



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0019-25 – Review of Adult Family Homes
and Community Living Arrangements

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 sets forth a process for Common Council review of adult family homes and community living arrangements as permitted under Wisconsin State Statute section 62.23(7)(i)9, 9m), and (10). Review must be limited to the impact on the health, safety or welfare of the residents of the city and must conform to federal protections for residents covered under the American with Disabilities Act and Fair Housing Act Amendments.

BACKGROUND & ANALYSIS:

The common council may periodically conduct limited hearings regarding licensed adult family homes and community living arrangements but must also maintain compliance with strict federal requirements protecting disabled and handicapped residents. In general, the common council may periodically review the operation of adult family homes and community living arrangements to make a determination as to the effect on the health, safety or welfare of the residents of the city. If the common council determines that the existence of a licensed family home or a community living arrangement poses a threat to the health, safety or welfare of the residents of the city, the common council may order the adult family home or community living arrangement to cease operation unless special zoning permission is obtained. By statute, any hearing regarding adult family homes must be held specifically by the common council.

However, Congress has passed the Fair Housing Act (42 U.S.C. § 3601 et seq.), the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), and the Rehabilitation Act (28 U.S.C § 701 et seq.) to prevent discrimination against handicapped or disabled individuals. These federal protections prohibit restricting where a handicapped or disabled individual may live solely because of their handicap or disability.

The proposed legislation creates a review process balancing the city's authority with the protected rights of residents. The planning, heritage, and design commission, in conjunction with the city fair housing department, reviews adult family homes and community living arrangements that have been identified as potentially adversely affecting the health, safety or welfare of the residents of the city. The process incorporates an opportunity for the licensee of the facility to inform the commission of any reasonable accommodations the city could provide to mitigate the negative effect on the health, safety or welfare of the residents of the city.

After review, the planning, heritage, and design commission may pursue necessary steps to provide reasonable accommodation, request that the city attorney's office pursue informal disposition or other remedies available under law, or request a hearing before the common council. The proposed legislation explicitly requires that any action taken be compliant with federal protections and that actions by the city may not be based upon

impermissible criteria.

If a common council review hearing is held, the proposed legislation incorporates the state law requirements on how the hearing shall be held, how the determination shall be made, and the licensee's right to judicial review.

RECOMMENDED ACTION: To approve.

FISCAL NOTE & BUDGETARY IMPACT: N/A