

December 11, 2020

MEMORANDUM

To: Select Committee on Homelessness Strategies and Investments
From: Ketil Freeman, Analyst
Subject: Council Bill 119975 - Permanent Supportive Housing Land Use Code Regulations

Councilmember Lewis proposes [Council Bill \(CB\) 119975](#), which would amend the Land Use Code (Code) to facilitate development of Permanent Supportive Housing (PSH). On December 15, 2020, the Select Committee on Homelessness Strategies and Investments (Committee) will have an initial discussion of briefing on CB 119975.

This memorandum (1) provides some background on recent state-level statutory changes related to PSH, (2) summarizes the proposed changes to the Code, and (3) sets out procedural next steps that must occur prior to Council action.

Background

PSH is housing that is primarily intended for very low-income households that are exiting homelessness and is typically developed with on-site supportive services. The Growth Management Act (GMA) defines PSH as:

[S]ubsidized, 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...¹

In 2019 the State Legislature passed [Engrossed Substitute House Bill 1923](#), which, among other things, added the definition of PSH to the GMA and required jurisdictions to allow PSH in areas where multifamily development is allowed. The Code does not currently prohibit siting of PSH in multifamily and mixed-use zones. However, the Code does not define PSH nor contain specific regulations for development of PSH.

Proposed Land Use Code Revisions

Proposed revisions would (1) add a definition of PSH to the Code, (2) establish new regulations and procedures for developing PSH, and (3) modify existing regulations to remove barriers to PSH. The proposal is intended to facilitate siting, speed permitting and development, and potentially reduce the cost of PSH. Specific elements of the proposal include:

¹ [Revised Code of Washington 36.70A.030\(16\)](#).

- Defining PSH as a multifamily residential use (1) with at least 90% of units affordable to households with incomes that do not exceed 50% of Area Median Income, (2) that receives public funding, and (3) that has a contractual term of affordability of at least 40 years;
- Establishing that on-site supportive services, which can also be available to clients who are not building residents, are an accessory use to PSH;
- Exempting floor area used for on-site supportive services from calculations for Floor Area Ratio limits;
- Exempting PSH from Design Review;
- Exempting PSH from long and short-term bicycle parking requirements;
- Authorizing the Director of the Seattle Department of Construction and Inspections (SDCI) to waive or modify, as an administrative decision, specified development standards, if waivers would not affect the overall height, bulk, and scale of a PSH development and result in more PSH units;
- Requiring developers of PSH to submit a community relations plan;
- Allowing PSH as a permitted use in Commercial 2 zones; and
- Allowing PSH as a street-level use, in zones where those uses are required.

Procedural Next Steps

CB 119975 is subject to State Environmental Policy Act (SEPA) review and will require a public hearing with at least 30-days notice. On December 10, SDCI re-issued a SEPA threshold determination of Non-significance (DNS), which means that SDCI has determined that an environmental impact statement is not required for the legislation. Comments on the DNS may be submitted to SDCI through December 24. The appeal period for the threshold determination decision ends on December 31.² Council action on the bill cannot occur until the SEPA review period is over.³

The Committee will likely hold a public hearing, consider amendments, and make a recommendation to the Full Council on the proposal early in the first quarter of 2021.

cc: Dan Eder, Acting Director
Aly Pennucci, Supervising Analyst

² SEPA documents can be found at: [Creating Permanent Supportive Housing - Council | seattle.gov](https://www.seattle.gov/council/legislation/creating-permanent-supportive-housing).

³ [Seattle Municipal Code Section 23.76.062.D](#).