

February 22, 2023

Al Thurman, Mayor
Henry Lust, Mayor Pro Tem
Esteemed Council Members

Cordial greetings to you!

My name is Tyler Howey and I am the owner of Amended Recovery House. I have been in the process of establishing a stable home in Powder Springs for individuals in recovery from substance abuse. I have worked in the substance abuse field for over six years, utilizing a collaborative approach to address substance abuse. I have two properties in Hollywood, Florida, each with the capacity to house ten men. Amended Recovery has been in operation since 2020 and we have helped over 100 men achieve long-term sobriety and become stable, productive members of society. We have had many amazing success stories - I have included some of the testimonies in this letter.

I would like to briefly share a few excerpts from information I have gathered regarding why our program is needed in Powder Springs, and the challenges I have encountered along the way. My intention is to establish a sober living environment for ten men at 3240 Dogwood Drive, Powder Springs, Georgia.

These are some facts reported by local news resources in Powder Springs, Cobb County and surrounding areas:

- Cobb County is one of the largest diverse Counties in Georgia and home to more than 750,000 residents among seven municipalities. Sadly, in 2017 Cobb County led the state as having the highest number of reported overdose deaths.
- In Cobb County, opioid overdose deaths reached an all-time high of 123 deaths in 2021.¹
- Deadly synthetic opiate fentanyl spiked in Cobb County, particularly in zip code 30127, which includes Powder Springs, the southern portion of west Cobb, and part of southeast Paulding County.
- The Cobb County District Attorney has been trying to fight the problem. They've established an Opioid Fatality Review panel to help find out what resources are needed in the community.
- Cobb has remained one of the top counties for opioid overdose deaths.

"It's a massive issue and it's been exacerbated by the pandemic," said Dr. Kevin Baldwin, who has been researching the crisis.

"Where was the gap? Where were the missed opportunities?" said Sonjetta Tiller, who speaks with family members of someone who has died from an overdose.²

¹ "Fentanyl overdoses jump in two metro counties" – WSB-TV Channel 2 - Atlanta. Accessed 1/26/23. <https://www.wsbtv.com/news/local/cobb-county/fentanyl-overdoses-jump-two-metro-counties/2GHMJAU3VRBJNEXH6JGGBDAFAY/>

² Dillon, Denise. "Cobb County DA holds opioid symposium discussing alarming spike in overdose deaths". 9 Sept 2022. Accessed 1/26/23. <https://www.fox5atlanta.com/news/opioid-symposium-discussing-alarming-spike-in-overdose-deaths>

In early January 2023, I opened an Amended Recovery house on property which my wife and I own located at 3240 Dogwood Drive, Powder Springs. On February 1, 2023 I received a citation for occupancy, business license, zoning, etc. I had previously gone to the Powder Springs Community Development office and inquired about zoning and occupancy, and requested a business license from Shawn Myers. However, I was told this is a prohibited business for my zoning district, so a business license would not be granted. I then reached out to community development via email, inquiring about a variance or special use permit and I was then told by Tina Garver that there are "no options in this office" and I would need to follow up with Doug Shiplett. This led us to a court hearing on February 15, 2023, with Judge Luke Mayes presiding. After presenting proper documentation, Mr. Shiplett found that we were compliant and the prosecutor dropped the charges. Judge Mayes indicated that we would be a valuable asset for the community if we can become team members with the city. So I come today pleading for an solution which will allow me to house ten men in a drug free environment, working with police and local community resources to combat the issue of alcohol and substance use in our community. There is a therapeutic value of having these guys live in the group and recover together in a family style environment. They provide each other with stability and accountability.

The issue is that the city of Powder Springs zoning doesn't currently allow for this type of home in the R-15 zoning district, although Cobb County does list this as a permitted use on their website.³ Obviously the need exists, as Cobb County leads the state in drug overdose, specifically in zip code 30127.⁴

Furthermore, it seems to me that Powder Springs currently has some dated zoning practices. The Fair Amendments Act of 1988 of the Federal Fair Housing Act make it unlawful for **any jurisdiction** to discriminate against congregate living for the disabled. Recovering alcoholics and drug addicts are within the scope of the term "disabled."

The Act defines discrimination to include not only traditional discriminatory practices, but also "refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such a person equal opportunity to use and enjoy a dwelling." 42 U.S.C. 3604(f)(3)(B). While localities need not do everything humanly possible to accommodate a disabled person, the "reasonable accommodation" requirement imposes affirmative duties to modify local requirements when they discriminate against the handicapped.⁵

³ ARTICLE IV. - DISTRICT REGULATIONS | Code of Ordinances | Cobb County, GA | Municode Library. https://library.municode.com/ga/cobb_county/codes/code_of_ordinances?nodeId=PTIOFCOCOCOCGE_CH134ZO_ARTIVDIRE_S134-192SUUS Accessed 2/2/23

⁴ Johnson, Larry Felton. "Fentanyl overdoses spike in west Cobb, southeast Paulding counties". Cobb County Courier, August 14 2022. Accessed 1/26/23. <https://cobbcountycourier.com/2022/08/fentanyl-overdoses-spike-in-west-cobb-southeast-paulding-counties/>

⁵ Foote, John H. "The Fair Amendments Act of 1988 and Group Homes for the Handicapped". Hazel & Thomas, P.C., Manassas, Virginia. *Reprinted from the Journal of the Section on Local Government Law of the Virginia State Bar, Vol. III, No, 1, September 1997.*

An example of these cases is *Oxford House v. Township of Cherry Hill*, 799 F. Supp. 450 (D. N.J. 1991), the federal court rejected a state court ruling that residents of a group home for recovering alcoholics were not a single family under the Township's ordinance, and that they were not handicapped. The court noted that those handicapped by alcoholism or drug abuse are persons more likely than others to need a living arrangement in which sufficiently large groups of unrelated people live together in residential neighborhoods for mutual support during the recovery process.⁶

I'm proud to say I personally have a track record of success as a person with almost 7 years drug and alcohol free. I have made it my personal mission to help others change their lives and find stability and independence. If we can open a line of communication I would be happy to address any concerns. I hope to work together to provide a proven effective opportunity for this community.

Please contact me for further discussion and potential solutions we can work together to achieve. I would be happy to tour any council member or appropriate person through the home any time.

Sincerely,

Ty Howey



Amended Recovery, LLC

www.amendedrecovery.com



⁶ Ibid.

Testimonials

The following are testimonials provided by actual residents of Amended Recovery through our website. Names have been omitted to protect their privacy.

Great place, very understanding to those who really need the helping hand. Owners/house managers are very communicative and don't tolerate nonsense. House mates are fantastic, respectful and everyone does their part in chores. Great place if you're serious about wanting to have a better life. They will help you if you help yourself. Thank you!

I have struggled with addiction for years and have been in and out of several halfway houses and treatment centers. Amended house is the first place that I have succeeded in. It is a clean house in a clean environment where ppl help each other and the owners are caring and readily accessible. I owe so much to amended house and will be forever thankful and grateful. It's rare to find owners that care and are eager to help and provide whatever is needed to get and keep you sober and clean

Best recovery place on the block! I really can't thank Paul and Ty enough for being there for me. When I was having a rough time sober they were there for me. The group of guys that live at both houses really want to stay sober. Everyone supports each other and the environment is fun and loving all while recovering Paul and Ty you guys are amazin and saved my life thank you so much from the bottom of my heart!

The owners are sincerely interested in the clients well being and recovery process The house managers are professionally trained and very adept in all regards. Highly recommended if you are serious about your recovery

A great place to get your life back. The owners actually care about you and provide a house with structure. These guys have become part of my family. I've formed lifelong habits that will aid me in my journey to stay clean and sober. If you need help, I highly recommend reaching out to them. This place has literally helped save my life. Ty and Paul are fair and good role models to look up to. The house is clean neat and runs very smoothly. Everyone in my house works and helps each other out in a good spirit of brotherhood. I am so grateful and thankful to be a part of the amended house!

Saved my life, and taught me how to live it. Community, responsibility, accountability and service. Amended Recovery gave me stable, affordable housing to build a foundation for me to rebuild my life.

This is one of the best recover houses that I've been to it's clean cozy feels like home very one is nice and we respect and get along with one another . Thank you for giving me a another chance in life !

Amended recovery is a great place. They are dedicated to helping people move forward in there recovery. Not only is the house beautiful but everyone is very welcoming. I greatly appreciate all the help ty and Paul have given me in the short period i have been here!

Not proud to say this but I've been to a handful of halfway house ,and this has to be the best structured environment I've been in for a halfway house. If I ever need any help with anything ,I can always go to Paul or Ty with any questions and ask for advice. They always direct me the best they can! They are good with helping the new guys that come into there house's and make them feel at home

!!THIS IS THE CLEANEST HALFWAY IVE EVER BEEN IN !!! Everything is brand new ,which makes me feel comfortable .An know as long that I stay clean ,I will own a house like this some day.All the furniture is brand new and the houses are remodeled!! THIS IS DEFINITELY NOT A FLOP HOUSE ... A BIG

PLUS THEY SUPPLY CLEANING PRODUCTS FOR THE HOUSE !!An no bed bugs !! FREE
WIFI,WASHER N DRYER

Best halfway I've ever stayed in! Clean with brand new amenities and good guys! Owners are top notch guys; not just in it for the money like other places they genuinely care about you and your recovery!! Highly recommend!

get help and stability from people who care. Non-judgmental, Clean, Sober, and Friendly living environment. When you come here you don't just get a place to stay, you get friends and a support system.

This place is Great! You Get support and they help you with any situation failings not an option at the Amended recovery house. I recommend this place to anyone

Great place to go if you want to get clean and get your life back on track and the owners really care and will work with you just have to show that you really want to make a change

Special Use Permit

Good afternoon, I want to be clear that the information I present is not meant to be combative or threatening in any way. I simply want to present you with facts and information. I have stated many times that my goal is to "work with the city" to provide a safe, stable, and drug free, living environment for men in recovery from substance abuse.

- Sober living homes and recovery residences are terms used to describe community-based living arrangements for people recovering from substance use disorders. They are not licensed or regulated by state or federal agencies, but may follow certain standards or principles established by national or regional organizations, such as the National Alliance for Recovery Residences (NARR). Sober living homes and recovery residences have also faced legal challenges from local governments or neighbors who oppose their presence in residential neighborhoods, often citing concerns about safety, property values, or quality of life. People in recovery from substance use disorders are generally allowed to live together in congregate living arrangements. These homes provide a supportive living environment for individuals who are in recovery.

1. Occupancy

It is important for individuals in recovery from substance abuse to house together in recovery residences for several reasons. Some of them are:

- Recovery residences provide a **supportive environment** where individuals can share their experiences, challenges, and successes with others who understand their struggles and goals⁵.
- Recovery residences offer a **structure and routine** that can help individuals maintain their sobriety and avoid relapse. They may also provide access to recovery-oriented activities, such as meetings, workshops, education, and employment⁵.
- Recovery residences foster a **sense of community and belonging** that can enhance individuals' self-esteem, social skills, and coping abilities. They may also provide opportunities for peer mentoring, leadership, and advocacy⁵. The individuals that are young in recovery can seek guidance and advice from the more established residence, and the residents that are more experienced the opportunity to give back and help others become successful and stable.
- **Affordability**. With a larger group of residents they have more opportunity. The majority of these guys work on wages between \$9 and \$15 per hour making finances extremely tight.

Having larger communities in sober living homes can be important for several reasons:

1. **Enhanced Support Network**: Larger communities provide a broader support network for individuals in recovery. More residents mean more peers who understand the challenges of addiction and can offer emotional support, encouragement, and relapse prevention assistance.

3. **Reduced Isolation**: A larger community can help combat the feelings of isolation that often accompany addiction recovery. Residents are less likely to feel alone or disconnected when surrounded by more peers who share similar goals.
4. **Increased Accountability**: In larger communities, there's a greater likelihood that residents will hold each other accountable for their actions and behaviors. Peer accountability is a fundamental principle in many sober living homes and can be more effective in larger groups.
5. **Resource Sharing**: Larger communities may have access to a wider range of resources and amenities. This can include shared transportation, group activities, and communal spaces for meetings and therapy sessions.
6. **Resilience Building**: Dealing with conflicts and differences in a larger community can teach valuable life skills such as conflict resolution, communication, and empathy. These skills are not only useful in recovery but also in transitioning back into mainstream society.
7. **Reduced Relapse Risk**: A larger community can help reduce the risk of relapse by providing continuous support and a sense of belonging. Residents are less likely to feel the need to turn to substances when they have a strong support system.
9. **Long-Term Connections**: Larger communities may lead to the formation of deeper and longer-lasting connections among residents. These connections can extend beyond the sober living home and provide ongoing support in the years following recovery.
10. **Economies of Scale**: In some cases, larger communities may benefit from economies of scale, making it more cost-effective to provide essential services and amenities, which can be passed on to residents.

NARR and GARR standards

According to the National Alliance of Recovery Residences (NARR), there should be a minimum of 50 square feet per bed per sleeping room. The facility shall have at minimum one sink, toilet and shower per every six residents. Laundry services must be available and easily accessible to all residents. The interior and exterior must be functionally maintained, safe and clean. The home must be located near public transportation where available or transportation must be provided or made available. There must be adequate space available for group meetings and fellowship gatherings based on the number of clients. At minimum there must be a private meeting space for conducting confidential services for clients.

2. Reasonable accommodations

According to the federal fair housing act and Americans with disabilities act, reasonable accommodations should be made for individuals in recovery from substance abuse who live in recovery residences because:

- Individuals in recovery from substance abuse are considered to have a ****disability**** under the Fair Housing Act and Americans with Disabilities Act, which means they are entitled to equal opportunity and protection from discrimination in housing⁴⁵.
- Reasonable accommodations are changes or exceptions to rules, policies, practices, or services that may be necessary for individuals with disabilities to have equal access and enjoyment of housing⁴.
- Reasonable accommodations are required by law unless they would cause an ****undue hardship**** or a ****fundamental alteration**** of the housing program or service⁴.

Cities and municipalities have an obligation to provide reasonable accommodations in zoning practices for such communal housing. This means providing flexibility in restrictive regulations or waiving certain requirements when necessary to achieve equal access to housing for individuals with disabilities. This is important because it ensures that individuals in recovery have the same rights and opportunities as everyone else when it comes to housing, which is a crucial aspect of their recovery journey.

Source:

(1) Fair Housing Legal Protections For Recovery Housing.

<https://recoverypeople.org/wp-content/uploads/2020/07/Fair-Housing-Legal-Protections-For-Recovery-Housing-Savage-2018-.pdf>.

(2) TENANTS' RIGHTS UNDER THE FEDERAL FAIR HOUSING LAWS LIVE WHERE YOU CHOOSE.

<https://www.disabilityrightspa.org/wp-content/uploads/2018/11/Tenant-Rights-110918H-5.pdf>.

(3) Disability Overview | HUD.gov / U.S. Department of Housing and Urban ...

https://www.hud.gov/program_offices/fair_housing_equal_opp/disability_overview.

(4) Fair Housing for Individuals with Mental Health, Intellectual, or ...

<https://www.hud.gov/sites/dfiles/FHEO/images/MD%20Fact%20Sheet%20-%20HP.pdf>.

(5) The Americans With Disabilities Act, Addiction, and Recovery for State ...

<https://adata.org/factsheet/ada-addiction-and-recovery-and-government>.

3. Here is an overview of outcomes on city, state, and federal court cases that involve sober livings, or recovery residences:

- Oxford House is a national nonprofit organization that operates sober living homes for people recovering from substance use disorders. Oxford House has been involved in many lawsuits challenging local zoning ordinances that restrict the number of unrelated persons who can live together in a single-family dwelling, or that require special permits or licenses for group homes. Oxford House has generally prevailed in these cases, arguing that such ordinances violate the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA), which prohibit

discrimination on the basis of disability and require reasonable accommodations for people with disabilities. Some examples of these cases are:

- Oxford House Inc v. Township of North Bergen, No. 22-2336 (3d Cir. 2023)⁴: The U.S. Court of Appeals for the Third Circuit affirmed a district court's decision that a township ordinance that required group homes to obtain a conditional use permit and to comply with various standards, such as minimum lot size, parking, and distance from other group homes, violated the FHA and the ADA. The court found that the ordinance discriminated against people with disabilities by imposing more burdensome requirements on group homes than on other residential uses, and that the township failed to show that its ordinance was justified by a compelling governmental interest or that it was narrowly tailored to achieve that interest.

- St. Paul Sober Living v. Board of County Commissioners of Garfield County, No. 11-cv-03076 (D. Colo. 2014)⁹: The U.S. District Court for the District of Colorado granted summary judgment in favor of a sober living home that operated in a gated community zoned for single-family residences. The court held that the county's enforcement of its zoning code against the home violated the FHA and the ADA, as well as the Colorado Anti-Discrimination Act. The court found that the home's residents were disabled within the meaning of the laws, that the home provided them with a therapeutic environment conducive to their recovery, and that the county's actions constituted a refusal to make reasonable accommodations for their disability.

- Women's Elevated Sober Living LLC et al v. City of Plano, Texas, No. 4:2019cv00412 (E.D. Tex. 2021)⁶: The U.S. District Court for the Eastern District of Texas issued a memorandum opinion and order after a bench trial in favor of two sober living homes for women that operated in a city zoned for single-family residences. The court held that the city violated the FHA and the ADA by enforcing its zoning code against the homes based on their occupancy by more than four unrelated persons, by denying their requests for reasonable accommodations to allow them to operate as group homes for disabled persons, and by subjecting them to selective enforcement and harassment. The court awarded the plaintiffs compensatory damages, punitive damages, attorneys' fees and costs, and injunctive relief.

- RAW Recovery LLC v. City of Costa Mesa, No. 20-55870 (9th Cir.)⁹: The U.S. Court of Appeals for the Ninth Circuit is currently reviewing an appeal from a district court's decision that dismissed a lawsuit filed by a sober living home against a city that enacted two ordinances regulating sober living homes in residential zones. The ordinances required sober living homes to obtain special permits and licenses, to comply with various operational standards and restrictions, and to be located at least 650 feet away from other group homes or sober living homes. The district court held that the sober living home failed to state a claim under the FHA and the ADA because it did not allege facts showing that its residents had disabilities within the meaning of the laws, or that they were denied housing opportunities because of their disabilities. The U.S. Department of Justice filed an amicus brief in support of the sober living home, arguing that the district court applied the wrong legal standards and ignored factual allegations that supported the home's claims.

Source:

(1) City of Edmonds v. Oxford House, Inc., 514 U.S. 725 (1995)..
<https://www.law.cornell.edu/supct/html/94-23.ZO.html>.

- (2) Oxford House Inc v. Township of North Bergen, No. 22-2336 (3d Cir. 2023).
<https://law.justia.com/cases/federal/appellate-courts/ca3/22-2336/22-2336-2023-07-28.html>.
- (3) Another big win for fair housing rights and recovery residences.
<https://narronline.org/another-big-win-for-fair-housing-rights-and-recovery-residences/>.
- (4) Women's Elevated Sober Living LLC et al v. City of Plano, Texas
<https://law.justia.com/cases/federal/district-courts/texas/txedce/4:2019cv00412/190072/120/>.
- (5) No. 20-55870 IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH
<https://www.justice.gov/crt/case-document/file/1458501/download>.
- (6) City of Edmonds v. Oxford House, Inc., 514 U.S. 725 (1995).
<https://supreme.justia.com/cases/federal/us/514/725/>.
- (7) CITY OF EDMONDS v. OXFORD HOUSE, INC., 514 U.S. 725 (1995).
<https://caselaw.findlaw.com/court/us-supreme-court/514/725.html>.
- (8) Court Orders Gated Community to Allow Sober Living Group Home.
<https://www.communityassociationinsider.com/court-orders-gated-community-to-allow-sober-living-group-home/>.
- (9) Jury awards \$77M in suit against addiction treatment center.
<https://www.gpb.org/news/2022/09/07/jury-awards-77m-in-suit-against-addiction-treatment-center>.
- (10) Recovery Courts | NJ Courts.
<https://www.njcourts.gov/courts/adult-probation-supervision/recovery-court>.
- (11) Ten of the Largest Medical Malpractice Verdicts of 2022.
<https://www.jdsupra.com/legalnews/ten-of-the-largest-medical-malpractice-2980009/>.

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MEMORANDUM

To: Missouri Recovery Residence Providers and Interested Entities

From: Law Office of Kim Savage

Re: Fair Housing Law Protections for Recovery Residences and Local Land Use & Zoning Regulations

Date: 10/18/21

Introduction – Overview of Fair Housing Laws

The purpose of this memorandum is to explain how the federal Fair Housing Amendments Act of 1988 applies to local land use and zoning regulations impacting recovery residences. More specifically, this memorandum explains: (1) the legal basis for treating households of unrelated individuals with disabilities in recovery for substance abuse as other single-family households of related individuals and (2) the authority for regulating recovery homes as residential uses, not commercial uses, subject only to the requirements of other single-family dwelling households.

Fair housing laws have a national dual purpose as to individuals with disabilities: prohibit discrimination in housing and housing-related activities against individuals with disabilities AND affirmatively further housing opportunities for members of this protected class. 42 U.S.C. §§ 3601 *et seq.* The fundamental purpose of the Act is to prohibit practices that “restrict the choices” of people with disabilities to live where they wish or “that discourage or obstruct choices in a community, neighborhood or development.” 24 C.F.R. § 100.70(a) (1994).

The Act protects an individual with a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having any such impairment; or anyone who has a record of having such an impairment. 42 U.S.C. § 3602(h); 24 C.F.R. § 100.201. Individuals in recovery from drug or alcohol abuse are also covered under the law. 24 C.F.R. § 100.201; United States v. Southern Management Corp., 955 F. 2d 914 (4th Cir. 1992); Oxford House v. Town of Babylon, 819 F. Supp. 1179 (E.D.N.Y. 1993). The protections afforded by the Act also extend to those who are associated with them; providers and developers of housing for people with disabilities have “standing” to file a court action alleging a violation under the Act or seek administrative relief from a federal or state agency that enforces fair housing laws. Judy B. v. Borough of Tioga, 889 F. Supp. 792 (M.D. Pa 1995) and Epicenter of Steubenville v. City of Steubenville, 924 F. Supp. 845 (S.D. Ohio 1996).

The federal Act prohibits both intentional discrimination and zoning rules and regulations that have the effect of discriminating against housing for people with disabilities. This two-prong basis is particularly important in land use and zoning because, in many instances, zoning regulations, practices and procedures are facially neutral and do not single out individuals with disabilities, but the rules or practices have an adverse or discriminatory impact which results in the denial of housing opportunities.

To prove discriminatory intent, an individual need only show that disability was one of the factors considered by the city or county in making a land use or zoning decision. Oxford House-C v. City of St. Louis, 843 F.Supp. 1556 (E.D. Mo. 1994); Potomac Group Home Corp. v. Montgomery County, 823 F. Supp. 1285 (D. Md. 1993).

Discrimination may also be established by proving that a particular practice has a discriminatory impact on people with disabilities. Under the standards established by the Eighth Circuit, to prevail on a discriminatory impact theory, plaintiff must first make a prima facie showing that the challenged ordinance has a discriminatory effect. "If the law has such an effect, the burden shifts to the governmental defendant to demonstrate that its conduct was necessary to promote a governmental interest commensurate with the level of scrutiny afforded the class of people affected by the law under the equal protection clause." Oxford House-C v. City of St. Louis, 843 F. Supp. 1556 (E.D. Mo. 1994); Familystyle of St. Paul, Inc. v. City of St. Paul, 923 F.2d 91, 94 (8th Cir.1991); United States v. City of Black Jack, 508 F.2d 1179 (8th Cir. 1974) *cert. denied*, 422 U.S. 1042, 95 S. Ct. 2656, 45 L. Ed. 2d 694 (1975).

In addition to not discriminating against people with disabilities, cities and counties have an affirmative duty to provide reasonable accommodations in land use and zoning rules, policies, practices and procedures where it may be necessary to provide individuals with disabilities equal opportunity in housing, 42 U.S.C. § 3604(f)(3)(B). While the Act intends that all people have equal access to housing, the law also recognizes that people with disabilities may need extra tools to achieve equality. In the land use and zoning context, reasonable accommodation means providing individuals with disabilities, or developers of housing for people with disabilities, flexibility in land use and zoning regulations and procedures, or waiver of certain requirements when it is necessary to achieve equal access to housing. Oxford House-C v City of St. Louis, 843 F. Supp. 1556 (E.D. Mo. 1994) ("Clearly the Fair Housing Act and its Amendments apply to the zoning enforcement decision at issue here.")

Land use and zoning regulations that restrict or prohibit housing opportunities for individuals with disabilities violate fair housing laws unless there is a legitimate governmental interest. As set forth below, there is no legal justification to single out and regulate differently recovery residences that function like a family and in doing so comply with neutral occupancy standards. Further, there is no legal justification for imposing heightened health and safety requirements on recovery residences that operate similarly to a family. Land use and zoning impediments that make it infeasible to operate housing for individuals with disabilities effectively deny opportunities to a protected class.

The Federal Fair Housing Act Recognizes That Individuals With Disabilities In A Group Setting Constitute A Family For Purposes of Zoning Regulation.

Fair housing laws protect the right of individuals with disabilities to reside together in group living arrangements and be classified as a "family" under local zoning and land use laws. While local governments have significant authority to regulate zoning, local planning and land use regulations and decision-making must comply with the federal Fair Housing Amendments Act of 1988. Numerous jurisdictions throughout the nation recognize that a group of unrelated individuals with disabilities that reside in single-family dwellings are the functional equivalent of a family. These are households that live together in a cohesive manner and, each with full access to the dwelling, are a "family" for purposes of a zoning use classification. This single-family dwelling remains a residential use and cannot be subject to additional requirements otherwise imposed on households of related individuals. Children's Alliance v City of Bellevue, 950 F. Supp. 1491 (1997) ("The distinction the Ordinance draws between Families and Group Facilities rises to a statutory violation because of the burdens placed on the latter but not on the former. . . [t]hus the Ordinance facially discriminates on the basis of familial status and handicap through its imposition of these requirements.")

The courts have held that restrictive definitions of family illegally limit the development and siting of group homes for individuals with disabilities and not families similarly sized and situated and effectively deny housing opportunities to those who because of their disability live in a group home setting. Oxford House Inc. v. Babylon, 819 F.Supp. 1179 (E.D. N.Y. 1993); Oxford House v. Township of Cherry Hill, 799 F. Supp. 450 (D.N.J. 1992); United States v. Schuylkill Township, 1991 WL 117394 (E.D. Pa. 1990), reconsideration denied (E.D. Pa. 1991). Group homes are distinguishable from licensed facilities which provide an institutional or clinical setting with a duty of care and supervision and treatment, more akin to a hospital or nursing home. In addition to the foregoing distinctions, residents of licensed facilities do not have full access to the entire premises.

Recovery Homes Are Residential Uses And Providing Incidental Disability Related Services Does Not Constitute A Change Of Use to A Commercial Classification.

Some jurisdictions have a misperception that housing for individuals with disabilities is a commercial use and this interpretation has the effect of denying housing opportunities in violation of fair housing laws. First, some local governments assume that if any management functions take place at a dwelling, it is a business and subject to commercial zoning restrictions. There is an all too common view that, because residents with disabilities in a group living arrangement pay money to live at a home, the dwelling is a commercial use, subject to commercial siting restrictions and, often, a business license. Courts have found that simply because the operation of a dwelling may entail some management functions, such activities do not change the essential character of a single family or multi-family dwelling from a residence to a “business” or commercial use.

[M]aintaining records, filing accounting reports, managing, supervising, and providing care for individuals in exchange for monetary compensation are collateral to the prime purpose and function of a family housekeeping unit. Hence, these activities do not, in and of themselves, change the character of a residence from private to commercial.

See, Rhodes v. Palmetto Pathway Homes, Inc., 400 S.E. 2d 484 (S.C. 1991) citing Gregory v. State Dept. of Mental Health Retardation and Hospitals, 495 A.2d 997 (R.I. 1985) and JT Hobby & Sons v. Family Homes, 274 S.E.2d 174 (1981).

A practice or regulation that treats housing for individuals with disabilities as a commercial use when the same determination is not applied to similarly situated and functioning families singles out individuals with disabilities in a discriminatory manner. A single family engages in comparable management functions when it employs and pays a housekeeper or gardener and there is an exchange of money. Or, parents may charge rent to an adult child living at home. These activities do not change the residential use of the home, nor do comparable activities that assist with the sound functioning of a home for individuals with disabilities.

Second, some jurisdictions also take the position that where housing for individuals provides some on-site support for its residents, the home loses its residential character and is subject to commercial land use and zoning regulations. Housing for individuals with disabilities where supportive services are provided on site or, there is a peer resident house manager, is increasingly common as these attributes effectuate a nurturing and caring community of likeminded individuals in recovery for substance abuse. It is anticipated that the demand for housing with a range of supportive services will continue to increase as a result of the landmark U.S. Supreme Court ruling that Title II of the Americans With Disabilities Act (ADA) requires that individuals with disabilities be served in the least restrictive setting. The integration mandate requires that individuals who are able to reside in a community setting with supportive services, as opposed to an institution, are required to be provided housing opportunities within the community. Olmstead v. L.C., 527 U.S. 581 (1999).

A jurisdiction that regulates a dwelling based on the provision of supportive services to individuals with disabilities or, the presence of a peer resident house manager, is imposing restrictions based on the residents’ personal characteristics in violation of fair housing laws. This type of regulation is discriminatory because it treats housing for individuals with disabilities with supportive services differently from similarly situated families. There is no basis under fair housing laws for distinguishing between the activities and services at a traditional family home and a group living arrangement for individuals with disabilities that provides support for its residents.

Mischaracterization of Housing for Individuals with Disabilities as a “Boarding or Rooming House” or Other Group Living Arrangement Illegally Restricts Housing Opportunities.

Many cities and counties have a practice of treating housing for individuals with disabilities as a boarding or rooming house use that is permitted by right only in high density multi-family residential zones or commercial zones. Local governments have also classified housing for individuals with disabilities in recovery as “Bed and Breakfast” uses or fraternity houses. These use classifications mischaracterize the use of the dwelling and results in

siting restrictions that have the effect of denying housing opportunities for individuals with disabilities in violation of fair housing laws. Tsombanidis v. City of W. Haven, 180 F.Supp. 2d 262 (Conn. 2001).

Generally, boarding and rooming houses provide a temporary housing option for individuals and, in most jurisdictions, this type of use is restricted to high density multi-family residential or commercial zones. This use, albeit residential, is distinguishable from housing for individuals with disabilities which purposefully offers a family like environment on a long term or permanent basis. Further, individuals who reside in boarding or rooming houses do not have full access to the dwelling but are typically limited to their room which has a key-locking door. In contrast, recovery home residents have full access to the home in which they reside and bedroom doors do not have locking mechanisms. “Bed and Breakfast” accommodations are not residential uses but commercial ventures which operate as small-scale hotels for vacation guests who have restricted access to the premises. These are not long-term housing opportunities whereas recovery residences offer a home for lengthy periods of time, often without any occupancy time restrictions. Recovery residences are not analogous to college fraternity houses; there is little, if any, structure to the household, the household is transient and the residents are not members a protected class under the federal Fair Housing Act. When a city or county applies boarding and rooming house, “Bed and Breakfast” or fraternity siting restrictions to congregate living arrangements for people with disabilities, it denies housing opportunities to those protected by fair housing laws and negates its obligation to affirmatively further fair housing.

Cities and counties in their zoning policies, practices and procedures risk violating the federal Fair Housing Act when they erroneously classify congregate living arrangements for people with disabilities as any other use. The consequence of local governments misclassifying the use of housing for individuals with disabilities is that members of the protected class are denied or restricted in their housing opportunities.

Local Government May Not Impose Heightened Health & Safety Requirements On Recovery Residences That Operate As A Family And Are Not Otherwise Imposed On Other Families.

The federal Fair Housing Amendments Act of 1988 recognizes that local health and safety restrictions may have an adverse impact on group living arrangements for individuals with disabilities. These group living arrangements in single-family dwellings provide an important opportunity for individuals with disabilities to reside together in a supportive and affordable home. These living arrangements purposely create a cohesive, family-like environment: the household members share responsibilities for maintaining the home, eat meals together as other families do and, develop strong social bonds as they address substance abuse, mental health concerns or co-occurring health conditions.

These new subsections [§ 3604(f)] would also apply to state or local land use and health and safety laws, regulations, practices and decisions which discriminate against individuals with handicaps. While state and local governments have authority to protect safety and health, and to regulate use of land, that authority has sometimes been used to restrict the ability of individuals with handicaps to live in communities. This has been accomplished by such means as the enactment or imposition of health, safety or land-use requirements on congregate living arrangements among non-related persons with disabilities. Since these requirements are not imposed on families and groups of similar size of other unrelated people, these requirements have the effect of discriminating against persons with disabilities.

H.R.Rep. No. 100-711, 100th Cong., 2d Sess. 24, *reprinted in* 1988 U.S. Code Cong. & Admin. News at 2173, 2185 (emphasis added).

Historically and even today, local governments continue to require heightened health and safety requirements, including fire installations, based on a broad presumption that all individuals with disabilities require more protections.

Another method of making housing unavailable to people with disabilities has been the application of enforcement of otherwise neutral rules and regulations on health, safety and land-use in a manner which discriminates against people with disabilities. Such discrimination often results from false or over-protective assumptions about the needs of handicapped people, as well as

unfounded fears about the problems that their tenancies may pose. These and similar practices would be prohibited.

H.R.Rep., No. 711, 100th Cong., 2d sess. 24, reprinted in 1988 U.S. Code Cong. & Admin. News 2173, at 2185 (emphasis added).

Local governments must consider the particular disabilities and needs of the individuals with disabilities when determining the applicable health and safety and fire code requirements of group living arrangements. While reasonable restrictions for safety are permissible, the courts have warned against the imposition of requirements that are unnecessary and financially burdensome to housing for individuals with disabilities.

The ordinance makes no effort, for example, to promulgate one set of safety standards tailored to the needs and abilities of developmentally disabled persons who are hearing impaired, another for those whose vision is impaired, another for those whose conditions impair their mobility, etc. Instead, the ordinance lumps all the requirements together and makes all of them applicable in the instance of every developmental disability. The expense that would result from complying with needless safety requirements amounts to an onerous burden which has the effect of limiting the ability of these handicapped individuals to live in the residence of their choice.

The question then becomes whether other provisions of the zoning code narrow application of the ordinance to only those safety requirements that are directed at the unique and specific needs and abilities of plaintiff's residents.

Marbrunak, Inc. v. City of Stow, 974 F.2d 43, 47-48 (6th Cir. 1992)

The courts have considered health and safety and fire requirements for recovery homes which provide independent living for those who remain clean and sober while addressing their substance abuse in a supportive living environment. The Court, in evaluating an Oxford House, found that the household of those voluntarily in recovery functioned sufficiently similar to a family and were subject only to the same requirements as families living in single-family dwellings.

The Court finds that the residents of Oxford House West Hale exhibit a social structure that mirrors a hierarchy, which would aid the safe evacuation of the structure in the event of a fire. Although the social structure is less formal than the traditional hierarchies found in many homes—for example, parent-child, grandparent-grandchild, or aunt-nephew—a hierarchal structure nonetheless exists among the residents, primarily based on the length of time that a resident has lived in the house.

Further, all of the residents of Oxford House West Hale are adults, and thus they do not require the level of supervision that a head of household otherwise would provide to children in a family.

In sum, the residents of Oxford House West Hale exhibit informal and formal social structures that resemble the hierarchies traditionally displayed by families, and the residents share a close bond with each other that prompts them to aid each other in times of need, as families tend to do. Because of these social structures and tight-knit relationships among the residents, the residents would react in a manner similar to a family in the event of a fire. Therefore, the accommodation that Plaintiffs requested—that the Fire Marshal interpret the term "family" in a manner that would capture the type of relationship shared among the residents of Oxford House West Hale—would not increase the potential danger to the residents that is presented by the risk of fire. Therefore, the requested accommodation is "reasonable" because it does not undermine the basic purpose of the Life Safety Code, nor does it undermine the Fire Marshal's statutory mandate to protect persons in Louisiana from injury due to fire: the residents boast a level of fire safety that is comparable to the level of fire safety typically exhibited by a family.

Oxford House, Inc. V. Browning, 266 F. Supp. 3d 896, 916 (M.D. La. 2017)(emphasis added).

A local government may be enjoined from enforcing a sprinkler requirement against a group home for individuals with disabilities where a request for a fair housing reasonable accommodation requests waiver of the requirement. While a local government may offer sufficient proof of the rational basis for heightened fire safety at a home for individuals with intellectual and developmental disabilities, the Court must examine the motive for imposing the regulation for its discriminatory impact. New Horizons Rehab., Inc. v. Indiana, 400 F. Supp. 3d 751(S.D. Ind. 2019). “On this record, the Court finds that Indiana’s facially neutral zoning scheme is being used as a proxy to evade prohibition of intentional discrimination, as proscribed by the Seventh Circuit.” Further, the Court considers the appropriateness of a sprinkler requirement based on the residents’ capabilities to respond to an emergency. “It [plaintiff nonprofit] asks DHS to waive the requirement of a sprinkler system because people who are capable of living on their own are not subject to that requirement, which results in *de facto* discrimination against people with intellectual and developmental disabilities.” Finally, while local government and some neighbors may oppose a group home in a particular single-family residential zone, the response is a reminder of the intent and purpose of the federal Fair Housing Act: “The Court does not agree with the suggestion that it would be easy for these people to find housing, or that they have many options to choose from.”

Fair Housing Summary Restatement: Housing For Individuals With Disabilities In Recovery for Substance Abuse Constitute A Family For Purposes of Land Use and Zoning Regulation and Health & Safety Requirements.

The federal Fair Housing Amendments Act protects unrelated individuals with disabilities in recovery for substance abuse who choose to reside together in a single-family dwelling. Local governments are prohibited in their land use and zoning regulations from singling out households of individuals with disabilities that operate in a family-like way and treating them differently than households of related individuals. Further, local government must recognize that recovery residences are residential uses, not commercial uses, and impose only those health and safety restrictions that are imposed on other single-family households. Fair housing compliance requires both the elimination of discriminatory regulations and barriers to housing for individuals with disabilities as well as affirmatively furthering housing opportunities.

NARR Standard 3.0

Introduction

NARR was founded in 2011 by a group of organizations and individuals with vast experience in recovery housing from across the country. From the beginning, NARR has been committed to developing and maintaining a national standard for all levels of recovery housing. The term “recovery residence” denotes safe and healthy residential environments in which skills vital for sustaining recovery are learned and practiced in a home-like setting, based on Social Model principles. The Social Model is fundamental to all levels of recovery residences. Social Model philosophy promotes norms that reinforce healthy living skills and associated values, attitudes, and connection with self and community for sustaining recovery. NARR Standard 3.0 operationalizes the Social Model across four Domains, 10 Principles, 31 Standards and their individual rules. The Standard is tailored to each of NARR’s four levels. Version 3 of the NARR Standard does not introduce any operational rules that are not already included in Version 2. Rather, it restates them in a more logical way that improves clarity and eliminates some redundant language.

Outline of the Standard

Domain 1 Administrative Operations

- Principle A. Operate with integrity: Standards 1-4
- Principle B. Uphold residents’ rights: Standards 5 and 6
- Principle C. Create a culture of empowerment where residents engage in governance and leadership: Standards 7 and 8
- Principle D. Develop staff abilities to apply the Social Model: Standards 9-13

Domain 2 Physical Environment

- Principle E. Provide a home-like environment: Standards 14 and 15
- Principle F. Promote a safe and healthy environment: Standards 16-19

Domain 3 Recovery Support

- Principle G. Facilitate active recovery and recovery community engagement: Standards 20-25
- Principle H. Model prosocial behaviors and relationship enhancement skills: Standard 26
- Principle I. Cultivate the resident’s sense of belonging and responsibility for community: Standards 27-29

Domain 4 Good Neighbor

- Principle J. Be a good neighbor: Standards 30 and 31

Domains, Core Principles and Standards

1		Administrative and Operational Domain		LEVELS			
				I	II	III	IV
A.	Core Principle: Operate with Integrity						
	1.	Use mission and vision as guides for decision making					
	a.	A written mission that reflects a commitment to those served and identifies the population served which, at a minimum, includes persons in recovery from a substance use disorder.	✓	✓	✓	✓	
	b.	A vision statement that is consistent with NARR’s core principles.	✓	✓	✓	✓	
	2.	Adhere to legal and ethical codes and use best business practices					
	a.	Documentation of legal business entity (e.g. incorporation, LLC documents or business license).	✓	✓	✓	✓	
	b.	Documentation that the owner/operator has current liability coverage and other insurance appropriate to the level of support.	✓	✓	✓	✓	
	c.	Written permission from the property owner of record (if the owner is other than the recovery residence operator) to operate a recovery residence on the property.	✓	✓	✓	✓	
	d.	A statement attesting to compliance with nondiscriminatory state and federal requirements.	✓	✓	✓	✓	
	e.	Operator attests that claims made in marketing materials and advertising will be honest and substantiated and that it does not employ any of the following: <ul style="list-style-type: none"> • False or misleading statements or unfounded claims or exaggerations; • Testimonials that do not reflect the real opinion of the involved individual; • Price claims that are misleading; • Therapeutic strategies for which licensure and/or counseling certifications are required but not applicable at the site; or • Misleading representation of outcomes. 	✓	✓	✓	✓	
	f.	Policy and procedures that ensure that appropriate background checks (due diligence practices) are conducted for all staff who will have direct and regular interaction with residents.		R	R		✓
	g.	Policy and procedures that ensure the following conditions are met if the residence provider employs, contracts with or enters into a paid work agreement with residents: <ul style="list-style-type: none"> • Paid work arrangements are completely voluntary. • Residents do not suffer consequences for declining work. • Residents who accept paid work are not treated more favorably than residents who do not. 	✓	✓	✓	✓	

			<ul style="list-style-type: none"> All qualified residents are given equal opportunity for available work. Paid work for the operator or staff does not impair participating residents' progress towards their recovery goals. The paid work is treated the same as any other employment situation. Wages are commensurate with marketplace value and at least minimum wage. The arrangements are viewed by a majority of the residents as fair. Paid work does not confer special privileges on residents doing the work. Work relationships do not negatively affect the recovery environment or morale of the home. Unsatisfactory work relationships are terminated without recriminations that can impair recovery. 				
		h.	Staff must never become involved in residents' personal financial affairs, including lending or borrowing money, or other transactions involving property or services, except that the operator may make agreements with residents with respect to payment of fees.	✓	✓	✓	✓
		i.	A policy and practice that provider has a code of ethics that is aligned with the NARR code of ethics. There is evidence that this document is read and signed by all those associated with the operation of the recovery residence, to include owners, operators, staff and volunteers.	✓	✓	✓	✓
	3.	Be financially honest and forthright					
		a.	Prior to the initial acceptance of any funds, the operator must inform applicants of all fees and charges for which they will be, or could potentially be, responsible. This information needs to be in writing and signed by the applicant.	✓	✓	✓	✓
		b.	Use of an accounting system which documents all resident financial transactions such as fees, payments and deposits. <ul style="list-style-type: none"> Ability to produce clear statements of a resident's financial dealings with the operator within reasonable timeframes. Accurate recording of all resident charges and payments. Payments made by 3rd party payers are noted 	✓	✓	✓	✓
		c.	A policy and practice documenting that a resident is fully informed regarding refund policies prior to the individual entering into a binding agreement.	✓	✓	✓	✓
		d.	A policy and practice that residents be informed of payments from 3 rd party payers for any fees paid on their behalf.	✓	✓	✓	✓
	4.	Collect data for continuous quality improvement					
		a.	Policies and procedures regarding collection of resident's information. At a minimum data collection will <ul style="list-style-type: none"> Protect individual's identity. Be used for continuous quality improvement and 	✓	✓	✓	✓

			<ul style="list-style-type: none"> be part of day-to-day operations and regularly reviewed by staff and residents (where appropriate). 				
B.	Core Principle: Uphold Residents' Rights						
	5.	Communicate rights and requirements before agreements are signed					
		a.	Documentation of a process that requires a written agreement prior to committing to terms that includes the following: <ul style="list-style-type: none"> Resident rights Financial obligations, and agreements Services provided Recovery goals Relapse policies Policies regarding removal of personal property left in the residence 	✓	✓	✓	✓
	6.	Protect resident information					
		a.	Policies and procedures that keep residents' records secure, with access limited to authorized staff.	✓	✓	✓	✓
		b.	Policies and procedures that comply with applicable confidentiality laws.	✓	✓	✓	✓
		c.	Policies and procedures, including social media, protecting resident and community privacy and confidentiality.	✓	✓	✓	✓
C.	Core Principle: Create a culture of empowerment where residents engage in governance and leadership						
	7.	Involve residents in governance					
		a.	Evidence that some rules are made by the residents that the residents (not the staff) implement.	✓	✓	R	R
		b.	Grievance policy and procedures, including the right to take unresolved grievances to the operator's oversight organization.	✓	✓	✓	✓
		c.	Verification that written resident's rights and requirements (e.g. residence rules and grievance process) are posted or otherwise available in common areas.	✓	✓	✓	✓
		d.	Policies and procedures that promote resident-driven length of stay.	✓	✓	*	*
		e.	Evidence that residents have opportunities to be heard in the governance of the residence; however, decision making remains with the operator.		✓	✓	✓
	8.	Promote resident involvement in a developmental approach to recovery					
		a.	Peer support interactions among residents are facilitated to expand responsibilities for personal and community recovery.		✓	✓	✓
		b.	Written responsibilities, role descriptions, guidelines and/or feedback for residence leaders.	R	✓	✓	✓
		c.	Evidence that residents' recovery progress and challenges are recognized and strengths are celebrated.		✓	✓	✓

D. Core Principle: Develop Staff Abilities to Apply the Social Model							
	9.	Staff model and teach recovery skills and behaviors					
	a.	Evidence that management supports staff members maintaining self-care.		✓	✓	✓	
	b.	Evidence that staff are supported in maintaining appropriate boundaries according to a code of conduct.		✓	✓	✓	
	c.	Evidence that staff are encouraged to have a network of support.		✓	✓	✓	
	d.	Evidence that staff are expected to model genuineness, empathy, respect, support and unconditional positive regard.		✓	✓	✓	
	10.	Ensure potential and current staff are trained or credentialed appropriate to the residence level					
	a.	Policies that value individuals chosen for leadership roles who are versed and trained in the Social Model of recovery and best practices of the profession.		✓	✓	✓	
	b.	Policies and procedures for acceptance and verification of certification(s) when appropriate.		✓	✓	✓	
	c.	Staffing plan that demonstrates continuous development for all staff.		R	✓	✓	
	11.	Staff are culturally responsive and competent					
	a.	Policies and procedures that serve the priority population, which at a minimum include persons in recovery from substance use but may also include other demographic criteria.		✓	✓	✓	
	b.	Cultural responsiveness and competence training or certification are provided.		✓	✓	✓	
	12.	All staff positions are guided by written job descriptions that reflect recovery					
	a.	Job descriptions include position responsibilities and certification/licensure and/or lived experience credential requirements.		✓	✓	✓	
	b.	Job descriptions require staff to facilitate access to local community-based resources.		✓	✓	✓	
	c.	Job descriptions include staff responsibilities, eligibility, and knowledge, skills and abilities needed to deliver services. Ideally, eligibility to deliver services includes lived experience recovering from substance use disorders and the ability to reflect recovery principles.		✓	✓	✓	
	13.	Provide Social Model-Oriented Supervision of Staff					
	a.	Policies and procedures for ongoing performance development of staff appropriate to staff roles and residence level.		✓	✓	✓	
	b.	Evidence that management and supervisory staff acknowledge staff achievements and professional development.		R	✓	✓	
	c.	Evidence that supervisors (including top management) create a positive, productive work environment for staff.		✓	✓	✓	

2. Physical Environment Domain			LEVELS			
			I	II	III	IV
E.	Core Principle: Provide a Home-like Environment					
	14.	The residence is comfortable, inviting, and meets residents' needs				
	a.	Verification that the residence is in good repair, clean, and well maintained	✓	✓	✓	✓
	b.	Verification that furnishings are typical of those in single family homes or apartments as opposed to institutional settings.	✓	✓	✓	✓
	c.	Verification that entrances and exits are home-like vs. institutional or clinical.	✓	✓	✓	✓
	d.	Verification of 50+ sq. ft per bed per sleeping room.	✓	✓	✓	✓
	e.	Verification that there is a minimum of one sink, toilet and shower per six residents.	✓	✓	✓	✓
	f.	Verification that each resident has personal item storage.	✓	✓	✓	✓
	g.	Verification that each resident has food storage space.	✓	✓	✓	✓
	h.	Verification that laundry services are accessible to all residents.	✓	✓	✓	✓
	i.	Verification that all appliances are in safe, working condition.	✓	✓	✓	✓
	15.	The living space is conducive to building community				
	a.	Verification that a meeting space is large enough to accommodate all residents.	✓	✓	✓	✓
	b.	Verification that a comfortable group area provides space for small group activities and socializing	✓	✓	✓	✓
	c.	Verification that kitchen and dining area(s) are large enough to accommodate all residents sharing meals together.	✓	✓	✓	✓
	d.	Verification that entertainment or recreational areas and/or furnishings promoting social engagement are provided.	✓	✓	✓	✓
F.	Core Principle: Promote a Safe and Healthy Environment					
	16.	Provide an alcohol and illicit drug free environment				
	a.	Policy prohibits the use of alcohol and/or illicit drug use or seeking.	✓	✓	✓	✓
	b.	Policy lists prohibited items and states procedures for associated searches by staff	✓	✓	✓	✓
	c.	Policy and procedures for drug screening and/or toxicology protocols.	✓	✓	✓	✓
	d.	Policy and procedures that address residents' prescription and non-prescription medication usage and storage consistent with the residence's level and with relevant state law.	✓	✓	✓	✓
	e.	Policies and procedures that encourage residents to take responsibility for their own and other residents' safety and health.	✓	✓	✓	✓

	17.	Promote Home Safety					
	a.	Operator will attest that electrical, mechanical, and structural components of the property are functional and free of fire and safety hazards.	✓	✓	✓	✓	
	b.	Operator will attest that the residence meets local health and safety codes appropriate to the type of occupancy (e.g. single family or other) OR provide documentation from a government agency or credentialed inspector attesting to the property meeting health and safety standards.	✓	✓	✓	✓	
	c.	Verification that the residence has a safety inspection policy requiring periodic verification of <ul style="list-style-type: none"> • Functional smoke detectors in all bedroom spaces and elsewhere as code demands, • Functional carbon monoxide detectors, if residence has gas HVAC, hot water or appliances • Functional fire extinguishers placed in plain sight and/or clearly marked locations, • Regular, documented inspections of smoke detectors, carbon monoxide detectors and fire extinguishers, • Fire and other emergency evacuation drills take place regularly and are documented (not required for Level I Residences). 	✓	✓	✓	✓	
	18.	Promote Health					
	a.	Policy regarding smoke-free living environment and/or designated smoking area outside of the residence.	✓	✓	✓	✓	
	b.	Policy regarding exposure to bodily fluids and contagious disease.	✓	✓	✓	✓	
	19.	Plan for emergencies including intoxication, withdrawal and overdose					
	a.	Verification that emergency numbers, procedures (including overdose and other emergency responses) and evacuation maps are posted in conspicuous locations.	✓	✓	✓	✓	
	b.	Documentation that emergency contact information is collected from residents.	✓	✓	✓	✓	
	c.	Documentation that residents are oriented to emergency procedures.	✓	✓	✓	✓	
	d.	Verification that Naloxone is accessible at each location, and appropriate individuals are knowledgeable and trained in its use.	✓	✓	✓	✓	

3 Recovery Support Domain		LEVELS				
		I	II	III	IV	
G.	Core Principle: Facilitate Active Recovery and Recovery Community Engagement					
	20. Promote meaningful activities					
	a.	Documentation that residents are encouraged to do at least one of the following: <ul style="list-style-type: none"> • Work, go to school, or volunteer outside of the residence (Level 1, 2 and some 3s) • Participate in mutual aid or caregiving (All Levels) • Participate in social, physical or creative activities (All Levels) • Participate in daily or weekly community activities (All Levels) • Participate in daily or weekly programming (Level 3's and 4's) 	✓	✓	✓	✓
	21. Engage residents in recovery planning and development of recovery capital					
	a.	Evidence that each resident develops and participates in individualized recovery planning that includes an exit plan/strategy	✓	✓	✓	✓
	b.	Evidence that residents increase recovery capital through such things as recovery support and community service, work/employment, etc.	✓	✓	✓	✓
	c.	Written criteria and guidelines explain expectations for peer leadership and mentoring roles.	✓	✓	✓	✓
	22. Promote access to community supports					
	a.	Resource directories, written or electronic, are made available to residents.	✓	✓	✓	✓
	b.	Staff and/or resident leaders educate residents about local community-based resources.	✓	✓	✓	✓
	23. Provide mutually beneficial peer recovery support					
	a.	A weekly schedule details recovery support services, events and activities.		✓	✓	✓
	b.	Evidence that resident-to resident peer support is facilitated: <ul style="list-style-type: none"> • Evidence that residents are taught to think of themselves as peer supporters for others in recovery • Evidence that residents are encouraged to practice peer support interactions with other residents. 	✓	✓	✓	✓
	24. Provide recovery support and life skills development services					
	a.	Provide structured scheduled, curriculum-driven, and/or otherwise defined support services and life skills development. Trained staff (peer and clinical) provide learning opportunities.			✓	✓
	b.	Ongoing performance support and training are provided for staff.			✓	✓
	25. Provide clinical services in accordance with state law					
	a.	Evidence that the program's weekly schedule includes clinical			*	✓

			services.				
H.	Core Principle: Model Prosocial Behaviors and Relationship Enhancement Skills						
	26.	Maintain a respectful environment					
	a.	Evidence that staff and residents model genuineness, empathy and positive regard.	R	✓	✓	✓	✓
	b.	Evidence that trauma informed or resilience-promoting practices are a priority.	R	R	✓	✓	✓
	c.	Evidence that mechanisms exist for residents to inform and help guide operations and advocate for community-building.	✓	✓	✓	✓	✓
I.	Core Principle: Cultivate the Resident’s Sense of Belonging and Responsibility for Community						
	27.	Sustain a “functionally equivalent family” within the residence by meeting at least 50% of the following:					
	a.	Residents are involved in food preparation.	✓	✓	✓	✓	✓
	b.	Residents have a voice in determining with whom they live.	✓	✓	✓	✓	✓
	c.	Residents help maintain and clean the home (chores, etc.).	✓	✓	✓	✓	✓
	d.	Residents share in household expenses.	✓	✓	✓	✓	✓
	e.	Community or residence meetings are held at least once a week.	✓	✓	✓	✓	✓
	f.	Residents have access to common areas of the home.	✓	✓	✓	✓	✓
	28.	Foster ethical, peer-based mutually supportive relationships among residents and staff					
	a.	Engagement in informal activities is encouraged.	✓	✓	✓	✓	✓
	b.	Engagement in formal activities is required.			✓	✓	✓
	c.	Community gatherings, recreational events and/or other social activities occur periodically.	✓	✓	✓	✓	✓
	d.	Transition (e.g. entry, phase movement and exit) rituals promote residents' sense of belonging and confer progressive status and increasing opportunities within the recovery living environment and community.	✓	✓	✓	✓	✓
	29.	Connect residents to the local community					
	a.	Residents are linked to mutual aid, recovery activities and recovery advocacy opportunities.	✓	✓	✓	✓	✓
	b.	Residents find and sustain relationships with one or more recovery mentors or mutual aid sponsors.	R	✓	✓	✓	✓
	c.	Residents attend mutual aid meetings or equivalent support services in the community.	R	✓	✓	✓	✓
	d.	Documentation that residents are formally linked with the community such as job search, education, family services, health and/or housing programs.	R	✓	✓	✓	✓
	e.	Documentation that resident and staff engage in community relations and interactions to promote kinship with other recovery communities and goodwill for recovery services.	R	✓	✓	✓	✓
	f.	Residents are encouraged to sustain relationships inside the residence and with others in the external recovery community	✓	✓	✓	✓	✓

4.		Good Neighbor Domain		LEVELS			
				I	II	III	IV
J.	Core Principle: Be a Good Neighbor						
	30.	Be responsive to neighbor concerns					
		a.	Policies and procedures provide neighbors with the responsible person's contact information upon request.	✓	✓	✓	✓
		b.	Policies and procedures that require the responsible person(s) to respond to neighbor's concerns.	✓	✓	✓	✓
		c.	Resident and staff orientations include how to greet and interact with neighbors and/or concerned parties.	✓	✓	✓	✓
	31.	Have courtesy rules					
		a.	Preemptive policies address common complaints regarding at least: <ul style="list-style-type: none"> • Smoking • Loitering • Lewd or offensive language • Cleanliness of the property 	✓	✓	✓	✓
		b.	Parking courtesy rules are documented.	✓	✓	✓	✓

Reference Guide

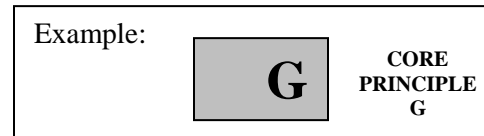
DOMAINS: Notice that there are four (4) **Domains**, the major sections of the document above labeled numerically 1-4: (These are the largest numbers on the document and are in white on a black background)

1. Administrative and Operational Domain
2. Physical Environment Domain
3. Recovery Support Domain
4. Good Neighbor Domain

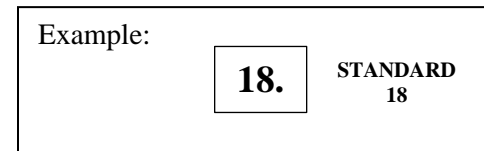


CORE PRINCIPLES: Under each of the **4 Domains** are ten (10) **Core Principles** labeled alphabetically with capital letters, A-J in black type with gray backgrounds:

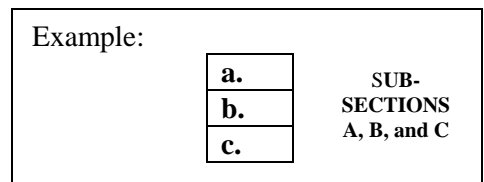
- A Operate with Integrity
- B Uphold Residents' Rights
- C Create a Culture of Empowerment Where Residents Engage in Governance and Leadership
- D Develop Staff Abilities to Apply the Social Model
- E Provide a Home-like Environment
- F Promote a Safe and Healthy Environment
- G Facilitate Active Recovery and Recovery Community Engagement
- H Model Prosocial Behaviors and Relationship Enhancement Skills
- I Cultivate the Resident's Sense of Belonging and Responsibility for Community
- J Be a Good Neighbor



STANDARDS: Under each of the **10 Core Principles** are the thirty-one (31) **Standards** labeled numerically from 1-31, in black print with white backgrounds.



SUBSECTIONS: And, finally, under each of the 31 Standards are indented subsections labeled alphabetically in lower-case letters from "a." to as many letters as were needed for each standard.



For quick references to NARR Standards, you may find abbreviations such as the following helpful, or you may find others using them and want to be sure you are understanding the references:

2, F,16. c.

"2, F,16. c." is just short-hand for saying, "We are referring to the Physical Environment Domain ("2"), Core Principle "F" ("Promote a Safe and Healthy Environment"), Standard "16." ("Provide an alcohol and illicit drug free environment"), and subsection "c." ("Policy and procedures for drug screening and/or toxicology protocols").

TEST YOURSELF:

If you see a reference to “4, J,30. b.”, to what is it referring?

Your answer:

Amended Recovery House

www.amendedrecovery.com



Dear City of Powder Springs,

I am writing to formally request reasonable accommodations under the Federal Fair Housing Act (FHA) in connection with my application to operate a recovery residence named "Amended Recovery House" within the city of Powder Springs. I am dedicated to establishing a recovery residence that provides a safe and supportive environment for individuals with disabilities seeking to overcome addiction.

To align with the FHA's requirements, I am requesting the following reasonable accommodations:

1. **Reasonable Accommodation #1**: To be held to the property standards and occupancy limits set by the Georgia Association of Recovery Residences. To provide and maintain certification through GARR.
2. **Reasonable Accommodation #2**: To remove the regulations on distance from a school as it implies that residents are dangerous to children. These are individuals with a history of substance abuse. We do not house individuals with a history of sex offenses. This is imposing more burdensome requirements on group homes for disabled individuals than on other residential uses.
3. **Reasonable Accommodation #3**: Do not impose more burdensome requirements on Amended Recovery House than on other residential uses. We ask to be treated as a "family" when it comes to zoning and code enforcement.

These accommodations are essential to ensuring that "Amended Recovery House" serves as a welcoming and inclusive environment for individuals with disabilities while also respecting the city's zoning and land use regulations.

I understand that you may require additional information or documentation to evaluate my request fully. Please specify any necessary information, and I will promptly provide it.

I appreciate your attention to this matter and your dedication to upholding the principles of the Federal Fair Housing Act. I look forward to your response and the opportunity to work together.