

Memorandum



DATE April 27, 2007

TO Honorable Mayor and Members of the Council

SUBJECT Group Facilities Task Force Update

In response to a rising concern with the growth of non-traditional rental properties, the Group Facilities Task Force (formerly the Boarding House Task Force) was formed to evaluate the issue and make recommendations. This is an interdepartmental group, each with some area that has been affected by the increasing trend. Enclosed in your packets is an update on the issue and recommendations for Council consideration.

Please contact me if you have questions or need additional information.


Charles W. Daniels
Assistant City Manager

Attachment

c: Mary K. Suhm, City Manager
Deborah Watkins, City Secretary
Craig D. Kinton, City Auditor
Thomas P. Perkins, Jr., City Attorney
Judge Jay E. Robinson
Ryan S. Evans, First Assistant City Manager
Ramon F. Miguez, P.E., Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Dave K. Cook, Chief Financial Officer
Chandra Marshall-Henson, Assistant to the City Manager

Group Facilities Task Force Update

Council Briefing
May 2, 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 3rd 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



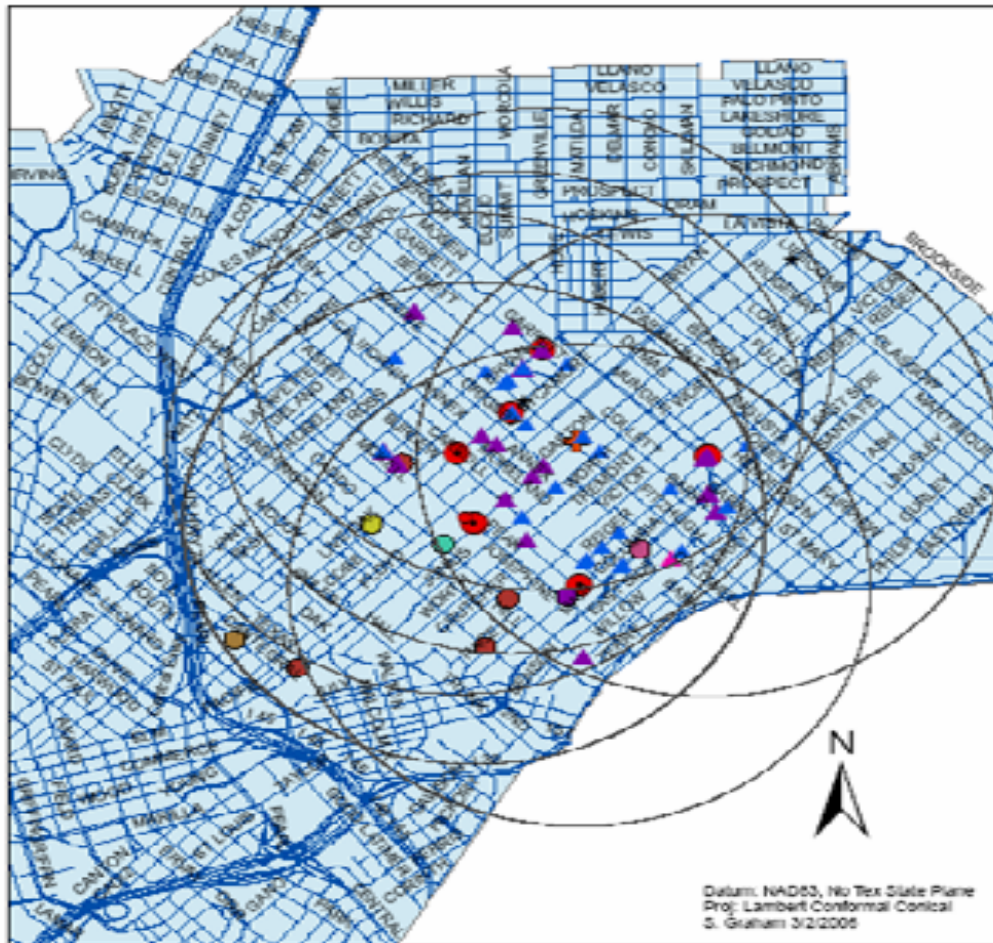
Zoning Violations

- 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

0 0.25 0.5 1 Miles

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



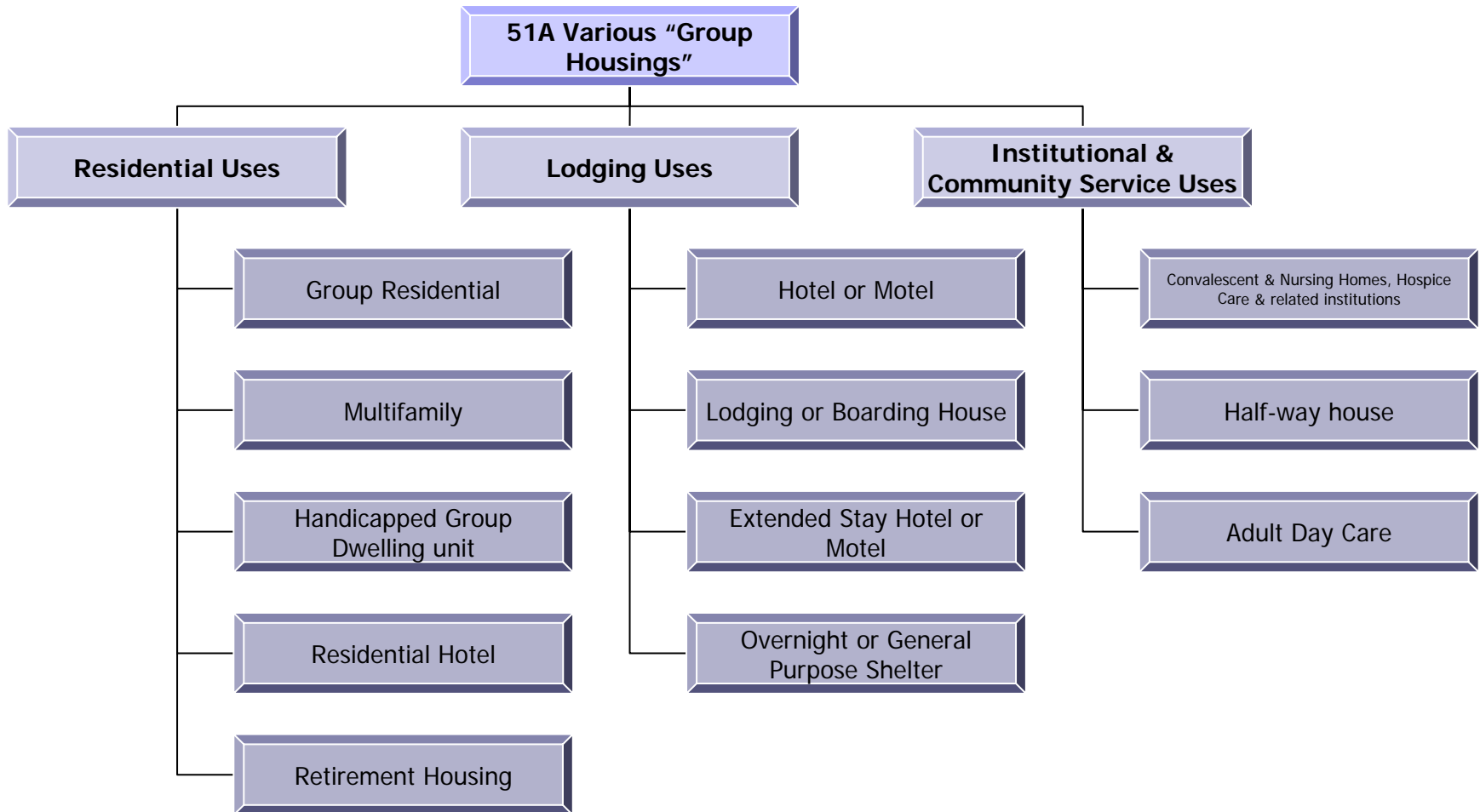
Group Facilities Task Force

- 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.

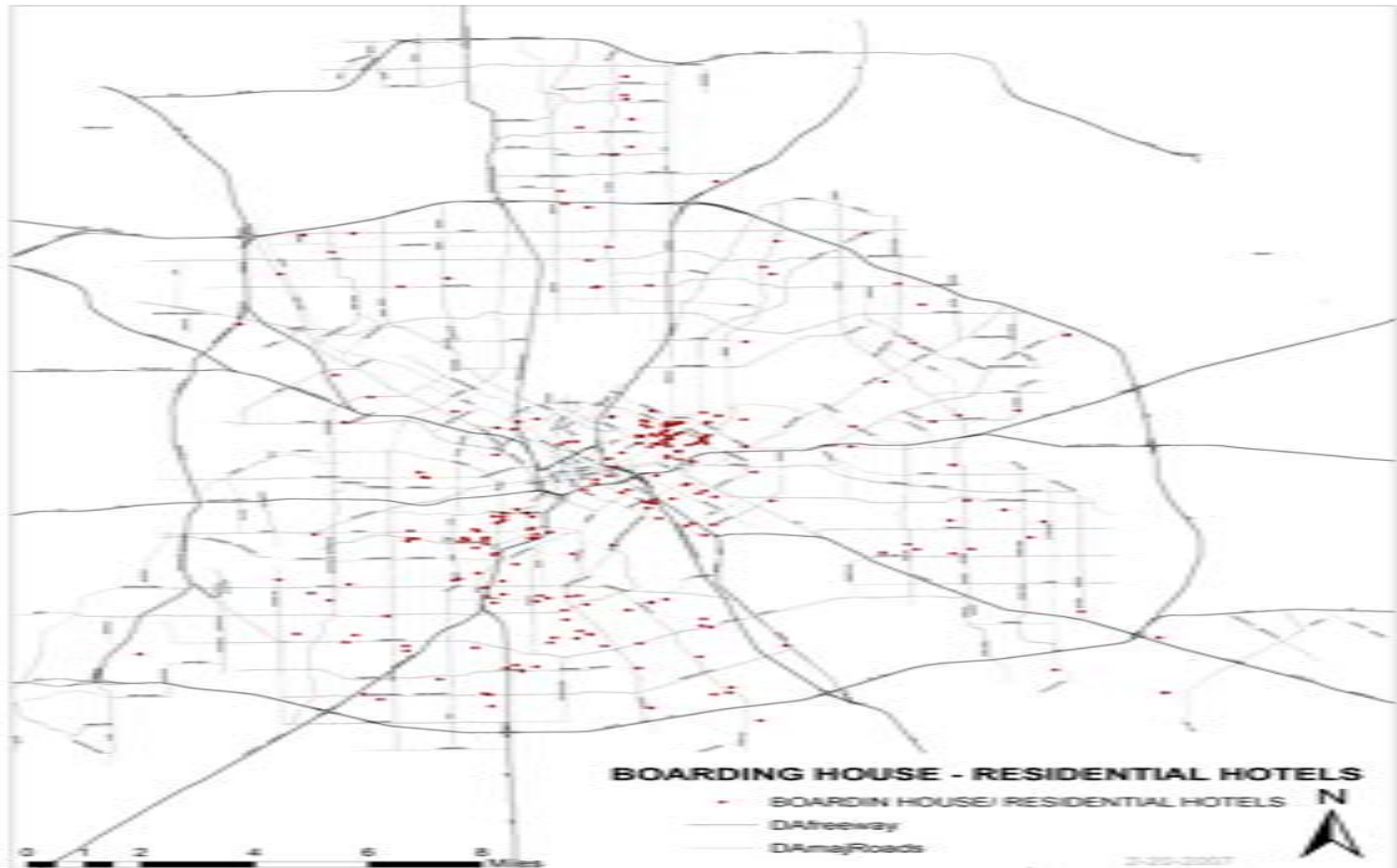
Zoning Classifications of Group Facilities



| 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.
- **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
- **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.

Current Definitions

- FAMILY - Individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption
- 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.