

# Staff Analysis

## DCA23-0001/ Reasonable Accommodation, Elderly Housing, Community Home, and Group Home,

### REQUEST:

This is a city-initiated Code amendment to the Denton Development Code (DDC), amendments include but are not limited to Table 2.2-A: *Summary of Development Review Procedures*, Section 2.8: *Flexibility and Relief Procedures*, Section 5.3.1D: *Maximum Persons Occupying a Dwelling*, Table 5.2-A: *Table of Allowed Uses*, Section 5.3.3: *Residential Use-Specific Standards*, Table 7.9-I: *Minimum Required Off-Street Parking*, and Section 9.2: *Definitions*.

### CONSIDERATIONS:

Section 2.7.4D of the DDC states that an application for a DDC text amendment may be approved upon consideration of the following criteria as to whether and to what extent the proposed amendment:

1. *Is consistent with the Comprehensive Plan, other adopted plans, and other city policies;*

The proposed Code amendments are consistent with the following Comprehensive Plan policies and actions, the City's Statement on Diversity, Inclusion, and Social Equity, and the Non-Discrimination Ordinance:

**Policy 7.2** Expand the availability of affordable housing choices for community members most in need of housing, including those with low incomes and special needs.

**Action 7.3.1** Partner and collaborate with Denton County Homelessness Leadership Team, Denton County Behavioral Health, and Denton County Public Health Department and other organizations and agencies to address mental illness needs which significantly contribute to homelessness.

**Policy 7.4** Expand the availability of housing choices for existing and potential community members most in need of housing, including seniors.

**Action 7.4.1** Encourage the development of options for senior housing and housing for persons with disabilities with a variety of unit types and cost choices, including ADA-accessible and active adult settings.

**Action 7.4.2** Partner with organizations and agencies to provide assistance and connect needs and resources for seniors and people with disabilities to be able to maintain single-family homes and properties if they are able to live independently.

**Action 8.7.4** Continue to support programs that combat substance abuse in Denton and work with key partners to aid in their implementation

**Statement on Diversity, Inclusion, and Social Equity** to "implement programs and practices that provide equal access to all and enable all to thrive socially, physically, economically, and emotionally."

The **Non-Discrimination Ordinance** recognizes that all residents should enjoy equal human rights, including housing, without being subject to discrimination based upon disability.

2. *Does not conflict with other provisions of this DDC or other provisions in the Municipal Code of Ordinances;*

The proposed Code amendments do not conflict with any other provisions of the DDC. The proposed amendments will promote clarity and predictability for the community in the application of processes and regulations related to Reasonable Accommodation, Elderly Housing, Community Homes, and Group Homes. This is consistent with the goals and policies of the Denton 2040 Comprehensive Plan and other Sections of the DDC.

Additionally, the proposal is consistent with Article VIII, *Non-Discrimination in Public Accommodations, Employment Practices, and Housing*, of the Municipal Code of Ordinances and supports the mission to provide fair housing and accommodation. Article VIII outlines regulations related to the following (see the Municipal Code of Ordinances for the full text):

- **Public accommodations.** It is unlawful for any person, owner, employee, or agent to exclude, segregate, or deny any person the accommodations, advantages, facilities, and goods or services that are offered to the general public on the basis of race, color, national origin, age, religion, disability, sex, sexual orientation, or gender identity. Further, signs and/or written statements cannot advertise that any persons are undesirable or unwelcome.
- **Employment practices.** It is unlawful for an employer who has fifteen (15) or more employees for each working day in each of twenty (20) or more calendar weeks to discriminate against any person on the basis of race, color, national origin, age, religion, disability, sex, sexual orientation, or gender identity. The ordinance enumerates that actions or inactions which constitute discrimination.
- **Housing.** The ordinance prohibits discrimination based on race, color, national origin, religion, sex, familial status, or disability when renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities.

These regulations cited from the Code of Ordinances are separate from the proposed DDC regulations, as they are associated with transactions between private parties and follow separate enforcement processes. The proposed DDC regulations are intended to resolve issues related to the physical structure of a building, site development, or physical characteristics of a property and the process whereby development regulations can be modified to accommodate persons with disabilities.

3. *Is necessary to address a demonstrated community need;*

This proposed city-initiated Code amendment to the Denton Development Code is needed for the following reasons:

- A defined procedure for Reasonable Accommodation requests is needed to provide transparency and appropriate expectations for disabled individuals, property owners, and staff. The proposed amendment includes application requirements, criteria for approval, decision deadlines, and post-decision processes in a manner that is consistent with other DDC procedures and in a standalone section of the Code that is easier to locate.
- Updates to the Community Home, Elderly Housing, and Group Home Uses, Use-Specific Standards, Parking requirements, and Definitions are needed to provide appropriate locations for different supportive housing types, particularly for the community's vulnerable residents, and to clearly communicate regulations to ensure compatible development.

4. *Is necessary to respond to a substantial change in conditions and/or policy; and*

The City desires to amend the DDC to ensure consistency with existing city policies and statutory requirements associated with state and federal law.

5. *Is consistent with the general purpose and intent of this DDC.*

The proposed Code amendments are consistent with the general purpose and intent of the DDC.