

AUSTIN **CODE** **DE**

DEPARTMENT

Briefing on Boarding Homes



April 6, 2015

Presented by: Carl Smart, Director

History of HB 216 Initiative

State:

- 2009 - HB 216 passes, directs HHSC to develop standards.
- 8/2010 – HHSC approves model standards.

City of Austin:

- 9/2010 - City forms Planning and Advisory Team.
- 4-5/2011 Public Meetings conducted.
- 9/2011- 2/2012 - Stakeholder Task Force formed and monthly meetings held.
- 5/2012-7/2012 - Survey Project
- 9/2012 – 5/2013 - Interdepartmental and Executive level meetings continue planning and developing.
- January 2013 – presentation to the PHHS Committee

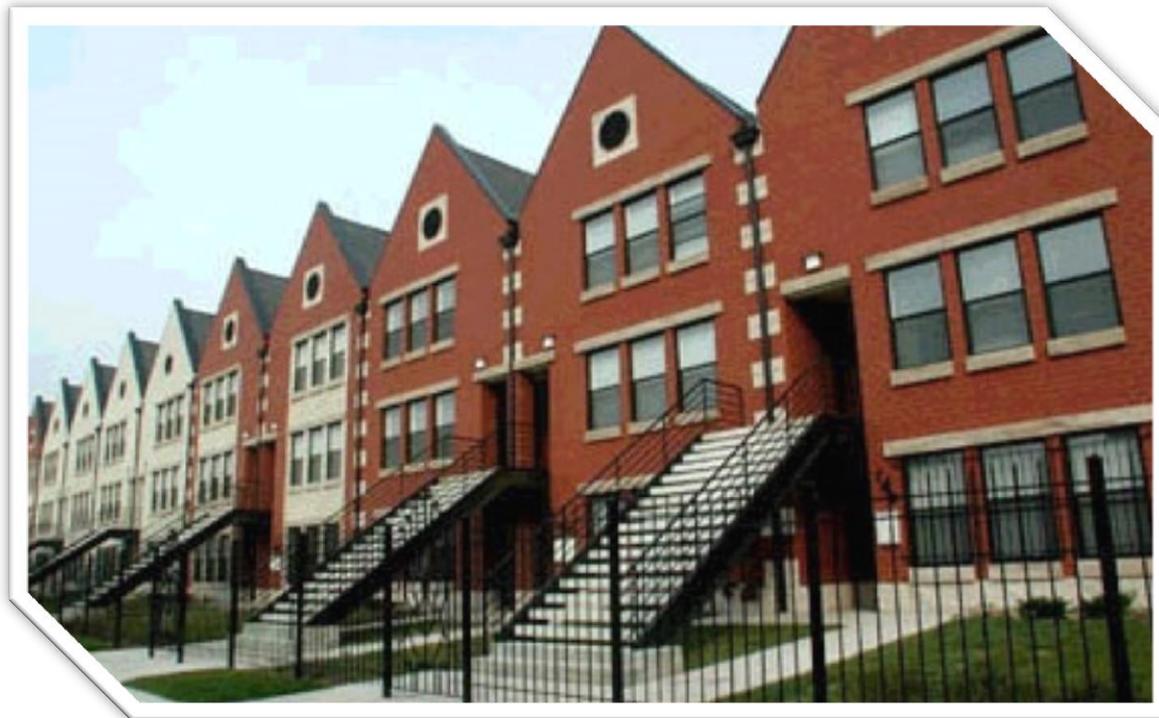
Types of Homes

- Rooming House
- Boarding House
- Congregate Living
- Transitional Housing
- Group Home



Rooming House

- A building, other than a hotel, where lodging for more than six unrelated persons is provided **without meals** in return for compensation.



Boarding House

- A building, other than a hotel, where lodging and **meals are provided** for more than six unrelated persons in return for compensation.
 - includes a transient boarding house.



Rooming and Boarding Homes

- Requirements:
 - Zoning restrictions
 - Certificate of Occupancy
- Annual Operating License required
 - Application Fee,
 - Less than 10 units, \$110
 - Less than 50 units, \$165
 - 50 units or more, \$5 per unit
 - Inspection
- Regulated by: Austin Code, Health Dept., Austin Fire and State of Texas

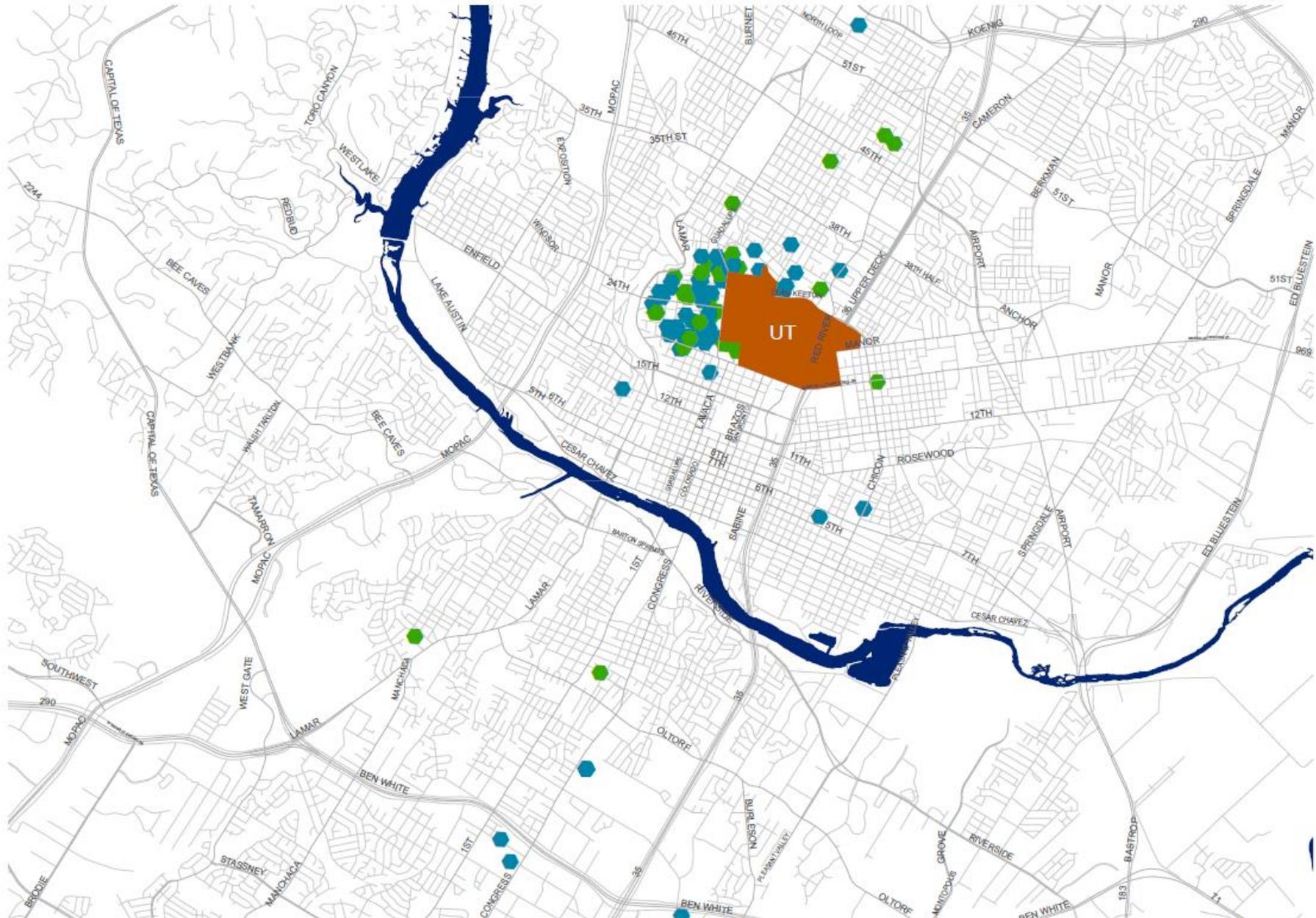


Rooming and Boarding Homes

Common Complaints

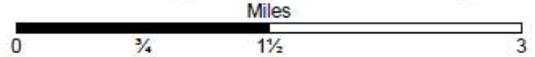
- Occupancy Limits
- Improper Zoning
- Property Maintenance
- Neighborhood Nuisance
- No Certificate of Occupancy





Boarding and Rooming Houses

- Boarding House (34)
- Rooming House (61)



Congregate Living

Congregate Living use is the use of a site for the provision of 24 hour supervision and assisted living for more than **15 residents not needing regular medical attention.**

- *This use includes:*
 - maternity homes,
 - mentally impaired,
 - developmentally disabled,
 - persons 60 years of age or older,
 - basic child care homes,
 - personal care homes for the physically impaired,
 - emergency shelters for victims of crime, abuse, or neglect.
- Zoning requirements
 - GO, GR, CBD, DMU, CS, CH, IP, MI, LI,
 - as a conditional use in MF1-6, MH, NO, LO, LR, L

Transitional Housing

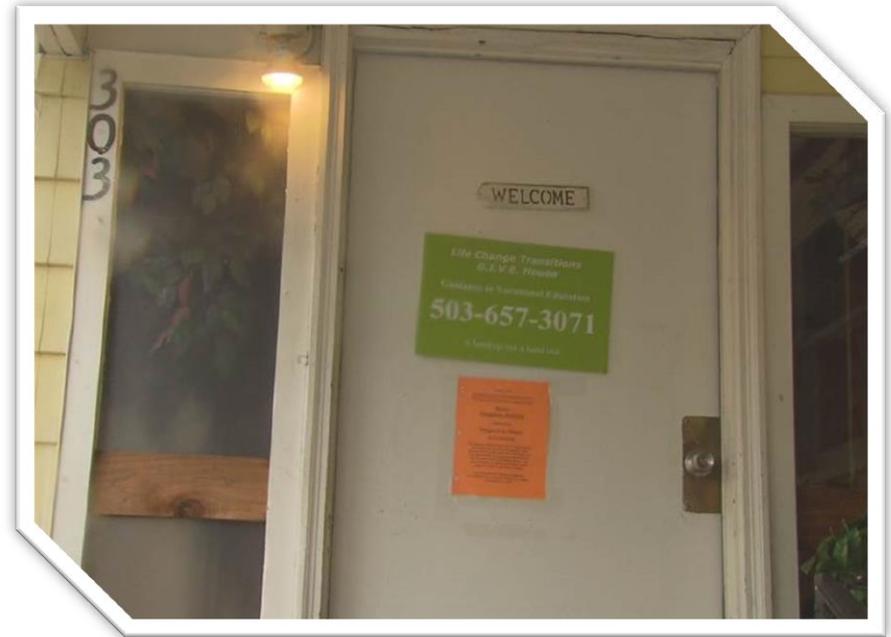
The use of a site for the supervision or detention of more than 15 residents who are making the transition from institutional to community living.



- This use includes:
 - adult offenders
 - pre-parole detention facilities
 - overnight shelters for the homeless
 - halfway houses for juvenile delinquents
- Zoning requirements
 - Only allowed as a conditional use in zoning L, CBD, DMU, CS, CS-1, CH, IP, MI, LI

Group Homes

- Three Types
 - Class I (General)
 - Class I (Limited)
 - Class II



- All classifications require the use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement

Group Home, Class I (General)

- Requires more than 6 but not more than 15 residents and not more than 3 supervisory personnel.
- This use includes:
 - foster homes,
 - maternity homes,
 - homes for the physically and mentally impaired,
 - homes for the developmentally disabled,
 - congregate living facilities for persons 60 years of age or older,
 - emergency shelters for victims of crime, abuse, or neglect,
 - residential rehabilitation facilities for alcohol and chemical dependence.

Group Home, Class I (Limited)

- Requires not more than 6 residents and 2 supervisory personnel.
- This use includes:
 - foster homes,
 - congregate living facilities for persons 60 years of age or older,
 - maternity homes,
 - homes for persons with physical or mental impairments not listed in the description of family home use.
 - » Persons with physical or mental impairments are persons whose impairments substantially limit one or more of the persons' major life activities, who have a record of the impairment, or who are regarded as having the impairment, as defined in the Americans with Disabilities Act.

Group Home, Class II

- Requires not more than 15 residents and not more than 3 supervisory personnel.
- This use includes:
 - homes for juvenile delinquents,
 - halfway houses providing residence instead of institutional sentencing,
 - halfway houses providing residence to those needing correctional and mental institutionalization.

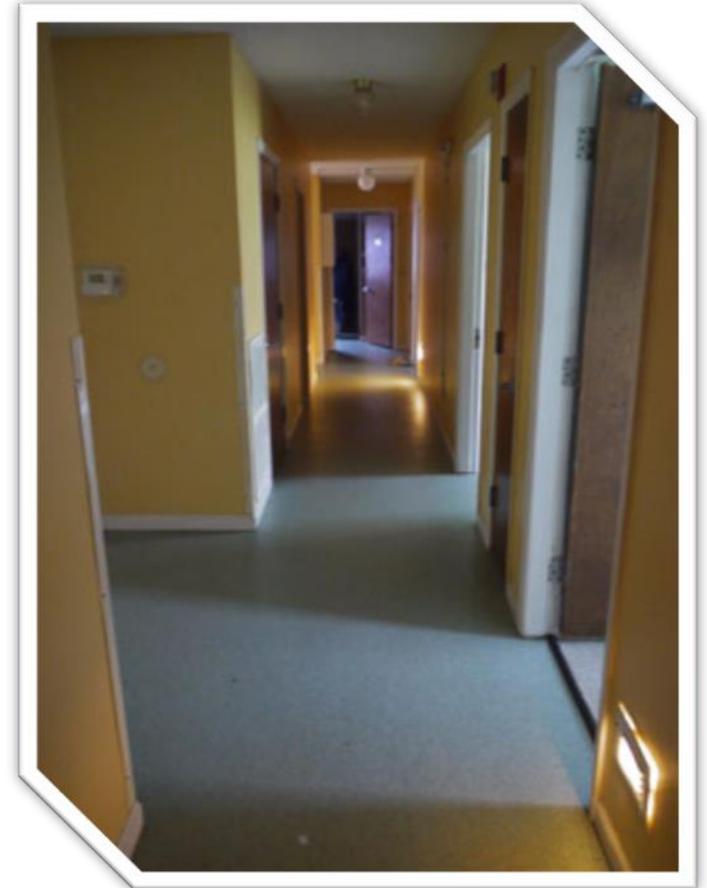
Enforcement of Group Homes

- United States Supreme Court May 15, 1995 ruling
 - Suspended the zoning regulations
 - Group homes shall be treated in a manner similar to a single family use
- Standards
 - 2012 International Property Maintenance Code (IPMC)
 - Maintain property in sanitary condition
 - Occupancy based on square footage of home
 - Structural conditions

Group Homes

Council Resolutions: **20130627-074 and 20130808-049**

- Uniformly administer group housing license requirements
 - Including occupancies that provide lodging to residents or tenants who are elderly or who have disabilities
- Review the process of providing reasonable accommodations from housing-related code requirements
 - Persons with disabilities
- **Going forward:** Bring an ordinance for Council consideration that creates:
 - reasonable accommodations process
 - License program in compliance with the Fair Housing Act



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Questions

Visit us online: austintexas.gov/Code

“Together We Make the Community Better”

Call 3-1-1, if you see a problem in your neighborhood

