

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS AMENDING THE DENTON DEVELOPMENT CODE'S REASONABLE ACCOMMODATION PROCESS AND USE SPECIFIC STANDARDS, PARKING MINIMUMS, AND DEFINITIONS FOR ELDERLY HOUSING, COMMUNITY HOME, AND GROUP HOME USES, SPECIFICALLY AMENDMENTS TO: TABLE 2.2-A: SUMMARY OF DEVELOPMENT REVIEW PROCEDURES; SECTION 2.8: FLEXIBILITY AND RELIEF PROCEDURES; TABLE 5.2-A: TABLE OF ALLOWED USES; SECTION 5.3.1D: MAXIMUM PERSONS OCCUPYING A DWELLING; SECTION 5.3.3: RESIDENTIAL USE-SPECIFIC STANDARDS; TABLE 7.9-I: MINIMUM REQUIRED OFF-STREET PARKING; AND SECTION 9.2: DEFINITIONS; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (DCA23-0001b)

WHEREAS, pursuant to Ordinance No. DCA18-0009q, the City Council of the City of Denton adopted the newly revised 2019 Denton Development Code, the ("DDC"); and

WHEREAS, the City desires to amend the DDC to clarify and update the regulations related to Reasonable Accommodation, Elderly Housing, Community Home, and Group Home, to provide additional processes, simplify use-specific standards, update parking regulations, and revise definitions; and

WHEREAS, the amendments include the following:

1. Table 2.2-A: Summary of Development Review Procedures – create a separate Flexibility and Relief Procedure for Reasonable Accommodation
2. Section 2.8: Flexibility and Relief Procedures – remove Reasonable Accommodation as part of the Minor Modification Procedure
3. Section 2.8: Flexibility and Relief Procedures – establish a procedure for Reasonable Accommodation
4. Table 5.2-A: Table of Allowed Uses – update regulations for Elderly Housing, Community Home and Group Home uses
5. Section 5.3.1D: Maximum Persons Occupying a Dwelling – add an exemption for Elderly Housing, Community Home, and Group Home uses
6. Section 5.3.3: Residential Use-Specific Standards – update standards for Elderly Housing, Community Home, and Group Home uses
7. Table 7.9-I: Minimum Required Off-Street Parking – modify parking standards for Elderly Housing, Community Home, and Group Home uses
8. Section 9.2: Definitions – remove redundant definitions and clarify definitions related to Disability, Elderly Housing, and Group Home uses

WHEREAS, on August 23, 2023, the Planning and Zoning Commission, in compliance with the laws of the State of Texas, gave the requisite notices by publication, held due hearings and recommended approval [7-0] of the amendment to the Denton Development Code; and

WHEREAS, on September 26, 2023, the City Council likewise conducted a public hearing in accordance with local and state law and the City Council hereby finds that the Code amendments are consistent with the City's comprehensive plan, and the federal, state, and local law are in the best interests of the City of Denton; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference and found to be true.

SECTION 2. Table 2.2-A: Summary of Development Review Procedures, Section 2.8: Flexibility and Relief Procedures, Table 5.2-A: Table of Allowed Uses, Section 5.3.1D: Maximum Persons Occupying a Dwelling, Section 5.3.3: Residential Use-Specific Standards, Table 7.9-I: Minimum Required Off-Street Parking, and Section 9.2: Definitions of the DDC are amended as set forth in **"Exhibit A"** which is attached and fully incorporated herein by reference.

SECTION 3. Any person, firm, partnership, or corporation violating any provision of this ordinance shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine in a sum not exceeding \$2,000.00 for each offense. Each day that a provision of this ordinance is violated, shall constitute a separate and distinct offense.

SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 5. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Development Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. In compliance with Section 2.09(c) of the Denton Charter, this ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

The motion to approve this ordinance was made by _____ and seconded by _____, the ordinance was passed and approved by the following vote [___ - ___]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Paul Meltzer, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2023.

GERARD HUDSPETH, MAYOR

ATTEST:
JESUS SALAZAR, CITY SECRETARY

BY: _____







APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY:  Hilary Negron
2023.09.19
14:24:01 -05'00'

Exhibit A

Amend 2.2 Summary Table of Review Procedures as follows:

Table 2.2-A lists the development applications authorized in this DDC. For each type of application, the table indicates the role of city review, noticing requirements, and decision-making and appeal authorities.

R = Review/recommendation D = Decision A = Appeal [R/D/A] = Public hearing required (R/D/A) = Public meeting required  = Recommended ✓ = Required												
Procedure	DDC Reference	Public Notice				Pre-Application Activities		Review and Decision-Making Bodies				
		Online	Mailed	Published	Posted Sign	Pre-App. Conference	Citizen Participation	Development Assistance Team	Director	Planning and Zoning Commission	City Council	Zoning Board of Adjustment
Development Permits and Procedures												
Zoning Compliance Plan Review	2.5.1							R	D			(A)
Specific Use Permit	2.5.2	✓	✓	✓	✓			R	R	[R]	[D]	
Temporary Use Permit	2.5.3							At Director discretion	D			(A)
Zoning Verification Letter	2.5.4								D			(A)
Environmental Sensitive Areas (ESAs) Field Assessment	2.5.5								D		(A)	
Business Registration	2.5.8							D				
Traffic Impact Analysis	2.5.9							D		(A)		
Real Estate Application	2.5.10							R	R		(D)	
Gas Well Development Site Plan	6.2.4							R	D			(A)
Watershed Protection Permit	6.3.9							R	D			(A)
Vested Rights	See Subsection 2.5.6: Vested Rights											
Exaction Proportionality Determination and Appeal	See Subsection 2.5.7: Exaction Proportionality Determination and Appeal											
Rayzor Ranch Site Plan	See Appendix A											
Tree Survey and Preservation/Replacement Plan	See paragraph 7.7.4E: Tree Survey and Preservation/Replacement Plan											
Subdivision Procedures												

Administratively Approved Plat (Amending Plat, Conveyance Plat, Minor Plat, Minor Replat)	2.6.2					◆		At Director discretion	D [1]				
Preliminary Plat	2.6.3					◆	◆	R	R	(D)			
Final Plat	2.6.4					◆	◆	R	R	(D)			
Development Plat	2.6.5					◆		R	D				
Gas Well Development Plat	2.6.6	See TLGC §§ 212.041 through 212.050											
Replat [2]	2.6.7					◆		R	R/D	D			
Vacating Plat	2.6.8	✓	✓	✓		◆		R	R	(D)			
Civil Engineering Plans	2.6.9							D		(A)			
Plan and DDC Amendments													
Comprehensive Plan Amendment	2.7.1	✓	✓	✓	✓	◆	◆	R	R	[R]	[D]		
Zoning Amendment	Map	2.7.2	✓	✓	✓	✓	◆	◆	R	R	[R]	[D]	
	Rezone to PD	2.7.3	✓	✓	✓	✓	◆	◆	R	R	[R]	[D]	
	Text	2.7.4	✓		✓			◆	R	R	[R]	[D]	
Annexation	See Subsection 2.7.5: Annexation												
Flexibility and Relief Procedures													
Variance	2.8.1					◆		R	R			(D)	
Minor Modification	2.8.2	Pursuant to application procedure warranting the request											
Appeal of Administrative Decision [3]	2.8.3	✓	✓	✓					R	Appeal authority determined by original application type and in accordance with this Table 2.2-A			
Alternative ESA Plan	2.8.4	✓	✓	✓	✓	◆	◆	R	R	[R]	[D]		
Alternative Tree Preservation/Replacement Plan	See paragraph 7.7.4F: Alternative Tree Preservation/Replacement Plan												
Watershed Protection Permit Relief	2.8.5								R		(D)		
Interpretations	2.8.6								(D) [4]			(A)	
Subdivision Variance	2.8.7					◆		R	R	(D)	(A)		
Reasonable Accommodation	See Subsection 2.8.8: Reasonable Accommodation												
Alternative Landscape Plan	See paragraph 7.7.3C: Alternative Landscaping												
Tree Preservation Relief	See paragraph 7.7.4J: Tree Preservation Relief Provisions												
Alternative Water and Sewer Systems	See Subsection 7.6.16: Alternative Water and Sewer Facilities												
Historic Preservation Procedures													
Certificate of Appropriateness	See Subsection 2.9.2: Certificate of Appropriateness												

Historic and Conservation District Designation	See Subsection 2.9.3: Historic and Conservation District Designation											
Historic Landmark Designation	See Subsection 2.9.4: Historic Landmark Designation											
Design Standards Review Procedures												
Certificate of Design Consistency-Administrative	2.10.1	✓				◆		R	D		(A)	
Certificate of Consistency - Design Standards Review City Council	2.10.1	✓				◆	◆		R		[D]	
Notes:												
[1] The Director, at his or her discretion, may refer the plat to the Planning and Zoning Commission. The Director shall not disapprove an administratively approved plat but shall refer such plat to the Planning and Zoning Commission if the recommendation is denial.												
[2] Non-residential minor replats may be approved by Staff pursuant to TLGC § 212.0065, as amended. The Director at their discretion may refer a minor replat to the Planning and Zoning Commission. The Director shall not disapprove a minor replat but shall refer such plat to the Planning and Zoning Commission if the recommendation is denial. See Section 2.6.7 for notification requirements and public hearing requirements by type of replat.												
[3] The appeal authority is determined based on the original approval body (i.e., if the Planning and Zoning Commission is the approval authority then the appeal authority is the City Council; if City Staff is the approval authority then the appeal authority is Zoning Board of Appeals.												
[4] The Director, City Engineer, or Building Official may make an interpretation based on the criteria in Subsection 2.8.6.												

Amend Section 2.8 Flexibility and Relief Procedures as follows:

Remove Section 2.8.2B.4: Reasonable Accommodations Under FFHA.

Add Section 2.8.8 Reasonable Accommodation:

A. Purpose.

1. The purpose of this procedure is to create and implement a reasonable accommodations process that is consistent with the Federal Fair Housing Amendments Act of 1988 (FHAA) 42 U.S.C. § 3601, et seq.
2. The City adopts this reasonable accommodation process as a means to comply with its obligations under the FHAA.
3. The purpose of a reasonable accommodation is to modify a specific City of Denton requirement to ensure an individual with a disability has an equal opportunity to use and enjoy a dwelling.

B. Applicability.

1. This process applies to the Denton Development Code.
2. An application for an accommodation may be submitted at any time the accommodation may be necessary to afford an individual with a disability an equal opportunity to use and enjoy a dwelling, provided that the request is consistent with the evaluation criteria in 2.8.7D.3.i, below.

C. Authority

1. The City Manager or designee, after consultation with the City Attorney, is authorized to grant a reasonable accommodation. An accommodation is reasonable when the accommodation is necessary to afford an individual with a disability an equal opportunity to use and enjoy a dwelling.
2. The City Manager or designee, after consultation with the City Attorney, is authorized to grant an alternative reasonable accommodation.
3. The City Manager, or designee, after consultation with the City Attorney, must deny a request for an unreasonable accommodation. An accommodation is unreasonable when the accommodation imposes an undue financial or administrative burden on the City; or requires a fundamental alteration in the nature of the City's land use and zoning regulations.

D. Procedure

1. **Step 1: Pre-Application Activities.**
 - a. **Pre-Application Conference.** A pre-application conference is recommended in accordance with Subsection 2.4.3.
 - b. **Citizen Participation.** Not required.
2. **Step 2: Application Submittal and Processing.**
 - a. An application may be submitted by an individual with a disability, a representative of the individual with a disability, or a person that lives, or will live, with the individual with a disability.
 - b. An application must be submitted in writing to the Director and must include, at a minimum, the following information:
 1. Name and address of the applicant requesting the accommodation;
 2. Name and address of each property owner, if not the same as the applicant;
 3. Address of the property for which the accommodation is requested;
 4. Owner Authorization Form for the property owner;
 5. Date of the request;
 6. Description of the requested accommodation and the DDC regulatory requirement for which accommodation is sought; and
 7. Reason the requested accommodation is necessary for each individual with the disability to use and enjoy the dwelling.
 - c. If an applicant needs assistance to make a request for an accommodation, the Director will provide assistance including, but not limited to, transcribing a verbal request into a written request.
 - d. An applicant is not required to pay a fee for an accommodation request.
3. **Step 3: Staff Review and Action.**
 - a. The Director shall first determine whether the application is complete pursuant to Subsection 2.4.4: Step 2: Application Submittal and Processing.
 - b. The Director shall forward the request, together with the required supporting information or documentation, to the City Manager or designee and City Attorney for their respective reviews and a final determination within 30 calendar days from the date the request is deemed complete.
 - c. If necessary to reach a determination on the request for an accommodation, the City Manager or designee and City Attorney may request further information

from the applicant consistent with FHAA. The request must specify the information that is required. In the event additional information is requested, the 30-calendar day period to issue a decision is stayed until the applicant responds to the request.

- d. Prior to rendering a final determination, the City Manager may request a pre-determination conference with the individual to discuss the request and to ensure that the nature of the accommodation is fully and completely understood by the City Manager, or designee.
- e. The City Manager, or designee, after consultation with the City Attorney, shall render a final determination that grants the Reasonable Accommodation in whole or in part, or denies the Reasonable Accommodation in whole or in part, or approves an alternative accommodation. The written decision must state the basis of the decision, including the factors described in 2.8.8D.3.i, below.
- f. An alternative reasonable accommodation may be the requested accommodation with conditions. The conditions must relate to the specific disability that causes the need for the accommodation.
- g. If the City Manager or designee denies the requested accommodation, the decision must include a proposed alternative reasonable accommodation.
- h. If the City Manager or designee fails to render a written decision within 30 calendar days, the request is deemed granted.
- i. The written decision on a request for an accommodation shall be consistent with the FHAA and based on the following factors:
 - 1. Whether the housing, which is the subject of the requested accommodation, will be used by an individual with a disability protected under fair housing laws;
 - 2. Whether the requested accommodation is necessary to afford an individual with a disability an equal opportunity to use and enjoy a dwelling;
 - 3. Whether the requested accommodation would impose an undue financial or administrative burden on the City; and
 - 4. Whether the requested accommodation would require a fundamental alteration in the nature of the City's land use and zoning regulations.
- j. If the City Manager or designee finds that the requested accommodation will impose an undue financial or administrative burden on the City or will require a fundamental alteration in the nature of the City's land use and zoning regulations, the City Manager or designee must find whether an alternative reasonable accommodation exists that would effectively meet the disability-related need.
- k. The decision shall be sent by certified mail, regular mail, and if requested by the applicant, by electronic mail.

4. **Step 4: Scheduling and Notice of Public Meetings/Hearings.** Not required.

5. **Step 5: Review and Decision. Not applicable.** Review and decision are by the City Manager, or designee, under Step 3.

6. **Post-Decision Actions and Limitations.**

- a. A reasonable accommodation shall control over a conflicting DDC provision.
- b. A physical improvement to a property created via the reasonable accommodation process is a permitted nonconformity. The physical improvement may stay on the property in the event the individual with a disability no longer occupies the property, subject to the standards of Section 1.5.
- c. A reasonable accommodation does not alter an individual's obligation to comply with other applicable federal, state, and City requirements.
- d. **Appeals.** Only an applicant may appeal the written decision of the City Manager to the City Council in accordance with Section 2.8.3 Appeal of an Administrative Decision. Because this Reasonable Accommodation process is the City's implementation of the FHAA, it is not a zoning decision appealable under Tex. Loc. Govt. Code § 211.010.

Amend 5.2.3 Table of Allowed Uses as follows:

Table 5.2-A: Table of Allowed Uses																	
P = permitted S = specific use permit required Blank cell = use prohibited + = use-specific standards apply																	
	Residential							Mixed-Use			Corridor		Other Nonresidential				Use-Specific Standards
	RR	R1	R2	R3	R4	R6	R7	MN	MD	MR	SC	HC	GO	LI	HI	PF	
Residential Uses																	
Group Living																	
Community Home	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+							5.3.3I
Elderly Housing						S+	S+	P+	P+	P+	S+	S+					5.3.3H
Group Home	S+	S+	S+	S+	S+	S+	S+	S+	S+	S+							5.3.3J

Amend Section 5.3.1D: Maximum Persons Occupying a Dwelling as follows:

Maximum Persons Occupying a Dwelling. No single dwelling unit shall have more than four unrelated persons residing therein, nor shall any "family" have, additionally, more than four unrelated persons residing with such family. Hotels, motels, bed and breakfast establishments, boarding houses, chapter house, and dormitories, Community Homes, Group Homes, and Elderly Housing are exempt from this requirement. Additionally, any organization or institutional group that receives federal or state funding for the care of individuals is exempt from this requirement.

Amend Section 5.3.3: Residential Use-Specific Standards as follows:

H. Elderly Housing.

1. In the MN zoning districts, elderly housing shall be limited to a maximum of 55,000 square feet per lot.
2. Buildings containing up to and including four dwelling units or resident beds must comply with the design standards established in Section 7.10.3: Single-Family Detached, Duplex, Townhome, Triplex, and Fourplex Dwelling Site and Building Design.
3. Buildings containing more than 4 dwelling units or resident beds must comply with the design standards established in Section 7.10.4: Multifamily Site and Building Design.

I. **Community Home**

1. **Use, Operation, and Qualification.** To qualify as a Community Home for Disabled Persons the entity must comply with Chapter 123, of the Texas Human Resources Code and the following regulations:

a. **Use.**

- i. A Community Home must provide the following services to persons with disabilities who reside in the home: (1) food and shelter; (2) personal guidance; (3) care; (4) habilitation services; and (5) supervision.
- ii. No more than six residents and two supervisors, regardless of the legal relationship of those persons to one another are permitted to reside in a Community Home.
- iii. All residents must meet the definition of a person with a disability.
- iv. A community home should not be established within one-half mile of an existing community home.
- v. The residents of the community home may not keep, either on the premises of the home or on a public right-of-way adjacent to the home, motor vehicles in numbers that exceed the numbers of bedrooms in the home.

b. **Operation.** A community based residential home may be operated by:

- i. The Texas Department of Aging and Disability Services;
- ii. A community center organized under Chapter A, Subchapter 534, of the Texas Health & Safety Code;
- iii. An entity subject to the Texas Non-Profit Corporation Act, Tex. Rev. Civ. Stat. Ann art. 1396-1.01, et seq. (Vernon 1997), as amended;
- iv. An entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation; or
- v. An assisted living facility licensed under Chapter 247, of the Texas Health & Safety Code, provided that the exterior structure retains compatibility with the surrounding residential dwellings.

c. **Licensing.** The community home must meet all applicable licensing requirements.

J. **Group Home.**

1. **Specific Use Permit Procedure.**

a. **Transfer.** The Specific Use Permit shall be specific to the person named in the application and shall not be transferred without the prior written consent of the city through the issuance of a new Specific Use Permit.

b. **Application Requirements.** In addition to SUP procedures outlined in DDC Section 2.5.2 and documentation required by the SUP application checklist, all applications must provide the following:

- i. Name and address of the operator;
- ii. Documentation that the Group Home has met federal, state, and local licensing requirements.
- iii. A separate bedroom for the care provider(s).

c. When determining conformance with the SUP criteria for approval in DDC Section 2.5.2D, analysis of the proposed SUP may include impacts related to the following Group Home classifications:

- i. Maximum three residents, plus manager.
- ii. Maximum six residents, plus manager.
- iii. Maximum 15 residents, plus manager.
- iv. 16 or more residents, plus manager.

2. **Location of Group Home.** No other Group Home shall be located within a radius of 600 feet of another Group Home as determined by the city.

3. **Inspections.**

- a. **Compliance Inspection.** Any duly authorized inspector of the city, including, but not limited to the Building Official, Health Official, Fire Chief, Fire Marshal, Police Chief, or Tax Assessor-Collector shall be permitted to make reasonable inspections of Group Home to determine compliance with this DDC and other applicable City ordinances.
- b. **Right of Entry.** Any duly authorized inspector of the City, as set forth in this subsection, shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this subchapter. The inspector should seek the permission of a lawful adult occupant prior to entry. Upon refusal of entry, the city shall have all available remedies at law to gain entry, including but not limited to a court order showing probable violation of state or local law.

4. **Notices, Hearings, and Orders.**

- a. **Notice of Violations; Requirements of Notice; Suspension and/or Revocation.** Whenever it is brought to the attention of the City that there has been a violation of any provision of this subchapter, the City shall give notice of such alleged violation to the operator or their respective agent, and each resident of the facility as provided. The notice shall:
 - i. Be in writing;
 - ii. Include a statement of the reasons for its issuance;
 - iii. Allow a reasonable time of not less than 30 days nor more than one year, based upon the nature and severity of the violation and having due regard for the safety and protection of the community, for the performance of the corrective measures required;
 - iv. Be served upon the operator, or the operator's agent; provided, however, that the notice shall be deemed to have been properly served upon the operator, or their respective agent, when a copy has been sent by mail to the operator or their respective agent's, last known address, or when the operator or respective agent, has been served with the notice by any method authorized or required by the laws of this state; and
 - v. Contain an outline of remedial action, when, if taken, will result in compliance with the provisions of this subchapter. If the violation is not remedied in accordance with the notice, and a breach of the subchapter continues, then the City may suspend and/or revoke any approved Specific Use Permit in addition to any punishment provided. Residents of the facility shall be notified by mail

of any notice of violations or orders by regular mail and/or posting of the notice in common areas of the facility.

- b. **Vacation of Residents/Cessation of Operations.** The notice shall also specify vacation by the residents for the period of suspension or as ordered by the City upon revocation. The City may order the immediate vacation and cessation of operations if the same is found to be in the best interest of the health, safety, and general welfare of the citizens of the City.
5. **Compliance Required.** It shall be the responsibility of the operator to ensure that all requirements of this subchapter and conditions of the Specific Use Permit are met and maintained. Any violation of any of the provisions of this subchapter or conditions of the Specific Use Permit shall subject the operator to the general penalty provisions of this DDC.

Amend Table 7.9-I: Minimum Required Off-Street Parking as follows:

Table 7.9-I: Minimum Required Off-Street Parking	
DU = dwelling unit	sq. ft. = square feet GFA = gross floor area
Use Type	Minimum Parking Requirement
Residential Uses	
Group Living	
Community Home	1 space per bedroom
Elderly Housing	Director determination, see Subsection 7.9.4E.1
Group Home	1 space per bedroom

Amend Section 9.2: Definitions as follows:

Remove the following terms and definitions:

- **Assisted Living Facility**
- **Disabled Persons**
- **Group Home for Disabled Persons**
- **Handicap**
- **Impairment, Physical or Mental**
- **Institution**

Add or modify the following terms and definitions:

Community Home: A community-based residential home containing not more than six disabled persons with two supervisory personnel which meets the requirements of the Community Homes for the Disabled Persons Location Act, Tex. Hum. Res. Code Chapter 123.001, et seq. (Vernon 1990), as amended. This definition does not include Recovery Housing as defined by Texas Health and Safety Code Chapter 469, as amended.

Disability: (1) A physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a

controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)*) but does include former use of controlled substances and/or alcohol.

Elderly Housing: A residential facility or community licensed by the State of Texas, 80 percent of whose occupants are 55 years of age and older and must include at least two of the following: common dining or meals, transportation, housekeeping, organized social activities, special safety and accessibility features, skilled nursing, memory care, and/or assistance with daily activities.

Group Home: A facility, home, or structure for the protective care of persons, both adult and adolescent, who need protective care and watchful oversight. Residents may, but are not required, to have a disability. Protective care and watchful oversight requires 24-hour supervision and responsibility for the well-being of residents and may include, but not limited to, daily awareness by management of the residents' whereabouts, asking and reminding of residents of their appointments for medical checkups, readiness of management to intervene if a crisis arises for a resident, counseling services, supervision by management in areas of nutrition and medication, and provision of medical, psychiatric, habilitative, rehabilitative, hospice, palliative, and nursing care. Group Homes are exempt from the definition of a family. This definition does not include Recovery Housing as defined by Texas Health and Safety Code Chapter 469 as amended.