



- **What is a group home?**

Group home is a term commonly associated with personal care facilities, adult care homes, homes for the chronically mentally ill, group care agencies and similarly based residential living arrangements for handicapped persons and/or elderly persons. This term does not typically include boarding houses or any facility providing treatment, counseling, or therapy to patients or clients who do not reside on the premises.

- **Why does the City of Arlington allow group homes?**

All cities must allow group homes. Under the Americans with Disabilities Act (ADA), Fair Housing Act (FHA) and Fair Housing Amendments Act (FHAA), communities have a legal obligation to allow group homes. Congress intended that individuals with handicaps be given the same protections from discrimination as racial and ethnic minorities and that any practice, if it has the effect of making housing unavailable to people with disabilities or segregates them in the community, will be considered discriminatory. (H.R. Rep. No. 711, 100th Congress, 2nd Session (1998)) Moreover, "discrimination" includes a refusal to make reasonable accommodations in rules, policies, practices, and services when such accommodations are necessary to afford handicapped persons an opportunity to use and enjoy a dwelling.

Similarly, if as a practical matter, the only way certain people with disabilities can live in a community is to share a residence with other, unrelated people, the "reasonable accommodation" requirement prevents enforcement of a rule prohibiting occupancy by unrelated people.

No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap:

1. Refuse to rent or sell housing
2. Refuse to negotiate for housing
3. Make housing unavailable
4. Deny a dwelling
5. Set different terms, conditions or privileges for sale or rental of a dwelling
6. Provide different housing services or facilities
7. Falsely deny that housing is available for inspection, sale, or rent
8. For profit, persuade owners to sell or rent (blockbusting) or
9. Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

Texas law provides that group homes for the handicapped must be allowed in all residential zoning categories. Additionally, it is unlawful to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status, or handicap. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

• **Can homeowner associations regulate group homes?**

The rules for homeowner associations, just like cities, cannot violate federal law. Any special rules or requirements placed upon a group home by a homeowners association could be in conflict with federal law. It may be necessary to consult an attorney for advice.

• **Are group homes required to follow the City's housing codes?**

Group homes are not exempt from requirements to maintain their buildings and structures in compliance with City ordinances and applicable federal and state law.