

August 15, 2024

## MEMORANDUM

**To:** Land Use Committee  
**From:** Lish Whitson, Analyst  
**Subject:** CB 120822: Congregate Residence Amendments

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On September 4, the Land Use Committee will receive a briefing and hold a public hearing on Council Bill (CB) [120822](#), which would amend the Land Use Code to update regulations related to congregate residences in order to implement Endorsed Substitute House Bill (ESHB) ([1998](#)) and Revised Code of Washington (RCW) Section [36.70.535](#). ESHB 1988 requires that the City allow “co-living housing” in any area where six or more multifamily housing units are permitted on a lot. It defines co-living housing as:

...a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building.

Seattle zoning uses the term “congregate residence” for this type of housing. Because Seattle’s regulations are not consistent with all the requirements of ESHB 1998, the City is required to update its congregate residence regulations.

This memorandum describes Seattle’s current congregate residence regulations and the changes to those regulations included in CB 120822 that are necessary to maintain consistency with State law.

### **Congregate Residences in Seattle**

The City has regulated congregate residences as a defined use since 1994, when Ordinance 117202 combined boarding houses, group homes, and halfway houses into a single use category. Congregate residence is defined in the Seattle Municipal Code (SMC) as:

"Congregate residence" means a use in which rooms or lodging, with or without meals, are provided for any number of non-transient persons not constituting a single household.

In other words, congregate residences include individual rooms, with private or shared bathrooms, shared kitchens, and other shared facilities. Dormitories are frequently designed and permitted as congregate residences. Other historic housing types that would also be classified as congregate residences include boarding houses, residential hotels, “apodments,” and Single Room Occupancy buildings (SROs).

Current requirements and limits on congregate residences date to [Ordinance 124608](#), adopted in 2014. Since the adoption of Ordinance 124608, the construction of congregate residences in Seattle has fallen.<sup>1</sup>

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<sup>1</sup> David Neiman in [When is Seattle Going to Fix Micro-Housing](#) and earlier articles advocating for changes to the City’s congregate housing rules published by the Sightline Institute, has the only available survey of congregate housing units built in

Ordinance 124608 narrowed the locations where congregate residences is permitted. All categories of congregate residences are permitted Midrise (MR), Highrise (HR), Neighborhood Commercial 3 (NC3), Commercial 1 (C1), and Commercial 2 (C2) zones within urban centers and urban villages, and in Seattle Mixed (SM) and Downtown (DT) zones. In other multifamily and commercial zones, only public or not-for-profit congregate residences, such as dormitories or facilities that provide supportive services to residents, are permitted.

Under SMC 23.42.049, congregate residences must generally comply with the development standards that apply to apartments, with a few distinctions. They are required to have communal areas, such as kitchens, lounges, and other communal facilities, equal to at least 15 percent of the space in sleeping rooms. And congregate residences must have a common food preparation area. The number of rooms with private kitchens is limited.

In areas where off-street parking is required, congregate residences are required to provide at least one motor vehicle parking space for every 4 sleeping rooms. One long-term bicycle parking space is required for each sleeping room, with one additional short-term bike parking space per 20 sleeping rooms.

### **State Co-Living Housing Requirements**

RCW 36.70.535 requires that all cities that are required to plan under the Growth Management Act, and that allow six or more multifamily units on a lot, to allow co-living housing by December 31, 2025. Cities may not:

- Apply standards to co-living housing that are distinct from the standards applied to other multifamily housing types;
- Require notice or public meetings for co-living housing projects that is not required for other types of residential uses;
- Impose a minimum size limit on sleeping units other than that provided under the state building code;
- Require a project to include a mix of unit sizes;
- Count a co-living sleeping unit as more than one fourth of a dwelling unit for the purpose of calculating density limits or as more than half of a dwelling unit for the purpose of calculating sewer hook-up fees;
- Require that a co-living housing project include other uses;
- Require off-street parking within a half mile of a major transit stop;
- Require more than one parking space per four sleeping units; or
- Prohibit co-living housing from using affordable housing incentives.

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Seattle during this time period. He indicated that between 2014 and 2020, building permit applications for congregate housing dropped by 85 percent. Article accessed July 26, 2024.

## CB 120822

Council Bill 120822 would align the City's regulations around congregate residences with the new State requirements for co-living housing. Congregate residences would be clearly defined as a multifamily use, and four sleeping rooms would be equated to one multifamily dwelling unit. The definition of congregate residences would be replaced with the State's definition:

"Congregate residence" means a use in which ~~((rooms or lodging, with or without meals, are provided for any number of non-transient persons not constituting a single household))~~ sleeping rooms are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities and other common elements with other residents in a building.

Congregate residences would become permitted uses in all multifamily, C and NC, SM and DT zones, including lowrise zones where congregate residences are currently not permitted. Specific requirements for shared kitchens and communal areas would be removed. Parking requirements for congregate residences within one mile of a major transit stop would be removed. A short-term bicycle parking space would be required for every 80 sleeping rooms, rather than 20 sleeping rooms and a long-term bicycle parking space would be required for every four sleeping rooms, rather than one per sleeping room. Overall, these changes would make it easier to build a congregate residence in Seattle, and the City is likely to see more of these types of structures built.

### Next Steps

The provisions of CB 120822 are required to be incorporated into the Land Use Code by the end of 2025. The Land Use Committee will hold a public hearing on the bill on September 4 and may vote on it on September 18. If the Committee votes on September 18, it could be considered by the City Council as early as September 24.

cc: Ben Noble, Director  
Yolanda Ho, Deputy Director