

# Congregate Living

Presented to City Council

April 2, 2024

# Outline

- Types of congregate living and applicable laws
- Congregate living and single-family zoning districts
- Reasonable Accommodation Ordinance
- Boarding Home Ordinance and enforcement update

## **What is congregate living?**

A type of housing in which individuals or a family has a private bedroom or living quarters but shares with other residents a common dining room, recreational room, or other facilities.

# Types of Congregate Living

Elderly and Persons with Disabilities	Unrelated Persons
Assisted living center	Lodging House
Boarding home facility	Student housing <ul style="list-style-type: none"><li>- dormitory</li><li>- sorority/fraternity</li></ul>
Community Homes	Religious <ul style="list-style-type: none"><li>- monastery and convent</li></ul>
Group homes including sober/recovery homes	
Nursing homes	
Residential care homes	
State supported living centers	

# Applicable Laws

## City

- Zoning Ordinance
- Reasonable Accommodation Ordinance

## State

- Boarding Home Facility (state and local)
- Community Homes for Disabled Persons Location Act (state)

## Federal

- Fair Housing Act
- American with Disabilities Act

# **Congregate Living and Single-Family Zoning Districts**

# Congregate Living – Single Family Districts

## Allowed Uses

<b>Use</b>	<b>Maximum # of Occupants</b> Reasonable Accommodation increases allowed #
<b>Family</b> (not congregate living) <i>Defined as a “Single Housekeeping Unit” with shared household expenses and maintenance</i>	5 unrelated (3 unrelated in TCU Overlay) Unlimited related
<b>Boarding home facility</b> <i>3 or more elderly and/or disabled persons; provides community meals, light housework, meal preparation, transportation, laundry services; does not provide personal care (assistance w/ eating, dressing, medication, or supervision); distance separation of ½ mile; registration required</i>	6
<b>Community home</b> <i>Persons with disabilities as defined and licensed by the State of Texas; distance separate of ½ mile; no registration requirement</i>	6 + 2 supervisors

# Congregate Living – Single Family Districts

## Prohibited Uses\*

<b>Fraternity or sorority house</b>	Building with facilities and sleeping rooms for members of a fraternity or sorority with more than five unrelated persons
<b>Group home I*</b>	Maximum of 15 residents + 3 personnel providing 24-hour care in a protected living arrangement for persons with disabilities or victims of abuse or neglect  <i>This use could be allowed in a single-family district as part of a <b>Reasonable Accommodation</b> with potential restrictions on number of residents. Sober Homes fall under this category.</i>
<b>Group home II</b>	Same as Group Home 1 with no limit on number of residents
<b>Halfway house</b>	Housing and rehabilitation or training of adults on probation, parole, early or pre-release or any other form of executive, judicial or administrative release from a penal institution
<b>Shelter</b>	Temporary housing primarily for indigent, needy, homeless or transient persons



# Other Notable Residential Uses

## Allowed in Single Family Districts

- **Accessory Dwelling Unit** when not rented or used as a separate residence

## Prohibited in Single Family Districts

- **Accessory Dwelling Unit** when rented or used as a separate residence
- **Bed and Breakfast Home or Inn**
- **Short Term Home Rental**

# **Reasonable Accommodation Ordinance**

# Reasonable Accommodation Ordinance

- **Adopted** March 1, 2016 by City Council as a part of the settlement with the United States for a **Fair Housing** complaint
- Provides **regulations and procedures** to comply with the requirements of the Federal Fair Housing Act and the Americans with Disabilities Act
- Sets out an **administrative process** for considering requests for accommodations to land use, zoning, building regulations, and other policies, practices and procedures; **public hearings not allowed**
- Establishes **criteria** to use when considering requests to benefit persons with disabilities
- Provides **timelines** for city decisions and an appeal process

# Reasonable Accommodation Examples

## **Accommodation:**

- May allow a sober home or group home with more than 5 persons to operate in a single family residential zone
- May waive minimum yard requirement
- May allow front yard carport without a special exception

## **Modification:**

- May allow construction of a ramp
- May allow service animal

# **Boarding Home Facility Ordinance and Enforcement**

# Boarding Home Facility Ordinance

- Adopted by City Council on January 10, 2023 and effective on April 15, 2023
- Regulates facilities that provide:
  - Lodging to three or more elderly or disabled persons who are unrelated to the owner by blood or marriage, and
  - Care services including meals, transportation, laundry, and medication
- Health and Safety Code allows boarding homes in **all residential districts**

# Boarding Home Enforcement

- Collaboration of Police and Code Compliance
- Complaint-based with monitoring and surveillance to detect potential violations
- Outreach and Education
  - Inform owners about laws, regulations and compliance requirements
- Compliance Assistance
  - Help owners work through processes, such as rezoning and reasonable accommodation requests with Development Services
- Regulatory inspections to assess compliance
- Enforcement actions include citations and lawsuits
- Compliance and safe housing are the ultimate goals



# Boarding Home Enforcement (cont.)

- Visited over 450 addresses
  - Closed 270 suspected boarding homes
  - Identified 74 boarding homes
  - 12 of the 74 are in various stages of becoming permitted
- Approximately 25 homes have shut down or moved to another city
  - No one has become homeless because of the shutdown
- Assisted Attorney General in 4 Medicaid Fraud cases
- Assisted Office of Inspector General with possible Food Stamp Fraud
- Worked with Tarrant County MHMR and JPS for placement of patients
- Provided food for some of the residents in these homes
- Worked with utility companies to get water and heat turned back on





# Boarding Home Enforcement (cont.)



Questions?  
Comments?