Memorandum

CITY OF DALLAS

Date October 24, 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 A. Neumann; and Steve Salazar

Subject Boarding House Task Force Update

The Boarding House Task Force will provide the committee an update on activities of the Group Facilities Task Force at the meeting on Monday, October 27, 2008.

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

Forest E. Turner
Interim Assistant City Manager

Attachment

c: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Deborah Watkins, City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig Kinton, City Auditor
Judge C. Victor Lander, Judiciary
Ryan S. Evans, First Assistant City Manager
Ramon Miguez, P.E., Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Dave 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
October 27, 2008

Purpose of Briefing

- Provide progress report on inspections
- Provide update on findings and enforcement activities
- Next steps for Task Force

Overview

- Background
- Inspection Team Progress Report
- Findings and Enforcement
- Intergovernmental Relations
- Next Steps
- Appendix
  - Current Dallas City Code Definitions
  - Maps

Problem Definition

- Challenges to providing coordinated and consistent enforcement of State statutes/City codes that address group facilities
- State regulates in many aspects of day to day operation
  - handicapped group dwellings
  - halfway houses
  - and assisted living
- The city regulates
  - lodging/boarding houses
  - multi-family dwellings
  - group residential dwellings
  - residential hotels
  - extended stay hotels or motels
  - single family dwellings
  - overnight or general purpose shelters

Problem Definition

- Task force inspected a defined set of group facilities
  - lodging/boarding houses
  - handicapped group dwellings (state regulated)
  - group residential dwellings
  - residential hotels ran as group homes
  - multi-family dwelling ran as group homes

Background

- Boarding House Task Force was created June 2007
- Task Force members include: Environmental & Health Services, Police Department, Fire Department, City Attorney's Office, Code Compliance, Development Services
- Inspection Team comprised of: EHS Case Worker, Code Inspector, DFR Inspector, and Building Inspector
- On June 23, 2008 the Group Facilities Task Force presented an update to Quality of Life and Government Services Committee

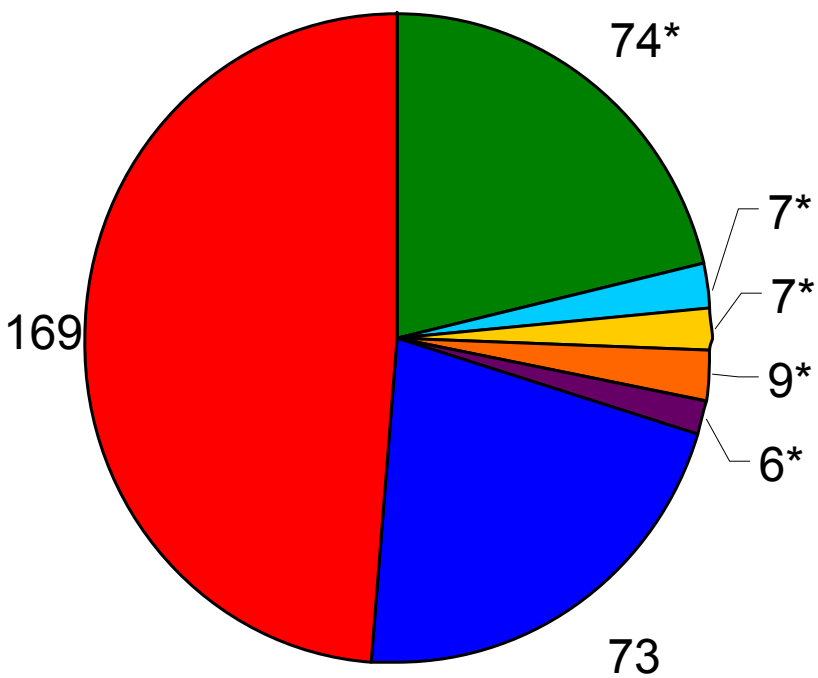
- The objective of the Boarding House Task Force is to address the following issues:
  - Code Violations
  - Zoning and spacing requirements
  - Safety issues
  - Impact on community

Preliminary Findings

- 320 sites identified as of June 2008 as potential group facilities
- +25 additional facilities identified since June
- 345 total sites identified as potential group facilities

- All 345 facilities were investigated
  - Of the 345 identified only 103 continue to operate as group facilities
  - The remaining 242 locations did not classify as group facilities
    - These locations represented businesses, vacant structures/lots, churches, retirement centers, multi-family and single family dwellings that had converted back to single family use.
    - Generally did not represent places where people lived
    - Were covered by other sections of code enforcement and beyond the tasking of the task force
    - **If any violations were noted, these were reported for action under the normal code enforcement process**

Properties Investigated
Total: 345
(includes the 103 group facilities*)



- Handicap Group Dwellings*
- Multi-Family Dwellings*
- Group Residential Dwellings*
- Residential Hotels*
- Boarding Houses*
- Singles Family
- Other

Progress Report

For the 103 group facilities investigated

- 375 notices have been issued
  - 172 code violations
  - 203 fire hazards
- Inspection Team conducted 120 re-inspections
- Inspection Team determined that 324 of the 375 violations have been corrected
- Re-inspections for the remaining 51 anticipated to be completed by November 15, 2008
  - Re-inspections are conducted within 30 to 45 days of the notice to correct
  - Notices involving life/safety issues are re-inspected within 48 hours

Finding:

- 18 locations of the 103 identified group facilities do not conform to the distance requirements, being too close together

Enforcement:

- 10 of the 18 locations were given notices to obtain a Specific Use Permit (SUP)
- The remaining 8 may be nonconforming uses
- All 8 locations will be researched to determine if they have lost nonconforming rights due to change in usage

Finding:

- Of the 74 handicap group dwellings, 30 units are not licensed by the State

Enforcement:

- All 30 handicap group dwelling units have been referred to Department of Aging and Disability Services (DADS) for State inspection and licensure

Finding:

- 2 of the 103 group facilities were determined to be in violation of multiple city ordinances and well below standards

Enforcement:

- These 2 locations have been referred to the City Attorney's Office for Chapter 54 filing
- The City Attorney's Office sent each owner a notice of violations
- Both owners appear to be making repairs
- Each property will be re-inspected

Intergovernmental Relations

- Inspection Team members and Community Prosecutors met with representatives from Department of Aging and Disability Services (DADS) for group training on Assisted Living Facilities
- The Mental Health Association (MHA) has formed its own Boarding Home Task Force and formulated a set of boarding home operating standards
- Additionally, the Regional Mental Health Authority, has agreed to fund certain day activities for group facility residents

Next Steps

- Conduct annual inspections of the 103 group facilities and any facilities added (ongoing)
- Review ordinances governing group facilities and recommend any changes (completed by January 2009)
  - Determine if additional standards are necessary
    - To include, developing a standard operational set of guidelines for group facility operators to follow
  - Assess regulations enacted by neighboring cities and peer cities for best practices
  - Review court cases regarding group facilities
- Review state statutes for possible legislative actions
- Continue to identify locations (ongoing)
- Collaborate with the Mental Health Association and partner with other agencies to identify daytime activities to address neighborhood wandering and lack of activities (ongoing)
- Develop educational materials for homeowners associations and community groups (November 2008)
- Return to Council at each phase to provide updates and implementation plan for next steps

QUESTIONS?

APPENDIX

Current Dallas City Code 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 in defined by Chapter 51A of the city 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 51A of the city code

Current Dallas City Code Definitions

- **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 but 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 Dallas City Code Definitions

- **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 Chapter 51A of the city code, 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

Current Dallas City Code Definitions

- **LODGING OR BOARDING HOUSE** – a facility containing at least one but fewer than six guest rooms that are separately rented to occupants

Current Dallas City Code Definitions

- **MULTI-FAMILY** – Three or more dwellings units located on a lot
- **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
- **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

State Regulatory Agencies

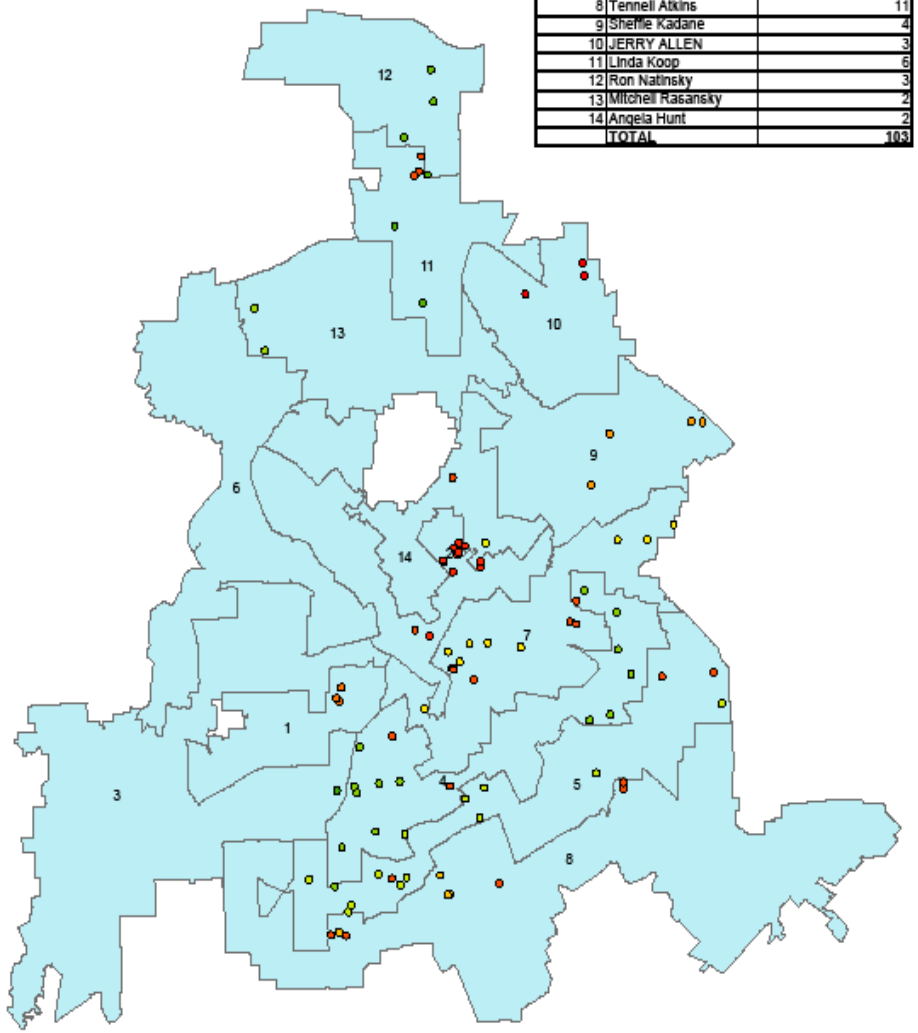
- **Adult Protective Services (**APS): Mission is to protect older adults and persons with disabilities from abuse, neglect and exploitation by investigating and providing or arranging for services as necessary to alleviate or prevent further maltreatment

- **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

- **Mental Health Authority** (North Texas Behavioral Health Authority) is the local behavioral health authority for Collin, Dallas, Ellis, Hunt, Kaufman, Navarro and Rockwall Counties

GROUP FACILITY LOCATIONS BY COUNCIL DISTRICT 10/23/2008

1	Dr. Elba Garcia	3
2	Pauline Medrano	23
4	Dwaine R Caraway	16
5	Vonciel Jones Hill	16
7	Carolyn Davis	14
8	Tennell Atkins	11
9	Sheffie Kadane	4
10	JERRY ALLEN	3
11	Linda Koop	6
12	Ron Natinsky	3
13	Mitchell Rasansky	2
14	Angela Hunt	2
	TOTAL	103



6908 Quarterway Dr. (Good Conditions)

7807 Greenspan (Average Conditions)

5202 Reiger Ave. (Poor conditions)