

City of Saint Paul

# Temporary Family Health Care Dwelling Unit Study

Report for the Saint Paul City Council

Department of Planning and Economic Development, Saint  
Paul Fire Department & Department of Safety and Inspections  
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## **Introduction**

The social dynamics surrounding how individuals choose to live within their family structure appears to be changing in Minnesota and across the country. Millennials may choose to live with their parents longer before moving out to more independent living arrangements. Elderly family members may elect to live with close relatives later in life as health issues become more of a concern. These social changes have the potential to impact housing needs across the state and in the City of Saint Paul.

One way in which to facilitate this change in housing needs is to begin to evaluate less traditional housing resources. One such resource is the use of temporary housing, such as a mobile homes or recreational vehicles, on a currently residentially zoned properties. In 2016, Governor Dayton signed a bill into law that requires local governments to allow a “mobile residential dwelling” to be used as Temporary Family Health Care Dwellings (TFHCD) on residential properties with an existing principal dwelling. These TFHCD may include ‘tiny houses’, small recreational vehicles (<300 ft<sup>2</sup> in size) and similar types of dwellings that are used to house on-site caregivers or as transitional housing for seniors. This law took effect September 1, 2016 for all jurisdictions in the state unless the local jurisdiction elects to ‘opt-out’ by an ordinance amendment.

On September 28, 2016 the Saint Paul City Council adopted an interim ordinance prohibiting the use of Temporary Family Health Care Dwelling Units for a period of one year and until a study could be completed to more thoroughly research this subject. This report summarizes that research. This report is the result of contributions from the Department of Planning and Economic Development, the Saint Paul Fire Department, and the Department of Safety and Inspections. This document was reviewed and edited by the Saint Paul Fire Marshall, the Saint Paul Building Official, the DSI Fire Safety Manager and the DSI Code Enforcement Manager.

## **Key Findings**

Based on the analysis of Temporary Family Health Care Dwelling Units in Saint Paul, the following findings informed staff recommendations:

- Temporary Family Health Care Dwelling Units do not meet the requirements of the Minnesota State Building Code. Recreational vehicles are typically not constructed to Minnesota State Building Code standards.
- Temporary Family Health Care Dwelling Units do not meet the requirements of Chapter 34 of the Saint Paul Legislative Code, which requires that all dwelling units meet the requirements of the state plumbing and mechanical codes.
- Utility connections (electrical, plumbing) for Temporary Family Health Care Dwelling Units are intended to originate from the principal residential structure on the property, which are unlikely to meet current code requirements.

- Temporary Family Health Care Dwelling Units may pose a significant fire risk to the occupants of these structures as they are likely to be constructed from materials and by methods that allow for rapid flame spread.
- Temporary structures, such as Temporary Family Health Care Dwelling units, may pose a significant fire hazard to adjacent, permanent, structures located on the same property. These units could facilitate fire spread from building to building within the city.
- Policy 2.18 in the Housing Chapter of the City of Saint Paul's Comprehensive Plan states that the city should encourage "flexibility for the re-use and/or physical adaption of existing single-family and multi-family buildings for senior housing. Possibilities include but are not limited to the conversion of large structures to one-level condos and/or rental units, and the use of shared housing models in existing homes." The Comprehensive Plan clearly supports the re-use of *existing* residential dwelling units within the City of Saint Paul. Temporary Family Health Care Dwelling Units are not existing dwelling units in the city.
- The statute specifically prohibits public hearings regarding the use and placement of TFHCDUs which does not align with Saint Paul's zoning practices.
- The statute charges city staff to attempt to identify the primary caregiver, health care provider information, and the written 'verification of need' for use of a Temporary Family Health Care Dwelling Unit from the health care provider. City staff have no ability or resources to conduct these reviews and verify this information.
- The statute requires municipalities to collect non-public HIPPA related information in order to approve the use of a TFHCDU within the city. This presents additional data practices challenges/risks for the city.
- The statute requires municipalities to issue Temporary Family Health Care Dwelling Unit permits within 15 days of receipt of an application. This brief timeline may not allow for adequate city review and appropriate inspections prior to the expiration of this timeline.
- The City of Saint Paul cannot 'opt-out' of a portion of the ordinance that may be in conflict with other existing city or state requirements. If the city were to choose to allow this statute to take effect, all provisions must be allowed within the city.
- The statute limits the amount the city can charge to recoup costs incurred to issue these permits. Those fee amounts are likely to be significantly lower than actual permitting/inspection costs.
- Code Enforcement staff routinely remove individuals who attempt to live in recreational vehicles within the city. These individuals are frequently found to be living in sub-standard conditions that pose a health threat to the occupant(s) and nearby residents. This statute may further encourage individuals to attempt to live in these types of prohibited dwellings, even though they may not have a specific medical need to live in one.
- Since the passing of this statute into state law and the passing of the interim ordinance temporarily preventing the use of Temporary Family Health Care Dwelling Units in the City of Saint Paul, the city has received no requests from the public to further consider use of these dwellings within the city.

## **Recommendations**

- Staff recommends the passage of an ordinance permanently amending Chapter 14A of the Saint Paul Legislative Code, 'opting out' of the requirements of the Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwelling Units.