

HOUSE BILL REPORT

HB 1542

As Reported by House Committee On:
Housing

Title: An act relating to senior independent housing.

Brief Description: Concerning senior independent housing.

Sponsors: Representatives Reeves and Peterson.

Brief History:

Committee Activity:

Housing: 2/3/25, 2/11/25 [DPS].

Brief Summary of Substitute Bill

- Establishes certain minimum rights for senior independent housing residents and authorizes enforcement of these rights under the Consumer Protection Act.

HOUSE COMMITTEE ON HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Peterson, Chair; Hill, Vice Chair; Richards, Vice Chair; Entenman, Gregerson, Lekanoff, Reed, Thomas, Timmons and Zahn.

Minority Report: Do not pass. Signed by 7 members: Representatives Low, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Manjarrez, Assistant Ranking Minority Member; Barkis, Connors, Dufault and Engell.

Staff: Audrey Vasek (786-7383).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

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.

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 Substitute 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.

Substitute Bill Compared to Original Bill:

The substitute bill removes the section of the original bill requiring the Department of Commerce to submit a senior independent housing report to the Legislature.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill is a response to years of work with people who currently reside in a senior independent living facility. These people are struggling with getting the basic rights outlined in this bill. One person passed away in his vehicle at the facility, and the facility did not find him for a week.

Some of these facilities advertise and market very specifically to these vulnerable populations but are not responsive to their concerns. If a housing provider is recruiting seniors to live in a specific housing facility, those seniors should have some fundamental rights.

There is no definition in statute for senior independent living even though there is an entire industry that markets to seniors for senior independent living. Under current law, senior independent housing is treated like regular multifamily housing. Building codes and regulations are all tailored to multifamily housing, which is great for everyone except for vulnerable populations who might need pull bars installed in their showers to get in and out safely, or Americans with Disabilities Act-compliant fire doors in every single entrance.

Over 126,000 people in Washington are living with dementia, which is about 10 percent of the population over age 65. That number is expected to grow as baby boomers continue to age. While many individuals living with dementia will ultimately live in long-term care, many more will not. Residents of licensed long-term care facilities are protected by state and federal law, but vulnerable seniors who do not reside in long-term care settings lack those same rights. This bill is a critical first step in providing vulnerable seniors with protections against harassment, bullying, and intimidation, and the right to install safety and security devices as appropriate.

(Opposed) The bill should be amended to better clarify the definition of senior independent housing. The current definition properly excludes housing on the higher end of the support spectrum where medical services or assistance with activities of daily living are being provided. However, on the other end of the spectrum there are age-restricted communities for people age 55 and older where there is no expectation of additional services inside the dwelling and the only service being provided is access to common areas. These communities should not be held to the higher standard in the bill. The definition should be limited to those facilities where there is some additional support such as housekeeping or meal preparation being provided.

The bill should also exempt age-restricted manufactured housing communities, where the resident owns the home and leases the lot, from the definition of senior independent housing. Manufactured housing communities do not have the right of access into their residents' homes, so the bill could create a conflict or expectation that a service must be provided when the manufactured housing community legally cannot provide the service. Also, the Manufactured Housing Dispute Resolution Program created within the Attorney General's Office already provides protection for manufactured housing residents.

Persons Testifying: (In support) Representative Kristine Reeves, prime sponsor; and Brad Forbes, Alzheimer's Association.

(Opposed) Brad Tower, Commonwealth Real Estate Services; and Beau Harer.

Persons Signed In To Testify But Not Testifying: None.