

## HOW LOCAL GOVERNMENTS DISCRIMINATE AGAINST RESIDENTIAL ALCOHOL AND DRUG TREATMENT PROGRAMS IN LAND USE DECISIONS

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### ► CURRENT CONDITIONS

#### Fair Housing Laws & Residential Treatment Programs

- ◆ Fair housing laws designate substance abusers as persons with disabilities and, therefore, protected from housing discrimination [Exception: Those actively using controlled substances.]
- ◆ Residential treatment programs for persons with disabilities (which also include the mentally ill, developmentally disabled, seniors, etc.) are considered “housing” according to fair housing laws.

#### Land Use Permits

- ◆ Many local governments often unknowingly violate fair housing laws in the ways they require and deny use permits for residential alcohol and other drug (AOD) programs.
- ◆ Therefore, residential AOD providers have been reluctant to respond to RFPs (request for proposal) knowing they won't be able to get use permits from their local governments.

#### How Local Governments Violate Fair Housing Laws

- ◆ Use permits for residential alcohol and drug treatment programs and residential facilities for other persons with disabilities are denied in response to community opposition that is based on stereotypical assumptions, prejudices and fears about persons with disabilities.
- ◆ “Reasonable accommodation,” or flexibility in zoning regulations, required by federal and state fair housing laws is not provided.

#### Harm to Individuals and Communities

- ◆ By denying permits for residential alcohol and drug treatment programs, local governments hinder potential contributions to both individual and community health and safety issues that new programs can provide.

### ► DATA

#### Residential Programs Not a Safety Issue

- ◆ A study conducted by the State of Illinois compared the incidence of crime committed by those living in group homes to that of people living in the general community. Findings:
  - ◆ 11.2 percent of the general population had committed crimes.
  - ◆ Only 1.8 percent of those living in group homes had committed crimes.
- ◆ In SD County, the Automated Regional Justice Information System (ARJIS) data indicate that licensed residential AOD programs do not contribute to increases in crime in neighborhoods.

#### Property Values Not Negatively Impacted by Residential Programs

- ◆ More than 50 studies have found residential treatment programs and other group homes do not negatively affect property values according to a policy guide issued by the American Planning Association.
- ◆ A real estate survey of seven licensed residential AOD programs in San Diego County indicates that they don't negatively impact property values.

### ► SOLUTIONS

#### Changing the Norm

- ◆ Land Use Decisions must be free from discriminatory practices.
- ◆ Local decision makers need to follow fair housing laws when making land use decisions involving residences for persons with disabilities.
- ◆ Local government representatives and residential treatment providers and their advocates should be trained how to employ fair housing laws in the permit process and in other land use considerations.

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**Futures Associates, Inc.**

409 Camino del Rio South, Suite 305, San Diego, California 92108  
E-mail: [info@FuturesAssociates.org](mailto:info@FuturesAssociates.org)