

Senate Resolution 194

By: Senators Miles of the 43rd, Jones of the 10th, Butler of the 55th, Henson of the 41st, Thompson of the 5th and others

A RESOLUTION

1 Encouraging the Georgia Department of Human Resources to adopt an anti-clustering policy
2 with respect to personal care homes and community living arrangement facilities and to
3 increase oversight of these care facilities in the interests of both residents of personal care
4 homes and residents of surrounding neighborhoods; and for other purposes.

5 WHEREAS, the governing authority of DeKalb County acknowledges the vital need for the
6 operation of personal care homes and community living arrangement facilities within the
7 county; and

8 WHEREAS, the governing authority of DeKalb County desires to promote the social
9 integration of occupants of personal care homes and community living arrangement facilities
10 located within the county, consistent with the policies underlying state and federal law with
11 respect to persons who are physically and developmentally disabled; and

12 WHEREAS, pursuant to the Georgia Constitution, the Official Code of Georgia Annotated,
13 and the Code of DeKalb County, the Board of Commissioners of DeKalb County has the
14 authority to regulate land use within unincorporated DeKalb County; and

15 WHEREAS, state law has assigned the regulation and oversight of personal care homes and
16 community living arrangement facilities to the Georgia Department of Human Resources
17 such that the county is not responsible for the licensing or oversight of personal care homes
18 or community living arrangement facilities; and

19 WHEREAS, the governing authority of DeKalb County seeks to prevent the clustering of
20 personal care homes and community living arrangement facilities in the county and has
21 previously enforced dispersal requirements imposing a minimum distance of 1,000 feet
22 between personal care homes; and

1 WHEREAS, the underlying purpose of said dispersal requirements was to preserve the single
2 and multifamily residential neighborhoods and to prevent the emergence of clustered
3 personal care homes and community living arrangement facilities; and

4 WHEREAS, said dispersal requirement has been the subject of a challenge in federal court
5 and has been held to be a violation of the Fair Housing Act and the Americans with
6 Disabilities Act; and

7 WHEREAS, the Georgia Department of Human Resources, Office of Regulatory Services
8 shows that: DeKalb County contains 190 personal care homes and 50 community living
9 arrangement facilities, for a total of 240 such establishments; Fulton County contains 103
10 personal care homes and four community living arrangement facilities, for a total of 107 such
11 establishments; Cobb County contains 91 personal care homes and seven community living
12 arrangement facilities, for a total of 98 such establishments; Gwinnett County contains 87
13 personal care homes and ten community living arrangement facilities, for a total of 97 such
14 establishments; and Clayton County contains 79 personal care homes and 13 community
15 living arrangement facilities, for a total of 92 such establishments; and

16 WHEREAS, DeKalb County residents have expressed their concerns, regarding the
17 clustering — particularly in the southern and eastern portions of the county — of personal
18 care homes and community living arrangement facilities, to the elected representatives of the
19 county; and

20 WHEREAS, DeKalb County residents seek relief from this emerging trend of clustering
21 personal care home and community living arrangement facilities in selected sections of their
22 community; and

23 WHEREAS, this emerging trend has an adverse impact on residential property values and
24 damages the integrity of residential neighborhoods; and

25 WHEREAS, at least one municipal jurisdiction, a portion of which sits within DeKalb
26 County, is experiencing similar problems with the emerging trend of clustering substandard
27 personal care homes and community living arrangement facilities in urban areas; and

28 WHEREAS, federal and state law policies that favor deinstitutionalization — a philosophy
29 of creating a full range of residentially based services for developmentally disabled and
30 mentally ill citizens — can be advanced by a state departmental policy that discourages or

1 even prohibits the location of personal care homes and community living arrangement
2 facilities within close proximity to each other because such clustering runs counter to the full
3 integration with the wider community; and

4 WHEREAS, anti-clustering policies in other states have supported reasonable dispersal and
5 minimum distance requirements between personal care homes; and

6 WHEREAS, the Department of Human Resources currently does not have an anti-clustering
7 policy with respect to the location of personal care homes and community living arrangement
8 facilities located in the state of Georgia; and

9 WHEREAS, the elected representatives of DeKalb County are concerned about the health,
10 safety, and welfare of having residents from personal care homes and community living
11 arrangement facilities wandering around neighborhoods in unmedicated or medicated
12 conditions that may present a danger to themselves and to nearby residents.

13 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that the Department of Human
14 Resources is urged to adopt an anti-clustering policy that mandates a reasonable dispersal
15 requirement for personal care homes and community living arrangement facilities.

16 BE IT FURTHER RESOLVED that the Department of Human Resources include incentives
17 as components of an adopted anti-clustering policy that does not contain regulatory
18 mandates.

19 BE IT FURTHER RESOLVED that the Department of Human Resources strengthen its
20 oversight of personal care homes and community living arrangement facilities to ensure that
21 licensed personal care homes and community living arrangement facilities do not become
22 slum dwellings and flop houses.

23 BE IT FURTHER RESOLVED that the Department of Human Resources strengthen its
24 oversight of personal care homes and community living arrangement facilities to ensure that
25 the management of personal care homes and community living arrangement facilities
26 provide continuous and watchful oversight of the citizens who reside in said homes and for
27 whom the management is responsible.

28 BE IT FURTHER RESOLVED that the Department of Human Resources strengthen its
29 oversight of personal care homes and community living arrangement facilities so that there

1 are significant ramifications for the operators of personal care homes and community living
2 arrangement facilities whose residents are observed or found wandering in public areas while
3 unattended, whether medicated or otherwise — to include the penalties of revocation or
4 suspension of their licenses.

5 BE IT FURTHER RESOLVED that the Department of Human Resources designate a
6 departmental liaison to meet at least twice a year with the DeKalb County Task Force on
7 Personal Care Homes to discuss issues and concerns regarding the care and management of
8 personal care homes and community living arrangement facilities.

9 BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed
10 to transmit appropriate copies of this resolution to the commissioner of human resources and
11 to the chairperson of the DeKalb County Board of Commissioners.