

Good Morning

Thank you, Chair McGinn, Senators

My name is Glen Burdick, I am the president of the Lambsdale Neighborhood Association, in Wichita, Kansas.

I am here this morning to speak in favor of Senate Bill 316 – Authorizing municipalities to adopt local zoning regulations that establish a minimum distance between group homes in single family residential zones.

It was the Lambsdale Neighborhood Association that asked for the State of Kansas to correct the statute that is before you for consideration due to the number of group homes that have concentrated in our neighborhood.

Let me start by acknowledging the request from my neighbors and myself is not to prohibit group homes from being located inside a municipality, it is to spread them out and to preserve and encourage a neighborhood being a majority of families living, interacting, and being a community of neighbors.

Let me explain the problem discovered by my neighbors and the reason we requested statutory assistance from the State of Kansas.

Lambsdale is a property addition in the near-north-east section of Wichita. We are a neighborhood of one hundred thirteen houses in our addition and an additional eight house adjacent to our addition boundaries that participate in our neighborhood association. Almost all of the houses in our neighborhood are of a single-family single level ranch style. That is houses of two or three bedrooms, living dining rooms, and one or two car garages. In terms of area, our neighborhood covers eight city blocks and two adjacent blocks. Within these 10 blocks in addition to the families owning and renting their residence are seven group home operating as businesses for medical, mental, or associated care. There is an eighth group home on the next block outside our neighborhood boundary. That is in an area of no more than one-half mile. On one block there is a concentration of four Home Plus group homes. This takes the block from a group of family homes to a zone of care home businesses.

The issues my neighborhood is asking the State of Kansas to allow to be corrected is the concentration of group homes in a neighborhood that change the character of a neighborhood from families interacting to an area of businesses hiding in residential homes.

The reason Lambsdale brings this issue to the attention of the State of Kansas is due to the problems these businesses have caused in our small neighborhood.

In 2018, one of the group homes in our area that served female residents with mental health issues was having disagreements between the residents and home management. The solution between these parties to solve their disputes was to call 911 and report an issue such as robbery or domestic abuse that caused an officer to come to the house and determine if the dispute was a police matter. One of these police calls caused the police department to close the block to residents entering or leaving until the reported issue could be determined that there was not a crime. This method of dispute resolution was used so many times that our community police officer had to have a meeting with the management/owners of the group home to explain that the number of police responses to the address were of a serious number (24 hours of police time in one year) that the house could be declared by the police department as a criminal nuisance and the group home would be required to pay the police department to staff an officer outside the home on the street to be available to quickly respond to reports. That is an example of the worst our neighborhood has experienced.

Another issue that has been reported is at the group home that is adjacent to our neighborhood. The owner of the house next door to the group home tells our neighborhood how he permitted his grade school age daughters to play in the backyard. The male residents at the group home next door also came out into the group home's backyard. These young adult males tried to start conversations with these young girls and the subject matter was not appropriate things to talk to young girls about. The father had to stop his daughters from playing in their own backyard until these group home residents rotated out of the home.

The other issues we have experienced with our concentration of group homes have been higher traffic as the homes have attendant changes and multiple nurse, therapy, or family visits. We have also had these homes lose control of their trash. It is not a pleasant site to see adult diapers scattered around the trash can.

If in our neighborhood, there was one or two group houses and the type of problems I just described then a neighborhood could work with the group home management to address the neighborhood concerns and team with the group home for solutions. With the State of Kansas permitting a concentration of group homes, it places a burden on the neighborhood having to deal with multiple group home management companies to solve problems the group home allows to occur.

This concentration of group home is not unique to our neighborhood. There are other examples of single level homes being purchased for new group homes next to each other, on the same block, or on the next block over and after the house is converted to bedrooms for six to eight residents, it becomes an excessive remodeling cost for a new home owner to convert the house back to single-family use.

I have done some research on zoning of group home in other cities. I found a common theme of other cities that have successfully passed zoning restrictions to preserve the residential character of a neighborhood. These cities have a range of restrictions, Delray Beach, Florida permits group homes to be no closer than 660 feet between each other. Miami / Dade County, Florida and Fort Lauderdale, Florida zone group home to be 1,000 feet from an existing group home. The State of Connecticut does not allow a group home to locate within 1,000 feet of another home, unless the local zoning authority permits the exception. Maricopa County, Arizona (Phoenix) has a residential and rural zoning restrictions of a 1,320 feet (1/4 mile) distance between group homes. Peoria, Illinois denies applications if there is another group home or group care facility within 1,320 feet of the parcel boundaries of the proposed location.

We have also researched many federal court challenges of city zoning restrictions that tried for a total ban on locating group homes with a city or other "high bar" restrictions to keep out group homes. The federal courts have consistently ruled that group homes are permitted in a city area that is zoned for single family housing. We agree with these rulings, per Federal Court rulings using Fair Housing standards, group homes are allowed in an area zoned single family housing. However, other court rules have upheld city zoning that limits the concentration of group homes.

"The main theme from the court cases that uphold zoning limitations are for a group home to enable its residents to achieve normalization and integration into the community, it should be located in a "normal" residential neighborhood. Locating group home next to one another, or clustering several on the same block would undermine the group home's ability to advance its residents' normalization.

While the research on the impact of group home clearly indicates that separating group home a block or more apart produces no negative impacts, it also suggests that clustering several group homes on a single block produces serious concerns."

From UIC Law Review – Volume 29, Issue 2 Winter 1996

"A Real Lulu: Zoning for Group Homes and Halfway Houses under the Fair Housing

Amendments Act of 1988, 29 J. Marshal L. Rev. 369 (1996)"

The Lamsdale Neighborhood Association is asking the State of Kansas to amend the current statute to a principal purpose of allowing a municipality to create zoning districts to conserve, protect, and encourage sustainable single-family residential development where minimum lots of not less than 35,000 square feet in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs, and the availability of public utilities.

In today's environment, in our neighborhood, a proposed group home is able to 'out bid' a future home owner for a home property. A group home is able to house six to eight residents in a group home. A group home with six to eight residents would be able to generate a monthly revenue of \$30,000 to \$40,000, based on a \$5,000 a month fee to a resident. \$360,000 to \$480,000 of annual revenue would allow a group home to create a business budget that makes a mortgage payment, pays staff for the

group home, and remodeling costs to convert extra rooms or a garage to rooms to house the six to eight residents. A family trying to purchase a home in our neighborhood is forced to compete for these houses using only their wage income and savings and they are losing this contest.

We are asking the State of Kansas to adopt Senate Bill 316 to spread out the location of group homes for their success in providing services to their residents and to balance that with an encouragement of single-family residential communities.

I thank you for your time for me to offer my testimony. I wish to thank our neighbor Senator Oletha Faust—Goudeau for her valued assistance in representing our neighborhood in bringing forward our concern to this committee's consideration of a change of the statute to aid our and other neighborhoods in the state.

Thank you

A REAL LULU: ZONING FOR GROUP HOMES AND HALFWAY HOUSES UNDER THE FAIR HOUSING



A Real Lulu_ Zoning
for Group Homes ar

MAP OF LAMBSDALE NEIGHBORHOOD ADDITION AND ASSOCIATED ADDRESSES WITH GROUP HOME
CONCERTATION

Group homes noted in red

Lambsdale Neighborhood Association AND ASSOCIATED ADDRESSES



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Group Homes Noted in Red