



CITY OF BLACK DIAMOND

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Meeting Date: June 8, 2021

To: Planning Commissioners

Staff Contact: Mona Davis, AICP – Community Development Director

Subject: Senior Housing Code Amendments

Findings of Fact

Age-limit

The definition of senior housing is found in Black Diamond Municipal Code section 18.100.655. Within this definition senior housing is limited to an age-restriction of sixty-five years or older. Staff is recommending amending the code to change the age-restriction to fifty-five years or older. This allows senior housing within the City more options for how they choose to age-restrict their communities.

The U.S. Department of Housing and Urban Development (HUD) Fair Housing Act includes three types of housing “exemptions” where communities can lawfully refuse to sell or rent dwellings to families with minor children due to certain restrictions. The Housing for Older Persons exemptions apply to the following housing:

1. Provided under any state or federal program that the Secretary of HUD has determined to be specifically designed and operated to assist elderly persons (as defined in the state or federal program);
2. Intended for, and solely occupied by persons 62 years of age or older; or
3. Intended and operated for occupancy by persons 55 years of age or older.

HUD specifically states that the 55 or older exemption is the most common of the three.

There are numerous senior housing developers and property management companies that run senior housing developments with an age-restriction of fifty-five years or older. For instance, SHAG (Sustainable Housing for Ageless Generations), a large provider of senior housing in the Puget Sound region is frequently restricted for 55+.

Nearby cities including Orting, Enumclaw, Milton and Buckley either define a senior citizen, senior housing or the like as 55+. Some other communities limit senior housing to 62+, and some city’s regulations more generally state senior housing is “age restricted” with no specific age limit stated in the code.



Cottage Housing

In addition to the amendment to the age restriction on senior housing, staff is recommending that senior housing also be permitted as detached cottage housing (in addition to multi-family and attached single family). Cottage housing can provide a great option for senior housing as it has all the benefits of single-family homes, just in a smaller space, and often with community amenities. The senior housing cottages would still need to be developed in accordance with the City's current cottage housing regulations found in BDMC Chapter 18.88 to be permitted. This includes a zone restriction to the MDR8 zone, minimum and maximum project size, location restrictions, and development standards (density, height, coverage, open space, parking, etc.). By allowing senior housing in cottage developments it provides a detached housing option for these developments that is currently not allowed per the code, providing a more independent living option. Examples of this type of senior housing can be seen in Issaquah and Maple Valley.

Proposed Code Amendments

18.100.655 Senior housing.

Multifamily, cottage housing, or attached single family housing for seniors that is age-restricted to occupancy or ownership by residents of which at least one in each dwelling unit is ~~sixty-five~~ fifty-five years or older and that does not provide on-site life-care services and staffing for living support and health care.

Staff Recommendation

The purpose of tonight's meeting is to get Commissioner's input and feedback on the proposed amendments. Should the Commissions support these amendments, they will move forward to the next meeting's agenda for a public hearing and recommendation to City Council.

Staff recommends approval of the code amendments as proposed.

Process and Appeal

Code amendments are a Type 5, legislative decision made by the City Council. The process includes a public hearing before the planning commission, which will make a recommendation to the City Council. There is no administrative appeal of Type 5 decisions, but they may be appealed to the Washington State Growth Management Hearings Board.