

Sober Homes

Frequently Asked Questions and Proposed Ordinance

WHAT IS A SOBER HOME?

- A Sober Home is a group home for persons in recovery from drug/alcohol abuse.
- It is intended to be the last step in the continuum of substance abuse/addiction treatment.
- No treatment should take place at the house.

Can a Sober Home
be located in a
Residential Zoned
District

- Yes. Pursuant to Federal Law, a “Sober Home” can be located in a Residential Neighborhood/Residential Zoning District (Including Single Family).

Laws: Federal and State

- Federal Regulation is divided between the Fair Housing Act (FHA) and Americans with Disabilities Act (ADA)
- Florida Statutes Chapter 397 provides laws that require licenses in some instances, and voluntary certifications in other.

Federal Laws

Fair Housing Act (FHA)

- According to case law, the location of a Sober Home in a single family neighborhood is critical for fostering addiction recovery by avoiding the temptations other environments can create.
- A review of case law finds that there is no set model for a Sober Home; any single family residence can act and qualify as a Sober Home.

Oxford House v. Township of Cherry Hill (N.J. 1992)

Federal Laws

Fair Housing Act (FHA)

- The term “handicap” means with respect to a person, a “physical or mental impairment which substantially limits one or more of such person’s major life activities.

Federal Laws

Fair Housing Act (FHA)

- It is unlawful to discriminate against or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of that buyer, renter or person residing in or intending to reside.
- Must Provide **Reasonable Accommodation.**

Federal Laws

Fair Housing Act (FHA)

- 42 U.S.C. §3602(h), the term “physical or mental impairment” includes “alcoholism” and “drug addiction” –*other than addiction caused by current illegal use of a controlled substance*

Federal Laws

American with Disabilities Act (ADA)

- Alcoholism and drug addiction are considered “impairments” under the definitions of a disability set forth in the ADA.

Federal Laws

Americans with Disabilities Act (ADA)

- ADA prohibits a public entity from discriminating against a qualified individual with a disability in administering a licensing program that subjects qualified individuals with disabilities to discrimination on the basis of disability .

Florida Laws

Florida Law provides for voluntary certification of recovery residences. This process provides procedures to administer, monitor and inspect recovery residences, and includes interviews and evaluations of resident's and employees, provides training, etc.

Florida Statute § 397.487 (b) 1-3 (c)

Can People Have Group Meetings at a Sober Home?

- Yes, group meetings such as Alcoholics Anonymous-Narcotics Anonymous can be held at a Sober Home in the same way that you can have a Book Club/Bible Study Club Meeting.

What Regulations Can Local Government Impose on a Sober Home

- We cannot single out Sober Homes.
- That being said, the Town can modify its Code to address clustering of Group Homes, also referred to as Community Homes, which are dwellings made up of more than 2 un-related (sanguinely or by law) adults.

Regulation of Community Homes

What can we do:

- Define “family” for purposes of describing and regulating single family residence
- Define Community Residences, as Family Community and Transitional Community
- Allow Community Residences in Town Residential Zoning Districts as permitted or conditional use.
- Require Registration of all Community Residences
- Establish Conditional Use requirements
- Establish Reasonable Accommodations procedures

Regulation of Community Homes

Family, shall mean no more than 2 unrelated adults (by law or sanguinely) residing in a single family residence.

Regulation of Community Homes

- **Community Residences**, a Community Residence generally is a residential living arrangement of more than two (2) unrelated adults with or without disabilities, living as a single functional family. These are either **Family** or **Transitional**, depending on the length of stay.

Regulation of Community Homes

1. Family Residence, is a relatively permanent living arrangement, with residency measured in years, for 4 – 10 persons.

2. Transitional Residence, is a temporary living arrangement, with residency measured in weeks or months, for 4 – 10 persons.

Regulation of Community Homes

Zoning:

1. Registration: All community residences must register with the Town and be **certified** by the state credentialing agency.
2. Two or less: are considered families and are allowed in all residential districts.
3. 10 or more: Community residences of 10 or more adult residents are only allowed in residential districts if they receive a conditional use approval.

Regulation of Community Homes

Zoning:

4. License or Certification:

Community residences must be either licensed or certified. If no state license or certification is available, they must obtain a conditional use approval that assures their operation is consistent with other community residences for which state license or certification is available.

Number of unrelated residents	District	Registration	Certification	Licensing	Reasonable accommodations	Conditional use
1 or 2	Allowed in all residential districts	N/A	N/A	N/A	N/A	N/A
Family Transitional						
3 to 9	Allowed in all residential districts	YES	YES	YES	Available	Distance Separation YES
Family Transitional						
10 +	Allowed in all residential districts	YES	YES	YES	Available	YES YES
Family Transitional						

A Sober Home is Not...

- A true Sober Home is an opportunity for a person suffering from addiction, that has completed treatment, to reintegrate themselves into society in a family setting.
- A Sober Home is **not** a place for residential treatment that requires specific licensing through the Department of Children and Families pursuant to Florida Law.
- *Florida Statute § 397.403*

Questions????

