
Housing Committee

HB 2275

Brief Description: Concerning senior independent living facilities.

Sponsors: Representatives Reeves and Morgan.

Brief Summary of Bill

- Directs the State Building Code Council to convene a technical advisory group to recommend certain amendments to the rules or codes applicable to senior independent living facilities.
- Provides certain minimum rights for residents in senior independent living facilities.
- Requires the Department of Commerce to study and report on the possibility of creating an Office of Senior Housing to provide oversight of senior independent living facilities.

Hearing Date: 1/23/24

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). Different types of senior housing provide different services and levels of care and are subject to different laws and regulations.

Senior apartments, like most apartments without age-restrictions, typically provide housing with very few additional services. In contrast, senior independent living communities usually offer

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hospitality services in addition to housing, such as dining, housekeeping, transportation, 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, grooming, and transportation to doctor's appointments, while staff at nursing homes provide long-term medical care for residents with serious health issues. Combining elements of several senior housing types, 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 to nursing home care as needed without relocating to a new community.

Assisted living facilities, nursing homes, and CCRCs are subject to state licensing or registration requirements, whereas senior apartments and senior independent living communities are not. However, all types of senior housing are potentially subject to requirements related to ensuring accessibility for people with disabilities, including the federal Fair Housing Act Accessibility Guidelines, the State Building Code (SBC), and the federal Americans with Disabilities Act Accessibility Standards.

State Building Code Council.

The SBC provides a set of minimum statewide standards and requirements for buildings. The SBC is comprised of several different codes. Most of these codes are international model codes that the Legislature has adopted by reference in statute, including the International Building Code (IBC), the International Residential Code (IRC), the International Mechanical Code, the International Fire Code, portions of the International Wildland Urban Interface Code, and the Uniform Plumbing Code. The SBC also includes the State Energy Code and certain state-created standards for making buildings accessible to individuals with disabilities or elderly persons.

The State Building Code Council (Council) is responsible for adopting, amending, and maintaining the SBC through the rulemaking process under the Administrative Procedure Act. The Council periodically reviews updated editions of the model codes for potential adoption in the SBC.

Summary of Bill:

Definition of Senior Independent Living Facilities.

"Senior independent living facility" is defined as any residential facility 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 living facilities are 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 living facilities" do 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.

State Building Code Amendments.

The Council must convene a technical advisory group (TAG) for the purpose of recommending amendments to the rules or codes applicable to senior independent living facilities to enhance building accessibility and safety for senior citizens and persons with disabilities. The TAG must provide its recommendations to the Council in time for implementation in the 2024 code adoption cycle, and the Council must take action to adopt any necessary amendments by July 1, 2026.

Resident Rights.

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

- be free of interference, coercion, discrimination, and reprisal from the facility in exercising their rights;
- be treated respectfully by facility management, employees, and staff;
- 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 of the facility at reasonable hours and times;
- communicate with and receive timely responses from facility management in case of emergencies; and
- provide anonymous suggestions and feedback to the management, employees, and staff of the facility.

Department of Commerce Study.

The Department of Commerce (Commerce) must study and report on the possibility of creating an Office of Senior Housing (Office) within Commerce for the purpose of providing oversight for senior independent living facilities and ensuring compliance with relevant laws and regulations related to building accessibility and safety, reasonable accommodations, landlord-tenant duties, lease enforcement, and any other relevant resident rights.

Potential duties and powers of the Office include providing education to residents of senior independent living facilities about their rights and responsibilities, collecting and reporting resident complaints, and enforcing or helping coordinate enforcement of relevant local laws and regulations. The Office should function as a single point of contact for residents who have complaints or need assistance with enforcing their rights.

In conducting the study, Commerce must consult with any appropriate stakeholders and local, state, or federal agencies. By July 1, 2025, Commerce must submit a report to the Legislature with information and recommendations about the options, benefits, risks, and costs associated with establishing the Office.

Appropriation: None.

Fiscal Note: Requested on January 15, 2024.

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