housing and emergency shelter: HB 1220 also requires that emergency housing and emergency shelters be allowed in any zones that allow hotels. This includes all five (C) Commercial zones, all five (MX) Mixed Use zones, and the (MED) Medical zone. Per PMC 20.72 – Homeless Drop-In Centers and Overnight Shelters, emergency shelters (including both daytime drop-in centers and overnight shelters) are permitted only in the ML Limited Manufacturing, CG General Commercial, and CB Community Business zones. The interim zoning allows these uses in all 11 zones that allow hotels and relies on the established permit process and standards outlined below to regulate individual proposals.
- a. Process: The interim zoning establishes an administrative conditional use permit (ACUP) process to authorize transitional housing and permanent supportive housing facilities. This ACUP process references the submittal requirements and review procedures established in PMC 20.72. The process established in PMC 20.72 to authorize emergency housing and emergency shelters through a conditional use permit or a development agreement was retained.

3. Options for Permanent Zoning

- a. Transitional housing and permanent supportive housing: The recommended code may maintain consistency with HB 1220 requirements by allowing these facilities in all zones that allow residential dwelling units or hotels as described above. Alternatively, the Planning Commission may consider removing allowances for dwelling units and/or hotels in certain zones, and concurrently not allowing transitional housing and permanent supportive housing facilities in those same zones.

- b. Emergency housing and emergency shelter: The recommended code may maintain consistency with HB 1220 requirements by allowing these facilities in all zones that allow hotels. Alternatively, the Planning Commission may consider removing allowances for hotels in certain zones, and concurrently not allowing emergency housing and emergency shelter facilities in those same zones.
- c. Process: The recommended code may maintain or modify the ACUP process for transitional and permanent supportive housing. If maintained, staff recommends establishing clear criteria for approval within each zone chapter, rather than relying on the application requirements and criteria of PMC 20.72, as referenced in the interim zoning.

Other Standards: Occupancy, Spacing, Intensity of Use

1. Existing Code

Per discussion under the prior section, there are no existing code regulations pertaining to occupancy, spacing, or intensity of use related to transitional or permanent supportive housing. The subsections below describe those requirements in relation to PMC 20.72, regulating emergency housing and emergency shelters (referred to as daytime drop-in centers and overnight shelters).

- a. Occupancy: PMC 20.72 has no occupancy limitations, nor does it require applicants to provide that information in their application submittal documents.
- b. Spacing: PMC 20.72 has no spacing requirements from other similar facilities; however it does establish buffer setbacks from sensitive uses such as schools and daycares, parks, and residential zoning and requires proximity to public transportation.
- c. Intensity of use: PMC 20.72 has no specific limitations on traffic, noise, or visibility, but does contain zoning standards that regulate site standards (lighting, visibility, waiting areas). In addition, the code requires an operations plan to deal with mitigation of potential impacts including staffing levels, travel routes, identification, and management point of contact, as well as a safety and security plan and code of conduct.

2. Interim Zoning Controls

Through the adopted interim zoning controls, Council established some additional standards pertaining to transitional housing, permanent supportive housing, emergency housing and emergency shelters.

- b. Occupancy: The interim zoning limits emergency housing and emergency shelters to a maximum of 30 residents.
- c. Spacing: In addition to the established buffer setbacks from sensitive uses, the interim zoning adds spacing of 1,000 between parcels containing emergency shelter or emergency housing facilities. The ordinance also clarifies an existing requirement regarding “general proximity to public transportation”, by specifically requiring location within 1,000 feet of a transit stop.
- d. Intensity of use: The interim zoning maintains the established operations plan requirements and adds a requirement that appropriate services be provided, including but not limited to counseling services.

3. Options for Permanent Zoning

Amendments may be recommended to establish standards related to occupancy, spacing, and intensity of use. These standards may vary among zones or be adopted to apply in the same way to each zone where the use is permitted. As noted above, the code contains existing standards pertaining to emergency housing and emergency shelters; amendments may be made to apply some or all standards to transitional housing and permanent supportive housing as well.

- a. Occupancy: The recommended code may maintain or revise the occupancy limits established in the interim zoning. City Council discussed occupancy limits ranging from 20 to 40 residents.

Examples from other jurisdictions include:

- Maple Valley – Limits occupancy to ten families or 40 people, whichever is fewer.
- Covington – Limits occupancy to building capacity or not more than 30 residents.
- Bellevue – Limits occupancy to 100 residents.
- SeaTac – Limits occupancy to 80 residents.

- b. Spacing: The recommended code may maintain or revise the spacing standards established in the interim zoning. This could include amending the minimum distance between facilities or the maximum distance from transit stops.

Examples from other jurisdictions include:

- Maple Valley – Limits number of facilities to no more than one at any given time.
- Covington – Facilities must be at least a ½ mile from each other.
- Bellevue – Requires location within 1-mile of public transit if over 50 beds; requires ½ mile between facilities.
- SeaTac – Prohibits facilities with 1,000 feet of a school or other emergency housing facility.

- c. Intensity of use: The recommended code may establish standards addressing impacts such as building size and height, traffic levels, or noise, in addition to the existing standards noted under the current code description.

Adequate Number of Facilities

HB 1220 authorizes the above-discussed standards as long as those requirements do not “prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each city’s projected need for such housing and shelter” as established by the Department of Commerce and adopted in a city’s comprehensive plan. At this time, the City does not have a number of units established in the Comp Plan. The Department of Commerce anticipates that they will determine this number on a countywide level by mid-2022. Until then, City staff will attempt to develop an approximate number of units for the purpose of review and recommendation of permanent zoning regulations under review at this time.

Next Steps

At the November 10, 2021 Planning Commission meeting, staff will provide an overview presentation on the requirements of HB 1220 and will further detail the interim zoning controls and potential options for amendment. In their consideration of interim zoning, City Council has provided input as to areas for consideration and further discussion by the Planning Commission.

It is anticipated that staff will then work with the Planning Commission through the fall and winter to develop recommended code changes to Title 20 – Zoning, which comply with the provisions of this year’s legislative changes. It is anticipated that, following Planning Commission review, the recommended code amendments will come before City Council for consideration and action in early 2022.