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TO: City Planning Commission

FROM: George A. Etheridge, Staff
M. Rory Bolger, Ph.D., FAICP, Staff

RE: **A text amendment to amend Chapter 50 of the 2019 Detroit City Code, Zoning, by amending the land use categories, and use standards for Shelters for victims of domestic violence.**

DATE: June 11, 2021

On June 17, 2021, the City Planning Commission (CPC) will hold a 5:10 PM. public hearing on the subject text amendment request, advanced by the City Planning Commission. Please see the attached copy of the public hearing notice showing the summary of the ordinance as published.

BACKGROUND

Among the many emergency service providers and supportive services organizations the City of Detroit licenses, permits, and regulates emergency shelters and shelters for victims of domestic violence are among those that provide the greatest level of wraparound services for our city's most vulnerable populations.

Regulations for shelters for victims of domestic violence have been codified in the City Code as early as 1995. From 1992 to 1995, there were protracted, in-depth discussions about shelters within the City of Detroit and the manner in which they should be regulated. The Consumer Affairs Department was deeply involved with shelter licensing, heading the "Shelter Task Force" which tried to balance the concerns of proponents and objectors to such uses.

Ord. No. 23-94 amended Chapter 44 of the 1984 Detroit City Code and provided for the licensing of emergency shelters (but not domestic violence shelters). At the time of enactment, there was no provision in the Zoning Ordinance for such a land use, although many emergency shelters had already been established under other land use labels. The Zoning Ordinance amendment which first codified "emergency shelter" and "domestic violence shelter" definitions, processes, and regulations was Ord. No. 8-95.

While these uses are permitted at the local level they are heavily regulated and monitored by the State of Michigan. The Michigan Domestic and Sexual Violence Prevention and Treatment Board, which regulates and authorizes such facilities, was established in 1978 by state legislation

that created a Governor-appointed Board responsible for focusing state activity on domestic violence. The Board's offices are administratively housed within the Michigan Department of Health and Human Services. The Board develops and recommends policy; develops and provides technical assistance and training to the criminal justice system, child welfare agencies; and administers state and federal funding for domestic and sexual violence services.

The Michigan Domestic and Sexual Violence Prevention and Treatment Board has been recently petitioned by a local non-profit organization based in the City of Detroit, the Islamic Center of North Detroit, to establish a new shelter for victims of domestic violence in the underserved neighborhood of Campau/Banglatown in Council District 3.

In the process of reviewing the initial request from the Islamic Center of North Detroit for a rezoning, staff questioned the appropriateness of the continuation of the term "victim" when referring to survivors of sexual abuse and/or domestic violence.

In preparing this text, staff has consulted with several stakeholders, including Neighborhood Legal Services, Neighborhood Service Organization, YWCA, the Housing and Revitalization Department, and the Michigan Domestic and Sexual Violence Prevention and Treatment Board to determine if there might be any adverse effects to amending the language of the zoning ordinance beyond the land use permissibility.

It has been communicated that some grantmakers and funders prefer the term "*victim*" over "*survivor*" as victim might signify someone as needing help. "*Survivor*" is typically associated with someone who has overcome their current situation and may not need assistance rendered. While this may be the preferred language in some sectors of the grantmaking philanthropic community many if not all of the service providers in the City of Detroit utilize the term "*survivor*" as a part of their promotional materials and day-to-day operations.

PROPOSED ZONING PROVISIONS

Below is an analysis and summary of the provisions of the proposed text amendments to Chapter 50, which will be the subject of your June 17, 2021 public hearing.

Article VIII, Residential Zoning District Amendments

The proposed ordinance amends Article VIII, Divisions 3, 4, 5, 6, and 7, which comprise the use lists for the R2 – Two-family Residential District, R3 – Low Density Residential District, R4 – Thoroughfare Residential District, R5 – Medium Density Residential District, and R6 – High Density Residential District zoning classification by adding shelters for survivors of domestic violence as a by-right use in the R2 zoning classification and amending the term, "victim," to state "survivor" in the land use, "shelters for survivors of domestic violence."

Presently such uses are only permitted by reference in the R1 (Single-family Residential District) and the R2 zoning classifications where they are duly recognized by the State of Michigan Domestic Violence Prevention and Treatment Board and have been established in either the R1 or R2 zoning district and in operation as a shelter prior to April 26, 1995, and have secured an occupancy or change of use permit for a shelter for victims of domestic abuse no later than October 26, 199, Per Section 50-12-65(c). Shelters meeting this narrow requirement are permitted to continue as a nonconforming use. While shelters located in the R1 and R2 do not

Article XIV, *Development Standards*, Division 1, *Off-Street Parking, Loading, and Access*, Section 50-14-33, *Group living* is revised by striking the term, "victims," and replacing it with "survivors."

Article XVI, *Definitions and Rules of Construction*, Division 2, *Words and Terms Defined*, Subdivision F. *Letter "G,"* Section 50-16-222, *Words and terms (Gn—Gz)* is being revised by striking the term, "victims," and replacing it with "survivors" in the body of the definition of "Group living."

Additionally, Subdivision R, *Letter "S,"* Section 50-16-382, *Words and terms (Se—Sh)* is being revised by striking the term "victims" and replacing it with "survivors" in the definition of "shelter for victims of domestic violence" so that it reads as follows:

"Shelter for survivors of domestic violence - A residential facility providing temporary accommodation and support to survivors of domestic violence.

A full presentation will be provided to the Commission at their Thursday's public hearing.

Attachments

cc: Katy Trudeau, Interim Director, PDD
David Bell, Director, BSEED
Lawrence T. Garcia, Corporation Counsel, Law Department
Kimberly James, Law
Daniel Arking, Law