



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0018-25 – Certificate of Occupancy
for Adult Family Homes

AGENDA DATE:

According to 2026 Budget Consideration Calendar

PREPARED BY: Matthew J. Perz, Assistant City Attorney

REVIEWED BY: Scott R. Letteney, City Attorney

SUBJECT: Communication sponsored by Mayor Mason requesting an ordinance that requires certificate of occupancies for adult family homes and prohibiting adult family homes from being established within 2,500 feet of any other adult family home or community living arrangement if residents do not qualify as handicapped or disabled under federal law.

BACKGROUND & ANALYSIS:

The State of Wisconsin, or designee, can license or certify adult family homes to serve up to four residents in a residential setting to receive care, treatment, or services that exceed mere room and board. The State of Wisconsin regulates adult family homes; however, the State does not regulate certificates of occupancy. Certificates of occupancy help promote the safety of residents by ensuring that buildings meet local building codes.

Additionally, the State of Wisconsin explicitly permits municipalities to restrict adult family homes from opening withing 2,500 feet of another adult family home or community based residential facility. However, Congress passed the American with Disabilities Act and Fair Housing Act Amendments after the State delegation of authority to municipalities restricting where adult family homes may be located. Federal law gives added protection to those individuals who meet the criteria for being handicapped or disabled under federal law. Federal law prevents discrimination against handicapped or disabled individuals by prohibiting restrictions where a handicapped or disabled individual may live solely because of their handicap or disability.

The proposed legislation requires adult family homes to obtain a certificate of occupancy to ensure compliance with local building codes for the safety of the residents. Operating an adult family is designated as a limited permitted use in all districts where dwellings are permitted. A new certificate of occupancy is required for a change in use or if there is a new licensed or certified provider. The legislation is retroactive but exempts any existing licensed or certified provider of an adult family home from the certificate of occupancy fee requirement for a year, or longer, at the discretion of the chief building inspector, to become compliant with this legislation.

Adult family homes that serve only handicapped or disabled individuals are exempt from the 2,500 foot location restriction to comply with federal law.

RECOMMENDED ACTION: To approve.

FISCAL NOTE & BUDGETARY IMPACT: Dependent upon number of Adult Family Home Occupancy Permits issued.