



Des Moines *WA*
The Waterland City

House Bill 1220

Continued Discussion

PRESENTATION TO THE COUNCIL ECONOMIC DEVELOPMENT COMMITTEE

CITY OF DES MOINES

JULY 29TH, 2021



Background

- ▶ House Bill 1220 was passed into law in May 2021 to address transitional and permanent supportive housing (T/PSH) and indoor emergency shelters and indoor emergency housing (IES/H).
- ▶ This state law preempts local zoning authority.
- ▶ Changes that the City must consider are:
 - ▶ Zoning and development regulations regarding emergency and permanent supportive housing.
 - ▶ Comprehensive Plan - Housing Element Updates.
- ▶ Local Control:
 - ▶ Occupancy, spacing, and intensity of use.
 - ▶ Approval process.
 - ▶ City has minimal local control

Significant Provision #1

- ▶ Cities are required to allow transitional housing and permanent supportive housing in all zones where hotels or residential dwelling units are allowed
- ▶ Local zoning authority is pre-empted by state law



Transitional & Permanent Supportive Housing*

Possible Code Amendments

- ▶ New Definitions
- ▶ Conditional Use Permit Required:
 - ▶ Shall meet City licensing, zoning, building and fire regulations
 - ▶ Requirement for Operations Plan
 - ▶ CUP Criteria addresses reasonable compatibility; approved by Hearing Examiner
- ▶ Proximity
 - ▶ ¼ mile from transit
 - ▶ ½ mile from another T/PSH or IES/H; unless co-located
- ▶ Density:
 - ▶ SFR Zones - up to 8 residents (similar to our AFH)
 - ▶ MF, D-C, I-C, N-C, H-C, C-C Zones – maximum 40 units;
 - ▶ PR-R, PR-C, T-C and W-C Zones – per zoning
- ▶ Other provisions:
 - ▶ Incentives to influence locations - near transit to ensure effectiveness of these facilities
 - ▶ Reduce parking requirements in PR-C, PR-R, T-C and W-C Zones
 - ▶ City Manager can approve equal common recreation space in lieu of private space (balconies)

Significant Provision #2

Indoor emergency shelters and indoor emergency housing:

- ▶ Effective September 30, 2021, a city can not prohibit in **any zones in which hotels are allowed**, except when permitted in a majority of zones within a one-mile proximity to transit.
- ▶ Reasonable occupancy, spacing and intensity of use requirements may be imposed to protect public health and safety.
 - ▶ Ordinances cannot prevent the siting of a sufficient number of these housing and shelter types necessary to accommodate each city's projected need under RCW 36.70A.070(2)(a)(ii).



Indoor Emergency Shelters and Housing Proposed Code Amendments

- ▶ New Definitions
- ▶ Conditional Use Permit Required:
 - ▶ Shall meet City licensing, zoning, building and fire regulations
 - ▶ Requirement for Operations Plan – e.g.(Security, Code of Conduct, On-Site Health/Social Services)
 - ▶ Unclassified Use Permit option if Council wants to consider and approve
- ▶ Proximity:
 - ▶ ¼ mile from transit;
 - ▶ ½ mile from another T/PSH or IES/H; unless co-located
 - ▶ 1,000 feet from schools; unless youth shelter
- ▶ Maximum number of facilities?
- ▶ Density:
 - ▶ 20 units in D-C, C-C, H-C, and I-C Zones
 - ▶ PR-R, PR-C, T-C and W-C Zones – per zoning, maximum residents?
- ▶ Other provisions:
 - ▶ Remove hotels from RM-900 Zone
 - ▶ Incentive – influence locations, near transit
 - ▶ reduce parking requirements in PR-C, T-C and W-C Zones (0.5 stalls/unit) or CM can reduce/waive requirement per DMMC)
 - ▶ On-site supervision must be provided at all times

Comprehensive Plan Update

- ▶ Plan for and accommodate” is a new phrase that has replaced “encourage” concerning the affordable housing supply in our community.
- ▶ Long term planning changes include:
 - ▶ Addressing a broader range of incomes, specifically moderate, low, very low, and extremely low-income households;
 - ▶ Defining emergency and permanent supportive housing;
 - ▶ Detailing our documented programs addressing housing; and
 - ▶ Detailing our anti-displacement efforts.
- ▶ To be docketed with 2021 Comprehensive Plan Amendments.

Timeline for Next Steps

- ▶ Presentation of HB1220 and additional input from EDC - **TODAY**
- ▶ Staff prepares draft code changes
- ▶ State Environmental Policy ACT (SEPA)
- ▶ Commerce Notice – Expedited Review
- ▶ Public hearing and Council consideration
- ▶ Adoption (September 2021)
 - ▶ First Reading – September 2nd, 2021
 - ▶ Second Reading – September 16th, 2021