

CITY-COUNTY PLANNING BOARD STAFF REPORT

DOCKET: UDO-CC9
STAFF: [Samuel Hunter](#)

REQUEST

This text amendment is proposed by Planning and Development Services staff to modify Sections 5.2.30, 5.2.31, and 11.2 of the *Unified Development Ordinances* (UDO), pertaining to the use-specific standards and definitions of the Family Group Home A, Family Group B, and Family Group Home C uses.

BACKGROUND

Family Group Homes are transitional housing facilities that provide room and board, personal care, and rehabilitation services in a supportive family environment. These facilities generally include supervisory personnel that are exclusive of the resident count. However, the UDO does not adequately explain what is meant by the term *supervisory personnel*. As a result, Family Group Home operators have been allowed to self-define what constitutes supervisory personnel; this can lead to confusion regarding the appropriate number of occupants residing within these homes.

UDO-79 established the uses Family Group Home A, Family Group Home B, and Family Group Home C in 2001. The definition and use-specific standards for each use provided that supervisory personnel would not be counted towards the overall number of occupants. The intent behind this exception was to provide supervision for individuals not able to adequately care for themselves (i.e., residents with a mental or physical disability that would require assistance with day-to-day activities). Without better defining the term, some Family Group Home operators have utilized this language to increase their occupancy over the intended maximums. Under the current definitions for Family Group Home uses, some of the facilities have designated “senior house members” acting as supervisory personnel. While these individuals have lived in the homes longer than the other members, they are still participants in the program. Properly defining this term will allow facilities to operate in neighborhoods with fewer unintended consequences.

ANALYSIS

In comparing our peer communities’ regulation of these uses, we found no readily available definition for supervisory personnel. As a result, we worked with the City Attorney’s office to craft language that defines what constitutes supervisory personnel and provides an alternative definition for Family Group Home uses without supervisory personnel (for residents classified as “disabled persons” who are self-supporting and do not require any outside assistance). The new language clearly indicates that program participants may not be designated as supervisors. Staff believes clarification of the local standards for Family Group Home A, Family Group Home B, and Family Group Home C will foster appropriate operation of these uses while closing a possible loophole that allows group homes to exceed intended resident numbers.

RECOMMENDATION: Approval

CITY-COUNTY PLANNING BOARD PUBLIC HEARING MINUTES FOR UDO-CC9 DECEMBER 10, 2020

Samuel Hunter presented the staff report.

Jack asked if the intent of the definition will also include special needs teachers and mental health counselors.

Samuel stated that the definition is limited to those with medical or health care certifications. Those with certification will be qualified as supervisory personnel.

Chris Murphy added that supervisory personnel are those who will actually be living onsite. A special needs teacher can come in and teach and help with everyday living activities but would not be a resident.

Brenda asked staff to clarify the difference between support personnel and supervisory personnel and asked how a support person for someone with a physical disability would be considered.

Samuel explained that there would not be a problem with support personnel coming into the facility to help but that they would not stay as a resident. The ordinance amendment was necessary to stop some family group homes from taking advantage of the language regarding supervisory personnel by including them in the resident count.

Chris Murphy added that this definition will only apply to family group homes. There were several scenarios discussed, as well as the reasonable accommodation provision.

George asked where peer counselors would fit into the count. Chris Murphy stated that if they did not have a medical health care certification, then they would count against the cap.

Aaron mentioned that there is some flexibility built into the definition knowing that every certification would not be captured and that new certifications may arise. If a person could show they have some expertise in a certain position, they could fit into the definition.

George noted that, as a former administrator of such programs, it was always very clear whether he was dealing with someone who was certified or someone who was licensed. He added that that subject could arise in the future.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Melynda Dunigan recommended approval of the ordinance amendment.

SECOND: Clarence Lambe

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

Aaron King
Director of Planning and Development Services