0086-ORD
06/12/97

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5002

AN ORDINANCE regarding group homes for children; establishing a Group Home for Children Community Involvement Process; providing for civil penalties for violations; adding a new Chapter 9.19 to the Bellevue City Code; and amending Section 1.18.020K of the Bellevue City Code.

WHEREAS, the City Council desires to provide a mandatory, collaborative, cost effective and efficient community involvement process for siting of group homes for children within the City (the "Community Involvement Process"); and

WHEREAS, the objectives of the process are:

1. To promote public awareness and understanding of, involvement and engagement with, and support for sited facilities; and

2. To provide high quality and affordable programs and facilities with the capacity and flexibility to meet community and resident needs; and

3. To address concerns about the safety of residents and people in neighborhoods; and

4. To promote equitable access to housing; and

5. To provide linkages to public safety, educational and recreational services; and

6. To support and enhance neighborhood character and minimize impacts on neighborhoods; and

7. To provide for ongoing oversight, accountability and appropriate city, county and state involvement; and

8. To maintain property values for facilities and neighborhoods; and

9. To keep operating and administrative costs low for the providers and the City; and

WHEREAS, under the Community Involvement Process, providers of group homes for children who complete the process in good faith will make the final decision whether to site the group home as proposed; and

WHEREAS, the City Council also desires to establish as a part of the Community Involvement Process a conflict resolution process to assist in resolving at the earliest opportunity disputes arising out of the operation of group homes for children; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new Chapter 9.19, "Group Home for Children Community Involvement Process," is added to the Bellevue City Code, to read as follows:

CHAPTER 9.19

GROUP HOME FOR CHILDREN COMMUNITY INVOLVEMENT PROCESS

9.19.010 Group Home for Children Community Involvement Process - Purpose.

The purpose of this Chapter is to provide a mandatory, collaborative, cost effective and efficient community involvement process for the siting of group homes for children in the City (the "Community Involvement Process") which:

A. Promotes public awareness and understanding of, involvement and engagement with, and support of sited facilities.

B. Provides high quality and affordable programs and facilities with the capacity and flexibility to meet community and resident needs.

C. Addresses concerns about the safety of residents and people in neighborhoods.

D. Promotes equitable access to housing.

E. Provides linkages to public safety, educational and recreational services.

F. Supports and enhances neighborhood character and minimizes impacts on neighborhoods.

G. Provides for ongoing oversight, accountability and appropriate city, county and state involvement.

H. Maintains property values for facilities and neighborhoods.

I. Keeps operating and administrative costs low for providers and the City.

9.19.020 Definitions.

The following words and terms when used in this Chapter shall have the following meaning:

A. "Basic Operating Plan" means a plan for the siting and operation of a group home for children that contains the elements designated in Section 9.19.070.

B. "Community Involvement Process" means the process established by this Chapter.

C. "Community Meeting" means a meeting with residents of the Neighborhood pursuant to section 9.19.050.

D. "Conflict Resolution Process" means the process established by Section 9.19.070D, as part of the Basic Operating Plan, to assist in resolving disputes arising out of the operation of a group home for children.

E. "Good Faith" means that the provider must (i) enter into the Community Involvement Process and pursue it to conclusion, unless prevented from doing so by means not under the provider's control; (ii) meet and confer with representatives of the Neighborhood and interested agencies to resolve Neighborhood issues and concerns, and prepare and file with the City a preliminary "Basic Operating Plan," where required; and (iii) prepare and file with the City a final "Basic Operating Plan" on completion of the requirements of this Chapter.

F. "Group Home Advisory Board" means the Board established by Bellevue City Code Chapter 3.99.

G. "Group Home for Children" or "Group Home" means any state-licensed facility providing housing and/or care to persons under the age of eighteen (18) years, whether or not they are handicapped, but not including state licensed foster family and large foster family homes.

H. "Meet and Confer Process" means the process established by Section 9.19.080A to assist in the development of the Basic Operating Plan.

I. "Neighborhood" means the area surrounding a group home site that is most likely to be directly affected by the visual, traffic, noise and other impacts of the operation of the group home because of proximity to the group home site. "Neighborhood" includes the area surrounding the group home site that is within a 300 foot radius of the group home site, and that contiguous area that is outside a 300 foot radius from the group home site that is connected to the group home site by local residential streets. "Neighborhood" does not include any area that is outside a 300 foot radius from the group home site and is on the opposite side of one or more major arterial, minor arterial or collector arterial streets from the group home site.

J. "Provider" means any person, partnership, corporation or other organization of any kind that proposes to site and/or operate a group home for children in the city.

9.19.030 Group Homes for Children - Process Mandatory - Basic Operating Plan Required - Violations.

No provider shall operate a group home for children in the city without complying with the Community Involvement Process set forth in this Chapter and without first filing a final Basic Operating Plan. The failure to enter and complete such process in good faith is a civil violation under Bellevue City Code Section 1.18.020D.

9.19.040 Preliminary Meeting with City Required - Purpose.

A. Prior to opening a group home for children in the City, any provider desiring to open such a group home shall notify the Director of Community Development or designee thereof and schedule a meeting with the City. At the time of scheduling the meeting the provider shall supply the City with the names and addresses of group home support service providers, funding agencies and Department of Social and Health Services representatives who will be involved in the siting and operation of the facility. The City shall invite to the meeting representatives of the group home support services providers, funding agencies and Department of Social and Health Services, together with school district representatives and City police and human services representatives. The purpose of this meeting is to:

1. Discuss the need for the proposed group home in the city and siting opportunities that are available.

2. Identify available locations and/or barriers to siting.

3. Identify any available funding opportunities and resources.

4. Explore siting opportunities and possible legal constraints.

5. Describe the type of program and facility, program and facility requirements, and necessary community safeguards.

6. Explore methods for maintaining a cordial relationship with the Neighborhood.

7. Describe the facilities, services and agencies which will provide support to the facility, the program and the Neighborhood.

8. Outline the elements of the Basic Operating Plan for the group home.

9. Plan for the presentation of the elements of the Basic Operating Plan at the Community Meeting.

10. Discuss the other elements of this Community Involvement Process.

B. At this meeting a time schedule for the Community Involvement Process will be discussed with the provider.

C. The City will designate a staff person who will act as facilitator for the Community Involvement Process and function as a point of contact and resource person throughout the process and during operation of the facility.

9.19.050 Meeting with Community on Proposed Group Home for Children.

Following the preliminary meeting with the City under section 9.19.040, the provider shall file a request with the Director for a meeting with the Neighborhood on the proposed group home for children if the provider elects to proceed with plans for siting the group home for children in the city. The Director shall set a meeting for a date not more than twenty-one (21) days after receipt of the provider's request, and give notice by mail of the date, time, location and purpose of the meeting to the following persons:

A. All persons residing within 300 feet of the proposed group home for children.

B. The following city departments: Parks and Community Services, Police and the City Clerk.

C. The Superintendents of the Bellevue, Issaquah and Lake Washington School Districts.

D. The State Department of Social and Health Services.

E. The provider.

F. Any agencies which may fund the proposed group home for children.

G. Agencies identified by the provider as providing support for the group home for children or its residents.

H Sponsoring agencies.

9.19.060 Community Meeting.

A. Purpose of the Meeting. The purpose of the community meeting is to enable the provider, representatives of support services agencies, funding agencies, DSHS and the school districts, and City police and human services representatives, to describe the program, facility, neighborhood involvement process and dispute resolution process, and hear Neighborhood suggestions and concerns and respond to them in developing the Basic Operating Plan. City police and human services representatives and representatives of the school districts, group home support services providers, funding agencies and the Department of Social and Health

Services will also participate in providing a description of the manner in which their agencies will provide support for the proposed facility and the Neighborhood.

B. Conduct of the Meeting.

1. The City will staff and facilitate the meeting.

2. The provider and the police, human services, support services agency, funding agency, DSHS and school district representatives will describe how the proposed group home operation and facility responds to the elements required to be addressed in the Basic Operating Plan.

3. Neighborhood residents will be able to make suggestions, express concerns and discuss potential solutions to issues raised at the Meeting.

C. Desired Outcome of the Meeting. The desired outcome of the Community Meeting is the identification and resolution of issues and/or concerns raised by the Neighborhood residents regarding the Basic Operating Plan.

9.19.070 Content of Basic Operating Plan.

The Basic Operating Plan will contain the following information.

A. Program description - The Basic Operating Plan will -

1. Describe the staffing model and supervision to be used.

2. Describe the type of residents to be served and the treatment and services to be provided to the residents.

3. Describe the number of residents and their anticipated treatment needs.

4. Specify the screening criteria, including that the provider will exercise any available option to have co-responsibility to approve all placements with the provider by the Department of Social and Health Services.

5. Describe the security and safety measures to be used for the program and the facility.

B. External Impacts of the Facility - The Basic Operating Plan Will Specify That the Provider Will -

1. Maintain external residential appearance by avoiding structural alterations which would change the residential character of the dwelling, except for alterations required by applicable health and safety codes.

2. Maintain the yard and provide landscaping that is compatible with surrounding residences.

3. Provide off-street parking consistent with the Neighborhood.

4. Address noise and traffic impacts.

C. Opportunities for neighborhood support of and involvement with the day-to-day operation of the group home - These opportunities as set out in the Basic Operating Plan may include, but are not limited to, one or more of the following:

1. Volunteers.

2. Advisory board.

3. Group home involvement in Neighborhood activities.

D. The Basic Operating Plan Will Include A Conflict Resolution Process.

1. The goal of this process is to resolve disputes arising during operation of the facility at the earliest opportunity. To that end the process described below is suggested and should be used unless an alternative process has been established.

2. Steps in the conflict resolution process. Any group home Neighborhood resident or any group home provider seeking to resolve a problem or issue involving the operation of a group home should follow the following steps:

a. Emergencies - If the person seeking to resolve the problem or issue is a group home Neighborhood resident, then the resident should contact the group home provider using the 24 hour telephone number provided by the group home provider, and/or contact the City Police Department. If the person seeking to resolve the problem or issue is the group home provider, then the provider should contact the City Police Department.

b. Non-emergencies -

(i) If the source of the problem or issue is believed to be the group home provider, then the following steps should be taken:

First, contact the group home staff on duty.

Second, contact the Executive Director of the group home.

Third, contact the Neighborhood advisory board, if any.

Fourth, contact the City of Bellevue, which may suggest utilizing the "community mediation program" to resolve the problem.

(ii) If the source of the problem or issue is believed to be someone other than the group home provider, then the following steps should be taken:

First, contact the person believed to be the source of the problem or issue.

Second, contact the Neighborhood advisory board, if any.

Third, contact the City of Bellevue, which may suggest utilizing the "community mediation program" to resolve the problem.

(iii) If efforts to resolve problems through these mechanisms fail, the problem or issue may be referred to the Group Home Advisory Board for study and recommendation. The Board will not entertain a referral of a dispute if it finds that there has not been a reasonable effort to resolve the dispute with the provider or other appropriate agency with jurisdiction.

(iv) If the dispute has not been resolved through local efforts, or where the dispute is peculiarly within the cognizance of the state licensing authority, contact -

The licensing agency at DSHS (identify agency, contact person, and phone number), and then

The State Office of Family and Children's Ombudsman (OFCO).

9.19.080 Development of the Basic Operating Plan.

A. Process.

1. If within ten (10 days) of conclusion of the Community Meeting a resident of the group home's Neighborhood makes a request to the City to meet and confer with the provider to resolve issues regarding the Basic Operating Plan which remain unresolved following the Community Meeting, the following process will be utilized. The City will act as facilitator of the process. Participants in this process will be the City facilitator, the provider and such other police, human services, support service agency, funding agency, school district and DSHS representatives as may be appropriate, and up to seven persons from the group home's Neighborhood to represent the Neighborhood residents. The City facilitator will assist the Neighborhood residents in selecting representatives who will fairly represent the Neighborhood on all issues remaining to be resolved at the conclusion of the Community Meeting.

2. If no request to meet and confer is made to the City within ten (10) days of conclusion of the Community Meeting, the provider may file with the City a final Basic Operating Plan containing the elements set forth in Section 9.19.070.

3. If a request to meet and confer is made to the City within such ten (10) day period, the provider will meet and confer for a period of up to sixty (60) days from the conclusion of the Community Meeting with the representatives chosen by the Neighborhood residents, to resolve any remaining unresolved issues regarding the proposed Basic Operating Plan. If the remaining unresolved issues are resolved during the sixty (60) day period, or, if at the end of that period there remain issues which are still not resolved, the provider may file with the City a preliminary Basic Operating Plan that addresses all of the elements set out in Section 9.19.070.

4. The City will give notice of the filing of the preliminary Basic Operating Plan to the participants in the Community Meeting.

5. Within ten (10) days after the filing of the preliminary Basic Operating Plan, any Neighborhood representative who participated in the meet and confer process may request review by the Group Home Advisory Board of any unresolved issues in the preliminary Basic Operating Plan. The Board must complete its review and issue its recommendation on the unresolved issues within thirty (30) days after the request for review. The provider must consider, but is not bound by, any Board recommendation in preparing the final Basic Operating Plan.

B. If no Neighborhood representative files a timely request for review with the Group Home Advisory Board, then the provider may file the final Basic Operating Plan. If a timely request for review is filed, the provider may file its final Basic Operating Plan after the Group Home Advisory Board issues its recommendations, or after thirty (30) days following the Group Home Advisory Board's receipt of the request for review, whichever occurs first. The final Basic Operating Plan will be filed with the City prior to the group home opening.

C. The final Basic Operating Plan will govern the relationship between the provider and the Neighborhood regarding the operation of the group home, and will serve as the basis for resolving any complaints about the group home operation.

D. The provider must utilize this process to modify the final Basic Operating Plan before substantially modifying or expanding the program or the facility.

Section 2. Bellevue City Code Section 1.18.020K, subsection 1, is amended to read as follows:

1.18.020. As used in this Chapter, unless a different meaning is plainly required,:

. . . .

K. "Regulation" means and includes the following, as now or hereafter amended:

1. Chapters 2.14 BCC (Public Information Signs), 9.09 BCC (Junk Cars), 9.10 BCC (Nuisances), 9.11 BCC (Anti-Litter Code), 9.18 BCC (Noise Control), 9.19 BCC (Group Home for Children Community Involvement Process), 9.20 BCC (Fair Housing Practices), 14.30 BCC (Right-of-Way Use Code);

. . . .

Section 3. This ordinance shall take effect and be in force five (5) days after its passage and legal publication.

PASSED by the City Council this 7th day of July, 1997, and signed in authentication of its passage this 7th day of July, 1997.

(SEAL)

Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley, Deputy City Attorney

Attest:

Myrna L. Basich, City Clerk

Published July 11, 1997