
Housing Committee

HB 1542

Brief Description: Concerning senior independent housing.

Sponsors: Representatives Reeves and Peterson.

Brief Summary of Bill

- Establishes certain minimum rights for senior independent housing residents and authorizes enforcement of these rights under the Consumer Protection Act.
- Requires the Department of Commerce to submit a report to the Legislature, by July 1, 2026, including certain data and recommendations related to senior independent housing.

Hearing Date: 2/3/25

Staff: Audrey Vasek (786-7383).

Background:

Senior Housing.

A variety of senior housing types exist, including senior apartments, senior independent living communities, assisted living facilities, nursing homes, and continuing care retirement communities (CCRCs).

Senior apartments typically provide housing with very few additional services. In contrast, senior independent living communities usually offer hospitality services in addition to housing, such as dining, housekeeping, and recreational programs. For residents with greater needs, assisted living facilities and nursing homes provide personal and healthcare services in addition to housing.

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Staff at assisted living facilities help residents with activities of daily living, such as toileting, dressing, and grooming, while staff at nursing homes provide long-term medical care for residents with serious health issues. CCRCs typically offer a range of services and multiple levels of care in one location, providing residents with the option to transition from independent living to assisted living or nursing home care as needed without relocating to a new community.

State licensing or registration requirements apply to assisted living facilities, nursing homes, and CCRCs; however, there are no state licensing or registration requirements for senior apartments or senior independent living communities.

The Residential Landlord-Tenant Act (RLTA) applies to most living arrangements in senior apartments, senior independent living communities, and the independent living portions of CCRCs; however, the RLTA exempts certain living arrangements where residence is merely incidental to the provision of medical or similar services, such as licensed nursing homes and assisted living facilities.

All types of senior housing are potentially subject to requirements related to ensuring accessibility for people with disabilities, including the State Building Code, the federal Fair Housing Accessibility Guidelines, and the federal Americans with Disabilities Act Accessibility Standards.

Consumer Protection Act.

The Consumer Protection Act (CPA) prohibits unfair or deceptive acts or practices in trade or commerce; the formation of contracts, combinations, and conspiracies in restraint of trade or commerce; and monopolies. A person injured by a violation of the CPA may bring a civil action to enjoin violations and recover certain damages, costs, and attorneys' fees.

The Attorney General (AG) may bring an action in the name of the state, or on behalf of persons residing in the state, against any person to enjoin violations of the CPA and obtain restitution. The AG may seek civil penalties up to the statutorily authorized maximums against any person who violates the CPA. Civil penalties are paid to the state.

Summary of Bill:

Senior Independent Housing Resident Rights.

In addition to any other rights provided by law, senior independent housing residents have certain minimum rights, including the right to:

- be free of interference, coercion, discrimination, and reprisal from the housing provider in exercising their rights;
- be treated respectfully by management, employees, and staff of the housing provider;
- install safety and security devices, including cameras, at the entrance to or within their individual living units;
- organize, attend, and hold meetings with other residents at reasonable hours and times;

- communicate with and receive timely responses from the housing provider management in case of emergencies; and
- provide anonymous suggestions and feedback to the housing provider management, employees, and staff.

A violation of these rights by a senior independent housing provider is considered a violation of the CPA and may be enforced as such.

"Senior independent housing" is defined as any residential housing that is advertised, maintained, designed, or constructed for the express or implied purpose of providing housing for persons 55 years of age or older who are independent and do not require assistance with activities of daily living. Senior independent housing is typically designed to enable seniors to live on their own, but with the security and convenience of community living, including recreational, educational, and social activities. "Senior independent housing" does not include facilities that provide medical care or assistance with activities of daily living, such as assisted living facilities, nursing homes, long-term care facilities, or other similar living arrangements.

Senior Independent Housing Report.

By July 1, 2026, the Department of Commerce must submit a report to the Legislature that includes data on the number of senior independent housing providers, properties, and dwelling units located in the state. The report must also include recommendations for policy changes that could be adopted to ensure quality of life for residents, provide oversight of senior independent housing, and ensure that these housing providers comply with applicable laws and regulations related to building accessibility and safety, reasonable accommodations, landlord-tenant duties, and resident rights.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.