

# Memorandum



CITY OF DALLAS

DATE June 6, 2008

TO Members of the Quality of Life Committee: Pauline Medrano, Chair, Vonciel Jones Hill, Vice Chair, Carolyn R. Davis, Angela Hunt, Sheffie Kadane, David Neumann, Steve Salazar

SUBJECT **Group Facilities: Boarding House Task Force Update**

Attached, you will find the briefing that provides an update regarding the activities of the Boarding House Task Force. This briefing is intended to address on going issues related group facilities as a precursor to future policy discussion and possible changes.

A handwritten signature in black ink that reads "David O. Brown".

for David O. Brown  
Interim Assistant City Manager

c: Honorable Mayor and Members of the City Council  
Mary K. Suhm, City Manager  
Thomas P. Perkins, City Attorney  
Deborah A. Watkins, City Secretary  
Craig Kinton, City Auditor  
Judge Jay Robinson  
Ryan S. Evans, First Assistant City Manager  
Ramon F. Miguez, P.E., Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
A.C. Gonzalez, Assistant City Manager  
David K. Cook, Chief Financial Officer  
Helena Stevens-Thompson, Assistant to the City Manager

# Group Facilities: Boarding House Task Force Update

Presented to  
Quality of Life and  
Government Services Committee  
On June 9, 2008





# **Group Facilities: Boarding House Task Force Update**

- **Overview**
- **Status of Recommendations**
- **Preliminary Findings**
- **Next Steps**



# Group Facilities: Boarding House Task Force Update

## Overview

- On June 11, 2007 the Quality of Life committee was briefed on the proposed Group Facilities: Boarding House Task Force (included in appendix)
- The Task Force was developed to address on-going issues with Group Facilities based on complaints from
  - Residents
  - Neighbors
  - Observed safety and code violations by city employees



# Group Facilities: Boarding House Task Force Update

## Overview

Council was concerned with problems identified with Group Facilities. Some of the issues include:

- Unsafe conditions and code violations
- Violation of zoning and spacing requirements
- Negative impact on community
- Multiple definitions, and requirements, for group facilities
- Poor quality of life for residents



# Group Facilities: Boarding House Task Force Update

## Status of Previous Recommendations

### Recommendations to the Quality of Life Committee:

- Completed  Conduct a citywide inventory to determine extent of problem
- Completed  Create a pilot program of a multi-departmental inspection team for group facilities
- Pending  Propose necessary modifications to codes to include properties in the registration process that are not currently included
- Completed  Improve coordination and cooperation with State, Federal and local agencies by bridging a partnership with agencies that distribute funds to ensure compliance with City Ordinance
- Pending  Develop/implement strategies for each categorization
- Completed  Return to Council at each phase to provide updates and implementation plan for next steps



# Group Facilities: Boarding House Task Force Update

## Status of Previous Recommendations

### Citywide Inventory

Completed  Lists were combined from five sources to establish a current citywide inventory.

- Crisis Intervention Referral List
- Code Enforcement
- Building Inspection
- Community Prosecutors
- Police Patrol input

Completed  320 preliminary locations identified

- Located throughout the City of Dallas
- Largest concentration in central area
- Inventory list revised as facilities go out of business or start new business







# Group Facilities: Boarding House Task Force Update

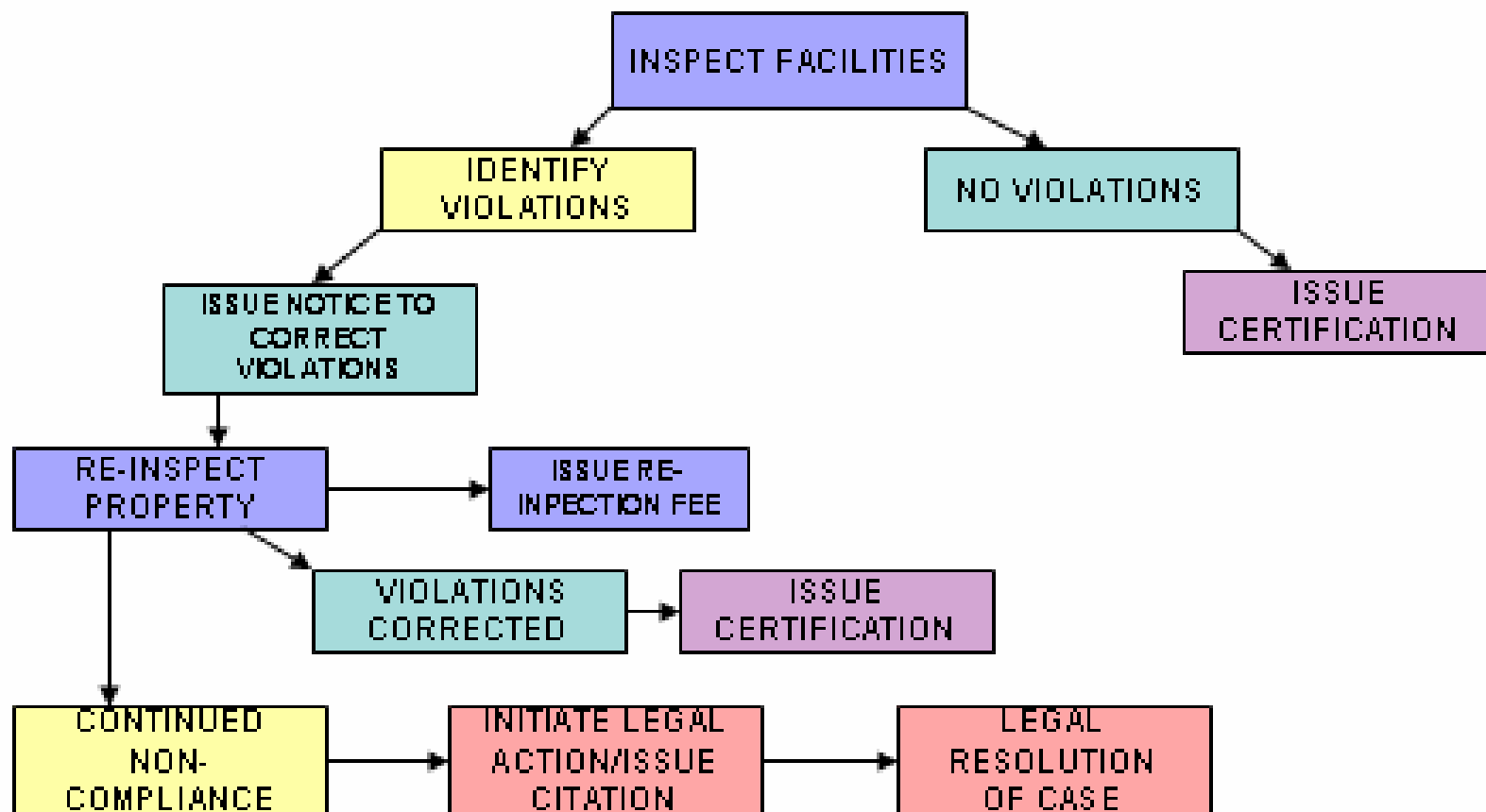
## Status of Previous Recommendations

Create a pilot program inspection team

- Completed  A multi-departmental inspection team for group facilities has been established, and located at the DPD East Dallas Store Front, 4545 Bryan St.
- Completed  Funding was allocated for 4 FTE's in FY 07-08 budget.
- Inspection team comprised of: DFR Inspector, Code Inspector, Building Inspector, and EHS Caseworker.
  - City Attorney's office and DPD officer serve in advisory roles and team members as needed. Additional funding for 2 FTEs (CAO) will be requested in FY 08-09 to provide legal assistance & litigation.
  - An operational process has been developed for the inspection program.

# Group Facilities Inspection Team

## Proposed Process





# Group Facilities: Boarding House Task Force Update

## Status of Previous Recommendations

Improve coordination and cooperation with State, Federal and local agencies

- The Mental Health Association (MHA) has formed its own Boarding Home Task Force & formulated boarding home operating standards
- Coalition has been formed between agencies, operators and the City to bridge a partnership to ensure compliance with City Ordinance
- Agencies have been added as advisors to team
- State has been approached to appoint a liaison to the team.



# Group Facilities: Boarding House Task Force Update

## Preliminary Findings

Group homes/facilities inspected included those who are:

- Recovering substance abusers
- Mentally ill
- Developmentally disabled
- Senior citizens
- Physically disabled
- Ex-offenders
- Indigent people



# Group Facilities: Boarding House Task Force Update

## Preliminary Findings

### Human Service Issues

- Lack of trained supervisory personnel on site
- Frequent use of emergency services (police and EMS)
- Unsafe conditions for residents
  - Abuse/neglect
  - Overcrowded residences
  - Medication locked up
  - Illegal drug use



# Group Facilities: Boarding House Task Force Update

## Preliminary Findings

### Human Service Issues

- Victimization of vulnerable residents
- Lack of resident daytime activities
- Negative impact on community
  - Perception of a decline in property values
  - Sanitation issues
  - Transient populations (may include registered offenders)
  - Frequently includes residents with untreated mental health or substance abuse issues



# Group Facilities: Boarding House Task Force Update

## Preliminary Findings

Inspection of Group Facilities for City Code Compliance included:

- Research prior to physical inspection:
  - Current CO
  - Approved zoning for location
  - Prior complaint history for property
- All portions of the applicable Dallas City Codes.



# Group Facilities: Boarding House Task Force Update Preliminary Findings

## CO/Zoning/Spacing issues

- Approximate 30% of the premises do not comply with current regulations for the appropriate Certificate of Occupancy (C.O.)
- Facilities that did not require a C.O. often do not have a confirmation letter from Building Inspection claiming a Handicapped Group Dwelling status.
- Facilities claiming Handicapped Group Dwelling status offering 'Personal Care' do not always have a state licensure of Assisted Living.
- Usage standards of the State of Texas & the City of Dallas do not always match, leading to confusion for facility operators as to which standards to follow.
- Confusion about Use Classifications between State/City & City/City categories causes inspectors to be initially unsure how to classify property for inspection (DFR & BI).





# Group Facilities: Boarding House Task Force Update

## Preliminary Findings

### Property Issues

- Some facilities were bunking over 4 residents per small room, in violation of code requirements.
- Smoke detectors missing or not working
- Fire extinguishers missing or not correct type
- Electrical problems (exposed wiring, etc.)
- Missing outlet plates
- Structural problems (cracks & holes in walls)
- Foundation problems



# Team Preliminary Findings

AREA	Number of Inspections	Code Violations	Fire Violations	CO/ Spacing/ Zoning	Number of Residents
South Central	5	20	14	2	45
Southwest	3	2	0	0	140
Northwest	0	0	0	0	0
North Central	0	0	0	0	0
Southeast	9	25	30	3	60
Central	23	40	48	9	308
Northeast	10	12	2	0	44
<b>TOTALS</b>	50	99	92	14	597



# **Group Facilities: Boarding House Task Force Update**

## **Next Steps**

- Continue inspections
- Develop recommendations regarding CO/zoning issues/spacing issues
- Request policy decision from Council on recommendations for enforcement and/or code modifications



Questions?



# APPENDIX



# Current Dallas City Code Definitions

- **FAMILY** – Individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of household by blood, marriage, or adoption.
- **ASSISTED LIVING** – An establishment that furnishes , in one or more facilities, food and shelter for four or more people who are unrelated to the proprietor of the establishment and who provides personal care services
- **BOARDING HOUSE** – a facility containing at least one but fewer than six guest rooms that are separately rented to occupants
- **DWELLING UNIT** – one or more rooms designed to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.
- **RESIDENTIAL HOTEL** – a facility that receives more than 50% of its rental income from occupancies of 30 consecutive days or more and contains:
  - Six or more guest rooms with living and sleeping accommodations by no kitchen or kitchenette;
  - Six or more guest rooms with living, sleeping, and kitchen or kitchenette facilities that are offered for rental on a daily basis; or
  - Six or more guest rooms with living and sleeping accommodations, each of which is individually secured and rented separately to one or more individuals who have access to bathroom, kitchen, or dining facilities outside the guest room on a common basis with other occupants of the structure.



# Current Definitions

- **GROUP RESIDENTIAL FACILITY** – an interim or permanent residential facility (as opposed to a lodging or medical treatment facility) that provides room and board to a group of persons who are not a “family” as that term is defined by code, whether or not the facility is operated for profit or charges for the services it offers. This use does not include:
  - Facilities that negotiate sleeping arrangements on a daily basis;
  - Dwelling units occupied exclusively by families (Note: Dwelling units occupied exclusively by families are considered to be single family, duplex, or multifamily uses, as the case may be); or
  - Any other use specifically defined by Chapter 51 of the City code
- **HANDICAPPED GROUP DWELLING UNIT** – a single dwelling unit that is the domicile of not more than eight handicapped persons who are not a “family” as that term is defined in this chapter, and who are living together as a single housekeeping unit. Up to two supervisory personnel may reside on the premises, provided that the total number of residents, including supervisory personnel, does not exceed eight.



# Human Service Definitions

- **Adult Protective Services (APS):** Mission is to protect older adults and persons with disabilities from abuse, neglect and exploitation by investigating and providing or arranging for services as necessary to alleviate or prevent further maltreatment.
- **Department of Aging & Disability Services (DADS):** North Texas Behavioral Health Mission is to provide a comprehensive array of aging and disability services, supports, and opportunities that are easily accessed in local communities.
- **Authority (NTBHA)** is the Local Behavioral Health Authority for Collin, Dallas, Ellis, Hunt, Kaufman, Navarro and Rockwall Counties.



# Group Facilities Task Force Update

**Presented  
To  
Neighborhood Quality of Life  
Committee  
on  
June 11, 2007**





# Purpose of Briefing

- ❑ Update the Council on the activities of the Group Facilities Task Force
- ❑ Provide information on the scope of the issue
- ❑ Recommend action steps to Council for consideration



# Background

- On March 19, 2004, the City Council authorized an amendment to Chapter 27 of the Dallas City Code which modified the former multi-family inspection program.
- This amendment requires an annual registration of all multi-tenant properties ( i.e., 3 or more units) with inspections conducted every 3<sup>rd</sup> year.
- Also included in the annual registration and inspection requirements are:
  - Boarding homes
  - Residential hotels
  - Group residential facilities
  - Extended stay hotels
  - Leased condominium units

(See Appendix for Definitions)



## Background (continued)

- Registration of multi-tenant properties with Code Compliance began on September 1, 2004 (see appendix)
- Enforcement on non-registered properties began on October 1, 2004



## Background (continued)

- On February 14, 2007, the City Council amended Chapter 52 of the City Code.
- Strengthened the regulations concerning the issuance and revocations of certificates of occupancy (CO), including requiring an affidavit describing the proposed use.



# Group Facilities Users

- Group homes/facilities often include those who are recovering substance abusers, mentally ill, developmentally disabled, senior citizens, physically disabled, ex-offenders, or indigent people.



# Group Facilities Users (continued)

- The majority of group homes/facilities have no full-time, trained, on-site supervisors; yet, they serve vulnerable populations.



# Group Facilities Users (continued)

- Traditionally, there are no activities for facility residents to participate in during the day. Consequently, these residents often walk around the surrounding neighborhoods to avoid the boredom of continually staying in the facility. Some resort to panhandling to meet their personal needs, i.e. cigarettes, candy, alcohol, or even street drugs.
- Neighborhood residents and local business owners become very upset at the roaming behavior and panhandling.





# Problems Associated with Facilities

- In some facilities, residents complain of
  - dirty, overcrowded conditions
  - little furniture
  - misuse and mismanagement of client medications
  - illegal drug use
  - theft of money and belongings
  - poor quality food
  - utility cut-offs in summer
- Some facility owners push residents to become payees of their Social Security checks.
- Unsafe conditions and code violations
- Violation of zoning and spacing requirements
- Overcrowding

# Unsafe Conditions



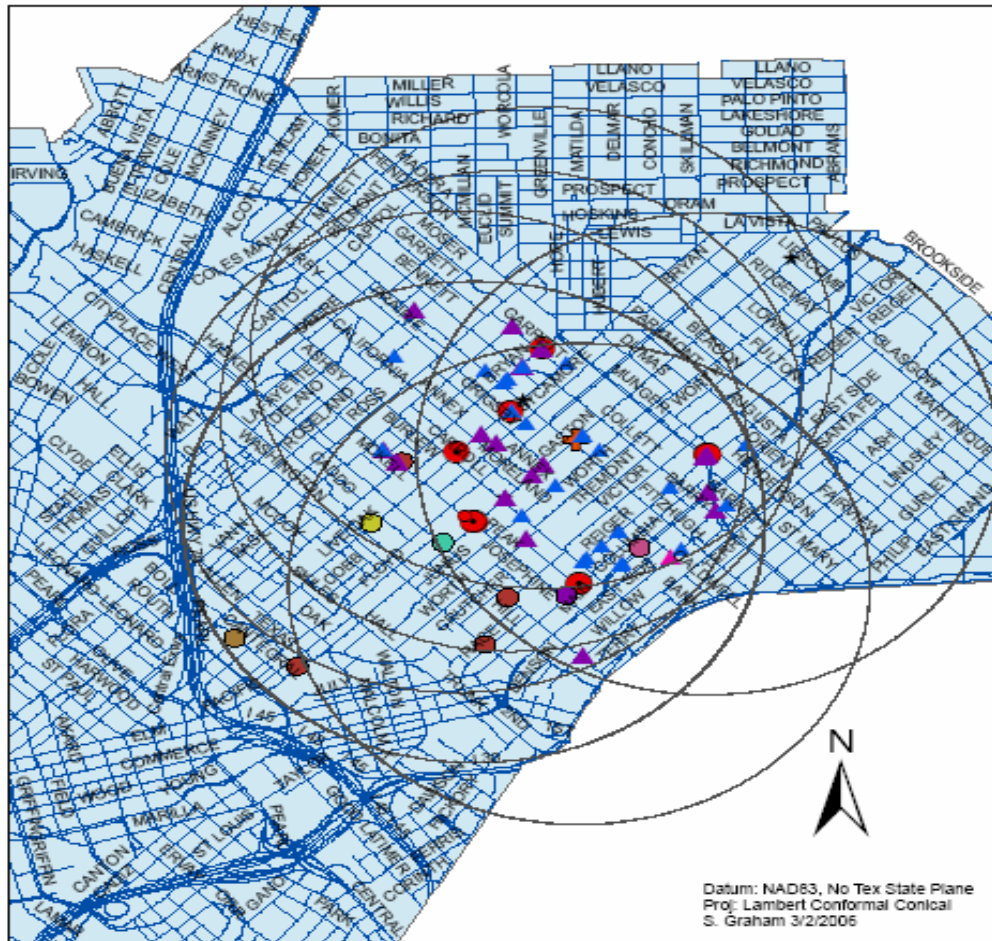
# Zoning Violations

- Facilities obtain CO; then change use
  - CO allows for 5 or fewer rooms separately rented to occupants
  - Facility rents 7 rooms w/ 28 beds



# Examples of Spacing Violations

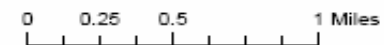
Residential Hotels in the Old East Dallas Neighborhood.



There should be 1 mile between Residential Hotels.  
 All of the RH are within a mile of each other.

## Legend

- Residential Hotel Buffer
- ResidHotel
- ★ Group Res Facility
- Half Way House
- No Distance Requirements**
- Stated Use**
- not determined
- + Community House for Disabled
- Catering Service
- ▲ Church
- Condominium
- Hotel
- Motel
- ▲ Multi-Fam Dwelling
- Office Building
- Restaurant
- ▲ no CO on file
- City Roads
- Central Patrol Division





# Problems Associated with Facilities

- Crime rates
- Lack of daytime activities
- Negative impact on community
  - Perception of a decline in property values
  - Sanitation issues
  - Transient populations (may include registered offenders)
  - Frequently includes residents with untreated mental health or substance abuse issues

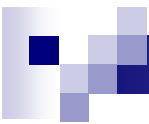
# Overcrowding





# Group Facilities Task Force

- For the past several months, staff from the City Manager's Office, Code Compliance, Dallas Fire-Rescue, Police, City Attorney's Office, Development Services and Dallas County Health Department have been meeting to discuss group facilities issues. The group has identified the following as the most prevalent concerns:
  - Challenges to providing coordinated and consistent enforcement of State statutes/City codes that address group facilities
  - Saturation of group facilities in certain areas of the city

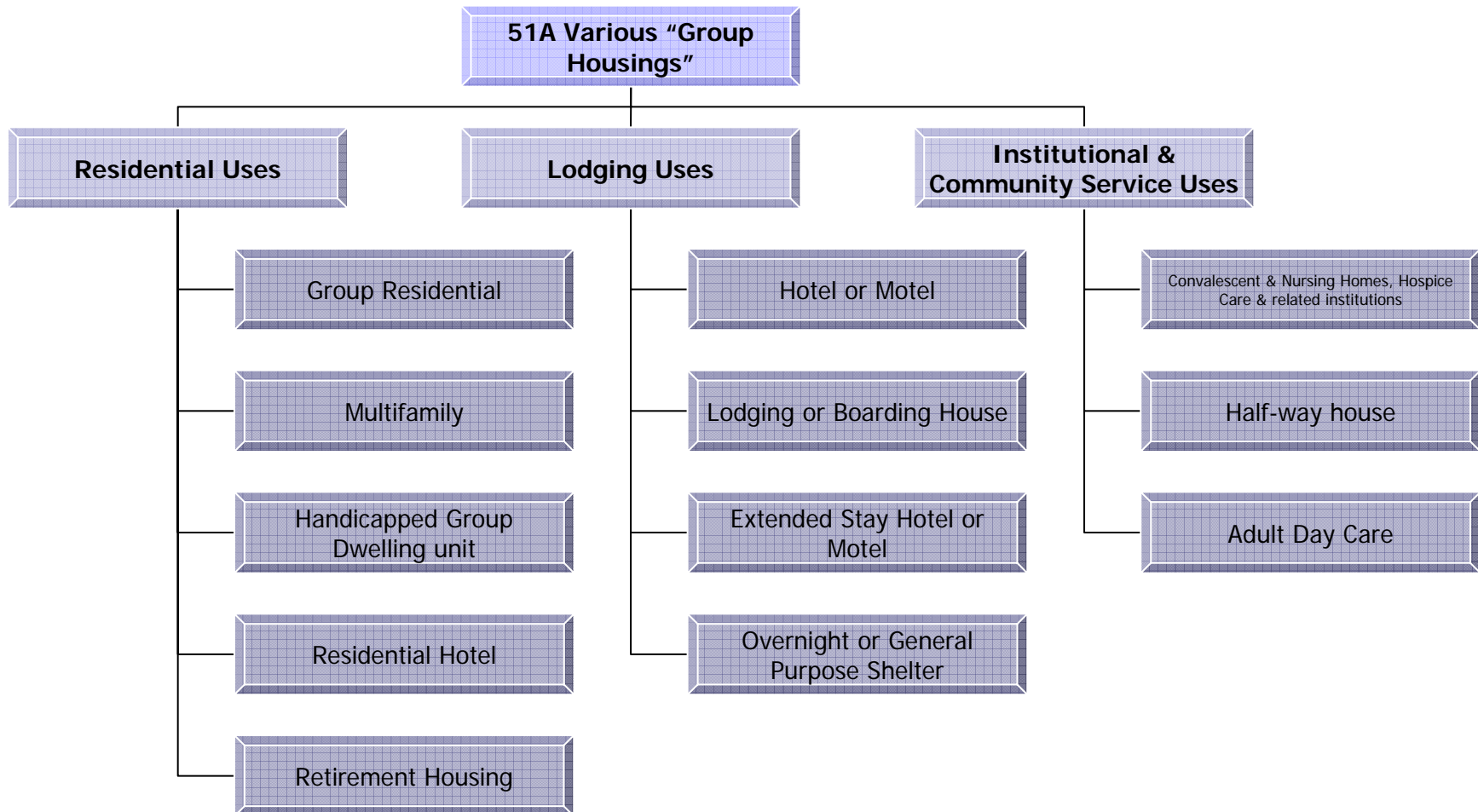


# Challenges to Consistent and Coordinated Enforcement of Group Facilities

- Complexity in determining actual property use and applicable codes.
  - Difficult for inspectors to determine the number of residents
  - Difficult for inspectors to determine what services are provided at the facility
  - Each use has specific requirements which must be enforced
- Lack of a trained response team
  - Need for specialized group home training
  - Adequate number of inspectors
- Fragmentation of responses between city departments, state and other governmental agencies
  - Need for greater coordination
- If these facilities close, or are closed too quickly then the residents run a high risk of becoming homeless.



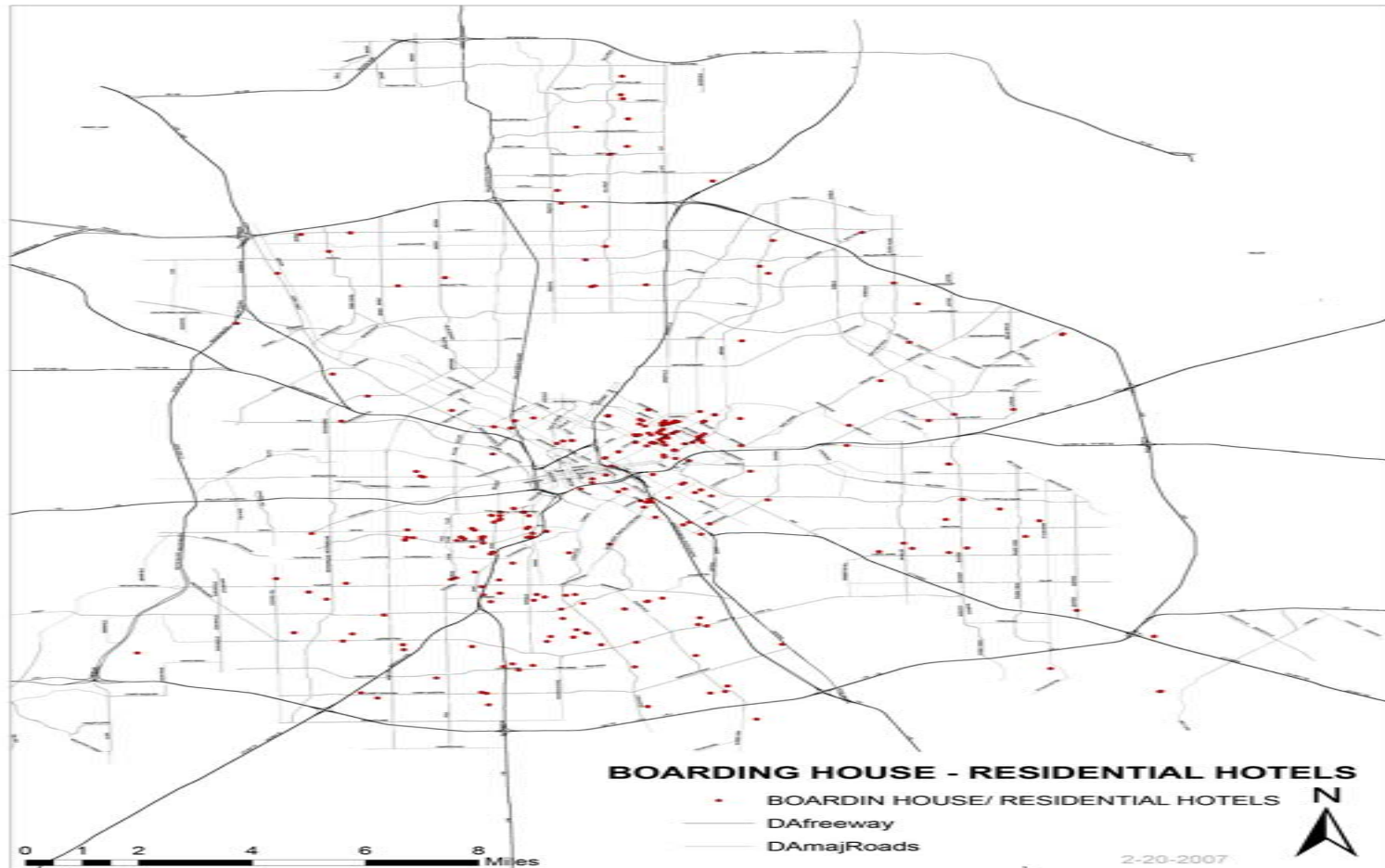
# Zoning Classifications of Group Facilities



Use	Multi-Family 51A-4.209 (5)	Group Residential 51A-4.209 (3)	Handicapped Group Dwelling Unit 51A-4.209 (3.1)	Residential Hotel 51A-4.209 (5.1)	Extended Stay Hotel or Motel 51A-4.205 (1.1)
Use Type	Residential	Residential	Residential	Residential	Lodging
1. Number of people/units allowed	Not more than 4 persons unrelated to head of household	More than 4 persons who are not related to "head of household"	8 or less who are HC – may include 2 supervisors to total 8	More than 5 guest rooms with Kitchens or more than 5 guest rooms w/o kitchen, or more than 5 guest rooms with shared facilities	6 or more guest rooms
2. How facilities negotiated	Typically monthly	Not on daily basis	No reference	More than 50% of the rental income from occupants of 30 days or more	No reference
3. Kitchen allowed in unit	Kitchen OK	May have kitchen, does not have to.	Kitchen	May have kitchen	25% or more of rooms have a kitchen
4. Zoning allowed	CH, MF,CA,MU & UC	By right in CH, MF, CA, MU when spaced 1,000 feet – otherwise by SUP	By right in SF, D, TH, CH, MF1, MF2, MH, GO, CA, MU1, when spaced 1,000 feet; otherwise by SUP. In GO limited to 5% of floor area of building	By right in MF2, MF3, MF4, CA, MU when located 1 mile from other residential hotels	SUP in MO, GO, RR, CS, Industrial, CA, MU and MC
5. Additional provisions		Code contains density regulations (beds/units per acre)	No C.O. required.	Subject to Chapter 27 of Dallas City Code	10% or more of guest rooms have separate sleeping rooms

Use	Overnight Gen. Purpose Shelter 51A-4.205 (2.1)	Hotel or Motel 51A-4.205(1)	Lodging/Boarding House 51A-4.205 (2)	Halfway House 51(A) 4.204(13)
Use Type	Lodging	Lodging	Lodging	Institutional
1. Number of people/units allowed	5 or more who are not related to "head of household"	6 or more guest rooms rented on a daily basis	5 or less guest rooms rented separately	50 people max
2. How facilities negotiated	Daily	Daily	No reference	No requirements
3. Kitchen allowed in unit	No kitchens	Suite hotels may have kitchens in guest rooms	No kitchens	No reference
4. Zoning allowed	20 or less guests permitted by SUP, LO, MO,GO,CR,RR,CS,LI,IR,CA,MU2,MU3, and MC. More than 20 guests by SUP in GO,CS,LI,IR and CA	By right in MO,GO,RR,CS,LI,IR,IM CA,MU1,MC(SUP if in CR or less than 80 rooms)	By right in MF2, MF3, MF4, RR, CS, LI, IR and CA; by SUP in CR & IM	SUP in LI, RR, CS, MU-2, MU-3, & CA;
5. Additional provisions	Code contains many spacing & maximum occupant restrictions		Operator may serve meals to occupants	1000 ft. from residential districts & uses, parks, schools & child-care facilities; one mile from another halfway house; within 1200 ft. of mass transit

# Saturation of boarding homes in certain areas





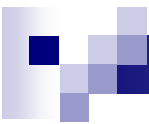
# Benchmarking Against Other Agencies

- Philadelphia
- Austin
- Fort Worth
- Baltimore
- El Paso
- Los Angeles
- Houston
- Indianapolis
- San Antonio
- Irving
- Albuquerque
- Boston
- Charlotte
- Chicago
- Columbus
- Denver
- Detroit
- Garland
- Arlington
- Mesquite



# Query Information

- For cities called, the following two questions were asked as well as a discussion of code compliance in general.
  - Is your city experiencing increasing problems with “boarding houses” or “group homes”?
  - How does your city balance the need for safe, affordable housing with the need to not overload neighborhoods?
- For internet searches, the cities’ websites were used to determine the types of inspections, registrations, permits, licenses were required for buildings where people reside.



# Cities Requiring Single-Family Rental Registration (including Boarding Homes)

- **Baltimore** – all non-owner occupied structures must be registered and inspected (includes rooming and boarding houses)
- **Philadelphia** – all single family rental, duplex, and 3 or more unit complexes, condos, rooming houses, hotels and dormitories are required to be licensed.
- **Denver** – requires annual inspection of boarding homes and personal care boarding homes (assisted living). Also require inspection of hotels, apartments and rental housing.
- **Ft. Worth** – currently proposing a single family rental inspection and registration program (has a multi-family inspection and registration program in force).
- **Garland** –requires a license to rent multifamily dwelling units, a permit to rent single family units, both are inspected annually, operators of multi-family dwellings must be licensed.



# Cities without Single-Family Rental Registration

- **Austin** – uses space requirements primarily in enforcing problems with boarding/rooming homes (Definition of family = 6 unrelated persons).
  - Also has a progressive system of social services





# Programs in Other Texas Cities

- San Antonio – reports increasing problems with “transitional housing”
  - Created a task force to respond to the problems
- Arlington – yearly inspection and registration of multifamily dwellings
- Irving – conducts two inspections per year of all multifamily dwellings, hotels and motels
- Mesquite – no indications of registering or systematic inspections of multiple family dwellings or single family/duplex



# Recommendations

- Conduct citywide inventory to determine extent of problem
  - Properties that are not required to register
  - Composition of team: 1 supervisor (current multi-family), 7 temporaries to work with the Service Area Coordinator
  - Project will be conducted June thru August, 2007



# Recommendations (continued)

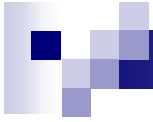
- Create a pilot program of a multi- departmental inspection team for group facilities
  - Composition of team: DFR, Code, Building Inspection, EHS, CAO
    - 4 Additional staff needed (3 inspectors: fire, code and building and 1 caseworker)
    - Begin October 1
  - May require modifications to code to include properties in the registration process that are not currently included
    - Will initiate 6 months after completion of pilot program
- Improve coordination and cooperation with State, Federal and local agencies
  - Bridge a partnership with agencies that distribute funds to ensure compliance with City Ordinance

Return to Council at each phase to provide updates and implementation plan for next steps



# Recommendations (continued)

- As a result of inventory, recommendations may include
  - Develop/implement strategies for each categorization
    - Unsafe conditions
    - Spacing violations
    - CO violations
    - Overcrowding
    - Behavioral nuisances
  - Strategies may involve one or more of the following
    - Closures of properties
      - Need for plans for alternative housing
    - Changes to development code
    - Property conversions



# Appendix



# Current Definitions

- **BOARDING HOUSE** – a facility containing at least one but fewer than six guest rooms that are separately rented to occupants **FAMILY** – Individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of household by blood, marriage, or adoption.
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