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972.230.9600

City Lights DeSoto, Texas

A publication of the City of DeSoto Community Relations Department



City Council Addresses Questions Raised at Town Hall Meeting on Group Homes

The City Council held a Town Hall Meeting in August to receive public input on the issue of group homes in DeSoto. At that time, Mayor Carl Sherman made a commitment to those in attendance to answer questions raised at the meeting. Since that Town Hall Meeting, the City Council has met on two occasions to review our current rules and explore legal avenues to address the concerns expressed by some residents. The time required to effect this review explains why these answers are only now being published.

Before the question and answer portion, it will be helpful to provide definitions for some of the key terms that are a part of this discussion. The title "group home" has been attached, through common usage, to a home where the occupants do not appear to be a family. Since these housing issues occur only in areas zoned for single family usage, it is appropriate to begin with the definition of "family."

A "family," is defined in the Zoning Ordinance of the City of DeSoto, as one or more persons related by blood, marriage, or adoption; or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit.

The Federal Fair Housing Act requires that our zoning ordinance make reasonable accommodations for persons with a disability. For example; four (4) disabled individuals, who are not related, live together in a home. One additional person also lives in the home to assist those with disabilities. This brings the total number to five (5) unrelated persons living in the home. City ordinance prohibits more than four (4) unrelated persons to live together in a single dwelling unit; however, this additional person is a nurse and assists the other four (4) disabled persons. Allowing one additional person to live in the home would be considered a "reasonable accommodation."

The DeSoto zoning ordinance does offer a definition for "community home." A "community home" as defined by the Zoning Ordinance of the City of DeSoto and by the State of Texas, is considered a place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation.

"Group home" is a popular term used to designate a residence where the occupants do not appear to be a family as defined in the city's zoning ordinance. A definition for inclusion in the zoning ordinance has proven to be difficult and, in the end, not helpful because any combination not consistent with the definition of "family" is either sanctioned by the state or federal government or is illegal. Keeping these definitions in mind, here are answers to questions

posed by those in attendance at the Town Hall Meeting on August 14th:

Q. How will the city oversee an unregulated "boarding house" with twelve (12) or thirteen (13) unrelated people living in it?

A. *The city zoning ordinance does not permit a boarding home in a primarily residential district. A boarding home is only permitted in an area zoned commercial or multi-family with a specific use permit.*

Q. What rules or regulations does the City of DeSoto have in place to deal with a foreclosure that has been taken over by HUD that HUD is allowing to be used as a group home? What are our legal rights?

A. *The city has no specific rules pertaining to HUD homes. A HUD home is subject to the same ordinances as any other homeowner. There are no regulations that pertain to foreclosures.*

Q. Can a group home have a mixture of mentally retarded residents and recovering alcoholics or drug abusers living under the same roof?

A. *The city does not define the term "group home". However, any single family residence can have individuals living together that are unrelated. City ordinance states that any residential home can have up to four (4) unrelated people living under the same roof or four (4) handicapped residents and one caregiver "by right" in a residential area. The mix of clients would be dictated by the state license under which the home operates.*

Q. How are safety issues in group homes such as fire safety or health concerns handled?

A. *If the home is licensed by the state, minimum safety and health standards must be met in order to maintain their state license. There are no regulations in place for unlicensed homes.*

Q. How does a group home differ from a boarding house? Will the city adopt a definition for boarding house?

A. *Our ordinance allows four (4) unrelated people to live (continued on page 3)*

Holiday Safety

The Holidays are just around the corner and the DeSoto Police Department would like to remind you that con artists may take advantage of people's generosity during the holidays by making appeals for nonexistent charities. Always ask for identification from solicitors.

Shoppers rushed and distracted during the holidays must try to stay alert to their immediate surroundings. Use the following tips when doing your shopping this year:

- Do not approach areas where there are people loitering in garages, parking lots, and outside of stores.
- Shop before dark if possible or coordinate shopping trips with a friend.
- Never park in an unlighted lot, no matter how convenient it is.
- Lock your car and close the windows, even if you only plan to be gone a few minutes.
- Store packages in the trunk so they are out of view and do not prove a temptation to a thief.
- Have your keys in hand when you return to your vehicle.
- Avoid having to set your packages down when getting into your car.
- To discourage purse snatchers, don't overburden yourself with packages. Carry only what you comfortably can to the car.
- Take only those credit cards for the stores where you intend to shop. Record the numbers of all of your credit cards and keep this information in a safe place at home.

Movies like "Home Alone" may make burglars look dumb, but the fact is that homes full of gifts are attractive targets for smart thieves. The holiday season's increase in travel, shopping, and the hauling home of hundreds of dollars in electronic equipment and other gifts brings an increased risk of robbery and burglary. To reduce the risk of loss during the holidays, the DeSoto Police Department suggests that you don't display presents where they can be seen from a window or doorway, and store gifts away before leaving the house or taking a trip. Closing drapes or blinds even during short visits away from home is a good habit.

According to a Gallup poll, 22,000,000 people will go away during the holidays. That's a lot of unattended homes. It is important to trick burglars into believing someone is home. Having lights on timers, and stopping mail and newspaper deliveries are important security measures. Always arm your intrusion alarm when away from home.

If you have an alarm monitoring system in your home, consider having it monitored by the City of DeSoto's 911 Call Center. There is no faster response to your alarm system than the response provided by your city. When an alarm message is received by a private alarm company, they must call the city's 911 Call Center to request that emergency personnel be dispatched. When your alarm is monitored by your city, the alarm is triggered in the 911 Call Center saving precious seconds in response time.

Alarm monitoring is \$25 per month for residential or commercial

CITY CAENDAR

December

- 2 Keep DeSoto Beautiful Board Meeting - City Hall - 6:30 p.m.
- 2 Library Advisory Board Meeting - Library Conf. Room - 7 p.m.
- 4 Holly Jolly Christmas Parade - Hampton Rd. - 6 p.m.
- 6 Park Development Corp. Meeting - City Hall - 6:30 p.m.
- 6 DeSoto Arts Commission Mtg. - City Hall - 6 p.m.
- 7 City Council Meeting - City Hall - 7 p.m.
- 7 Tree Lighting Ceremony - City Hall - 6:30 p.m.
- 14 Planning & Zoning Commission Meeting - City Hall - 7 p.m.
- 20 DEDC Board Meeting - City Hall - noon
- 21 City Council Meeting - cancelled due to holiday
- 23 Christmas Holiday - City Offices and Facilities closed
- 24 Christmas Holiday - City Offices and Facilities closed
- 25 Christmas Holiday - City Offices and Facilities closed
- 28 Planning & Zoning Meeting - (cancelled due to holiday)
- 29 CDC Kwanzaa Celebration - Civic Center 7 p.m.
- 31 New Year's Day Holiday - City Offices and Facilities closed

January

- 3 Park Development Corp. Meeting - City Hall - 6:30 p.m.
- 3 DeSoto Arts Commission Mtg. - City Hall - 6 p.m.
- 4 City Council Meeting - canceled due to holiday
- 6 Keep DeSoto Beautiful Board Meeting - City Hall - 6:30 p.m.
- 6 Library Advisory Board Meeting - Library Conference Room-7p.m.
- 8 Winter Jam Storytelling Event - Corner Theatre 4 p.m.
- 11 Planning & Zoning Commission Meeting - City Hall - 7 p.m.
- 14&15 Bag Ladies - Corner Theatre 7:30 p.m.
- 17 City offices and facilities closed for MLK Holiday
- 18 City Council Meeting - City Hall - 7 p.m.
- 24 DEDC Board Meeting - City Hall - noon
- 25 Planning & Zoning Commission Meeting - City Hall - 7 p.m.

customers. No long-term contract is required. A three month credit is offered to cover the cost of reprogramming your existing system so that it can be monitored by the city. For more information on the City of DeSoto Alarm Monitoring Program, please contact 972.230.5248.

Dallas Storytelling Guild presents: WINTER JAM III Sat. Jan. 8th 4 to 6 pm at DeSoto Corner Theatre

Join featured storytellers, Elida Bonet, Jiaan Powers, Vivian Rutherford, Twice Upon a Time Storytellers and Tim Tingle for an afternoon concert featuring stories of family, home and heritage. Tickets for adults are \$7.50 and children 12 and under are \$5. Tickets are available at the door or through the Dallas Storytelling Guild website at www.dallastorytelling.org.



(continued from page one)
 under the same roof or four (4) unrelated people who are handicapped and a caregiver "by right" in a residential area. The city has no plans to adopt a definition for group home. As mentioned above, boarding homes can only exist in a commercial or multifamily zoning district.

Q. Is there any standard for addressing problems in a group home? How many times can the home be reported to the police before some action is taken? If there are multiple police calls to a group home, can the city close it down?

A. *The police department has developed a list of activities or markers that can be observed by police officers during a call that might indicate the existence of an unlicensed community home. The city may proceed against a homeowner under Chapter 125 of the Texas Civil Practice and Remedies if the property meets the requirements under the nuisance abatement statute. The city has the ability to enforce all ordinances that are being violated such as the ordinance for high weeds or inoperable vehicles at a residence.*

Q. Does the city know where all the group homes are located?

A. *The city has identified the location of licensed community homes or assisted living facilities as defined by our zoning ordinance. The city does not define the term group homes.*

Q. Is a foster home considered a business use of a residence?

A. *No. A foster home is considered a family unit. It does not meet the criteria as an occupation and would not be considered a business use of a residence.*

Q. How many group homes are allowed in a city like DeSoto?

A. *The city does not have a definition for a group home. Four (4) unrelated people may live under the same roof or four (4) unrelated handicapped people with a caregiver. This is permitted 'by right' under residential zoning as long as they abide by all city ordinances.*

Q. What is the time frame for action on this issue? How is the city proceeding on this issue?

A. *By this printing, the police department will have instituted an internal process to track the number and type of calls received at the same location in an attempt to identify homes with*

Since the Christmas and New Year's holidays fall on Saturday this year, there will be no disruption of trash service. The city's solid waste contractor, Republic Waste will be collecting live Christmas trees for recycling on Wednesday, December 29th and on Wednesday, January 5th. Place trees on the curb in the front of your home for recycling. Trees placed in the alley will go to the landfill. **Be sure to remove all decorations and lights for recycling.** If you have questions regarding your trash service, please call the City of DeSoto Action Center at 972.230.9600.



multiple ordinance violations. Once identified, the city can proceed against the homeowner under Chapter 125 of the Texas Civil Practice and Remedies if the property meets the requirements under the nuisance abatement statute.

Q. Can the city attorney bring a civil suit against an unregulated boarding house because of multiple complaints?

A. *Yes, if multiple complaints are received, the city attorney can bring suit to abate a public nuisance provided it meets the requirements under Chapter 125 of the Texas Civil Practice and Remedies Code.*

Q. Will the city adopt a definition for group homes that outlines the number of residents allowed, how they are supervised and who will be responsible for investigating problems or complaints?

A. *The city already has a regulation limiting the number of unrelated people occupying a residential dwelling and the city will allow for reasonable accommodations as required under both federal and state law. Additionally, the city has a zoning ordinance that addresses boarding houses and where they are permitted. Our current ordinance permits community homes in residential districts and allows up to six unrelated individuals and two caregivers.*

At a recent City Council worksession, city staff presented a process and protocol which will be used to identify situations that might indicate that a home is being occupied by residents who do not meet our definition of a "family" and do not represent an accommodation for persons with disabilities or are not operating under a permit from the State of Texas. Once identified, steps will be taken to cause the situation to cease and desist. If you have questions regarding a possible situation in your neighborhood, please call the City Manager's office at 972.230.9648.



Do you know your neighbors? Do you feel connected to the DeSoto community? Have you attended a DeSoto Dining and Dialogue Dinner event like the one pictured above? If your answer to these questions is no, please accept this as your invitation to attend the next DeSoto Dining and Dialogue Dinner event on February 19, 2011. Please go to the website at www.desotodd.org to register or call 972.230.9648.

The DESOTO ARTS COMMISSION
cordially invites you to

A Christmas Party!

Featuring jazz vocalist Martha Burks



You don't want to miss this unforgettable evening filled with your favorite holiday music dressed in Martha Burks flare! Share the celebration by bringing a canned food item and get \$2 off the ticket price benefitting the DeSoto Food Pantry. To purchase tickets, call 972.230.9648.

SATURDAY, DECEMBER 11, 2010
DeSoto Corner Theatre, 211 E. Pleasant Run Rd.
Show Begins at 7PM - TICKETS \$10
REFRESHMENTS SERVED AFTER THE CONCERT



Holiday Schedule for the Recreation and Fitness Centers

Christmas Week:

Thurs. Dec. 23rd	7am - 1pm
Fri. Dec. 24th	7am - 1pm
Sat. Dec. 25th	Closed
Sun. Dec. 26th	1pm - 6pm

New Year's Week

Thurs. Dec. 30th	7am - 1pm
Fri. Dec. 31st	7am - 1pm
Sat. Jan. 1st	Closed
Sun. Jan. 2nd	1pm - 6pm

If you have any questions regarding the DeSoto Recreation Center, please call 972.230-9655.

Holiday Schedule for DeSoto Public Library

Library Closed:

Thurs. Dec. 23rd
Fri. Dec. 24th
Sat. Dec. 25th
Fri. Dec. 31st
Sat. Jan. 1st

Library Computer Lab Hours

Thurs. Dec. 23rd	9am - 5pm
Fri. Dec. 24th	9am - 5pm
Sat. Dec. 25th	Closed
Sun. Dec. 26th	1pm - 5pm
Fri. Dec. 31st	9am - 5pm
Sat. Jan. 1st	9am - 5pm
Sun. Jan. 2nd	1pm - 5pm

If you have any questions regarding the DeSoto Public Library, please call 972.230-9661.

What are YOU carrying?

DeSoto Corner Theatre presents:

cumi productions presents

{BAG LADIES}

For Women who have Considered Giving Up when God was Enough

For tickets or more information call 972.230.8282

Friday January 14 8:00pm
Saturday January 15 3:00pm * 7:00pm

based on the Ntozake Shange play and Tyler Perry Movie
For Colored Girls Who Have Considered Suicide When the Rainbow is Enuf

DeSoto's 38th Annual Parade of Lights is Saturday, Dec. 4th 6 pm (theme)

Holly Jolly Christmas

Line up at 200 E. Belt Line, parade travels north on Hampton Road ending at DeSoto Town Center.

DeSoto's Mayor and City Council Invite you to join them for The Christmas Tree Lighting

At Town Center on Tuesday, December 7th

Join us in the Courtyard at Town Center at 7 p.m.

Holiday Fun Time Live

Friday, December 10, 2010

Prizes • Games • Dance Contest • Bounce House • DJ • Concessions

\$10 admission for 4 hours of Fun & Excitement
For more info 972.230.9655

7pm - 11pm

DeSoto Recreation Center
211 E. Pleasant Run Road DeSoto, TX 75115

Event Rating: Grades 3-8