

## MEMORANDUM

**TO:** The Honorable Mayor and City Council

**FROM:** Michael G. Dzigan, City Manager

**DATE:** January 26, 2026

**SUBJECT:** **Group Care Home Ordinance Additions**

At the December 8, 2025 Planning Session, the City Council reviewed a draft ordinance that would replace Article VI, "Group Care Home," of Chapter 26 and amend the current provisions for licensing Group Care Homes.

Based on feedback from the City Council and the public, staff revised the December 8 draft, as reflected in the attached version. Following the Planning Session review, staff will place the ordinance on a future City Council agenda for a first reading. Staff will also continue to review and refine the draft provisions.

Attachment

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WHEATON MAYOR PHILIP J. SUESS



CITY MANAGER MICHAEL DZUGAN

**CITY COUNCIL:** ERICA BRAY-PARKER | LEAH BRICE | SCOTT BROWN | BRADLEY CLOUSING | LYNN ROBBINS | SCOTT WELLER

**Section 26-165. Legislative findings.**

It is hereby found that to protect the residents of group care homes from operators who engage in abuse, neglect, mistreatment, fraud, and/or inadequate supervision of vulnerable populations as well as to protect the neighboring community from operators who fail to provide the supportive, residential family-like living environment, which is an essential core characteristic of group care homes and constitutes a legitimate government interest warranting certain appropriate city review, it is necessary to establish and require a group care home license for congregate residential living arrangements for which no license is available from a federal, state or county agency.

**Section 26-166. Definitions.**

The following words, terms and phrase when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

*Group Care Homes:* A Single Family or Multi Family Residential dwellings unit(s) as defined in the Wheaton Zoning Ordinance for congregate living for individuals with specific needs, including the elderly, persons with disabilities, those recovering from substance use disorder, or other vulnerable populations wherein the individuals are provided housing, transportation and/or support services (whether provided on or off site). The number of residents of a group care home shall meet the definition of a "family", except as otherwise provided in this article, as set forth in the Wheaton zoning ordinance. Notwithstanding, group care homes for Persons with Disabilities may have up to twelve (12) residents, including live-in staff. Group Care Homes do not include pre-release, work-release, probationary or other programs that serve as an alternative to incarceration.

*Director:* Director of Planning & Economic Development for the City of Wheaton.

*Person with Disability:* Individual with a physical or mental impairment that substantially limits one or more of the individual's major life activities, impairs an individual's ability to live independently, having a record of such impairment, or being regarded as having such an impairment as defined in the Federal Fair Housing Act and Americans with Disabilities Act. Individuals with disabilities do not include individuals who are currently using alcohol. Illegal drugs, or using legal drugs to which they are addicted, nor individuals who constitute a direct threat to the health and safety of others.

**Sec. 26-167. License required.**

(a) It shall be unlawful for any person or entity to conduct, keep, manage or operate a group care home without:

- (1) A valid provisional or permanent license or certification available from or required by an appropriate state, county, or federal agency or entity;
- (2) A charter from an entity recognized or sanctioned by Congress to establish a self-governing group care home democratically operated by its residents; or
- (3) When neither (1) nor (2) is available or offered, a city license issued under section 26- 170 of this code.

(b) A group care home for ~~Persons with~~ ~~Disabilities~~ that complies with the definition of family in the Wheaton Zoning Ordinance is not required to obtain a city license under this section.

(c) The operator of a group care home must annually provide proof of licensure or charter as required in section 26-167(a)(1) and (2) to be exempt from section 26-167(a)(3).

(d) Notice shall be given to the city within 5 business days of denial or revocation of a license or charter specified in Sec. 26-167(a)(1) and (2). Such denial or revocation shall constitute noncompliance with this article, and the operator must safely return residents to their families or relocate them to a safe and secure living environment as required by state law or within 30 days if state law is silent.

(e) Any group care home which has a license as set forth in subsection (a)(1) above or a charter as described in subsection (a)(2) above shall be required to register with the Director prior to operating in the city. Any such group care home shall provide a copy of its license or charter to the city.

## **Sec. 26-168. Standards for Group Care Homes.**

To ensure group care homes operate safely, ethically, and in compliance with local, state, and/or federal regulations, the following standards shall be met:

### **Safety & Building Standards for all group care homes**

- Must have an inspection by City staff prior to operating the group care home and annual inspections thereafter to ensure compliance with all legally applicable local building codes, fire/life safety codes, zoning ordinance and health regulations.
- ~~Must have an inspection by City staff prior to operating the group care home and annual inspections thereafter.~~

### **Standards for group care homes seeking a City license**

#### **Staffing & Training**

- Staff must undergo background checks, including criminal and abuse history screening.
- All employees must receive training on:
  - Emergency procedures and first aid.
  - Resident rights and privacy laws (HIPAA).
  - Proper care techniques relevant to the residents' needs.
  - Conflict resolution and crisis intervention.
- Maintain appropriate staff-to-resident ratios based on the level of care required.

#### **Resident Care & Services**

- Homes must provide a clean, safe, and habitable living environment.
- Resident access to medical care, including emergency services.
- Written policies for resident intake, assessment, and discharge.

#### **Rights & Responsibilities of Residents**

- Grievance procedures to address complaints or concerns with effective protections against retaliation for reporting a grievance, complaint, or concern.
- Plan for family visitation and participation of residents who are capable in community activities.

#### **Neighborhood Integration & Good Neighbor Policy**

- ~~Foster positive relationships with the surrounding community.~~
- Plan for communication with neighbors, who are located within 250 feet of the property lines in all directions where the group care home is located, excluding public streets, regarding safety concerns, facility policies, community integration of residents capable of community integration, and how the home will respond to complaints.
- Adequate onsite parking.
- ~~Noise and activity levels consistent with residential surroundings.~~

#### **Financial & Operational Accountability**

- Demonstrate and maintain financial stability and provide proof of insurance.
- Proper record-keeping for resident care, staff training, and facility maintenance.
- Compliance with annual inspections and audits must be met to maintain operational standing.

#### **Admission & Discharge Policies**

- Maintain clearly defined eligibility criteria for residents.
- An intake process should include medical and psychological assessments as needed.
- A discharge plan in place, ensuring residents have appropriate post-care arrangements if they leave the facility.

Any person or entity lawfully operating under a valid group care home license issued by the city prior to March 1, 2026 may continue to operate under the terms of such license and is not required to comply with the standards set forth in this Section 26-168, except for applicable local building codes, fire/life safety codes, zoning ordinance and health regulations and annual inspections, until one of the following events occurs:

- (1) the suspension, revocation, nonrenewal, or voluntary termination of the license;
- (2) the relocation, intensification, or modification of the group care home in a manner that increases licensed capacity, changes the population served, or materially alters operations; or
- (3) discontinuation of operations for a continuous period of at least 30 days.

**Sec. 26-169. License application.**

A written application for a license under this article shall be made to the director. The license application shall be filed upon forms furnished by the director in accordance with this article. The license application shall set forth, but not be limited to, the following information:

- (1) Name and address of legal owner of property; if a corporation submit copies of articles of incorporation, annual report, and any amendments thereto, all bearing evidence of filing with the secretary of state, with disclosure of directors and officers; if a partnership, the names and addresses of all partners; and if a limited liability company, the names and addresses of the managers and members;
- (2) Maximum number of residents proposed to occupy the home now and in the future;
- (3) Number of full-time staff to reside in the group care home, if any;
- (4) Supervision requirements in the group care home for the residents during all hours of operation;
- (5) Resume relating relevant experience of person who will be known as the authorized program representative; i.e., the person who has vested authority for the organization management, control and operation of the group care home;
- (6) Floorplan of the group care home, which includes the number and square footage of each room to be occupied as a bedroom or sleeping area, excluding closet space;
- (7) List of support staff, their job descriptions, and qualifications;
- (8) List of professional staff, their job descriptions, and qualifications;
- (9) Description of estimated annual budget;
- (10) Copy of a written plan for services, including professional services and staff care plan;
- (11) The group care home's rules and regulations, written intake procedures, relapse policy, discharge plan, and plan for removal of a client for noncompliance with rules and regulations;
- (12) Provide narrative of compliance with the standards as set forth in Section 26-168; and
- (13) When the property is leased to the operator/owner of the group care home, a copy of the lease which states that the property will be used as a group care home.

**Sec. 26-170. Issuance or denial of license.**

- (a) After receipt of a license application by the director, the director shall review it for compliance with the standardsrequirements set forth in Section 26-1698. Once the director has a complete license application, the director will have thirty (30) days to review all information submitted. The director may seek input from city employees with a discipline in administration, finance, social programming and/or building codes. In the event the director seeks such input, such employee may request additional information and/or documentation from the applicant. If the applicant fails to submit the additional information/documentation within the time period set forth by the director, the license application will automatically be denied. Once the director has all the information/documentation requested, the director shall make a determination to grant or deny the license.
- (b) If the director determines that a license should be issued, the director shall issue a group care home license within ten (10) days of the determination.

(c) If the director determines that a license should not be issued, the director shall, within ten days of the determination, notify the applicant of such determination, in writing, setting forth specifically the grounds for denial. A license applied for under this article may be denied if the application is incomplete or inaccurate, or if the applicant or sponsoring organization or agency fails to comply with applicable federal, state, and city laws, ordinances, and/or regulations, and such deficiency cannot be eliminated or sufficiently mitigated, or if the applicant has provided materially false or misleading information or omitted any pertinent information on its application.

**Sec. 26-171. Duration of license.**

Except as provided in this article, every license granted under this article shall be granted for a period of one year from the date of issuance.

**Sec. 26-172. License renewal.**

Applications for renewal of a group care home license shall be made to the director upon forms furnished by the director no later than sixty (60) days prior to the expiration of the current license. A renewal application shall be processed in the same manner as set forth in section 26-170. Any cause for revocation of a license as set forth in section 26-175 may also be a cause for nonrenewal of a license.

**Sec. 26-173. Appeals.**

(a) By applicant/licensee. If the director denies a license application, renewal license application, or revokes a group care home license, the applicant/licensee may file a written appeal to the city council. The written appeal shall be filed within fifteen (15) days of the applicant's receiving notice from the director of planning that the license has been denied, not renewed, or revoked. The appeal shall clearly describe the facts and law explaining why the license should be granted, renewed or not revoked. The appeal shall be filed with the city manager, who will then forward such appeal to the city council, along with any and all records relating to the action from which the appeal is taken. The city council shall limit its consideration to the record created during the director's license review process. The licensee may continue with group care home activities on the subject property pending final action on the appeal by the city council.

(b) Notice requirements; action by council. Notice of the time and place of the meeting of the city council to consider any appeal under this section shall be given by the city clerk to the applicant, not more than thirty (30) days nor less than fifteen (15) days before the meeting. The city council may, upon the majority vote of the members of the city council qualified to vote, affirm, reverse, wholly or in part, or modify, the decision of the director. The city council shall render a written decision to the applicant/licensee of the appeal within thirty (30) days of the closing of the city council's consideration of the appeal-its meeting.

(c) Provisions of state law applicable. Any appeal from, or judicial review of, the decision of the city council pertaining to the issuance, denial, nonrenewal or revocation of the license provided for in this article shall be subject to, and be in accordance with, the Illinois Administrative Review Law (735 ILCS 5/3-101 *et seq.*), exclusively.

**Sec. 26-174. Change of ownership.**

(a) A license issued under this article shall become null, void, and of no further effect when any of the following occurs:

- (1) Change in ownership of the sponsoring organization or agency involving more than ten percent of the aggregate ownership interest in the sponsoring organization or agency within a one-year period; or
- (2) Change in the members of the board of directors of a corporate licensee involving 50 percent or more of the board members within a one-year period; or
- (3) Takeover by another legal entity; or
- (4) Dissolution of the ownership entity.

(b) A license issued under this article to an ownership entity which is subsequently dissolved shall not be reactivated upon reinstatement of the ownership entity. Such an ownership entity shall apply for a new license.

**Sec. 26-175. Revocation of license.**

- (a) Generally. The license issued under this article may be revoked by the director after notice and hearing as provided for in subsection (c) of this section. Such revocation shall be for cause as provided in subsection (b) of this section.
- (b) Cause for revocation. Cause for revocation shall be as follows:
  - (1) A determination that any material information furnished by the applicant/licensee had been falsely stated; or
  - (2) The group care home does not comply with the provisions of this article or any of the ordinances of the city; or
  - (3) The management, owners or occupants of the group care home conduct, maintain or allow to exist conditions or activities upon the licensed premises which are unlawful or may constitute a public nuisance, a breach of the peace or which are a menace to the health, safety or general welfare of the public; or
  - (4) The applicant, licensee or owner of the property is a defaulter of the city. For the purposes of this subsection, the term "defaulter" shall mean the applicant, licensee or owner of the property having any outstanding financial obligations to the city, including, but not limited to, past due water bills, past due special assessment payments, past due property tax payments, parking ticket violations, weed and nuisance abatement liens, or any other past due loan payment owing to the city; or
  - (5) Refusal by any owner, operator, or staff person to allow entry into the group care home upon request by a police or code enforcement officer upon demonstration that probable cause exists to believe that a violation of this code exists.
- (c) Notice of revocation. The licensee shall be given written notice that a hearing will be held to determine if there is cause as listed in subsection (b) for the revocation of the license. Such notice shall be issued to the licensee not more than thirty (30) days or less than fifteen (15) days prior to such hearing and shall be mailed to the licensee's last known address or delivered in person and shall state the following:
  - (1) Specific grounds for the revocation;
  - (2) Date, time and place of the hearing; and
  - (3) Right of the licensee to participate and be represented at such hearing.
- (d) In the event the director determines after such hearing that the license under this article should be revoked, the director shall, within ten days of the determination, notify the licensee of such determination, in writing, setting forth specifically the grounds for the revocation.

**Sec. 26-176. Procedure to request a reasonable accommodation for group care homes for persons with disabilities**

- (a) Reasonable Accommodation. Any person seeking a license to operate a group care home that will house persons with disabilities may apply for a reasonable accommodation to obtain relief from a regulation, policy, or condition of this article that poses a barrier to equal access to housing.
- (b) Procedure.
  - (1) Application required. A written application for a reasonable accommodation shall be filed with and processed by the Director and shall include the following information:
    - (i) The specific provision, regulation, policy, or condition in this article from which the reasonable accommodation is being requested;
    - (ii) The specific exception or modification sought from the application of the subject provision, policy, or condition of this article that the applicant seeks;
    - (iii) Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the home;
    - (iv) Any other information that the City Manager or designee reasonably determines is necessary to evaluate the request for a reasonable accommodation; and
    - (v) Any other information that the Director reasonably concludes is necessary to determine whether the accommodation can be approved, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individuals affected.
- (c) Fees. No application fee is required to request a reasonable accommodation.
- (d) Within 60 days of receipt of a completed application, the Director shall issue a written determination to approve, conditionally approve, or deny a request for the requested reasonable accommodation.

(e) Standards for granting a reasonable accommodation. The following factors may be considered in determining whether to grant a reasonable accommodation:

- (1) Whether the requested accommodation is reasonable and necessary to give the occupants of the proposed group care home an equal opportunity to that of those who are not disabled to use and enjoy the subject dwelling;
- (2) Whether the requested accommodation would impose an undue financial or administrative burden on the city;
- (3) Whether the requested accommodation would require making a fundamental alteration in the nature of this article or other ordinance of the city by eliminating an essential aspect of this article or other city ordinance;
- (4) Whether a less drastic exception or modification to the applicable provision, regulation, policy, or condition that achieves the same end as the requested reasonable accommodation is available; and
- (5) When a reasonable accommodation is requested to house more than 12 unrelated people in a group care home for persons with disabilities, the following additional factors may be considered in determining whether to grant the requested reasonable accommodation:
  - (i) Whether the proposed number of residents greater than 12 is necessary to ensure the therapeutic and/or financial viability of the group care home; and
  - (ii) Whether the proposed number of residents can and will emulate a biological family and operate as a functional family.

**Sec. 26-177. Fees.**

An applicant for a license under this article shall pay a nonrefundable application fee in accordance with Appendix B to this code. If the applicant is approved for a license, there shall be due a license fee in accordance with Appendix B to this code prior to the issuance of the license. A license shall also pay a renewal fee on an annual basis.

**Sec. 26-178. Penalty for violation of article.**

Any person or entity who conducts, keeps, manages or operates a group care home without a valid license from the city or a state, federal or county agency or violates any section of this article ~~or other applicable ordinances, laws, codes or regulations~~ shall be subject to a fine of not less than \$500.00 or more than \$1,000.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Such fine shall not be the exclusive relief for the city to ensure compliance with this article. The city may seek an injunction or other equitable relief in court to stop any violation of this article. Violations of this article may bar future consideration for a group care home license. When any license issued under this article shall have been revoked for any cause, no new license shall be granted to such licensee for a period of one year thereafter for the conduct of a group care home in the city.