

One sober home per block? Delray considers new rules for group housing

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One sober home per block and only if you're certified — unless you get a permit — that's the gist behind new regulations in Delray Beach

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Delray Beach would largely prohibit new sober homes from opening on a city block where one already exists. That's one of the key features of regulations being drafted to address the proliferation of sober homes across the city, according to a new city-commissioned report.

The rules would be the first of their kind in Florida, officials say.

The regulations will be based on a report released last week from a zoning attorney the city hired in January

for about \$15,000. City officials are still working out the details, but the ordinance should come up for a vote later this summer, they said.

For years, neighbors and Delray officials have been at odds with a recovery industry that has thrived in the “village by the sea.” Just last month, Mayor Cary Glickstein said the city doesn’t want to be seen as the “recovery capital of the U.S.”

Glickstein says the new report and its recommendations provide the legal foundation for regulating sober homes in a way that protects those in recovery and, in turn, protects surrounding neighborhoods.

“I think when you see the ordinance, you are going to see things that have not been done before in Florida,” he said.

The report’s author, Daniel Lauber, has drafted similar legislation across the country. He revised similar rules in Prescott, Ariz., that contributed to a 50 percent decline in sober homes after two years, he said.

But Delray has a “large and intense concentration” of community housing that Lauber has rarely seen in his 40-plus years in the business, he wrote in the report.

Lauber found:

- At least 183 verified sober homes in the city.
- At least another 64 suspected sober homes based on information from the police department, according to the report.
- The highest concentration of sober homes exists east of Interstate 95 between George Bush Boulevard and Southwest 10th Street, according to the report.

Sober homes are a type of community housing for people recovering from alcohol or drug addiction. Federal rules, primarily in the Fair Housing Act, allow sober homes in neighborhoods and protect recovering addicts from discrimination.

Lauber and city officials say municipalities have leeway under the act to adopt spacing requirements between sober homes, based on a November 2016 joint statement from the Department of Justice and the Department of Housing and Urban Development.

But not all attorneys agree with that interpretation. Palm Beach County State Attorney Dave Aronberg said the statement did not give “effective guidance” to local and state officials.

The same joint statement also says some courts have found spacing requirements violate the Fair Housing Act because “they deny persons with disabilities an equal opportunity to choose where they will live.”

The purpose of sober homes — and any community housing for people with disabilities — is to allow recovering addicts to live in a family-like environment that slowly reintroduces them into a normal life, the report said. Part of that, is integrating them into the community.

The problem with having too many sober homes in one place is that it creates “de facto social service districts,” Lauber said in the report.

To fix that, Lauber recommends each new community residence of four or more people should be at least 660 feet — about one city block — from one another. To move closer, they would need a city-issued permit.

The rule only would apply to new sober homes and would likely not be imposed on existing ones, Lauber said.

“You can’t go imposing the spacing on existing group homes,” he said. “How can you possibly do that fairly?”

The second piece of the puzzle would require all community residences to have a license, certification or accreditation from a regulatory body like the Florida Association of Recovery Residences. If one isn’t available, the community residence could again seek a permit from the city.

Lauber said he believes his recommendations would be fair to everyone while weeding out the city’s unscrupulous operators.

“The licensing requirements should put the scam artists out of business,” he said.

Opponents say the report was written to justify driving out and shutting down sober homes in the city.

Steven Polin, fair housing expert and general counsel for Oxford House, described the report as a blueprint for pushing out the recovery community. The spacing requirements would make housing unavailable, and therefore exclude vulnerable groups, he said.

Polin said an ordinance based off the report may be discriminatory, and would not hold up in court.

“There is only so much residential housing,” Polin said. “This is for the health and safety of all the residents in Delray who don’t want [sober-home] residents in their neighborhoods.”

Delray has nearly two decades of history attempting to regulate sober homes. In 2002, the **U.S. Department of Justice** wrote a letter advising Delray Beach against an ordinance banning sober homes. The letter warned the ordinance would violate the Fair Housing Act.

In 2012, Delray Beach was sued for discrimination when the city denied a non-profit agency a permit to open a sober home at a mansion near the beach. The court found the associated city ordinance likely discriminated against the agency and prevented Delray from enforcing it.

This time around city officials are treading carefully. While cities like Boynton Beach have temporary moratoriums on any new community housing, Delray Beach is acting more methodically to ensure any ordinance will benefit those in recovery and the neighborhoods they reside in, Glickstein said.

“While we may have been formerly known as the recovery capital of the U.S. I think that we will be seen as one of the first cities that has used state, federal and local tools, to craft rules that in the end, protect everybody,” said Glickstein.

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