

Quick Reference for “Community Home”

Zoning Requirements

A “community home” that is licensed by the State of Texas, meeting all their requirements, is allowed in any Single-Family Residential District. You would only be allowed to have **6 physically or mentally impaired or handicapped persons and 2 care takers at any one time**, per the **Zoning Ordinance** and per **Chapter 123 of the Texas Human Resources Code Requirements**. See below for definitions.

“Community Home” definition per Zoning Ordinance:

COMMUNITY HOME - A place where **not more than six (6) physically or mentally impaired or handicapped persons** are provided room and board, as well **as supervised care and rehabilitation by not more than two (2) persons as licensed** by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Texas Human Resources Code).

Chapter 123 of the Texas Human Resources Code:

Community Homes for Persons with Disabilities:

Sec. 123.002. DEFINITION. In this chapter, “person with a disability” means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

- (1) an orthopedic, visual, speech, or hearing impairment;
- (2) Alzheimer's disease;
- (3) pre-senile dementia;
- (4) cerebral palsy;
- (5) epilepsy;
- (6) muscular dystrophy;
- (7) multiple sclerosis;
- (8) cancer;
- (9) heart disease;
- (10) diabetes;
- (11) an intellectual disability;
- (12) autism; or
- (13) mental illness.

Sec. 123.003. ZONING AND RESTRICTION DISCRIMINATION AGAINST COMMUNITY HOMES PROHIBITED.

(a) The use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any district zoned as residential.

(b) A restriction, reservation, exception, or other provision in an instrument created or amended on or after September 1, 1985, that relates to the transfer, sale, lease, or use of property may not prohibit the use of the property as a community home.

Sec. 123.004. QUALIFICATION AS COMMUNITY HOME. To qualify as a community home, an entity must comply with Sections 123.005 through 123.008 and be:

- (1) a community-based residential home operated by:
 - (A) the Department of Aging and Disability Services;
 - (B) a community center organized under Subchapter A, Chapter 534, Health and Safety Code, that provides services to persons with disabilities;
 - (C) an entity subject to the Texas Nonprofit Corporation Law as described by Section 1.008(d), Business Organizations Code; or
 - (D) an entity certified by the Department of Aging and Disability Services as a provider under the ICF-IID medical assistance program; or

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(2) an assisted living facility licensed under Chapter 247, Health and Safety Code, provided that the exterior structure retains compatibility with the surrounding residential dwellings.

Sec. 123.006. LIMITATION ON NUMBER OF RESIDENTS.

(a) Not more than six persons with disabilities and two supervisors may reside in a community home at the same time.

(b) The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.

Sec. 123.007. LICENSING REQUIREMENTS. A community home must meet all applicable licensing requirements.

Sec. 123.008. LOCATION REQUIREMENT. A community home may not be established within one-half mile of an existing community home.

Sec. 123.009. LIMITATION ON NUMBER OF MOTOR VEHICLES. Except as otherwise provided by municipal ordinance, the residents of a community home may not keep for the use of the residents of the home, either on the premises of the home or on a public right-of-way adjacent to the home, motor vehicles in numbers that exceed the number of bedrooms in the home.

Sec. 123.010. ENSURING SAFETY OF RESIDENTS. The Department of Aging and Disability Services shall make every reasonable effort to ensure the safety of residents of a community home operated by or under the regulatory jurisdiction of the department and the residents of a neighborhood that is affected by the location of the community home.

Fire Code Requirements

Our current fire code requires **the installation of a full fire alarm system and a residential fire sprinkler system in all community homes**. The installation shall be conducted by a licensed fire alarm and a licensed fire sprinkler contractor. Plans can be submitted via the city's EnerGov portal for approval and permits. If you have any questions regarding this process, contact Reggie Alexander, Fire Marshall at (214) 317-0229 or at reginald.alexander@cedarhilltx.com.