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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Planning & Zoning/Community Dev.

Department Head: Peter A. Frisina

Presenter, if needed: Dennis Dutton/Pete Frisina

Preferred Meeting Date: Wednesday, October 1, 2008

Wording for the Agenda:

Consideration of a request from Planning and Zoning staff for direction regarding the possible development of standards regulating Personal Care Homes in single-family dwellings.

Background/History/Details:

The Planning & Zoning Department and the Marshal's Office have received a number of inquiries about how one might establish a personal care home in their residence. Likewise, they have received some complaints when neighbors seem to be operating one. While there are currently no established requirements for operating a personal care home in our Zoning Ordinance, the definition of "Family" in the ZO is: One or more persons occupying a single dwelling unit, provided that all persons are related by blood or marriage, or are lawful wards, and shall also include a group of persons, not exceeding four (4), living and cooking together as a single, nonprofit housekeeping unit. The members of said group need not be related by blood or marriage or be lawful wards, where said group is occupying a single dwelling unit.

What action are you seeking from the Board of Commissioners?

The Fayette County Zoning Ordinance does not currently contain regulations for Personal Care Homes in single family residences. Staff desires input/direction from the Board as to whether or not there is interest in having P & Z develop proposed regulations for a Personal Care Home which would be brought back to the Board in the future as recommended amendments to the Zoning Ordinance.

If this item requires funding, please describe:

N/A

Has this issue come before the Commissioners in the past? No

If so, when?

Do you need audio-visual for the presentation? No

Back-up Material Submitted? Yes

STAFF USE ONLY

Approved by Finance? Yes

Reviewed by Legal? Yes

Approved by Purchasing? Yes

Approved by Administrative Staff? Yes

Staff Notes

Administrator's Approval Yes

Confirmed Meeting Date Wednesday, October 1, 2008

- ○ Recognition/ Presentation
- ○ Public Hearing
- ○ Old Business
- ◉ New Business
- ○ Consent
- ○ Report
- ○ Other

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To: Fayette County Board of Commissioners

From: Dennis Dutton, Zoning Administrator

Date: September 12, 2008

Subject: Consideration for discussion of proposed amendments to the Fayette County Zoning Ordinance regarding personal care homes in A-R and Residential Zoning Districts.

The Planning and Zoning Department and Marshal's Office have recently received a number of complaints on personal care homes. We have also had an increased number of persons requesting to operate a personal care home in their residence. Other departments including the Fire Marshal's Office, Environmental Health, and Building Permits and Inspections have regulations which may come into play with personal care homes.

Personal care homes are permitted and regulated through the Office of Regulatory Services, Georgia Department of Human Resources. However, local regulations must also be met. The Planning and Zoning staff is seeking permission to review and amend the zoning ordinance to better address personal care homes in residential zoning districts and improve coordination between the aforementioned departments.

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Personal Home Care FAQs

What is a Personal Care Home?

A Personal Care Home is a single home, building or group of buildings where personal care services are provided to two or more non-family adults.

What are personal care services?

Personal care services are provided to an individual who needs help with the essential activities of daily living. These essential activities of daily living include assistance with eating, bathing, grooming, dressing, toileting, and supervision of medications.

How many residents can I have in my home?

The number of residents you can have in your home is dependent on several factors. The home must provide a bathroom for every four residents and a tub/shower for every eight residents. The home must provide a living room, a dining area, a kitchen and a bedroom for all residents and any staff and family members who live in the home. The number of residents you can accommodate in each bedroom (up to a maximum of four residents) is based on the size of the bedroom (at least 80 square feet of useable floor space per resident). Closet and bathroom space is not included in the square footage requirement. The home must also have a fire inspection, and this inspection can also determine how many residents you can have. Local requirements may also restrict the number of residents you can have.

Will I be required to keep records?

There are several record keeping requirements. First, you must establish policies and procedures describing how you will operate your home. Second, you are required to maintain a file on every staff person and every resident. The home must also keep and maintain relevant documentation relating to the safe and efficient operation of the personal care home. The required paperwork is indicated in the Rules and Regulations for Personal Care Homes, Chapter 290-5-35.

Where do I get residents for my Personal Care Home?

The Office of Regulatory Services Personal Care Home Program does not place residents in personal care homes. The Personal Care Home provider is responsible for admissions into the facility.

What services are provided by a Personal Care Home?

Each personal care home must offer to the residents of the home, room, three meals and snacks daily, activities, and the amount of personal care and supervision needed by each resident. Personal care includes daily awareness of the residents functioning and whereabouts, assistance in the activities of daily living. The home must provide laundry services and must arrange for or provide transportation services. A personal care home cannot provide nursing or other medical services or admit and retain residents who need continuous medical or nursing care.

What are the general requirements for a Personal Care Home?

Equipment and Facilities: A personal care home is required to meet safety standards. Handrails are required on all stairs and grab bars in all bathrooms. Non-skid surfaces must be used in bathing areas. Water temperatures cannot exceed 110 degrees Fahrenheit.

Employees and Managers: Staff persons are checked for previous criminal history, must have basic training in first aid, cardiopulmonary resuscitation, medical and social needs and characteristics of the resident population, evacuation plans, resident rights, the long-term care abuse reporting act, have a physical exam and TB screening, and 16 hours of continuing education yearly. A qualified staff person must be present and able to provide supervision to residents 24 hours per day.

Food Service: Each personal care home must provide three nutritious meals and two nutritious snacks each day to residents. Menus must be posted and maintained for at least 30 days. The home must have a three-day supply of non-perishable foods for emergency needs. The temperature of the refrigerator must be 41 degrees Fahrenheit or below and freezers at 0 degrees Fahrenheit or below. A food service permit must be obtained for facilities serving more than 24 residents.

Health Care: A Personal Care Home may not provide medical or nursing care as a service of the home. Residents needing such care must arrange for these services through other sources. The facility must provide 24-hour supervision of residents and be capable of intervening in an emergency situation.

Are there other laws or ordinances that affect a Personal Care Home?

There are a variety of additional laws and regulations for personal care homes, depending on their size and location. Local zoning, fire safety, heating, and electrical standards must be met. If the proposed home is not served by public water and public sewer, the water supply and septic tank systems will need to be evaluated and approved by the public health department. If the facility serves more than twenty-four residents, the facility must obtain a "Certificate of Need" from the Department of Community Health, Division of Health Planning.

Why must I have a permit to operate a Personal Care Home?

Authority to require permits is based on the Official Code of Georgia Annotated, Sections 31-2-4, 31-7-2 and 31-7-12 as well as the Rules

and Regulations for Personal Care Homes, Chapter 290-5-35, dated June 1994. It is unlawful to operate a personal care home without first obtaining the required permit. Failure to do so can subject the provider to fines of up to $200 per resident per day.

How do I apply for a permit to operate a Personal Care Home?

Order the Office of Regulatory Services Personal Care home Program application package. The cost for this package is $10.00 and can be ordered on line or by sending payment with the request to: ORS Personal Care Home Program, 31st Floor, 2 Peachtree Street, Atlanta, Georgia 30303-3167. The main phone number is 404-657-4076.

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