



November 1, 2017

Petition to Place a Temporary Hold on Group Home Applications and Disability Accommodation Approvals

To the Mayor and City Council:

Take Action Phoenix (TAP) is an organization comprised of residents from many neighborhoods across the City of Phoenix. For four months after the introduction of text amendment Z-TA-22-08 to update the City of Phoenix ordinance regulating Group Homes, members of TAP worked with the Planning and Development Department to support correction of the text that affects persons who live in group homes in residential neighborhoods. TAP supported passage of the updates that were passed by the City Council on June 21, 2017. We did that with the understanding that a complete new ordinance would be in place by December 2017.

Members of TAP have served on the Group Homes Committee facilitated by the City of Phoenix Planning and Development Department. The purpose of that committee is to provide input for the draft of a new ordinance that would serve the needs of people with disabilities and the needs of other residents of neighborhoods. TAP believes persons with disabilities can and should thrive in settings that are integrated into the community. We are working with operators and owners of Assisted Living Group Homes, Seriously Mentally Ill Group Homes, Sober Living Homes, along with various city departments and State of Arizona agencies to draft an ordinance that will enhance protections for residents of Group homes and residents of neighborhoods. The original timeline for completion of that work was supposed to be early December 2017.

The City of Phoenix lacks the following or is experiencing the following issues that may make it difficult to reach the deadline:

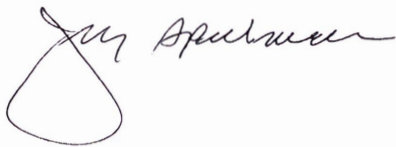
1. **Lack of a Database to show locations of Group Homes:** The City lacks a database or appropriate maps that gives them accurate information or knowledge of locations of Group Homes that are not currently licensed or regulated. Placing community residences too close to each other can create a *de facto* social service district and can seriously hinder their ability to achieve normalization for their residents – one of the core foundations on which the concept of community residence is based... Daniel Lauber, *Delray Beach, FL GH Zoning Study May 2017*, 16.
2. **Zoning ordinances do not adequately address group homes with 10 or more residents:** Zoning simply requires a group home of more than 10 in a multi-family residential zone to obtain a Use Permit to operate as a group home. Numerous studies show that homes with more than 12 people cannot function as a community residence. They are institutions, and as such, must be located in commercial zones where more intense uses are more appropriate than in a residential zone.

3. **Error in Ordinance G-6331:** City of Phoenix Ordinance G-6331 that was passed on 6-21-17. It is posted on the City web site, and was published by Code Publishing with a serious error that should be corrected in a public hearing process, with action by the City Council
4. **Lack of a public hearing process for applications:** The City does not have a process for hearing input from residents. Decisions are made solely by members of the Planning and Development Department without any input from residents, or notification of decisions made by the Director or hearing officers. According to the City's consultant, a licensing process for group homes can require inspections and allow for public comment as part of the licensing process

Petition Request: Take Action Phoenix respectfully requests the City Council immediately place a temporary hold on approval of applications for Group Homes, and approval of Disability Accommodation applications for ninety (90) days, or until the new ordinance is enacted.

Alternate Request: As an alternative to implementing a temporary hold on approval of applications for Group Homes, Take Action Phoenix would accept a report to City Council from the City Manager within 15 days outlining the following:

- Framework that is needed for creating a new comprehensive ordinance to regulate all group homes, regardless of size
- Framework for revising the zoning ordinance for separation of group homes with 6-10 residents and identification of zones where institutions housing more than 10 residents may locate.
- Identification of City Departments that would need to be involved in implementing a licensing process and related zoning changes
- Timeline for bringing a proposed ordinance to City Council for approval in not more than 90 days.
- Timeline for implementing an approved ordinance with various subsequent steps and timelines clearly identified for each department's role in implementing such an ordinance
- A commitment from the City Manager to direct those responsible departments to adhere to the timeline presented.



Member, Take Action Phoenix