



Legislation Text

File #: 150647, Version: 0

150647
ORIGINAL

ALD. BOHL

An ordinance relating to a registration requirement for group living facilities.

200-23.5 cr

200-33-46.2 cr

This ordinance requires the owner of any property on which a group living facility (adult family home, residential care center or community-based residential facility) is operated to register the facility with the commissioner of neighborhood services. The fee for registration shall be \$50.

This ordinance also requires the commissioner to provide quarterly written reports to the common council on the number, location by aldermanic district, and facility types of all registered group living facilities, noting changes in the number of facilities. These reports shall be submitted by March 31, June 30, September 30 and December 31 of each year.

The penalty for failure to register a group living facility shall be a forfeiture of not less than \$500 nor more than \$2,000, together with the cost of the action, and in default of payment thereof, imprisonment as provided by law.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 200-23.5 of the code is created to read:

200-23.5. Registration of Group Living Facilities. 1. FINDINGS. The common council finds that certain group living facilities, particularly adult family homes and community living arrangements, open and operate in residential neighborhoods throughout the city with little, if any, neighborhood notification or oversight, yet often cause a multitude of problems, many of which result in complaints to local elected officials and calls for city services. These problems include, but are not limited to, noise and unruly behavior of facility residents, increased traffic, excessive numbers of parked vehicles, and an overall deviation from the residential character of the surrounding properties and neighborhood. The common council further finds that establishing a registration requirement for group living facilities may help alleviate these problems by giving the city and the public more information about the ownership and operation of these facilities, the types of licenses they hold and the types of care or treatment for which they are licensed. Registration may also help city officials and the general public be more informed about licensing procedures and regulations for these facilities, thereby empowering city officials and the general public to monitor license status, file licensing objections and report violations relating to group living facilities.

2. PURPOSE. The purpose of this section is to establish a registration requirement for the types of group living facilities that have been observed to cause the most problems in the residential neighborhoods in which they are located, namely adult family homes and community living

arrangements. A registration requirement allows these state-regulated and licensed facilities to continue to operate unhindered by local regulations, yet affords city officials and neighborhood residents opportunities to be informed about the characteristics of these facilities and their residents, including contact information and types of licenses held, thereby improving the likelihood of resolving facility-related neighborhood problems, either by contacting facility operators or the appropriate state regulatory agency.

3. DEFINITION. In this section, “group living facility” means an adult facility home or a community living arrangement, as defined in s. 295-201.

4. REGISTRATION REQUIRED. No group living facility may be operated in the city unless the property owner registers the property with the commissioner on a form or by an electronic process that includes all of the following information:

- a. Property owner name, mailing address and telephone number.
- b. Facility name and address.
- c. Facility type: adult family home, community-based residential facility or residential care center.
- d. Licensee name, mailing address and phone number.
- e. Name and telephone number of contact person for the facility, if different from licensee.
- f. Name and telephone number of contact person with the state or county agency responsible for licensing the group living facility.
- g. Facility capacity.
- h. Gender of clients served by facility.
- i. Specialty programs provided by the facility, such as advanced age, developmentally-disabled, correctional clients or alcohol/drug-dependent.
- j. License expiration date.

5. FEE. a. The fee for registration of a group living facility, as provided in s. 200-33-46.2, shall be due upon registration.

b. The registration fee may be transmitted electronically or by any other means to be determined by the commissioner.

c. The registration shall be valid from the date the registration form is completed and filed with the commissioner and the registration fee is received by the commissioner.

6. CHANGE IN INFORMATION. If any information on a previously-filed registration changes, within 15 days of the change in information, a new registration shall be filed with the department. There shall be no fee for the filing of an amendment to an existing registration.

7. DEPARTMENT REPORTS. The commissioner shall provide quarterly written reports to the common council on the number, location by aldermanic district, and facility types of all registered group living facilities, noting changes in the number of facilities. These reports shall be submitted by March 31, June 30, September 30 and December 31 of each year.

8. PENALTY. Any property owner that fails to register a group living facility as required under sub. 4 shall, upon conviction, forfeit not less than \$500 nor more than \$2,000, together with the cost of the action, and in default of payment thereof may be imprisoned as provided by law.

Part 2. Section 200-33-46.2 of the code is created to read:

200-33. Fees.

46.2. REGISTRATION OF GROUP LIVING FACILITY. The fee for registration of a group living facility, as required by s. 200-23.5-4, shall be \$50.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB160113-1
Jeff Osterman
08/27/2015