



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Aging and Long-Term Support Administration
Home and Community Services Division
Residential Care Services Division
PO Box 45600, Olympia, WA 98504-5600

February 20, 2020

Mayor Jimmy Matta
Burien City Council

Dear Mayor Matta and City Council Members:

The purpose of this letter is to provide some additional information as follow-up to public comment and council discussion at the City Council meeting on February 3, 2020. Our intent is to provide information that will be helpful to you as you consider zoning for Enhanced Services Facilities (ESFs).

At the February 3rd Council meeting, there was interest in the resolution of two legislative bills. Since that meeting, SB 5038 did not get voted out of committee, and therefore, did not make the cut-off necessary for passage. SHB 2448 is intended to change the definition of functional eligibility for ESFs and to eliminate language in the current statute about who ESFs are intended to serve that is not accurate. This bill passed the House floor on February 14th and was heard in the Senate policy committee last week. Language in SHB 2448 accurately describes the eligibility for ESFs as determined for the 76 residents statewide that have been served under that licensing category. Who is served in ESFs as well as the safety of residents and the communities in which licensed facilities are located are a priority for DSHS.

As discussed during the Planning Commission and City Council meetings, DSHS regulates ESFs as well as other facilities providing long-term services and supports which includes initial and ongoing licensing inspections as well as complaint investigations. DSHS also supports individuals receiving services in ESFs through Medicaid by providing assessment, service planning, and ongoing case management.

Another question that arose during the February 3rd meeting was one of transportation access. While ESF residents want, and have the right, to be integrated in their community by having access to the same services and activities that other citizens have, there are multiple ways this may be accomplished. Access to services such as medical, shopping, libraries, museums, parks, and the arts may be within walking distance or could be attained via public transportation or by a facility-owned vehicle. As a home and community-based service as defined by the federal government, ESFs must be home-like and have some amenities that provide for community integration. This may be as simple as having sidewalks nearby or being in a location that is close

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to family, friends, or volunteers who provide transportation. Being on (or near) a transit route is not a critical element for ESF residents.

We are concerned about zoning restrictions that would limit ESFs to only commercial areas as those areas typically do not have the qualities of a home-like setting. It would also restrict ESFs to a relatively small area within the City limits. As shared with the Burien Planning Commission in a letter dated December 10, 2019, there are three important laws that provide protections against housing discrimination for individuals with disabilities. The Washington Law Against Discrimination, the Washington Housing Privacy Act and the Federal Fair Housing Amendments Act provide ESF residents with protections against housing discrimination because ESF residents have disabilities including mental illness. We encourage the City to examine these laws as you work to identify zoning requirements for ESFs.

In terms of any potential cost to the City of Burien, the state has not identified any costs for the current ESFs that are operating in Washington. As with any citizens of a community, there is a need to access local emergency services and medical care. There are also opportunities for employment that an ESF brings to the community (caregivers, nurses, and behavioral health staff) and ESFs typically purchase goods and services from the local community (groceries, supplies, and even gym memberships).

We hope this additional information is helpful as you consider the zoning options for an ESF in the City of Burien. Please contact me at 360-725-2272 if you have any other questions.

Sincerely,



Bea Rector, Director
Home and Community Services Division



Candace Goehring, Director
Residential Care Services Division

cc: Bill Moss, Assistant Secretary

By e-mail