



To the Mayor and Members of the City Council

February 4, 2025

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SUBJECT: CONGREGATE LIVING FACILITIES FOR PERSONS WITH DISABILITIES

The purpose of this Informal Report is to provide information on zoning regulations applicable to congregate living land uses for persons with disabilities or the elderly that are allowed in residential zoning districts. The City's regulation of congregate living for persons with disabilities or the elderly is limited by federal law, the Fair Housing Amendment Act and Americans with Disabilities Act and state law, most notably

Community Homes

A community home is a community-based residential home providing food and shelter, personal guidance, care, rehabilitation services or supervision for not more than six persons with disabilities and two supervisory personnel.

Districts Allowed: All residential zoning districts, community facilities zoning district, and in residential areas in form-based districts. See [Texas Human Resources Code, Chapter 123, section 123.003](#) wherein community homes that meet the qualifications of the statute are allowed by right in any zoning district zoned as residential.

Development Standards :

- Maximum number of residents: 8 (6 persons with disabilities and 2 supervisors)
- Spacing requirement: shall not be located within one-half (1/2) mile of a previously existing community home.
- Motor vehicles are limited to not more than one vehicle per bedroom
- Must meet all applicable state licensing requirements

Boarding Home Facility

A boarding home facility furnishes lodging to three or more elderly and/or persons who are disabled who are unrelated to the owner of the establishment by blood or marriage and provides community meals, light housework, meal preparation, transportation, grocery shopping money management, or assistance with self-medication but does not provide personal care services to those persons.

Districts Allowed: All residential districts. See [Texas Health and Safety Code, Chapter 260, Section 260.011](#) wherein boarding home facilities that meet the requirements established by the City may not be excluded from a residential area by zoning ordinances.

Development Standards:

- Maximum number of residents: 6
- Spacing requirement: shall not be located within ½ mile of any previously existing boarding home facility
- Exterior construction features must be compatible with the character of the surrounding neighborhood.
- Vehicles are limited to not more than one vehicle per bedroom



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- Must meet all of the applicable permitting requirements of [Chapter 20, Article XIV](#)

Group Homes

Generally, a group home is comprised of a group of unrelated persons who receive support services while residing at the house. Different kinds of residents can live in a group home, including but not limited to the following: persons with physical or mental disabilities, individuals in drug or alcohol rehabilitation programs, children in foster care and juveniles. The Zoning Ordinance regulates two types of group homes as follows:

Group Home I

A family-based facility which contains not more than 15 residents and three supervisory personnel which provides 24-hour care in a protected living arrangement for the mentally and/or physically impaired, developmentally disabled or victims of abuse or neglect.

Group Home II

A family-based facility which provides 24-hour care in a protected living arrangement for the mentally and/or physically impaired, developmentally disabled or victims of abuse or neglect. There is no limit on the number of residents allowed for a group home II.

Districts Allowed:

Group Home I: Allowed in “C” Medium Density Multifamily, “D” High Density Multifamily, “UR” Urban Residential, “CF” community facilities zoning districts, and in residential areas in form-based districts.

Group Home II: Allowed in “D” High Density Multifamily, “UR” Urban Residential and “CF” Community Facilities zoning districts, and in residential areas in form-based districts.

Development Standards:

- Maximum number of residents:
 - Group Home I: 15
 - Group Home II: unlimited
- Spacing Requirement: Shall not be located within one-half mile of any existing group home or halfway house (applicable to Group Home I and II)

Other congregate living for persons with disabilities

The Texas Health and Human Services Commission also regulates Home and Community-based Services (HCS) and community-based Intermediate Care Facilities for Individuals with Intellectual Disability (ICF/IID). HCS homes are three- and four-person residentially based homes serving individuals with intellectual and developmental disabilities that are provided 24-hour residential assistance. ICF/IID homes provide 24-hour residential services and support in a residentially based home setting for six or more persons with disabilities.



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Adult substance recovery residences (recovery house) are drug- and alcohol-free housing designed to facilitate the transition from treatment to independent living for those recovering from substance use disorders. These residences provide a shared living environment founded on peer support and connection to community services to promote the residents' recovery. Sober living homes are not required to be licensed by the State, however, HHSC partners with Oxford House Inc, Be Well, Texas, and the University of Texas Health Science Center at Houston to provide access to recovery residences across the state. House Bill 299, 88th Legislature, 2023, Regular Session added Chapter 469 in the Texas Health and Safety Code. In [Chapter 469, Texas Health and Safety Code](#), Section 469.002 requires HHSC to create recovery housing voluntary accreditation rules. The rules are posted in [26 Texas Administrative Code Chapter 571, Voluntary Recovery Housing Accreditation](#).

Options:

Amend Zoning Ordinance to clarify existing definitions for community homes and group homes to address these types of congregate living for persons with disabilities and provide clarity where the uses are allowed by right

Registration of congregate living uses

Currently, with the exception of boarding home facilities, there is no mechanism by which the City maintains a database of the locations of the various types of congregate living for persons with disabilities discussed above or congregate living in general (i.e. lodging homes, dormitories, fraternities or sororities). The lack of a centralized registry makes it difficult to monitor operations, address community concerns, and provide necessary resources to operators.

It is recommended that Development Services staff establish and operate a program to encourage all operators of congregate living uses to register the congregate living use with the City no cost to the operators. This initiative aims to improve oversight, safety, and community integration while ensuring compliance with zoning, building code and other applicable city regulations. The registration process would include the following key components: name and location of the congregate living use; contact information for the owner/operator and capacity and type of services offered, if any.

For additional information, please contact Melinda Ramos, Deputy City Attorney at 817-392-7631 or LaShondra Stringfellow, Assistant Director at 817-392-6214 or

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