

RESOLUTION 2023-03
A Resolution Creating a Moratorium on
Applications for Group Homes in the City of Dallas, Georgia

WHEREAS, The Mayor and Council of the City of Dallas, Georgia recognize the term “group/personal care home” has come to the commonly refer to group residential living environments for people with disabilities; mental or physical; AND

WHEREAS, The Mayor and City Counsel of the City of Dallas, Georgia recognize group/personal care homes can allow people with similar disabilities to live together in a residential setting with a family-like structure; which may prove beneficial for integrating into society as well as being economically necessary; AND

WHEREAS, The Mayor and Council of the City of Dallas, Georgia also recognize group/personal care homes can cause an impact on public safety and first response personnel, on property values and on the character of the surrounding community; AND

WHEREAS, the Mayor and City Council of the City of Dallas, Georgia realizes the need to create an Ordinance to define group/personal care homes and to establish an informational process supplemental to state licensing and regulatory procedures to inform the citizens of residential neighborhoods in the City of Dallas, Georgia when group/personal care homes are established and operated within their boundaries to better meet the common good, as well as safety, for the citizens of the Dallas, Georgia; AND

WHEREAS, it is in the best interest of the City of Dallas, Georgia to seek counsel and a study to creating an Ordinance for the licensing and/or permitting of group/personal care homes; AND

WHEREAS, the City of Dallas, Georgia is seeking information from the Georgia Municipal Association as to how other Cities are drafting Ordinances in order to comply with the application of the Federal Fair Housing Act and to avoid any discriminating policies or procedures contained in any such Ordinances; **NOW**

THEREFORE, be it resolved by the Mayor and City Council of the City of Dallas, Georgia, that the Federal Fair Housing Act requires reasonable accommodation to Group Homes for persons with disabilities on a case by case basis and that the Federal Fair Housing Act does not protect an individual whose tenancy would constitute a “direct threat” to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others unless the treat or risk to property can be eliminated or significantly reduced by reasonable accommodation. Further, the city is seeking to draft Ordinances concerning the permitted number for a family to be allowed to locate in single family zoned neighborhoods and to draft a neutral Ordinance which may also provide for exceptions or waivers. Further, the City is conducting an investigation concerning criminal activity, insurance fraud, medicaid fraud, neglect or abuse of residents, or other illegal conduct incurring at group homes including reporting, complaints to appropriate State or Federal Regulatory Agencies within the City of Dallas and/or in Paulding County, Georgia or other Counties within the State of Georgia. Further, the City of Dallas, Georgia recognizes that the Federal Fair Housing Act does not require a local government to adopt formal procedures for processing, request for reasonable accommodations as to local land use or zoning codes, however, the City of Dallas, Georgia is considering adopting such formal procedures after a reasonable study of such formal procedures as may be required by

other Cities or Counties within the State of Georgia. Further, the City of Dallas, Georgia recognizes that the Federal Fair Housing Act does not prohibit a local government for enforcing its zoning code against a Group Home that has violated the local zoning code so long as that Code is not discriminatory or enforced in discriminatory manner and that there may be instances where no reasonable accommodation has been requested pursuant to the Federal Fair Housing Act;

THEREFORE, the City of Dallas, Georgia is presently continuing to make determinations as to health, safety and building code violations which are required in order to draft a Group Homes Ordinance. This study is presently being done by the Building Officials, Police Department, City Marshal and Public Works Department to determine the necessary requirements for such health, safety and code requirements. It is necessary to extend this Moratorium due to the unavailability of certain City Officials and/or Staff necessary to discuss the requirements necessary for such Ordinance and this Moratorium needs to be extended to allow such.

NOW

BE IT RESOLVED that the Mayor and Council of the City of Dallas, Georgia establishes a Moratorium on applications for group/personal care homes to allow time for such a study and counsel until **May 01, 2023** unless sooner terminated by resolution of the Mayor and Council of the City of Dallas, Georgia; whereby no applications for group/personal care homes will be accepted for review by the City of Dallas, Georgia

APPROVED, PASSED AND ADOPTED THIS THE _____ DAY OF _____, 2023. MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

ATTEST:

I, hereby certify that the forgoing resolution was regularly introduced, passed and adopted at a regular meeting of the City Council of the City of Dallas this _____ day of _____, 2023.

Tina Clark, City Clerk of the City of Dallas

Date