

Important recovery housing survey: Information on local housing threats

As many of you know, local jurisdictions are increasingly active in trying to restrict the rights of recovery residences and other group homes for persons with disabilities. This is not a new phenomenon, but it is increasingly prevalent.

We're circulating this survey as the result a recent conversation with a staff attorney at the Department of Justice. DOJ usually only intervenes in housing rights cases once enforcement has commenced in a local jurisdiction. We are making the case that a different civil rights enforcement model is needed, due to the increased number and national dispersion of local government actions. The attorney with whom we spoke would like a list of specific instances of local government action.

We doubt that DOJ will use information you provide to trigger enforcement in individual cases. They simply want to understand the scope of the problem across the country, and a brief description of specific threats is the best way to help them do that.

Do you know of any cities, towns or equivalent political subdivisions in your service area which have enacted, or are considering enacting, regulations which impair the ability of recovery residences to operate in locations and manners of their choosing? If so, please provide the information below on each. If you don't know all the details, please provide whatever information you have. We are looking for instances of both enacted local law and pending action, even if that action is only in the formative stage.

City/town:

Already enacted, or being considered?:

Type of restriction(s) (see page 2 for a list of types we've seen elsewhere.):

Actions taken on the issue to date (public hearings, enforcement actions, passage of ordinance, etc.):

Any enforcement resulting in shutting down or preventing establishment of homes?:

The information can be limited to the information you have. If further research is required, we'll address that after we collect all the initial data.

Additional note: Please limit your responses to currently active situations in which the Justice Department and/or HUD have not already intervened. Examples of past discrimination are important, but DOJ has told us they are particularly interested in pending and likely future discriminatory actions.

Please feel free to circulate this survey to others who may have additional information. We want to collect data on as many specific local actions as possible.

Please return survey responses to me at the email address below. If you have questions or would like additional information please feel free to contact me:

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Thank you in advance for your participation.

Appendix: types of discriminatory local action we've seen in various places

These are a few of the types of local actions which local jurisdictions have taken in the past, and many are either enacting or considering now:

- Require a conditional use permit, zoning variance or other form of official permission (various types)
- Zoning – restrictions on homes with 4 or more unrelated people
- Fire, sprinkler other building & safety rules (disparate enforcement against group homes)
- More stringent building & safety rules for group homes
- Disparate enforcement of dwelling maximum capacity (overcrowding) rules
- Public hearings for reasonable accommodation
- Special laws on boarding homes for the disabled (3+ individuals)
- Halfway House ordinances
- 2+ parolees/probationers requires a special permit or process
- Deed restrictions enforced against group homes by private homeowners' associations
- Business classifications and rates for utilities where adjacent residences pay lower rates
- Boarding house - multiple leases
- Moratorium on approving group homes
- Classify group homes as boarding houses
- Boarding house classification for group homes, with exemption for disabled households
- Lengthy and arbitrary process for seeking reasonable accommodation