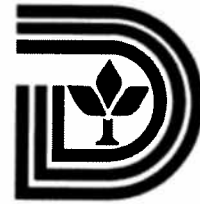


Memorandum



CITY OF DALLAS

DATE May 16, 2014

TO Housing Committee Members: Carolyn R. Davis, Chair, Scott Griggs, Vice-Chair, Monica Alonzo, Rick Callahan, Dwaine Caraway, and Philip Kingston

SUBJECT **Application to amend the handicapped group dwelling unit regulations.**

On Monday, May 19, 2014, you will be briefed on an application for an amendment to the Dallas Development Code, Chapter 51A of the Dallas City Code, to amend the Handicapped Group Dwelling Unit regulations to increase the number of unrelated handicapped persons who may live in a handicapped group dwelling unit. On March 6, 2014 the City Plan Commission recommended no change to the Development Code. A copy of the briefing material is attached for your review.

Please feel free to contact me if you need additional information.

A handwritten signature in black ink, appearing to read 'Theresa O'Donnell'.

Theresa O'Donnell
Interim Assistant City Manager

c: The Honorable Mayor and Members of the City Council
A. C. Gonzalez, City Manager
Rosa A. Rios, City Secretary
Warren M.S. Ernst, City Attorney
Craig Kinton, City Auditor
Judge Daniel F. Solis, Administrative Judge
Ryan S. Evans, Interim First Assistant City Manager
Forest E. Turner, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Joey Zapata, Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Shawn Williams, Interim Public Information Officer
Bernadette Mitchell, Housing/Community Services, Interim Director
Elsa Cantu, Assistant to the City Manager – Mayor and Council

Application to Amend the Handicapped Group Dwelling Unit Regulations

City Council
Housing Committee
May 19, 2014



Purpose

The purpose of this briefing is to inform the committee about an application by Avalon Residential Care Homes, Inc. to amend the Handicapped Group Dwelling Unit (HGDU) regulations in the Dallas Development Code to increase the number of handicapped persons allowed to live in a handicapped group dwelling unit under certain conditions.

Application

The requested amendment would expand the number of individuals that can live in a HGDU from eight to twelve when a facility carries a certification from the Texas Department of Aging and Disability Services for Alzheimer's Disease and Related Disorders if the facility was established on or before January 1, 2004.

Background

- Avalon Residential Care Homes is requesting the amendment arguing that the city's current regulations do not comply with the federal Fair Housing Amendments Act of 1988 (FHAA), which requires municipalities to make a reasonable accommodation to avoid denying housing to persons on the basis of a handicap.

Background

- Under current regulations a handicapped group dwelling unit is defined as
 - the domicile of not more than eight handicapped persons who are not a "family" 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.

Background

- An HGDU is allowed by right in districts that allow a single family use provided the HGDU is located a minimum of 1,000 feet from another HGDU or group residential facility.
- A specific use permit is required if the use is located within 1,000 feet from another HGDU or group residential facility.

Background

- The development code has another use that allows more than eight unrelated individuals to live together.
- That use is a group residential facility, which is defined as a facility that provides room and board to a group of persons who are not a “family” and does not restrict the number of individuals that can live together.

Background

- A group residential facility is allowed by right in districts that allow a multifamily use provided the group residential facility is located a minimum of 1,000 feet from another group residential facility or an HGDU.
- A specific use permit is required if the use is located within 1,000 feet from another group residential facility or HGDU.

Background

- The Zoning Ordinance Committee (ZOC) considered Avalon's request at four public meetings between March 2013 and December 2013.
- On December 5, 2013, ZOC recommended no change to the Dallas Development Code Handicapped Group Dwelling Unit regulations.
- On January 23, 2014, City Plan Commission (CPC) was briefed on the request.

Recommendation

- On March 6, 2014, CPC recommended no change to the Dallas Development Code Handicapped Group Dwelling Unit regulations.

Next Steps

- Schedule application for a City Council public hearing.