

Board and Commission Recommendation
Mayor's Committee for People with Disabilities

Recommendation 20240614-006
Safety concerns following Land Development Code changes

Whereas: On December 7th, 2023 the City Council passed changes to the Title 25: The Land Development code which included a revision to the definition of Group Residential and removal of definitions for Family and Group Homes, and

Whereas: The definition of Group Residential was revised from reading “the use of a site for occupancy by a group of more than six persons who are not a family” to “the use of a site for occupancy by a group of 16 or more adults when a third party prepares and provides food”, and

Whereas: The change to the Land Development code removed the definitions for **Family Home** and **Group Home, Class I (Limited)** which were the use of a site for the provision of 24 hour care for not more than 6 residents and 2 supervisory personnel for individuals with physical and mental impairments, as well as maternity homes, foster homes, and facilities for persons 60 years or older, and

Whereas: The change to the Land Development code removed the definitions for **Group Home, Class I (General)** which is the use of a site for the provision of 24 hour care for not more than 15 residents and 3 supervisory personnel for including emergency shelters for victims of crime, abuse, neglect, and residential rehabilitation facilities for alcohol and chemical dependence, and

Whereas: The change to the Land Development code removed the definitions for **Group Home, Class II** which is the use of a site for the provision of 24 hour care for not more than 15 residents and 3 supervisory personnel for juvenile delinquents, halfway houses providing residence instead of institutional sentencing, and hallway houses providing residence to those needing correctional and mental institutionalization.

Whereas: Group Residential is permitted in some multifamily (MF) zoning and is prohibited in single family (SF) zoning, the change to the group residential definition and removal of Family and Group Home definitions effectively

- a) Always allows 15 or fewer adults in SF zones, and
- b) An unlimited number of juvenile delinquents and individuals in foster homes are allowed in SF zones, and
- c) When a third party isn't preparing or providing food, an unlimited number of adults are allowed on a site in SF zones.

Whereas: Austin CODE conducts initial and annual inspections of multifamily properties to ensure they are clean and safe. Due to the unique risks posed by multi-family residential structures, Austin Fire Department (AFD) conducts regular fire and life-safety multi-family residential structures. With the new Group Residential definition, only homes with 16 or more adults and food provided by a third party will qualify for inspections by Austin CODE and AFD.

Whereas: Family and Group Homes are often run by “for profit” entities making licensing, regulation, and inspections crucial. The code changes affecting group residential, family and group homes can subject persons with disabilities and other vulnerable populations to abuse, neglect, and exploitation.

Now Therefore Be It Resolved the Mayor’s Committee for People with Disabilities urges Austin’s City Council to consider the health and safety impacts of recent changes to the Land Development Code and make further revisions to the Land Development Code

- a) Removing “and a third party prepares or provides food for the occupants” from the definition of Group Residential.
- b) Require a conditional use permit for homes in single family zoning with more than 6 and up to 15 residents as was required for Group Homes, Class I (General).
- c) Restore the licensing and inspection requirements for all homes with 7 or more unrelated adults.

Date of Approval: 06/14/2024

Record of the vote

For: Chair Meyer, Vice Chair Franks, Commissioners Chang, Fetonte, Hogan, Powell, Salazar and Vassallo

Against: none

Absent: none

Attest:

Christi Vitela

Mayor’s Committee for People with Disabilities staff liaison