



DEVELOPMENT SERVICES

TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 532**
Congregated Living Uses

DATE: February 28, 2011/*Revised April 4, 2011, June 22, 2012, January 23, 2013, and September 13, 2013/August 1, 2014*

CREATED BY: Land Development Division/Zoning Section

Purpose:

As a customer service initiative, the Development Services Department (DSD) created this **revised** bulletin to update Information Bulletin (IB) 532 for congregated living uses. This bulletin has been updated to incorporate the department's new format for Information Bulletins.

DSD created and subsequently revised this IB to describe changes to the Unified Development Code (*UDC*) relative to congregated living uses, including some of the following:

- Assisted Living Facility
- Boarding Home Facility
- Group Home
- Community Home
- Human Services Campus
- Nursing Facility
- Rooming House
- Transitional Home

Scope:

Background:

On December 13, 2012, the City Council adopted Ordinance #2012-12-13-0972, amending Chapter 35 (*UDC*) of the San Antonio City Code. This ordinance took full effect March 1, 2013. Previous amendments affecting congregated living uses were adopted on November 18, 2010, and this revised *IB* reflects all *UDC* amendments up to and including those approved by City Council on December 13, 2012.

On December 13, 2012, the City Council also adopted Ordinance #2012-12-13-0971, amending Chapter 16 (License and Business Regulations) of the City Code and establishing procedures for the permitting, inspection and registration of Boarding Home Facilities. Please visit the boarding home page at <http://www.sanantonio.gov/BoardingHomesOrdinance.aspx> to view these ordinances or call the *Boarding Homes Hotline* at (210) 207-8511 website for more information.

Definitions:

The following definitions contained in *UDC* §35-A101 shall apply to the congregated living uses referenced above:

Assisted living facility. An establishment that furnishes, in one or more buildings, food and shelter to four or more persons who are unrelated to the proprietor of the establishment; provides personal care services, as defined by Chapter 247 Assisted Living Facility Licensing Act of the Texas Health and Safety Code, or administration of medication by a person licensed or otherwise authorized in the State of Texas to administer the medication; and may provide assistance with or supervision of the administration of medication. The assisted living facility shall be licensed by the State of Texas under Chapter 247 Assisted Living Facility Licensing Act of the Texas Health and Safety Code, and as amended, and shall comply with Chapter 123 Community Homes for Disabled Persons Location Act of the Texas Human Resources Code. By definition, an unlicensed facility is not considered an assisted living facility. See also definition for community home for assisted living facilities with 6 or fewer residents. See also *UDC* §35-376.

Boarding home facility. An establishment that furnishes, in one or more buildings, lodging to three or more persons with disabilities or elderly persons 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, laundry services, or assistance with self-administration of medication but does not provide personal care services, as defined by Chapter 247 Assisted Living Facility Licensing Act of the Texas Health and Safety Code, to those persons. See also *UDC* §35-376.

Community home. A facility which complies with Chapter 123 Community Homes for Disabled Persons Location Act of the Texas Human Resources Code, and as amended; and which is:

-A community-based residential home operated by: (1) the Texas Department of Mental Health and Mental Retardation; (2) a community center organized under Subchapter A, Chapter 534, Health and Safety Code, that provides services to persons with disabilities; (3) an entity subject to the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes); or (4) 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

-An assisted living facility with 6 or fewer residents licensed under Chapter 247 of the Texas Health and Safety Code, provided that the exterior structure retains compatibility with the surrounding residential dwellings. By definition, an unlicensed facility is not considered an assisted living facility. See also *UDC* § 35-376.

Group home. See assisted living facility, boarding home or community home as applicable. See also *UDC* §35-376.

Human services campus. A use in which multiple structures and related grounds or portions thereof are used to provide a multitude of services including, but not limited to the following: emergency food, medical or shelter services; animal care facilities; schools, including educational, business and vocational; community health care clinics, including those that provide mental health care; alcohol or drug abuse services; information and referral services for dependent care, housing, emergency services, transportation assistance, employment or education; multi-family housing; consumer and credit counseling; or day care services for children and adults.

Nursing facility.

(a). A facility which furnishes food and shelter to four or more persons who are unrelated to the proprietor of the establishment; and provides minor treatment under the direction and supervision of a physician licensed by the Texas State Board of Medical Examiners, or other services that meet some need beyond the basic provision of food, shelter, and laundry; and which complies with Chapter 242 Convalescent and Nursing Homes and Related Institutions of the Texas Health and Safety Code, and as

amended. Nursing facilities include skilled nursing facilities which are defined by the United States Social Security Act Sec. 1819. 42 U.S.C. 1395i-3.

(b). Other congregated living facilities not defined in this Chapter [35] that provide residential accommodations with health care, supervision and/or other personal service including convalescent facilities for individuals who may not require hospitalization such as extended care facilities or hospice care facilities.

Rooming house. A facility where lodging is provided for definite periods 30 days or longer, for compensation, pursuant to previous arrangements. Lodging for less than 30 days is classified as a different use, such as hotel or bed-and-breakfast. *[commentary: Hotel Occupancy Taxes apply]*

Transitional home. A residential facility, sometimes referred to as a rehab center and/or half-way house, which provides on-site supervised lodging for individuals who are required to reside at the facility as a term of parole or under mandatory supervision.

Interpretation:

To assist with the classification and interpretation of these uses, department staff compiled the following reference table:

Type Of Use	# of residents per UDC	Permitted Zoning Districts	Certificate Of Occupancy	Additional Requirements
Assisted Living Facility	6 or fewer residents	RE, R-20, NP-15, NP-10, NP-8, R-6, RM-6, R-5, RM-5, R-4, RM-4, R-3, MF-18, MF-25, MF-33, MF-40, MF-50, MF-65, NC, C-1, C-2, C-3, D, UD, RD, FR, AE-1, AE-2, AE-3 (<i>S required in C-3</i>)	Required	State License per Texas Health and Safety and Human Resources Codes (<i>4 or more residents</i>)
	7 to 16 residents	MF-18, MF-25, MF-33, MF-40, MF-50, MF-65, NC, C-1, C-2, C-3, D, UD, RD, AE-1, AE-2, AE-3 (<i>S required in C-3; only on corner lots in AE-2</i>)	Required	State License per Texas Health and Safety and Human Resources Codes
	More than 16 residents	MF-18, MF-25, MF-33, MF-40, MF-50, MF-65 (<i>Also See Nursing Facility</i>)	Required	State License per Texas Health and Safety and Human Resources Codes
Boarding Home Facility	3 to 6 residents	RE, R-20, NP-15, NP-10, NP-8, R-6, RM-6, R-5, RM-5, R-4, RM-4, R-3, MF-18, MF-25, MF-33, MF-40, MF-50, MF-65, NC, C-1, C-2, C-3, D, UD, RD, FR, AE-1, AE-2, AE-3 (<i>S required in C-3</i>)	Required	COSA Permit per Chapter 16, San Antonio City Code – $\frac{1}{2}$ mile spacing from another registered permitted boarding home required
	7 to 16 residents	MF-18, MF-25, MF-33, MF-40, MF-50, MF-65, NC, C-1, C-2, C-3, D, UD, RD, AE-1, AE-2, AE-3 (<i>S required in C-3; only on corner lots in AE-2</i>)	Required	COSA Permit per Chapter 16, San Antonio City Code – $\frac{1}{2}$ mile spacing from another registered permitted boarding home required
	More than 16 residents	MF-18, MF-25, MF-33, MF-40, MF-50, MF-65 (<i>Also see Nursing Facility</i>)	Required	COSA Permit per Chapter 16, San Antonio City Code – $\frac{1}{2}$ mile spacing from another registered permitted boarding home required
Community Home	6 or fewer residents	RE, R-20, NP-15, NP-10, NP-8, R-6, RM-6, R-5, RM-5, R-4, RM-4, R-3, MF-18, MF-25, MF-33, MF-40, MF-50, MF-65, NC, C-1, C-2, C-3, D, UD, RD, AE-1, AE-2, AE-3 (<i>S required in C-3</i>)	Required	<i>See Assisted Living Facility with 6 or fewer residents</i>
	7 to 16 residents	MF-18, MF-25, MF-33, MF-40, MF-50, MF-65, NC, C-1, C-2, C-3, D, UD, RD, AE-1, AE-2, AE-3 (<i>S required in C-3; only on corner lots in AE-2</i>)	Required	State License per Texas Health and Safety and Human Resources Codes
	More than 16 residents	MF-18, MF-25, MF-33, MF-40, MF-50, MF-65 (<i>Also see Nursing Facility</i>)	Required	State License per Texas Health and Safety and Human Resources Codes
Human Services Campus		C-3, D, UD, RD (<i>S required in all districts; major nodes only in UD and RD</i>)	Required	
Nursing Facility	4 or more residents	MF-18, MF-25, MF-33, MF-40, MF-50, MF-65, C-1, C-2, C-3, UD, RD, AE-1, AE-2, AE-3 (<i>S required in all AE districts; only on corner lots in AE-2</i>)	Required	State License per Texas Health and Safety Code
Rooming House		C-1, C-2, C-3, D, UD, RD	Required	<i>Minimum 30 day stay per UDC §35-A101</i>
Transitional Home		RM-4, MF-18, MF-25, MF-33, MF-40, MF-50, MF-65, C-2, C-3, D, L, I-1, UD, RD, FR, MI-1, MI-2 (<i>S required in all districts</i>)	Required	<i>1,000 ft minimum spacing from schools, child day cares and public parks required per UDC §35-390</i>

Parking and Loading Standards:

In addition to the zoning district amendments, off street parking requirements for some congregated living uses were also amended. *Tables 526-3a* and *526-3b* below reflect the current requirements in residential and nonresidential zoning districts:

TABLE 526-3a
Parking in Residential Use Districts

Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
ASSISTED LIVING, BOARDING HOME, OR COMMUNITY HOME WITH 6 OR FEWER RESIDENTS	0.3 per resident	1 per resident
ASSISTED LIVING, BOARDING HOME, OR COMMUNITY HOME WITH 7 OR MORE RESIDENTS	0.3 per resident plus 1 space for each employee	0.3 per resident plus 1 space for each employee

TABLE 526-3b
Parking in Nonresidential Use Districts

	Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
SERVICE	ASSISTED LIVING FACILITY, BOARDING HOME, OR COMMUNITY HOME WITH NO MORE THAN 16 RESIDENTS	0.3 spaces per bed plus 1 space for each employee	0.3 spaces per bed plus 1 space for each employee
SERVICE	ROOMING HOUSE	1 per guest room plus 2 spaces for owners section	N/A

Boarding Home Facilities and Community Homes Established Prior to January 1, 2011:

These congregated living uses did not require a Certificate of Occupancy prior to January 1, 2011. Any boarding or community home *legally established* prior to January 1, 2011, that has *maintained continuous operation* may be considered legal nonconforming and registered as provided below. These uses, as well as any other types of congregated living facilities, require adherence to current *UDC* requirements, including the requirement to obtain a Certificate of Occupancy, for any expansion or change in use. When only a change in ownership is requested, with no modifications to the use or structure, a new Certificate of Occupancy shall not be required for community homes. For information on Certificates of Occupancy, please call (210) 207-1111.

Nonconforming Uses:

Nonconforming uses are governed by Article VII of the *UDC*, and may be registered with the Department's zoning section. Application materials are available online at <http://docsonline.sanantonio.gov/FileUploads/dsd/NCU%20Application%20082108.pdf>.

Summary:

This *IB* is a courtesy for informational purposes only, reflecting *UDC* amendments effective as of March 1, 2013. This *IB* is not informative to other congregated living uses such as Child Care Institutions (basic/specialized), Registered Family Homes, or Foster Family/Group Homes as defined in *UDC* §35-A101.

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