

CITY COUNCIL REPORT



Meeting Date: December 5, 2017
 General Plan Element: *Land Use*
 General Plan Goal: *Create a sense of community through land uses*

ACTION

Care Homes/Group Homes Text Amendment 2-TA-2017

Request to consider the following:

1. Adopt Ordinance No. 4326 amending the Zoning Ordinance (Ord. No. 455); specifically, Sec. 1.202 (Interpretations and Decisions), Sec. 1.801 (Powers of the Board of Adjustment), Sec. 1.1304 (Enlargement, extension, reconstruction or structural alteration of nonconforming structure; enlargement of nonconforming use), Sec. 3.100 (Definitions), Sec. 5.010 (Single-family Residential (R1-190)), Sec. 5.012 (Use Regulations), Sec. 5.100 (Single-family Residential (R1-43)), Sec. 5.102 (Use Regulations), which affects all other Single-family Residential and Two-Family Residential districts (R1-130, R1-70, R1-35, R1-18, R1-10, R1-7, R1-5 and R-2), Sec. 5.700 (Medium-Density Residential (R-3)), Sec. 5.703 (Use Regulations), Sec. 5.800 (Townhouse Residential (R-4)), Sec. 5.803 (Use Regulations), Sec. 5.900 (Resort/Townhouse Residential (R-4R)), Sec. 5.903 (Use Regulations), Sec. 5.1001 (Multiple-family Residential (R-5)), and Sec. 5.1003 (Use Regulations), add new Sec. 1.806 (Disability Accommodation), and add new Sec. 1.920 (Request for Disability Accommodation) to address various types of care homes and group homes in residential zoning districts.
2. Adopt Resolution No. 10963 declaring "2-TA-2017 – Care Homes/Group Homes Text Amendment," as a public record.

Goal/Purpose of Request

The primary objective of the proposed text amendment is to respond to citizen concerns about single-family residences that are being used as "care homes" to provide services to residents with disabilities, including elder care homes and "sober homes". This effort has been focused on amending the City's current ordinance to provide neighborhood protections and to be consistent with Federal and State Law. To that end, the proposed amendment seeks to increase oversight and clarify separation requirements between care homes. The proposal is to amend and add land uses related to home care for disabilities, amend and add definitions, strengthen the use criteria associated with care homes, and add new sections to the ordinance intended to address disability accommodations.

Key Items for Consideration

- Citizen petition submitted to City Clerk requesting additional regulations/restrictions be placed on “sober homes”
- Compliance with Federal and State Laws that provide protections for persons with disabilities
- The term “disability”, as defined by the Federal Fair Housing Act (FHA), includes persons recovering from substance abuse
- Persons with disabilities must have “equal opportunity” to housing in residential neighborhoods (FHA and Americans with Disabilities Act)
- Recently passed State of Arizona legislation (HB 2107) grants municipalities limited ability to regulate “structured sober living” homes
- Limits “family” to six adults and their related dependent children
- Integration of care homes into residential areas; maintaining single-family residential setting
- Amendment does not supersede or limit Homeowner’s Associations (HOA) from enforcing private contract rules and regulations
- Significant public outreach and interest (120 citizens and providers on Interested Parties list and close to 300 attendees at Open Houses)
- Planning Commission heard this case as a Non-Action item on 10/11/17
- Additional public comment received after 10/11/17 Planning Commission hearing (refer to Attachment #14)
- Planning Commission heard this case on October 25, 2017 and recommended approval with a 5-1 vote.

APPLICANT CONTACT

Greg Bloemberg
Senior Planner
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480-312-4306

LOCATION

City-wide

BACKGROUND

In 1993, Ord. No. 2636 was adopted to add “Adult Care Home” (ACH) as a permitted use in all single-family residential zoning districts. Along with the land use, operational criteria were established in an effort to integrate ACH’s into residential areas while also maintaining as much as possible the single-family neighborhood setting. At the time the ordinance was adopted, home care was primarily considered elderly care and the current definition in the Zoning Ordinance reflects that. Since that time, home care has evolved to include treatment of persons suffering from a variety of disabilities, including those recovering from substance abuse. Homes that treat persons recovering from substance abuse are commonly referred to as “sober homes”.

The Zoning Ordinance is not clear when it comes to treatment of substance abuse in residential districts. Section 1.202.D of the Zoning Ordinance (Interpretations and Decisions) states that *“The presumption establishedis that all general uses of land are permissible within one (1) zoning district”*; and that *“Uses listed in each district shall be interpreted liberally to include other uses which have similar impacts to the listed uses”*. When the City was first approached by a party interested in devoting a single-family residence to treatment of persons recovering from substance abuse, the most analogous use at the time was determined to be the “Adult Care Home” use; which is permitted by right in single-family residential districts subject to certain criteria.

Treatment for various afflictions both physical and mental in a residential setting is becoming an increasingly popular alternative to the larger treatment facilities typically administered by medical providers, such as clinics or hospital settings, primarily because it is believed a single-family living environment may be more conducive to successful recovery. Many cities and towns across Arizona are experiencing a spike in the number of “sober homes” and group homes, and are exploring methods to regulate them; or have already amended their ordinances to address them. In May of 2015, the City of Prescott adopted an ordinance placing regulations and restrictions on “community residences” and transitional housing. Subsequently, the ordinance was challenged by the United States Department of Housing and Urban Development (HUD), citing “burdensome restrictions” on group homes for the disabled. The City of Prescott has since amended their ordinance. In response to the demand for “sober homes” in residential neighborhoods, the State of Arizona passed House Bill 2107 in May of 2016; which gives cities and towns limited ability to place regulations on “structured sober living homes”.

Many residents with “sober homes” or group homes (commonly referred to as “halfway homes”) in their neighborhoods, express concern that the residents of these homes pose a threat to their quality of life. The FHA is fairly clear in stating that a home for the disabled cannot be denied the opportunity to locate in a residential neighborhood based solely on neighbor perceptions, although public safety and saturation of care homes in a single neighborhood can be considerations when adopting zoning regulations.

It has been suggested that Scottsdale should use the Prescott ordinance as a model, that Scottsdale should do what other cities are doing. Even a cursory review of other city’s ordinances shows that

there is no unanimity in the approach being taken. In part, this is because different cities have different circumstances, and what the circumstances are can affect legally what a city can do. In the case of Prescott, a study was conducted to demonstrate the effects of sober homes in its community; with the intent being to justify their extensive regulations.

Federal Fair Housing Act

In 1968, Congress adopted Title VIII of the Civil Rights Act; more commonly known as the Fair Housing Act (FHA). The original FHA made it illegal to deny or discourage housing options for persons based on race, color, religion, sex or national origin. In 1988, the FHA was amended to add familial status (the presence or anticipated presence of children under age 18 in a household) and disability as protected characteristics. Per the FHA, a “disability” is defined as “*a mental or physical impairment which substantially limits one or more major life activities*”. Mental or physical impairment may include alcoholism, drug addiction and other mental illnesses.

Because it is settled law that persons recovering from substance abuse are “disabled” for purposes of the FHA and the Americans with Disabilities Act (ADA), the City may not impose more restrictions on homes where persons recovering from substance abuse live than it does on families. Refer to Attachment #3 of this report for a Joint Statement from the Federal Department of Justice and Department of Housing and Urban Development for information regarding the FHA.

Arizona Revised Statutes

In addition to Federal law, the Arizona Revised Statutes (ARS) also provide protections for persons with disabilities. A specific provision protects persons with “developmental disabilities”, i.e. cognitive disabilities, cerebral palsy, epilepsy or autism, by preventing a city from prohibiting in residential zoning districts residential care for up to six persons with a developmental disability. Per ARS 36-582, developmental disability and many other home care facilities require State licensing. Refer to Attachment #5 for a comprehensive list of care home types that require licensing.

State of Arizona House Bill 2107

In May of 2016, the Arizona House of Representatives adopted House Bill (HB) 2107, an amendment to Article IX of the ARS relating to local health and safety ordinances. HB 2107 provides local governments the ability to adopt ordinance standards for “structured sober living” homes. Most of the available options for regulation are operational in nature and include the following:

- a) A written notification from the structured sober living home; to include contact information,
- b) Supervision requirements for the residents during all hours of operation, and
- c) Establishment of a maintenance and operation plan that facilitates the rehabilitative process, including discharge planning

By definition, the statute applies only to a home that provides “*structured activities that are primarily directed toward recovery from substance abuse disorders, in a supervised setting, to a group of unrelated individuals who are recovering from drug or alcohol addiction, and who are*

receiving outpatient behavioral health services for substance abuse or addiction treatment while living in the home” (ARS 9-500.40.C.1) The Bill also allows municipalities to exclude from regulation “any structured sober living home that is subject to adequate oversight by another governmental agency or contractor.” Refer to Attachment #4 for more information.

Definition of Family

The State of Arizona Revised Statutes (ARS) includes regulations for “residential facilities” in single-family neighborhoods. Per Section 36-582 of the ARS, *a residential facility which serves six (6) or fewer persons shall be considered a residential use of property for the purposes of all local zoning ordinances if such facility provides care on a twenty-four hour basis. The residents and operators of such a facility shall be considered a family for the purposes of any law or zoning ordinance which relates to residential use of property.* While this regulation applies only to “residential facilities” that treat persons with “developmental disabilities” (cognitive disability, cerebral palsy, epilepsy or autism), and not to all types of care homes, it does provide a benchmark for what should be considered a “family” with regard to establishing zoning regulations.

Other Related Policies, References:

- Federal Fair Housing Act of 1968 (and as amended in 1988)
- Americans with Disabilities Act of 1990
- Arizona Revised Statutes
- State of Arizona House Bill No. 2107

STAFF PROPOSAL

Currently, the Zoning Ordinance includes definitions, land use categories and Use Regulations that are either obsolete or outdated; and do not sufficiently take into account the variety of options available for home care in the community. The term “Adult Care Home” is antiquated and is geared (by definition) primarily toward homes that provide care for the elderly. With this amendment other types of care homes, including those that offer care to persons recovering from substance abuse and developmental disabilities, will be recognized and consolidated into a single “Care Home” category.

The current definition of “Family” in the Zoning Ordinance is as follows: *“one (1) or more persons occupying a premise[s] and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodginghouse or hotel herein”.* This definition is proposed to be amended to be consistent with the aforementioned State statute, and to set a limit on the number of persons that can live in a single-family residence and still be considered a family, the objectives being to establish consistency with the intent of single-family zoning and preserve the character of single-family neighborhoods.

While some definitions and land uses are being amended or eliminated outright, others are proposed to be consolidated or in some cases added in support of new or amended land uses. The definitions affected are as follows:

City Council Report | Care Homes/Group Homes Text Amendment (2-TA-2017)

Definition	Add	Amend	Eliminate	Reasoning/Objective
<i>Adult Care Home</i>		X		Change to “Care Home”; clarification
<i>Convalescent Home or Nursing Home</i>			X	Redundant; covered under “Specialized Residential Health Care Facility” use
<i>Disability</i>	X			Identify and define; clarify what constitutes a disability as it relates to “Care Home” (consistent with FHA)
<i>Dwelling</i>		X		Clarification
<i>Family</i>		X		Clarification; limited to 6 adults and their related dependent children
<i>Group Home</i>	X			Identify and define; provide distinction from “Care Home” use; provide for homes with more than 6 adult residents
<i>Health Care Institution</i>	X			Identify and define; provide reference to State law
<i>Minimal Residential Health Care Facility</i>		X		Clarification
<i>Related Dependent Children</i>	X			Identify and define; clarification as it relates to “Family” definition
<i>Residential Health Care Facility</i>	X			Identify and define
<i>Single Housekeeping Unit</i>	X			Identify and define; clarification as it relates to “Care Home” and “Group Home” uses
<i>Specialized Residential Health Care Facility</i>		X		Clarification
<i>Supervisory Care Services</i>	X			Identify and define; clarification as it relates to “Care Home” use

City Council Report | Care Homes/Group Homes Text Amendment (2-TA-2017)

In addition to updating ordinance definitions, Use Regulations in the residential zoning districts must also be updated or added. They are as follows:

Use Regulation	Add	Amend	Eliminate	Reasoning/Objective
<i>Adult Care Home (R1- districts)</i>		X		Change to "Care Home"; amend criteria; consistency with FHA and HB 2107 (all other single-family zoning districts refer to the R1-190 and R1-43 districts for permitted uses)
<i>Day Care Group Home (R1- districts)</i>			X	Redundant; covered under "Day Care Home" use (all other single-family zoning districts refer to the R1-190 and R1-43 districts for permitted uses)
<i>Group Home (in R-3 district)</i>	X			Add to <i>Permitted Uses</i>
<i>Group Home (in R-4 district)</i>	X			Add to <i>Permitted Uses</i>
<i>Group Home (in R-4R district)</i>	X			Add to <i>Permitted Uses</i>
<i>Children's Group Home or Group Home (in R-5 district)</i>		X		Change to "Group Home"

Additionally, in accordance with the FHA, the proposed ordinance will include provisions that provide those with disabilities the option of requesting a "disability accommodation" from development standards or requirements if the standard or requirement unduly restricts the opportunity for a person with a disability to find adequate housing within the City of Scottsdale. The Zoning Administrator will have the authority to approve a maximum modification of 10% to a development standard or requirement. Any request for accommodation greater than 10% will be subject to approval by the City's Board of Adjustment (BOA). Refer to Attachment #2 for the proposed BOA criteria.

To provide opportunities for the disabled to live in a single-family residential setting; while preserving as much as possible the integrity of single-family neighborhoods, amendments to the existing use criteria for Adult Care Homes (Care Homes) are proposed. On the following pages are the current criteria, along with proposed changes, and the criterion proposed to be added as part of this amendment.

<u>Existing Adult Care Home Criteria</u>		
Land Use Criterion	Current	Proposed
<i>Floor Area Ratio</i>	35% of the net lot area (0.35)	No change
<i>Capacity</i>	Maximum of 10 residents	Maximum 10 disabled residents + up to 2 resident staff for a total of 12
<i>Location</i>	Minimum 500-foot separation between care homes in any direction, or 750-foot separation on the same street	1,200-foot separation between care homes
<i>Compatibility</i>	The home and its premises shall be maintained in a clean, well-kept condition that is consistent in materials and design style with homes in the surrounding adjacent neighborhoods	No change

<p><i>Licensing</i></p>	<p>Not addressed</p>	<p>Care homes must be licensed by the State of Arizona and must provide proof of licensing by the State of Arizona as a health care facility to the Director of Planning prior to commencement of operations.</p> <ul style="list-style-type: none"> • Location to be conditionally mapped and a permit issued for a Certificate of Occupancy. • After 6 months, if a license has not been secured, location to be removed from map and the accompanying Adult Care (AC) application voided. • Unlicensed homes may fall into a Group Home use category and be restricted to a multi-family residential zoning district (R-3, R-4, R-4R and R-5)
<p><i>Safety Inspection</i></p>	<p>Not addressed</p>	<p>All care homes must pass an initial and annual fire inspection administered by the Scottsdale Fire Department. Proof of such inspection and of correction of any noted deficiencies must be available at the care home at all times</p>
<p><i>Accommodation</i></p>	<p>Not addressed</p>	<p>A disabled person may request a disability accommodation from the above criteria or a development standard, pursuant to Section 1.806 of the Zoning Ordinance</p>

IMPACT ANALYSIS

Land Use

Though “Adult Care Homes” have been part of the community for decades, only recently have they been the subject of greater scrutiny; primarily because of the influx of “sober homes”. The proposed text amendment provides opportunities for housing for disabled persons in single-family neighborhoods; while also providing additional oversight and separation to assure homes are properly licensed and helping to prevent conglomeration and saturation that may negatively impact single-family neighborhoods.

Public Safety

The Police Department, Fire Department and Code Enforcement were all represented at the Open Houses held during the Community Outreach phase of this process. At the Open Houses, several residents expressed concerns about “sober homes” and group homes causing an increase in crime and a disruption to the quality of life in their neighborhoods. When queried, the Police Department indicated that no significant increase in calls for service was or has been received from neighborhoods where a “sober home” or group home is located. In recent months, as the number of care homes and group homes has increased, Code Enforcement has seen an increase in calls from neighbors either expressing concern about the residents of the home, condition of the property, or inquiring as to whether or not the home is operating legally. In some cases, evidence has been found that a home is not operating legally and appropriate action has been taken; however the majority of homes have been found to be operating within current ordinance requirements.

It should also be noted that the City’s Fire Ordinance (Chapter 36-18, Ordinance #4283) establishes occupancy classifications for single-family facilities that provide care and/or accommodations for other than immediate family occupants. Per the ordinance, a “Congregate Living Facility” or “Convalescent Facility” with five (5) or fewer persons residing in the residence is classified as an “R-3” occupancy, and is required to have an approved safety evacuation plan and smoke alarms. A facility with at least six (6) but not more than ten (10) persons residing in the residence is classified as an “R-4” occupancy and is required to have fire sprinklers and fire extinguishers, in addition to an approved safety evacuation plan and smoke alarms. Refer to Attachment #7 for additional information.

Community Involvement

Extensive community involvement was undertaken during the initial phases of this process. Steps taken include the following:

- Notification of persons on the text amendment Interested Parties list,
- Creation of a web page on the City website to allow the public to track the progress of the amendment, access documentation relevant to the subject, and provide written feedback,
- 1/8-page advertisement in the Arizona Republic,
- Notification via the City’s Facebook, Twitter pages, Scottsdale Planning and Zoning Link and the NextDoor website, and

- Email notification to over 500 Homeowners Associations (through Neighborhood Services)

Additionally, a total of four Community Open Houses were conducted and staff attended two City-sponsored meetings to inform the public and obtain feedback on the proposed amendment. Upwards of 300 people, both residents and industry providers attended the Open Houses and staff received several written and verbal comments. Below is a timeline outlining the Open Houses, community meetings and hearings to date.

- 4/19/17: Open House at Granite Reef Senior Center (+/- 35 attendees)
- 4/26/17: Neighborhood Advisory Commission (informational)
- 4/27/17: Open House at Via Linda Senior Center (+/- 50 attendees)
- 5/16/17: Open House at Appaloosa Library (+/- 120 attendees)
- 6/29/17: Open House at Mountain View Park (+/- 50 attendees)
- 8/30/17: Community Engagement Group Meeting (informational; sponsored by the Police Department)
- 9/27/17: Planning Commission (informational; Study Session)
- 10/11/17: Planning Commission (informational; Non-Action)
- 10/25/17: Planning Commission (Action)

A variety of comments, suggestions and concerns were received during the Open Houses; both from residents and industry providers. An abbreviated summary of feedback is provided below. The first four items in bold print were identified by citizens as the most significant issues, based on the number of comments received. Refer to Attachments 11 and 12 for all written comments.

Comments/Concerns from residents

- **Public safety**

The Police Department, Fire Department and Code Enforcement were all represented at the Open Houses held during the Community Outreach phase of this process. At the Open Houses, several residents expressed concerns about “sober homes” and group homes causing an increase in crime and a disruption to the quality of life in their neighborhoods. When queried, the Police Department indicated that no significant increase in calls for service was or has been received from neighborhoods where a “sober home” or group home is located.

- **Licensing** - In addition to requiring a State license, comments received suggested that the City should license care homes, including sober homes.

The State has a robust licensing program and the expertise to administer it. The City has no expertise in licensing homes for the disabled, and so it seems advisable to only allow care homes where supervision and care is being provided to be those licensed by the State. This advances

two policies: avoidance of taking on extra licensing and regulatory responsibilities that would require the City to add personnel, and avoidance of imposing City regulations in areas where another jurisdiction, in this case the State, has already extensively regulated the subject activity. Care homes the State does license will be tracked by the State through their license and they must provide proof of their license to the City so that the City may determine whether they meet the other care home criteria; including the 1,200-foot separation requirement.

- **Distinction of uses** - Comments received suggested that elderly care homes should be classified separately from “sober homes”.

The State has authorized cities to impose some requirements on structured sober living homes, subject to the limitations of the FHA and ADA. This “subject to” is significant as it not only prevents the City from discriminating between abled and disabled persons, but also prevents the City from discriminating between types of disabilities without proof of a specific need or threat. This is why staff is not recommending a separate category for “sober living homes” and “assisted living homes”.

- **Enforcement of HOA regulations** - Comments received suggested that the City should enforce HOA regulations prohibiting care homes in residential subdivisions

A resident living in a subdivision with an HOA agrees to live within the parameters of the rules and regulations established by the HOA. It is in essence a “private contract” between the HOA and the resident that, in many cases, may not be consistent with City Zoning Ordinances or Policies. The City has no standing to enforce private contracts. HOA’s are responsible for enforcing their regulations. The City has consistently referred the resident back to the HOA when a conflict arises.

- Model ordinance after Prescott’s ordinance
- Require operators to live at the home; many operators or owners live out-of-state and are not easily accessible when a problem arises
- Identification of existing sober homes under the new regulations (Currently complaint-based)
- Add separation requirements from schools for sober homes and encourage “gender specific” housing
- Require neighborhood notification of proposed sober homes or group homes
- Require greater separation between care homes in larger-lot neighborhoods
- Requiring a City license would help to hold operators accountable
- Residential neighborhoods cannot accommodate care homes with 10 residents; maximum # of residents should be reduced to 6
- 10 residents ok for elderly care homes; not ok for sober homes

Comments from industry providers

- Elderly care homes provide a much-needed community service and contribute to the local economy
- Elderly care homes provide residents an opportunity to “age in place” and be close to family
- Reducing number of residents from 10 to 6 is not feasible for elderly care homes; it will force operators to raise prices, thus pricing some elderly residents out of available housing
- “Grandfathering” of existing care homes operating legally at the time of ordinance adoption
- Distinction of uses - elderly care homes should be classified separately from “sober homes”

Policy Implications

- Increasing separation requirement will help prevent residential communities from becoming “saturated” by care homes; while still providing opportunities for the disabled to find housing in single-family neighborhoods.
- Requiring proof of licensure from the State should result in greater accountability from care home operators and ensure operators are acting in the best interest of their residents.
- Providing a “disability accommodation” offers some flexibility in criteria and development standards for persons with disabilities to request an exception in cases where a need is demonstrated.

OTHER BOARDS & COMMISSIONS

Neighborhood Advisory Commission

Planning staff attended the 4/26/17 hearing to provide information to the Commission about the proposed text amendment and answer questions from Commission members. Refer to Attachment #13.

Planning Commission

The Planning Commission heard this case as a Non-Action item at the 10/11/17 hearing. This was the first public hearing regarding this subject and the purpose was to inform the Commission about the intricacies of the subject matter and provide an opportunity for the public to ask questions or provide comments. During the presentation, staff detailed the community outreach efforts, concerns and suggestions raised by the public and providers, challenges in creating the draft ordinance and a summary of the proposed amendment. There were three requests to speak during public comment. Two of the speakers recommended there be a distinction between uses; specifically “sober homes” and elderly care homes. One speaker suggested the proposed ordinance treats “sober homes” differently by requiring group homes with six or more residents to locate in multi-family zoning districts. Another speaker indicated that a limitation on staff in care homes (maximum two staff proposed in draft ordinance) is too restrictive. The speaker indicated that, depending on the care provided, additional staff is often needed to provide adequate care and supervision. It was also suggested Scottsdale should follow both the Prescott and Gilbert

ordinances with regard to licensing of care homes and sober homes. Staff was queried by the Commission as to whether or not the State requires operators to live at the care home, and if there are any penalties for operating an unlicensed care home. Staff responded that they would look into those matters and follow up with the Commission at the next hearing.

Planning Commission heard this case as an Action item at the 10/25/17 hearing. There was one request to speak. The speaker contended that the State has no jurisdiction to regulate sober homes; as such, the City should license them. Additionally, the speaker informed the Commission that a vote taken at the Open Houses resulted in a majority of attendees supporting a distinction in the ordinance between elderly care homes and sober homes. After some discussion and questions directed at staff, the Commission recommended approval with a vote of 5-1.

STAFF RECOMMENDATION

Recommended Approach:

1. Adopt Ordinance No. 4326 amending the Zoning Ordinance (Ord. No. 455); specifically, Sec. 1.202 (Interpretations and Decisions), Sec. 1.801 (Powers of the Board of Adjustment), Sec. 1.1304 (Enlargement, extension, reconstruction or structural alteration of nonconforming structure; enlargement of nonconforming use), Sec. 3.100 (Definitions), Sec. 5.010 (Single-family Residential (R1-190)), Sec. 5.012 (Use Regulations), Sec. 5.100 (Single-family Residential (R1-43)), Sec. 5.102 (Use Regulations), which affects all other Single-family Residential and Two-Family Residential districts (R1-130, R1-70, R1-35, R1-18, R1-10, R1-7, R1-5 and R-2), Sec. 5.700 (Medium-Density Residential (R-3)), Sec. 5.703 (Use Regulations), Sec. 5.800 (Townhouse Residential (R-4)), Sec. 5.803 (Use Regulations), Sec. 5.900 (Resort/Townhouse Residential (R-4R)), Sec. 5.903 (Use Regulations), Sec. 5.1001 (Multiple-family Residential (R-5)), and Sec. 5.1003 (Use Regulations), add new Sec. 1.806 (Disability Accommodation), and add new Sec. 1.920 (Request for Disability Accommodation) to address various types of care homes and group homes in residential zoning districts.
2. Adopt Resolution No. 10963 declaring “2-TA-2017 – Care Homes/Group Homes Text Amendment,” as a public record.

RESPONSIBLE DEPARTMENT

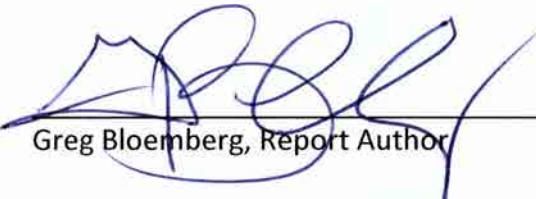
Planning and Development Services

Current Planning Services

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APPROVED BY



Greg Bloemberg, Report Author

11-1-17

Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

11/15/2017

Date



Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

11/15/17

Date

ATTACHMENTS

1. Ordinance No. 4326
2. Resolution No. 10963
Exhibit A: 2-TA-2017 – Care Homes/Group Homes Text Amendment
3. Joint Statement from Department of Justice and Department of Housing and Urban Development (FHA)
4. State of Arizona House Bill 2107
5. Arizona Department of Health Services License Types (for Care Homes)
6. Frequently Asked Questions
7. Municipal Comparison Chart
8. Fire Ordinance Requirements
9. Licensed Care Home Location Map
10. Citizen Petition
11. Community Outreach/Public Comment
12. Additional Public Comment (received after 10/11/17 Planning Commission hearing)
13. 4/26/17 Neighborhood Advisory Commission Meeting Minutes
14. 10/11/17 Planning Commission Meeting Minutes
15. 10/25/17 Planning Commission Meeting Minutes
16. 10/25/17 Planning Commission Meeting public comment

ORDINANCE NO. 4326

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, TO APPROVE A TEXT AMENDMENT (2-TA-2017) TO THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE (ORDINANCE NO. 455), SPECIFICALLY, SEC. 1.202 (INTERPRETATIONS AND DECISIONS), SEC. 1.801 (POWERS OF THE BOARD OF ADJUSTMENT), SEC. 1.1304 (ENLARGEMENT, EXTENSION, RECONSTRUCTION OR STRUCTURAL ALTERATION OF NONCONFORMING STRUCTURE; ENLARGEMENT OF NONCONFORMING USE), SEC. 3.100 (DEFINITIONS), SEC. 5.010 (SINGLE-FAMILY RESIDENTIAL (R1-190)), SEC. 5.012 (USE REGULATIONS), SEC. 5.100 (SINGLE-FAMILY RESIDENTIAL (R1-43)), SEC. 5.102 (USE REGULATIONS), WHICH AFFECTS ALL OTHER SINGLE-FAMILY RESIDENTIAL AND TWO-FAMILY RESIDENTIAL DISTRICTS (R1-130, R1-70, R1-35, R1-18, R1-10, R1-7, R1-5 AND R-2), SEC. 5.700 (MEDIUM-DENSITY RESIDENTIAL (R-3)), SEC. 5.703 (USE REGULATIONS), SEC. 5.800 (TOWNHOUSE RESIDENTIAL (R-4)), SEC. 5.803 (USE REGULATIONS), SEC. 5.900 (RESORT/TOWNHOUSE RESIDENTIAL (R-4R)), SEC. 5.903 (USE REGULATIONS), SEC. 5.1001 (MULTIPLE-FAMILY RESIDENTIAL (R-5)), AND SEC. 5.1003 (USE REGULATIONS), ADD NEW SEC. 1.806 (DISABILITY ACCOMMODATION), AND ADD NEW SEC. 1.920 (REQUEST FOR DISABILITY ACCOMMODATION) TO ADDRESS VARIOUS TYPES OF CARE HOMES AND GROUP HOMES IN RESIDENTIAL ZONING DISTRICTS.

WHEREAS, in response to a citizen petition City staff has conducted research on state and federal law as well as looked at numerous ordinances of other jurisdictions; and

WHEREAS, the City of Scottsdale desires to permit disabled persons to reside in single family residential neighborhoods in compliance with the Fair Housing Act and the Americans with Disabilities Act; and

WHEREAS the City of Scottsdale desires to promote the social and treatment benefits to disabled persons provided in a residential setting by preventing a concentration of facilities for the disabled in any particular area so as to institutionalize that area; and

WHEREAS the City desires to maintain the residential character of its neighborhoods as a quiet place for families of all kinds to thrive; and

WHEREAS, federal and state fair housing laws protect the rights of persons with disabilities to obtain housing and pursuant to federal and state fair housing laws; and

WHEREAS, persons recovering from alcohol and drug addiction are considered persons with disabilities and thus are protected by fair housing laws so long as such persons are not currently using alcohol and drugs; and

WHEREAS, due to the care needs and transient residencies of disabled residents in some residential care facilities, such facilities reportedly result in increased parking demand, increased traffic, and the potential for impacts to the residential character of neighborhoods, which the City Council desires to address by providing limits on the size of both licensed and unlicensed facilities while providing persons with a disability opportunities for housing; and

WHEREAS, the Fair Housing Act does not preempt local zoning laws or preclude the adoption, amendment or enforcement of zoning regulations by the City of Scottsdale pursuant to its local police powers so long as such zoning regulations are consistent with state and federal laws, including the Fair Housing Act as amended; and

WHEREAS, the adoption of zoning ordinances and land use planning is a fundamental function and police power of local government; and

WHEREAS, zoning regulations are adopted and enforced in the City of Scottsdale for the protection of the health, safety and welfare of the public; and

WHEREAS, the State of Arizona licenses certain care homes for people with disabilities, which licensing necessitates the involvement of local jurisdictions in determining life safety code compliance of said care homes; and

WHEREAS, the Fair Housing Act makes it unlawful to utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of nondisabled persons; and

WHEREAS, the Fair Housing Act does not allow local land use policies or actions that treat groups of persons with some disabilities less favorably than groups of people with other disabilities; and

WHEREAS, clustering of care homes undermines the ability of care homes to achieve normalization and community integration for their residents which is one of the essential purposes of a care home; and

WHEREAS, the City of Scottsdale is hereby amending its zoning ordinance to make the reasonable accommodations required by the Fair Housing Act by removing any terms and conditions that have the effect of limiting or making housing unavailable to people with disabilities while preserving the ability of care homes and group living situations to emulate a family and achieve normalization and community integration of their residents; and

WHEREAS, while no aggregation of more than six adults will constitute a "family," the new zoning provisions establish a reasonable accommodation process for disabled persons who need relief from the limitations of the ordinance; and

WHEREAS, a care home for people with disabilities that has been denied required state licensing or certification would not be allowed due to the state's own licensing or certification laws; and

WHEREAS, current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered disabled under the Fair Housing Act, by virtue of that status, and

WHEREAS, the City Council has determined that the proposed amendments will not unreasonably restrict the rights of persons with a disability to fair housing while providing protections and mitigation of impacts to the residential character of neighborhoods, and it is in the best interest of the public health, safety and general welfare of the Town to adopt the proposed amendments; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws.

WHEREAS, the Planning Commission held a public hearing on October 25, 2017 to consider a text amendment to the City of Scottsdale Zoning Ordinance, Case No. 2-TA-2017; and

WHEREAS, that certain document entitled "2-TA-2017 – Care Homes/Group Homes Text Amendment," one paper and one digital copies of which are on file in the office of the City Clerk, was declared to be a public record by Resolution No. 10963; and

WHEREAS, the City Council has determined that the subject Zoning Ordinance amendment is in conformance with the General Plan;

NOW THEREFORE BE IT ORDAINED by the Council of the City of Scottsdale that a text amendment to the City of Scottsdale Zoning Ordinance is hereby approved as follows.

Section 1. That the Zoning Ordinance of the City of Scottsdale is hereby amended as specified in that certain document entitled "2-TA-2017 – Care Homes/Group Homes Text Amendment," declared to be a public record by Resolution No. 10963 of the City of Scottsdale, is hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the document adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this _____ day of _____, 2017.

ATTEST:

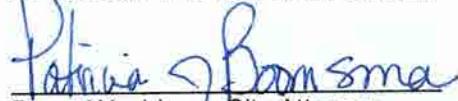
CITY OF SCOTTSDALE, an
Arizona municipal corporation

By: _____
Carolyn Jagger, City Clerk

By: _____
W. J. "Jim" Lane, Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



Bruce Washburn, City Attorney
By: Patricia J. Boomsma, Assistant City Attorney

RESOLUTION NO. 10963

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK OF THE CITY OF SCOTTSDALE AND ENTITLED "2-TA-2017--CARE HOMES/GROUP HOMES TEXT AMENDMENT."

WHEREAS, State Law permits cities to declare documents a public record for the purpose of incorporation into city ordinances; and

WHEREAS, the City of Scottsdale wishes to incorporate by reference amendments to the Zoning Ordinance, Ordinance No. 455, by first declaring said amendments to be a public record.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That certain document entitled "2-TA-2017--Care Homes/Group Homes Text Amendment," attached as Exhibit 'A', a paper and an electronic copy of which are on file in the office of the City Clerk, is hereby declared to be a public record. Said copies are ordered to remain on file with the City Clerk for public use and inspection.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this ____ day of _____, 20____.

ATTEST:

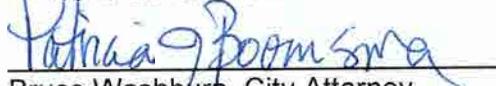
CITY OF SCOTTSDALE, an
Arizona municipal corporation

By: _____
Carolyn Jagger, City Clerk

By: _____
W. J. "Jim" Lane, Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



Bruce Washburn, City Attorney
By: Patricia J. Boomsma, Assistant City Attorney

**AMENDMENTS TO ZONING ORDINANCE RELATING TO
GROUP LIVING AND CARE HOMES**

The City Council of the City of Scottsdale hereby amends the Zoning Ordinance (Ord. No. 455), specifically, Sec. 1.202 (Interpretations and Decisions), Sec. 1.801 (Powers of the Board of Adjustment), Sec. 1.1304 (Enlargement, extension, reconstruction or structural alteration of nonconforming structure; enlargement of nonconforming use), Sec. 3.100 (Definitions), Sec. 5.010 (Single-family Residential (R1-190)), Sec. 5.012 (Use Regulations), Sec. 5.100 (Single-family Residential (R1-43)), Sec. 5.102 (Use Regulations), which affects all other Single-family Residential and Two-Family Residential districts (R1-130, R1-70, R1-35, R1-18, R1-10, R1-7, R1-5 and R-2), Sec. 5.700 (Medium-Density Residential (R-3)), Sec. 5.703 (Use Regulations), Sec. 5.800 (Townhouse Residential (R-4)), Sec. 5.803 (Use Regulations), Sec. 5.900 (Resort/Townhouse Residential (R-4R)), Sec. 5.903 (Use Regulations), Sec. 5.1001 (Multiple-family Residential (R-5)), and Sec. 5.1003 (Use Regulations), and adds new Sec. 1.806 (Disability Accommodation), and new Sec. 1.920 (Request for Disability Accommodation) as specified below, with strikethroughs indicating deleted language and shading indicating new language:

Sec. 1.202. - Interpretations and decisions.

A. The provisions of this Zoning Ordinance shall be interpreted and applied by the Zoning Administrator. Any request for a Zoning Ordinance interpretation or decision must be made in writing to the Zoning Administrator. The Zoning Administrator shall respond in writing to such requests for Zoning Ordinance interpretations or other decisions within forty-five (45) days from the date of the written request, provided no building permits have been issued on the subject development. A record of the Zoning Administrator's responses shall be available for public review.

B. The appeal of Zoning Ordinance interpretations or other decisions by the Zoning Administrator may be initiated by any aggrieved person or by any officer, department, board or commission of the city affected by the interpretation or decision of the Zoning Administrator. For purposes of this subsection an aggrieved person is one who receives a particular and direct adverse impact from the interpretation or decision which is distinguishable from the effects or impacts upon the general public. Appeals must be filed with the City Clerk no later than thirty (30) days after the Zoning Administrator issues any written interpretation or decision. Any timely appeal shall be processed pursuant to Section 1.805.

C. When the provisions of this Zoning Ordinance are interpreted or applied they shall be held to be the minimum requirements for the promotion of the public safety, health and general welfare.

D. The presumption established in this Zoning Ordinance is that all general uses of land are permissible within at least one (1) zoning district in the city's planning jurisdiction. The use regulations set forth in each district cannot be all inclusive, and may include general use descriptions that encompass several specific uses. Uses ~~listed~~specified in each district shall be interpreted liberally to include other uses which have similar impacts to the listed uses. However, the use regulations shall not be interpreted to allow more than one principal use

in a dwelling in a residential district shown on Table 4.100.A, or the residential portion of a Planned Community P-C-, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown in Table 4.100.A, or to allow an unspecified use in one (1) zoning district which more closely relates to a use that is permissible in another zoning district. The Zoning Administrator shall interpret uses within each district.

E. Accessory uses are allowed in all districts. Accessory uses shall not alter the principal/primary use of building or lot, or adversely affect other properties in the district. All accessory uses shall be reasonably compatible with the types of uses permitted in the surrounding areas.

Sec. 1.801. – Powers of the Board of Adjustment.

The Board of Adjustment shall hear all applications for:

A. ~~Vari~~Variances from the provisions of this Zoning Ordinance; ~~–The Board shall also hear appeals from the:~~

~~A. B. Appeals from the~~ Zoning Administrator's interpretation of the Zoning Ordinance or other decisions; and

~~B. C. Requests for Disability Accommodation made pursuant to section 1.920; and~~

D. Under the Land Divisions ordinance, the General Manager's interpretations and decisions made on appeals.

[Renumber current 1.806 to 1.807, and insert the following new 1.806:]

Sec. 1.806. - Disability Accommodation

A. A disability accommodation from a development standard or separation requirement shall not be authorized unless the Board shall find upon sufficient evidence all of the following:

1. The requested accommodation is requested by or on the behalf of one (1) or more individuals with a disability protected under federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.);
2. The requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling;
3. The standard or requirement unduly restricts the opportunity for a person with a disability from finding adequate housing within the City of Scottsdale;
4. The requested accommodation does not fundamentally alter the nature and purpose of the Zoning Ordinance of the City of Scottsdale;
5. The requested accommodation will not impose an undue financial or administrative burden on the City, as "undue financial or administrative burden" is defined in federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.) and interpretive case law;

B. The profitability or financial hardship of the owner/service provider of a facility shall not be considered in determining whether to grant a disability accommodation.

- C. The requested accommodation must comply with all applicable building and fire codes.
- D. The requested accommodation must not, under the specific facts of the application, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

Sec. 1.920. Request for Disability Accommodation.

An applicant may request a disability accommodation from a development standard or separation requirement if the standard or requirement unduly restricts the opportunity for a person with a disability from finding adequate housing within the city of Scottsdale. The zoning administrator may administratively approve up to a ten percent (10%) modification of a development standard or separation requirement upon finding that such a modification will further the policies contained in the Arizona and federal fair housing laws and the Americans with Disabilities Act. All other requests for disability accommodation shall be submitted to the Board of Adjustment as a request for disability accommodation.

Sec. 1.1304. - Enlargement, extension, reconstruction or structural alteration of nonconforming structure; enlargement of nonconforming use.

- A. Except as set forth in paragraph (b) of this subsection, no existing structure designed or arranged in a manner not permitted under the regulations of this Zoning Ordinance for the district in which such structure is located shall be enlarged, extended, reconstructed or structurally altered unless such structure together with such enlargement, extension, reconstruction or structural alterations conform in every respect with the regulations specified by this Zoning Ordinance for such district in which said structure is located. Provided nothing herein shall prohibit any reasonable repairs or alterations to such structure. Similarly, except as set forth in paragraph (c) of this subsection, no existing use not permitted under the regulations of this Zoning Ordinance shall be enlarged or extended unless such use conforms in every respect with the regulations specified by this ordinance for the district in which such use is located.
- B. For all dwellings located in residential zoning districts that are not located within an environmentally sensitive lands overlay zone:
 - 1. Structural enlargements, extensions, reconstruction or modifications to dwellings are permitted if:
 - a. The enlargement, extension, reconstruction or modification is made to the ground level story;
 - b. The height of any portion of the dwelling is not increased;
 - c. The total of the initial and any subsequent enlargement, extension, reconstruction or modification constitutes less than fifty (50) percent of the gross floor area of the existing dwelling; and
 - d. The dwelling enlargement, extension, reconstruction, or structural modification conforms to all of the regulations specified by this Zoning Ordinance for such district in which the dwelling is located.
 - 2. Nothing contained in this subsection shall prohibit any reasonable repairs or alterations to such dwelling.

2-TA-2017 – Care Homes/Group Homes Text Amendment

3. An existing use not permitted under the regulations of this Zoning Ordinance shall not be enlarged or extended unless such use conforms to the regulations specified by this Zoning Ordinance for the district in which the use is located.

C. Any authorized care home that is lawfully located and operating in a residential zoning district on December 5, 2017, may continue to operate in their existing location. Nothing in this section will grandfather a care home operating unlawfully or that is located in violation of the provisions of the Zoning Ordinance of the City of Scottsdale existing on December 5, 2017.

Section 3.100. Definitions

Adult care home shall mean a residential care institution which provides supervisory care, personal care, or custodial care services to adults who require the assistance of no more than one (1) person to walk or to transfer from a bed, chair, or toilet, but who are able to self-propel a wheelchair, as subject to licensing by the State of Arizona dwelling shared as a primary residence by no more than ten adults with a disability that is licensed as a health care institution under Arizona law, and in which on-site supervisory or other care services are provided to the disabled residents. For purposes of this definition, a person must live in the dwelling a minimum of thirty consecutive days for this dwelling to be considered a primary residence. A care home is a principal, not an accessory, use.

Convalescent home or nursing home shall mean any place or institution which makes provisions for bed care, or for chronic or convalescent care for one (1) or more persons exclusive of relatives, who by reason of illness or physical infirmity are unable to properly care for themselves. Alcoholics, drug addicts, persons with mental diseases and persons with communicable diseases, including contagious tuberculosis, shall not be admitted or cared for in these homes licensed under the State of Arizona, as a convalescent and nursing home.

Disability means a physical or mental impairment that substantially limits one or more major life activities where the person with a disability either has a record of having such impairment or is regarded as having such impairment. A person with a disability shall not include any person currently engaging in the illegal use of controlled substances under Arizona law. The term disability will be interpreted consistent with the Americans with Disabilities Act and the Federal Fair Housing Act.

Dwelling shall mean any building, or portion thereof, which that is designed exclusively/principally for residential purposes, and that includes sleeping, cooking and sanitary facilities.

Family shall mean one (1) to six (6) adults and, if any, their related dependent children or more persons occupying a premise[s] and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodginghouse or hotel as herein defined. For purposes of the Zoning Ordinance, "Family" includes a residential facility as that term is defined in Title 36, Chapter 5.1, Article 2 of the Arizona Revised Statutes, in which persons with developmental disabilities live and that is licensed, operated, supported or supervised by the State of Arizona.

Group home means a dwelling shared by more than six adults as their primary residence in which no supervisory or other care is provided. For purposes of this definition, a person must

2-TA-2017 – Care Homes/Group Homes Text Amendment

live in the dwelling a minimum of thirty consecutive days for this dwelling to be considered a primary residence.

Minimal residential health care facility shall mean a residential health care facility which provides resident rooms or residential units, and may include independent living units and such services such as central dining, transportation and limited medical assistance.

Related dependent children shall mean all persons under the age of 18, or who have been declared dependent by a court of competent jurisdiction, who are related to one of the adults by blood, guardianship, or adoption, or who is the foster child of one of the adults.

Residential health care facility shall mean a health care institution with, at a minimum, 24-hour supervisory care services.

Single housekeeping unit shall mean a group of one (1) or more persons residing together in a dwelling who share use of and responsibility for common areas, household activities, and responsibilities such as meals, chores, household maintenance, and expenses. This term excludes living situations where an entity or individual other than a resident provides job training or life skill development services on-site, or provides supervisory, medical, personal, or custodial care services to more than six adults residing in the dwelling.

Specialized residential health care facility shall mean a health care institution that provides inpatient beds or resident beds and nursing services to persons who need continuous nursing services but who do not require hospital care or direct daily care from a physician, convalescent or nursing home which normally provides medical care and supervision.

Supervisory care services means general supervision, including daily awareness of resident functioning and continuing needs, and the ability to intervene in a crisis and to assist in the self-administration of prescribed medications.

Sec. 5.012. - Use regulations. [R1-190]

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered, or enlarged only for the following uses:

1. Accessory buildings, swimming pools, home occupations and other accessory uses. The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
2. Adult care homes; subject to the following criteria:
 - a. *Floor area ratio:* Is limited to thirty-five hundredths (0.35) of the net lot area.
 - b. *Capacity:* The maximum number of residents, other than including up to ten disabled persons, the manager/supervisor, or property owner, and residential staff at the home is twelve ten (12/10) per residential lot.
 - c. *Location:* An adult care home shall not be located within seven hundred fiftytwo hundred (750/1200) feet, measured from lot line to lot line, of another adult care home on the same street frontage or within five hundred (500) feet in any other direction of another adult care home.

2-TA-2017 – Care Homes/Group Homes Text Amendment

d. *Compatibility*: The home and its premises shall be maintained in a clean, well-kept condition, that is consistent in materials and design style with homes in the surrounding or adjacent neighborhood.

e. *Criteria*: Care homes must be licensed by the State of Arizona and must provide proof of such licensing by the State of Arizona as a health care institution to the Director of Planning prior to the commencement of operations. All care homes must pass an initial and annual fire inspection administered by the Scottsdale Fire Department. Proof of such inspection and of correction of any noted deficiencies must be available at the care home at all times.

f. *Accommodation*: A disabled person may request a disability accommodation from the above criteria or a development standard pursuant to Section 1.806 of this Zoning Ordinance.

3. Charter school located on property with a net lot size of one (1) acre or more.

4. Day care home.

5. Day care group home.

6. Dwelling units, single-family, including Vacation rental or Short-term rental; limited to one main dwelling unit per lot.

7. Guest house, as an accessory use subject to the following criteria:

a. The cumulative square footage of the guest house(s) shall be no greater than one-half (1/2) the livable square footage of the main dwelling.

b. Any guest house shall be connected to the existing water meter for the main dwelling. It shall not be separately metered.

c. The guest house shall not be rented or offered for rent independent of the main dwelling.

8. Model homes.

9. Municipal uses.

10. Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.

11. Private tennis courts.

12. Public, elementary and high schools

13. Temporary sales office buildings and buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.

14. Churches and places of worship; subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the R1-190 District:

a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).

b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.

2-TA-2017 – Care Homes/Group Homes Text Amendment

- c. Building height: Development Review Board may allow building heights, including, towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes Section 7.100. through 7.102, exceptions to height restrictions, which shall not apply to churches within this district.)
- d. Required open space:
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
- e. Parking: Parking shall observe the minimum front yard setbacks of the district for all frontages. On streets classified in the Transportation Master Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. On all other street classifications, parking shall be located behind the established front building line(s).

A minimum of fifteen (15) percent of all parking areas shall be landscaped.

A ten-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

- f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.

All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.

- g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

There shall be a three-foot high landscaped berm along all street frontage where parking occurs.

2-TA-2017 – Care Homes/Group Homes Text Amendment

- h. Access: All churches must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.

Access to a local or local collector residential street is prohibited when the primary worship center, auditorium or other major gathering place exceeds three thousand (3,000) square feet.

- i. Operations: No outdoor activities shall be permitted after 10:00 p.m.
- j. Noise: Outdoor speakers or paging systems are not allowed.

B. *Uses subject to conditional use permit.*

1. Cemetery (see Section 1.403 for criteria).
2. Ham transmitting or receiving radio antennas in excess of seventy (70) feet.
3. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, etc.
4. Farms and ranches.
5. Golf course (except miniature golf course or commercial driving range).
6. Wireless communications facilities; Type 4, subject to requirements of Sections 1.400, 3.100 and 7.200.
7. Private colleges and universities having a regular curriculum, with their related services and activities.
8. Private school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with the following standards, including, but not limited to, the following as well as those otherwise required in the R1-190 District.
 - a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than eighty-six thousand (86,000) square feet minimum lot size.
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
 - c. Noise: Outdoor speaker systems or bells are not allowed.
 - d. Required open space:
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
 - e. Parking: Parking shall be allowed in the front yard setbacks of the district for schools on streets classified in the Transportation Master Plan as minor collector or greater. There shall be a three-foot high landscaped berm or wall along the street frontage where parking occurs. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas shall be landscaped in addition to open space in

- d. above. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
- f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be setback a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.
- g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
- h. Access: All private schools shall have frontage on a street classified in the Transportation Master Plan as a minor collector or greater. Side street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250). A drop off area shall be provided that accommodates a minimum of five (5) cars at one (1) time.
- i. Operations: No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit. Any additions to, expansions of or proposed playgrounds or outdoor activity areas shall be setback fifty (50) feet from any single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A. property line (including right-of-way width) or setback twenty-five (25) feet from any Two-family Residential R-2, Medium Density Residential R-3, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, Multiple-family Residential R-5 or Manufactured Home M-H district property line (including right-of-way width). All playgrounds and outdoor activity areas shall be screened from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. by a minimum six-foot high screen wall and/or landscape screen, as approved by the Development Review Board.
- j. Building design: All buildings shall be designed to be compatible with the surrounding residential neighborhood. All building elevations shall be approved by the Development Review Board.
- k. Circulation plan: The applicant shall submit a circulation plan to ensure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

2-TA-2017 – Care Homes/Group Homes Text Amendment

9. Public utility buildings, structures or appurtenances thereto for public service uses.
10. Recreational uses (see section 1.403 for specific uses and development criteria for each).

Sec. 5.102. - Use regulations. [R1-43]

A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Accessory buildings, swimming pools, home occupations and other accessory uses. The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
2. Adult care homes; subject to the following criteria:
 - a. Floor area ratio: Is limited to thirty-five hundredths (0.35) of the net lot area.
 - b. Capacity: The maximum number of residents, including up to ten disabled persons, other than the manager/supervisor, or property owner, and residential staff at the home is ten twelve (12) per residential lot.
 - c. Location: An adult care home shall not be located within seven hundred fifty (750) twelve hundred (1200) feet, measured from lot line to lot line, of another adult care home on the same street frontage or within five hundred (500) feet in any other direction of another adult care home.
 - d. Compatibility: The home and its premises shall be maintained in a clean, well-kept condition that is consistent in materials and design style with homes in the surrounding or adjacent neighborhood.
 - e. Parking: All parking for the property owner residents and any employees shall be provided in off-street locations but in no case shall parking occupy more than three-tenths (0.3) of the required front yard.
 - f. Criteria: Care homes must provide proof of licensing as a health care institution by the State of Arizona to the Director of Planning prior to the commencement of operations. All care homes must pass an initial and annual fire inspection administered by the Scottsdale Fire Department. Proof of such inspection and of correction of any noted deficiencies must be available at the care home at all times.
 - g. Accommodation: A disabled person may request a disability accommodation from the above criteria or a development standard pursuant to Section 1.806 of this Zoning Ordinance.
3. Charter school located on property with a net lot size of one (1) acre or more.
4. Day care home.
5. Day care group home.
6. Dwelling units, single-family, including Vacation rental or Short-term rental, limited to one main dwelling per lot.
7. Guest houses, as an accessory use subject to the following criteria:
 - a. The cumulative square footage of the guest house(s) shall be no greater than one-half (1/2) the livable square footage of the main dwelling.

2-TA-2017 – Care Homes/Group Homes Text Amendment

- b. The guest house shall be connected to the water meter for the main dwelling. It shall not be separately metered.
- c. The guest house shall not be rented or offered for rent independent of the main dwelling.
- 8. Model homes.
- 9. Municipal uses.
- 10. Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.
- 11. Private tennis courts.
- 12. Public, elementary and high schools.
- 13. Temporary sales office buildings and buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.
- 14. Churches and places of worship; subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the R1-43 District:
 - a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
 - c. Building height: Development Review Board may allow building heights, including towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes Sections 7.100 through 7.102, exceptions to height restrictions, which shall not apply to churches within this district.)
 - d. Required open space.
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
 - e. Parking: Parking shall observe the minimum front yard setbacks of the district for all frontages. On streets classified in the Transportation Master Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas shall be landscaped. A ten-foot minimum landscape setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential

2-TA-2017 – Care Homes/Group Homes Text Amendment

Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.

g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

There shall be a three-foot high landscaped berm along all street frontages where parking occurs.

h. Access: All churches must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.

Access to a local or local collector residential street is prohibited when the primary worship center, auditorium or other major gathering place exceeds three thousand (3,000) square feet.

i. Operations: No outdoor activities shall be permitted after 10:00 p.m.

j. Noise: Outdoor speakers or paging systems are not allowed.

B. *Uses subject to conditional use permit.*

1. Cemetery (see section 1.403 for criteria).
2. Community buildings and recreational facilities not publicly owned, such as: Athletic fields, boys' clubs, etc.
3. Farms.
4. Golf course (except miniature golf course or commercial driving range).
5. Ham transmitting or receiving radio antennas in excess of seventy (70) feet.
6. Wireless communications facilities; Type 4, subject to requirements of Sections 1.400, 3.100 and 7.200.
7. Private colleges and universities having a regular curriculum, with their related services and activities.
8. Private school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards, including, but not limited to, the following as well as those otherwise required in the R1-43 District.

2-TA-2017 – Care Homes/Group Homes Text Amendment

- a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than eighty-six thousand (86,000) square feet minimum lot size.
- b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
- c. Noise: Outdoor speaker systems or bells are not allowed.
- d. Required open space:
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
- e. Parking: Parking shall be allowed in the front yard setbacks of the district for schools on streets classified in the Transportation Master Plan as minor collector or greater. There shall be a three-foot high landscaped berm or wall along the street frontage where parking occurs. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas in addition to open space in d. above shall be landscaped. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
- f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be setback a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.
- g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
- h. Access: All private schools shall have frontage on a street classified in the Transportation Master Plan as a minor collector or greater. Side street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250). A drop off area shall be provided that accommodates a minimum of five (5) cars at one (1) time.
- i. Operations: No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit. Any additions to, expansions

2-TA-2017 – Care Homes/Group Homes Text Amendment

of or proposed playgrounds or outdoor activity areas shall be setback fifty (50) feet from the property line (including right-of-way width) of any single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A. or setback twenty-five (25) feet from any Two-family Residential R-2, Medium Density Residential R-3, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, Multi-family Residential R-5 or Manufactured Home M-H district property line (including right-of-way width). All playgrounds and outdoor activity areas shall be screened from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. by a minimum six-foot high screen wall and/or landscape screen, as approved by the Development Review Board.

- j. Building design: All buildings shall be designed to be compatible with the surrounding residential neighborhood. All building elevations shall be approved by the Development Review Board.
 - k. Circulation plan: The applicant shall submit a circulation plan to ensure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.
9. Public utility buildings, structures or appurtenances thereto for public service uses.
10. Recreational uses including commercial stables, ranches and tennis clubs (see section 1.403 for specific uses and development criteria for each).

Sec. 5.703. - Use regulations. [R-3]

A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

- 1. ~~1.~~ **Group homes.**
- 2. ~~2.~~ Day care home.
- 3. ~~3.~~ Dwelling unit(s), including Vacation rental or Short-term rental.
- 4. ~~4.~~ Accessory buildings; swimming pool, private home occupations and other accessory uses. The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
- 5. ~~5.~~ Temporary buildings for uses incidental to construction work to be removed upon completion or abandonment of construction work.
- 6. ~~6.~~ Model dwelling units.
- 7. ~~7.~~ Municipal uses.
- 8. ~~8.~~ Wireless communications facilities; types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.

B. *Uses permitted by conditional use permit.*

2-TA-2017 – Care Homes/Group Homes Text Amendment

1. Wireless communications facilities; type 4, subject to requirements of sections 1.400, 3.100 and 7.200.

2. Residential health care facility (see section 1.403 for criteria except as modified in section 5.704.C.)

Sec. 5.803. - Use regulations. [R-4]

A. *Permitted uses.* Building, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Single-family dwelling having either party walls or walled courtyards, including Vacation rental or Short-term rental.

2. Accessory buildings and uses customarily incident to the permitted uses, including private garage, home occupations, swimming pools and recreation buildings. The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.

~~3. Group homes.~~

4. Municipal uses.

~~3.15.~~ Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.

~~46.~~ Temporary sales office buildings and model homes.

~~57.~~ Churches and places of worship.

~~68.~~ Day care home.

B. *Permitted uses by conditional use permit.*

1. Wireless communications facilities; Type 4, subject to requirements of sections 1.400, 3.100 and 7.200.

2. Residential health care facility (see section 1.403 for criteria except as modified in section 5.804.D.)

Sec. 5.903. - Use regulations. [R-4R]

A. Permitted Uses

1. Travel Accommodation.

2. Dwelling units having either party walls or walled courtyards, including Vacation rental or Short-term rental.

3. Accessory buildings and uses customarily incidental to the permitted uses, including private garages, home occupations, swimming pool, recreation buildings and walled driveway entrance.

~~4. Group homes.~~

~~5.~~ Municipal uses.

~~56.~~ Wireless communications facilities, Types 1, 2 and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.

~~67.~~ Churches and places of worship.

2-TA-2017 – Care Homes/Group Homes Text Amendment

78. Day care home.
- B. *Permitted uses by conditional use permit.*
 1. Golf courses.
 2. Wireless communications facilities; Type 4, subject to requirements of sections 1.400, 3.100 and 7.200.
 3. Recreational uses (see section 1.403 for specific uses and development criteria for each).

Sec. 5.1003. - Use regulations. [R-5]

A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Accessory buildings; swimming pool; home occupations; and other accessory uses. The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.

~~2. Group home.~~

~~23. Day-care home.~~

~~34. Dwelling, single-family detached or attached, including Vacation rental or Short-term rental.~~

~~45. Dwelling, multiple family.~~

~~56. Municipal uses.~~

~~67. Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.~~

~~78. School: Public and charter, elementary and high.~~

~~89. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of construction work.~~

~~910. Temporary sales office buildings and model homes.~~

~~1011. Churches and places of worship.~~

B. *Uses permitted by conditional use permit.*

1. Commercial and/or ham transmitting or receiving radio and television antennas in excess of seventy (70) feet.

2. Community buildings or recreational fields not publicly owned.

~~3. Convent.~~

~~43. Day-care center.~~

~~54. Golf course, regulation or par-three, that is incidental to and located within the development.~~

~~6. Orphanage.~~

~~75. Plant nursery; provided, however, that all materials (other than plant materials) shall be screened from view by a solid fence or wall at least six (6) feet in height, and further that a~~

2-TA-2017 – Care Homes/Group Homes Text Amendment

completely enclosed building having a minimum floor area of five hundred (500) square feet shall be provided.

~~86.~~ Private club, ~~fraternity, sorority and lodges.~~

~~97.~~ Private lake, semi-public lake, tennis courts.

~~408.~~ Private school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the R-5 District.

a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).

b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.

c. Noise: Outdoor speaker system or bells are not allowed if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.

d. Required open space.

i. Minimum: 0.24 multiplied by the net lot area.

ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.

iii. NAOS may be included in the required open space.

e. Parking: Parking shall be allowed in the front yard setbacks of the district for schools on streets classified in the Transportation Master Plan as minor collector or greater. There shall be a three-foot high landscaped berm or wall along the street frontage where parking occurs. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas shall be landscaped. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height. All lighting adjacent to residential districts shall be setback a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.

g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

h. Access: All private schools shall have frontage on a street classified in the Transportation Master Plan as a minor collector or greater. Side street access to a

2-TA-2017 – Care Homes/Group Homes Text Amendment

local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250). A drop off area shall be provided that accommodates a minimum of five (5) cars at one (1) time.

i. Operations: No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit. No playground or outdoor activity area shall be located within fifty (50) feet of any single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., or within twenty-five (25) feet of any Two-family Residential R-2, Medium Density Residential R-3, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, Multiple-family Residential R-5 or Manufactured Home M-H district. All playgrounds and outdoor activity areas shall be screened from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., by a minimum six-foot high screen wall.

j. Building design: All buildings shall be designed to be compatible with the surrounding residential neighborhood. All building elevations shall be approved by the Development Review Board.

449. Public buildings other than hospitals.

102. Public utility buildings, structures or appurtenances thereto for public service uses.

113. Recreational uses.

124. Residential health care facility.

135. Travel accommodation.

16. Wireless communications facilities; Type 4, subject to requirements of sections 1.400., 3.100., and 7.200.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY



U.S. DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION

Washington, D.C.
November 10, 2016

**JOINT STATEMENT OF THE DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT AND THE DEPARTMENT OF JUSTICE**

**STATE AND LOCAL LAND USE LAWS AND PRACTICES AND THE APPLICATION
OF THE FAIR HOUSING ACT**

INTRODUCTION

The Department of Justice (“DOJ”) and the Department of Housing and Urban Development (“HUD”) are jointly responsible for enforcing the Federal Fair Housing Act (“the Act”),¹ which prohibits discrimination in housing on the basis of race, color, religion, sex, disability, familial status (children under 18 living with a parent or guardian), or national origin.² The Act prohibits housing-related policies and practices that exclude or otherwise discriminate against individuals because of protected characteristics.

The regulation of land use and zoning is traditionally reserved to state and local governments, except to the extent that it conflicts with requirements imposed by the Fair Housing Act or other federal laws. This Joint Statement provides an overview of the Fair Housing Act’s requirements relating to state and local land use practices and zoning laws, including conduct related to group homes. It updates and expands upon DOJ’s and HUD’s Joint

¹ The Fair Housing Act is codified at 42 U.S.C. §§ 3601–19.

² The Act uses the term “handicap” instead of “disability.” Both terms have the same legal meaning. *See Bragdon v. Abbott*, 524 U.S. 624, 631 (1998) (noting that the definition of “disability” in the Americans with Disabilities Act

Statement on Group Homes, Local Land Use, and the Fair Housing Act, issued on August 18, 1999. The first section of the Joint Statement, Questions 1–6, describes generally the Act’s requirements as they pertain to land use and zoning. The second and third sections, Questions 7–25, discuss more specifically how the Act applies to land use and zoning laws affecting housing for persons with disabilities, including guidance on regulating group homes and the requirement to provide reasonable accommodations. The fourth section, Questions 26–27, addresses HUD’s and DOJ’s enforcement of the Act in the land use and zoning context.

This Joint Statement focuses on the Fair Housing Act, not on other federal civil rights laws that prohibit state and local governments from adopting or implementing land use and zoning practices that discriminate based on a protected characteristic, such as Title II of the Americans with Disabilities Act (“ADA”),³ Section 504 of the Rehabilitation Act of 1973 (“Section 504”),⁴ and Title VI of the Civil Rights Act of 1964.⁵ In addition, the Joint Statement does not address a state or local government’s duty to affirmatively further fair housing, even though state and local governments that receive HUD assistance are subject to this duty. For additional information provided by DOJ and HUD regarding these issues, see the list of resources provided in the answer to Question 27.

Questions and Answers on the Fair Housing Act and State and Local Land Use Laws and Zoning

1. How does the Fair Housing Act apply to state and local land use and zoning?

The Fair Housing Act prohibits a broad range of housing practices that discriminate against individuals on the basis of race, color, religion, sex, disability, familial status, or national origin (commonly referred to as protected characteristics). As established by the Supremacy Clause of the U.S. Constitution, federal laws such as the Fair Housing Act take precedence over conflicting state and local laws. The Fair Housing Act thus prohibits state and local land use and zoning laws, policies, and practices that discriminate based on a characteristic protected under the Act. Prohibited practices as defined in the Act include making unavailable or denying housing because of a protected characteristic. Housing includes not only buildings intended for occupancy as residences, but also vacant land that may be developed into residences.

is drawn almost verbatim “from the definition of ‘handicap’ contained in the Fair Housing Amendments Act of 1988”). This document uses the term “disability,” which is more generally accepted.

³ 42 U.S.C. §12132.

⁴ 29 U.S.C. § 794.

⁵ 42 U.S.C. § 2000d.

2. What types of land use and zoning laws or practices violate the Fair Housing Act?

Examples of state and local land use and zoning laws or practices that may violate the Act include:

- Prohibiting or restricting the development of housing based on the belief that the residents will be members of a particular protected class, such as race, disability, or familial status, by, for example, placing a moratorium on the development of multifamily housing because of concerns that the residents will include members of a particular protected class.
- Imposing restrictions or additional conditions on group housing for persons with disabilities that are not imposed on families or other groups of unrelated individuals, by, for example, requiring an occupancy permit for persons with disabilities to live in a single-family home while not requiring a permit for other residents of single-family homes.
- Imposing restrictions on housing because of alleged public safety concerns that are based on stereotypes about the residents' or anticipated residents' membership in a protected class, by, for example, requiring a proposed development to provide additional security measures based on a belief that persons of a particular protected class are more likely to engage in criminal activity.
- Enforcing otherwise neutral laws or policies differently because of the residents' protected characteristics, by, for example, citing individuals who are members of a particular protected class for violating code requirements for property upkeep while not citing other residents for similar violations.
- Refusing to provide reasonable accommodations to land use or zoning policies when such accommodations may be necessary to allow persons with disabilities to have an equal opportunity to use and enjoy the housing, by, for example, denying a request to modify a setback requirement so an accessible sidewalk or ramp can be provided for one or more persons with mobility disabilities.

3. When does a land use or zoning practice constitute intentional discrimination in violation of the Fair Housing Act?

Intentional discrimination is also referred to as disparate treatment, meaning that the action treats a person or group of persons differently because of race, color, religion, sex, disability, familial status, or national origin. A land use or zoning practice may be intentionally discriminatory even if there is no personal bias or animus on the part of individual government officials. For example, municipal zoning practices or decisions that reflect acquiescence to community bias may be intentionally discriminatory, even if the officials themselves do not personally share such bias. (See Q&A 5.) Intentional discrimination does not require that the

decision-makers were hostile toward members of a particular protected class. Decisions motivated by a purported desire to benefit a particular group can also violate the Act if they result in differential treatment because of a protected characteristic.

A land use or zoning practice may be discriminatory on its face. For example, a law that requires persons with disabilities to request permits to live in single-family zones while not requiring persons without disabilities to request such permits violates the Act because it treats persons with disabilities differently based on their disability. Even a law that is seemingly neutral will still violate the Act if enacted with discriminatory intent. In that instance, the analysis of whether there is intentional discrimination will be based on a variety of factors, all of which need not be satisfied. These factors include, but are not limited to: (1) the “impact” of the municipal practice, such as whether an ordinance disproportionately impacts minority residents compared to white residents or whether the practice perpetuates segregation in a neighborhood or particular geographic area; (2) the “historical background” of the action, such as whether there is a history of segregation or discriminatory conduct by the municipality; (3) the “specific sequence of events,” such as whether the city adopted an ordinance or took action only after significant, racially-motivated community opposition to a housing development or changed course after learning that a development would include non-white residents; (4) departures from the “normal procedural sequence,” such as whether a municipality deviated from normal application or zoning requirements; (5) “substantive departures,” such as whether the factors usually considered important suggest that a state or local government should have reached a different result; and (6) the “legislative or administrative history,” such as any statements by members of the state or local decision-making body.⁶

4. Can state and local land use and zoning laws or practices violate the Fair Housing Act if the state or locality did not intend to discriminate against persons on a prohibited basis?

Yes. Even absent a discriminatory intent, state or local governments may be liable under the Act for any land use or zoning law or practice that has an unjustified discriminatory effect because of a protected characteristic. In 2015, the United States Supreme Court affirmed this interpretation of the Act in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*⁷ The Court stated that “[t]hese unlawful practices include zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification.”⁸

⁶ *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 265–68 (1977).

⁷ ___ U.S. ___, 135 S. Ct. 2507 (2015).

⁸ *Id.* at 2521–22.

A land use or zoning practice results in a discriminatory effect if it caused or predictably will cause a disparate impact on a group of persons or if it creates, increases, reinforces, or perpetuates segregated housing patterns because of a protected characteristic. A state or local government still has the opportunity to show that the practice is necessary to achieve one or more of its substantial, legitimate, nondiscriminatory interests. These interests must be supported by evidence and may not be hypothetical or speculative. If these interests could not be served by another practice that has a less discriminatory effect, then the practice does not violate the Act. The standard for evaluating housing-related practices with a discriminatory effect are set forth in HUD's Discriminatory Effects Rule, 24 C.F.R. § 100.500.

Examples of land use practices that violate the Fair Housing Act under a discriminatory effects standard include minimum floor space or lot size requirements that increase the size and cost of housing if such an increase has the effect of excluding persons from a locality or neighborhood because of their membership in a protected class, without a legally sufficient justification. Similarly, prohibiting low-income or multifamily housing may have a discriminatory effect on persons because of their membership in a protected class and, if so, would violate the Act absent a legally sufficient justification.

5. Does a state or local government violate the Fair Housing Act if it considers the fears or prejudices of community members when enacting or applying its zoning or land use laws respecting housing?

When enacting or applying zoning or land use laws, state and local governments may not act because of the fears, prejudices, stereotypes, or unsubstantiated assumptions that community members may have about current or prospective residents because of the residents' protected characteristics. Doing so violates the Act, even if the officials themselves do not personally share such bias. For example, a city may not deny zoning approval for a low-income housing development that meets all zoning and land use requirements because the development may house residents of a particular protected class or classes whose presence, the community fears, will increase crime and lower property values in the surrounding neighborhood. Similarly, a local government may not block a group home or deny a requested reasonable accommodation in response to neighbors' stereotypical fears or prejudices about persons with disabilities or a particular type of disability. Of course, a city council or zoning board is not bound by everything that is said by every person who speaks at a public hearing. It is the record as a whole that will be determinative.

6. Can state and local governments violate the Fair Housing Act if they adopt or implement restrictions against children?

Yes. State and local governments may not impose restrictions on where families with children may reside unless the restrictions are consistent with the “housing for older persons” exemption of the Act. The most common types of housing for older persons that may qualify for this exemption are: (1) housing intended for, and solely occupied by, persons 62 years of age or older; and (2) housing in which 80% of the occupied units have at least one person who is 55 years of age or older that publishes and adheres to policies and procedures demonstrating the intent to house older persons. These types of housing must meet all requirements of the exemption, including complying with HUD regulations applicable to such housing, such as verification procedures regarding the age of the occupants. A state or local government that zones an area to exclude families with children under 18 years of age must continually ensure that housing in that zone meets all requirements of the exemption. If all of the housing in that zone does not continue to meet all such requirements, that state or local government violates the Act.

**Questions and Answers on the Fair Housing Act and
Local Land Use and Zoning Regulation of Group Homes**

7. Who qualifies as a person with a disability under the Fair Housing Act?

The Fair Housing Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

The term “physical or mental impairment” includes, but is not limited to, diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV infection, developmental disabilities, mental illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.

The term “major life activity” includes activities such as seeing, hearing, walking, breathing, performing manual tasks, caring for one’s self, learning, speaking, and working. This list of major life activities is not exhaustive.

Being regarded as having a disability means that the individual is treated as if he or she has a disability even though the individual may not have an impairment or may not have an impairment that substantially limits one or more major life activities. For example, if a landlord

refuses to rent to a person because the landlord believes the prospective tenant has a disability, then the landlord violates the Act's prohibition on discrimination on the basis of disability, even if the prospective tenant does not actually have a physical or mental impairment that substantially limits one or more major life activities.

Having a record of a disability means the individual has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

8. What is a group home within the meaning of the Fair Housing Act?

The term "group home" does not have a specific legal meaning; land use and zoning officials and the courts, however, have referred to some residences for persons with disabilities as group homes. The Fair Housing Act prohibits discrimination on the basis of disability, and persons with disabilities have the same Fair Housing Act protections whether or not their housing is considered a group home. A household where two or more persons with disabilities choose to live together, as a matter of association, may not be subjected to requirements or conditions that are not imposed on households consisting of persons without disabilities.

In this Statement, the term "group home" refers to a dwelling that is or will be occupied by unrelated persons with disabilities. Sometimes group homes serve individuals with a particular type of disability, and sometimes they serve individuals with a variety of disabilities. Some group homes provide residents with in-home support services of varying types, while others do not. The provision of support services is not required for a group home to be protected under the Fair Housing Act. Group homes, as discussed in this Statement, may be opened by individuals or by organizations, both for-profit and not-for-profit. Sometimes it is the group home operator or developer, rather than the individuals who live or are expected to live in the home, who interacts with a state or local government agency about developing or operating the group home, and sometimes there is no interaction among residents or operators and state or local governments.

In this Statement, the term "group home" includes homes occupied by persons in recovery from alcohol or substance abuse, who are persons with disabilities under the Act. Although a group home for persons in recovery may commonly be called a "sober home," the term does not have a specific legal meaning, and the Act treats persons with disabilities who reside in such homes no differently than persons with disabilities who reside in other types of group homes. Like other group homes, homes for persons in recovery are sometimes operated by individuals or organizations, both for-profit and not-for-profit, and support services or supervision are sometimes, but not always, provided. The Act does not require a person who resides in a home for persons in recovery to have participated in or be currently participating in a

substance abuse treatment program to be considered a person with a disability. The fact that a resident of a group home may currently be illegally using a controlled substance does not deprive the other residents of the protection of the Fair Housing Act.

9. In what ways does the Fair Housing Act apply to group homes?

The Fair Housing Act prohibits discrimination on the basis of disability, and persons with disabilities have the same Fair Housing Act protections whether or not their housing is considered a group home. State and local governments may not discriminate against persons with disabilities who live in group homes. Persons with disabilities who live in or seek to live in group homes are sometimes subjected to unlawful discrimination in a number of ways, including those discussed in the preceding Section of this Joint Statement. Discrimination may be intentional; for example, a locality might pass an ordinance prohibiting group homes in single-family neighborhoods or prohibiting group homes for persons with certain disabilities. These ordinances are facially discriminatory, in violation of the Act. In addition, as discussed more fully in Q&A 10 below, a state or local government may violate the Act by refusing to grant a reasonable accommodation to its zoning or land use ordinance when the requested accommodation may be necessary for persons with disabilities to have an equal opportunity to use and enjoy a dwelling. For example, if a locality refuses to waive an ordinance that limits the number of unrelated persons who may live in a single-family home where such a waiver may be necessary for persons with disabilities to have an equal opportunity to use and enjoy a dwelling, the locality violates the Act unless the locality can prove that the waiver would impose an undue financial and administrative burden on the local government or fundamentally alter the essential nature of the locality's zoning scheme. Furthermore, a state or local government may violate the Act by enacting an ordinance that has an unjustified discriminatory effect on persons with disabilities who seek to live in a group home in the community. Unlawful actions concerning group homes are discussed in more detail throughout this Statement.

10. What is a reasonable accommodation under the Fair Housing Act?

The Fair Housing Act makes it unlawful to refuse to make "reasonable accommodations" to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. A "reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others may sometimes deny them an equal opportunity to use and enjoy a dwelling.

Even if a zoning ordinance imposes on group homes the same restrictions that it imposes on housing for other groups of unrelated persons, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. What constitutes a reasonable accommodation is a case-by-case determination based on an individualized assessment. This topic is discussed in detail in Q&As 20–25 and in the HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act.

11. Does the Fair Housing Act protect persons with disabilities who pose a “direct threat” to others?

The Act does not allow for the exclusion of individuals based upon fear, speculation, or stereotype about a particular disability or persons with disabilities in general. Nevertheless, the Act does not protect an individual whose tenancy would constitute a “direct threat” to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others unless the threat or risk to property can be eliminated or significantly reduced by reasonable accommodation. A determination that an individual poses a direct threat must rely on an individualized assessment that is based on reliable objective evidence (for example, current conduct or a recent history of overt acts). The assessment must consider: (1) the nature, duration, and severity of the risk of injury; (2) the probability that injury will actually occur; and (3) whether there are any reasonable accommodations that will eliminate or significantly reduce the direct threat. See Q&A 10 for a general discussion of reasonable accommodations. Consequently, in evaluating an individual’s recent history of overt acts, a state or local government must take into account whether the individual has received intervening treatment or medication that has eliminated or significantly reduced the direct threat (in other words, significant risk of substantial harm). In such a situation, the state or local government may request that the individual show how the circumstances have changed so that he or she no longer poses a direct threat. Any such request must be reasonable and limited to information necessary to assess whether circumstances have changed. Additionally, in such a situation, a state or local government may obtain satisfactory and reasonable assurances that the individual will not pose a direct threat during the tenancy. The state or local government must have reliable, objective evidence that the tenancy of a person with a disability poses a direct threat before excluding him or her from housing on that basis, and, in making that assessment, the state or local government may not ignore evidence showing that the individual’s tenancy would no longer pose a direct threat. Moreover, the fact that one individual may pose a direct threat does not mean that another individual with the same disability or other individuals in a group home may be denied housing.

12. Can a state or local government enact laws that specifically limit group homes for individuals with specific types of disabilities?

No. Just as it would be illegal to enact a law for the purpose of excluding or limiting group homes for individuals with disabilities, it is illegal under the Act for local land use and zoning laws to exclude or limit group homes for individuals with specific types of disabilities. For example, a government may not limit group homes for persons with mental illness to certain neighborhoods. The fact that the state or local government complies with the Act with regard to group homes for persons with some types of disabilities will not justify discrimination against individuals with another type of disability, such as mental illness.

13. Can a state or local government limit the number of individuals who reside in a group home in a residential neighborhood?

Neutral laws that govern groups of unrelated persons who live together do not violate the Act so long as (1) those laws do not intentionally discriminate against persons on the basis of disability (or other protected class), (2) those laws do not have an unjustified discriminatory effect on the basis of disability (or other protected class), and (3) state and local governments make reasonable accommodations when such accommodations may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling.

Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. For example, suppose a city's zoning ordinance defines a "family" to include up to a certain number of unrelated persons living together as a household unit, and gives such a group of unrelated persons the right to live in any zoning district without special permission from the city. If that ordinance also prohibits a group home having the same number of persons with disabilities in a certain district or requires it to seek a use permit, the ordinance would violate the Fair Housing Act. The ordinance violates the Act because it treats persons with disabilities less favorably than families and unrelated persons without disabilities.

A local government may generally restrict the ability of groups of unrelated persons to live together without violating the Act as long as the restrictions are imposed on all such groups, including a group defined as a family. Thus, if the definition of a family includes up to a certain number of unrelated individuals, an ordinance would not, on its face, violate the Act if a group home for persons with disabilities with more than the permitted number for a family were not allowed to locate in a single-family-zoned neighborhood because any group of unrelated people without disabilities of that number would also be disallowed. A facially neutral ordinance, however, still may violate the Act if it is intentionally discriminatory (that is, enacted with discriminatory intent or applied in a discriminatory manner), or if it has an unjustified

discriminatory effect on persons with disabilities. For example, an ordinance that limits the number of unrelated persons who may constitute a family may violate the Act if it is enacted for the purpose of limiting the number of persons with disabilities who may live in a group home, or if it has the unjustified discriminatory effect of excluding or limiting group homes in the jurisdiction. Governments may also violate the Act if they enforce such restrictions more strictly against group homes than against groups of the same number of unrelated persons without disabilities who live together in housing. In addition, as discussed in detail below, because the Act prohibits the denial of reasonable accommodations to rules and policies for persons with disabilities, a group home that provides housing for a number of persons with disabilities that exceeds the number allowed under the family definition has the right to seek an exception or waiver. If the criteria for a reasonable accommodation are met, the permit must be given in that instance, but the ordinance would not be invalid.⁹

14. How does the Supreme Court's ruling in *Olmstead* apply to the Fair Housing Act?

In *Olmstead v. L.C.*,¹⁰ the Supreme Court ruled that the Americans with Disabilities Act (ADA) prohibits the unjustified segregation of persons with disabilities in institutional settings where necessary services could reasonably be provided in integrated, community-based settings. An integrated setting is one that enables individuals with disabilities to live and interact with individuals without disabilities to the fullest extent possible. By contrast, a segregated setting includes congregate settings populated exclusively or primarily by individuals with disabilities. Although *Olmstead* did not interpret the Fair Housing Act, the objectives of the Fair Housing Act and the ADA, as interpreted in *Olmstead*, are consistent. The Fair Housing Act ensures that persons with disabilities have an equal opportunity to choose the housing where they wish to live. The ADA and *Olmstead* ensure that persons with disabilities also have the option to live and receive services in the most integrated setting appropriate to their needs. The integration mandate of the ADA and *Olmstead* can be implemented without impairing the rights protected by the Fair Housing Act. For example, state and local governments that provide or fund housing, health care, or support services must comply with the integration mandate by providing these programs, services, and activities in the most integrated setting appropriate to the needs of individuals with disabilities. State and local governments may comply with this requirement by adopting standards for the housing, health care, or support services they provide or fund that are reasonable, individualized, and specifically tailored to enable individuals with disabilities to live and interact with individuals without disabilities to the fullest extent possible. Local governments should be aware that ordinances and policies that impose additional restrictions on housing or residential services for persons with disabilities that are not imposed on housing or

⁹ Laws that limit the number of occupants per unit do not violate the Act as long as they are reasonable, are applied to all occupants, and do not operate to discriminate on the basis of disability, familial status, or other characteristics protected by the Act.

¹⁰ 527 U.S. 581 (1999).

residential services for persons without disabilities are likely to violate the Act. In addition, a locality would violate the Act and the integration mandate of the ADA and *Olmstead* if it required group homes to be concentrated in certain areas of the jurisdiction by, for example, restricting them from being located in other areas.

15. Can a state or local government impose spacing requirements on the location of group homes for persons with disabilities?

A “spacing” or “dispersal” requirement generally refers to a requirement that a group home for persons with disabilities must not be located within a specific distance of another group home. Sometimes a spacing requirement is designed so it applies only to group homes and sometimes a spacing requirement is framed more generally and applies to group homes and other types of uses such as boarding houses, student housing, or even certain types of businesses. In a community where a certain number of unrelated persons are permitted by local ordinance to reside together in a home, it would violate the Act for the local ordinance to impose a spacing requirement on group homes that do not exceed that permitted number of residents because the spacing requirement would be a condition imposed on persons with disabilities that is not imposed on persons without disabilities. In situations where a group home seeks a reasonable accommodation to exceed the number of unrelated persons who are permitted by local ordinance to reside together, the Fair Housing Act does not prevent state or local governments from taking into account concerns about the over-concentration of group homes that are located in close proximity to each other. Sometimes compliance with the integration mandate of the ADA and *Olmstead* requires government agencies responsible for licensing or providing housing for persons with disabilities to consider the location of other group homes when determining what housing will best meet the needs of the persons being served. Some courts, however, have found that spacing requirements violate the Fair Housing Act because they deny persons with disabilities an equal opportunity to choose where they will live. Because an across-the-board spacing requirement may discriminate against persons with disabilities in some residential areas, any standards that state or local governments adopt should evaluate the location of group homes for persons with disabilities on a case-by-case basis.

Where a jurisdiction has imposed a spacing requirement on the location of group homes for persons with disabilities, courts may analyze whether the requirement violates the Act under an intent, effects, or reasonable accommodation theory. In cases alleging intentional discrimination, courts look to a number of factors, including the effect of the requirement on housing for persons with disabilities; the jurisdiction’s intent behind the spacing requirement; the existence, size, and location of group homes in a given area; and whether there are methods other than a spacing requirement for accomplishing the jurisdiction’s stated purpose. A spacing requirement enacted with discriminatory intent, such as for the purpose of appeasing neighbors’ stereotypical fears about living near persons with disabilities, violates the Act. Further, a neutral

spacing requirement that applies to all housing for groups of unrelated persons may have an unjustified discriminatory effect on persons with disabilities, thus violating the Act. Jurisdictions must also consider, in compliance with the Act, requests for reasonable accommodations to any spacing requirements.

16. Can a state or local government impose health and safety regulations on group home operators?

Operators of group homes for persons with disabilities are subject to applicable state and local regulations addressing health and safety concerns unless those regulations are inconsistent with the Fair Housing Act or other federal law. Licensing and other regulatory requirements that may apply to some group homes must also be consistent with the Fair Housing Act. Such regulations must not be based on stereotypes about persons with disabilities or specific types of disabilities. State or local zoning and land use ordinances may not, consistent with the Fair Housing Act, require individuals with disabilities to receive medical, support, or other services or supervision that they do not need or want as a condition for allowing a group home to operate. State and local governments' enforcement of neutral requirements regarding safety, licensing, and other regulatory requirements governing group homes do not violate the Fair Housing Act so long as the ordinances are enforced in a neutral manner, they do not specifically target group homes, and they do not have an unjustified discriminatory effect on persons with disabilities who wish to reside in group homes.

Governments must also consider requests for reasonable accommodations to licensing and regulatory requirements and procedures, and grant them where they may be necessary to afford individuals with disabilities an equal opportunity to use and enjoy a dwelling, as required by the Act.

17. Can a state or local government address suspected criminal activity or fraud and abuse at group homes for persons with disabilities?

The Fair Housing Act does not prevent state and local governments from taking nondiscriminatory action in response to criminal activity, insurance fraud, Medicaid fraud, neglect or abuse of residents, or other illegal conduct occurring at group homes, including reporting complaints to the appropriate state or federal regulatory agency. States and localities must ensure that actions to enforce criminal or other laws are not taken to target group homes and are applied equally, regardless of whether the residents of housing are persons with disabilities. For example, persons with disabilities residing in group homes are entitled to the same constitutional protections against unreasonable search and seizure as those without disabilities.

18. Does the Fair Housing Act permit a state or local government to implement strategies to integrate group homes for persons with disabilities in particular neighborhoods where they are not currently located?

Yes. Some strategies a state or local government could use to further the integration of group housing for persons with disabilities, consistent with the Act, include affirmative marketing or offering incentives. For example, jurisdictions may engage in affirmative marketing or offer variances to providers of housing for persons with disabilities to locate future homes in neighborhoods where group homes for persons with disabilities are not currently located. But jurisdictions may not offer incentives for a discriminatory purpose or that have an unjustified discriminatory effect because of a protected characteristic.

19. Can a local government consider the fears or prejudices of neighbors in deciding whether a group home can be located in a particular neighborhood?

In the same way a local government would violate the law if it rejected low-income housing in a community because of neighbors' fears that such housing would be occupied by racial minorities (see Q&A 5), a local government violates the law if it blocks a group home or denies a reasonable accommodation request because of neighbors' stereotypical fears or prejudices about persons with disabilities. This is so even if the individual government decision-makers themselves do not have biases against persons with disabilities.

Not all community opposition to requests by group homes is necessarily discriminatory. For example, when a group home seeks a reasonable accommodation to operate in an area and the area has limited on-street parking to serve existing residents, it is not a violation of the Fair Housing Act for neighbors and local government officials to raise concerns that the group home may create more demand for on-street parking than would a typical family and to ask the provider to respond. A valid unaddressed concern about inadequate parking facilities could justify denying the requested accommodation, if a similar dwelling that is not a group home or similarly situated use would ordinarily be denied a permit because of such parking concerns. If, however, the group home shows that the home will not create a need for more parking spaces than other dwellings or similarly-situated uses located nearby, or submits a plan to provide any needed off-street parking, then parking concerns would not support a decision to deny the home a permit.

**Questions and Answers on the Fair Housing Act and
Reasonable Accommodation Requests to Local Zoning and Land Use Laws**

20. When does a state or local government violate the Fair Housing Act by failing to grant a request for a reasonable accommodation?

A state or local government violates the Fair Housing Act by failing to grant a reasonable accommodation request if (1) the persons requesting the accommodation or, in the case of a group home, persons residing in or expected to reside in the group home are persons with a disability under the Act; (2) the state or local government knows or should reasonably be expected to know of their disabilities; (3) an accommodation in the land use or zoning ordinance or other rules, policies, practices, or services of the state or locality was requested by or on behalf of persons with disabilities; (4) the requested accommodation may be necessary to afford one or more persons with a disability an equal opportunity to use and enjoy the dwelling; (5) the state or local government refused to grant, failed to act on, or unreasonably delayed the accommodation request; and (6) the state or local government cannot show that granting the accommodation would impose an undue financial and administrative burden on the local government or that it would fundamentally alter the local government's zoning scheme. A requested accommodation may be necessary if there is an identifiable relationship between the requested accommodation and the group home residents' disability. Further information is provided in Q&A 10 above and the HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act.

21. Can a local government deny a group home's request for a reasonable accommodation without violating the Fair Housing Act?

Yes, a local government may deny a group home's request for a reasonable accommodation if the request was not made by or on behalf of persons with disabilities (by, for example, the group home developer or operator) or if there is no disability-related need for the requested accommodation because there is no relationship between the requested accommodation and the disabilities of the residents or proposed residents.

In addition, a group home's request for a reasonable accommodation may be denied by a local government if providing the accommodation is not reasonable—in other words, if it would impose an undue financial and administrative burden on the local government or it would fundamentally alter the local government's zoning scheme. The determination of undue financial and administrative burden must be decided on a case-by-case basis involving various factors, such as the nature and extent of the administrative burden and the cost of the requested accommodation to the local government, the financial resources of the local government, and the benefits that the accommodation would provide to the persons with disabilities who will reside in the group home.

When a local government refuses an accommodation request because it would pose an undue financial and administrative burden, the local government should discuss with the requester whether there is an alternative accommodation that would effectively address the disability-related needs of the group home's residents without imposing an undue financial and administrative burden. This discussion is called an "interactive process." If an alternative accommodation would effectively meet the disability-related needs of the residents of the group home and is reasonable (that is, it would not impose an undue financial and administrative burden or fundamentally alter the local government's zoning scheme), the local government must grant the alternative accommodation. An interactive process in which the group home and the local government discuss the disability-related need for the requested accommodation and possible alternative accommodations is both required under the Act and helpful to all concerned, because it often results in an effective accommodation for the group home that does not pose an undue financial and administrative burden or fundamental alteration for the local government.

22. What is the procedure for requesting a reasonable accommodation?

The reasonable accommodation must actually be requested by or on behalf of the individuals with disabilities who reside or are expected to reside in the group home. When the request is made, it is not necessary for the specific individuals who would be expected to live in the group home to be identified. The Act does not require that a request be made in a particular manner or at a particular time. The group home does not need to mention the Fair Housing Act or use the words "reasonable accommodation" when making a reasonable accommodation request. The group home must, however, make the request in a manner that a reasonable person would understand to be a disability-related request for an exception, change, or adjustment to a rule, policy, practice, or service. When making a request for an exception, change, or adjustment to a local land use or zoning regulation or policy, the group home should explain what type of accommodation is being requested and, if the need for the accommodation is not readily apparent or known by the local government, explain the relationship between the accommodation and the disabilities of the group home residents.

A request for a reasonable accommodation can be made either orally or in writing. It is often helpful for both the group home and the local government if the reasonable accommodation request is made in writing. This will help prevent misunderstandings regarding what is being requested or whether or when the request was made.

Where a local land use or zoning code contains specific procedures for seeking a departure from the general rule, courts have decided that these procedures should ordinarily be followed. If no procedure is specified, or if the procedure is unreasonably burdensome or intrusive or involves significant delays, a request for a reasonable accommodation may,

nevertheless, be made in some other way, and a local government is obligated to grant it if the requested accommodation meets the criteria discussed in Q&A 20, above.

Whether or not the local land use or zoning code contains a specific procedure for requesting a reasonable accommodation or other exception to a zoning regulation, if local government officials have previously made statements or otherwise indicated that an application for a reasonable accommodation would not receive fair consideration, or if the procedure itself is discriminatory, then persons with disabilities living in a group home, and/or its operator, have the right to file a Fair Housing Act complaint in court to request an order for a reasonable accommodation to the local zoning regulations.

23. Does the Fair Housing Act require local governments to adopt formal reasonable accommodation procedures?

The Act does not require a local government to adopt formal procedures for processing requests for reasonable accommodations to local land use or zoning codes. DOJ and HUD nevertheless strongly encourage local governments to adopt formal procedures for identifying and processing reasonable accommodation requests and provide training for government officials and staff as to application of the procedures. Procedures for reviewing and acting on reasonable accommodation requests will help state and local governments meet their obligations under the Act to respond to reasonable accommodation requests and implement reasonable accommodations promptly. Local governments are also encouraged to ensure that the procedures to request a reasonable accommodation or other exception to local zoning regulations are well known throughout the community by, for example, posting them at a readily accessible location and in a digital format accessible to persons with disabilities on the government's website. If a jurisdiction chooses to adopt formal procedures for reasonable accommodation requests, the procedures cannot be onerous or require information beyond what is necessary to show that the individual has a disability and that the requested accommodation is related to that disability. For example, in most cases, an individual's medical record or detailed information about the nature of a person's disability is not necessary for this inquiry. In addition, officials and staff must be aware that any procedures for requesting a reasonable accommodation must also be flexible to accommodate the needs of the individual making a request, including accepting and considering requests that are not made through the official procedure. The adoption of a reasonable accommodation procedure, however, will not cure a zoning ordinance that treats group homes differently than other residential housing with the same number of unrelated persons.

24. What if a local government fails to act promptly on a reasonable accommodation request?

A local government has an obligation to provide prompt responses to reasonable accommodation requests, whether or not a formal reasonable accommodation procedure exists. A local government's undue delay in responding to a reasonable accommodation request may be deemed a failure to provide a reasonable accommodation.

25. Can a local government enforce its zoning code against a group home that violates the zoning code but has not requested a reasonable accommodation?

The Fair Housing Act does not prohibit a local government from enforcing its zoning code against a group home that has violated the local zoning code, as long as that code is not discriminatory or enforced in a discriminatory manner. If, however, the group home requests a reasonable accommodation when faced with enforcement by the locality, the locality still must consider the reasonable accommodation request. A request for a reasonable accommodation may be made at any time, so at that point, the local government must consider whether there is a relationship between the disabilities of the residents of the group home and the need for the requested accommodation. If so, the locality must grant the requested accommodation unless doing so would pose a fundamental alteration to the local government's zoning scheme or an undue financial and administrative burden to the local government.

**Questions and Answers on Fair Housing Act Enforcement of
Complaints Involving Land Use and Zoning**

26. How are Fair Housing Act complaints involving state and local land use laws and practices handled by HUD and DOJ?

The Act gives HUD the power to receive, investigate, and conciliate complaints of discrimination, including complaints that a state or local government has discriminated in exercising its land use and zoning powers. HUD may not issue a charge of discrimination pertaining to "the legality of any State or local zoning or other land use law or ordinance." Rather, after investigating, HUD refers matters it believes may be meritorious to DOJ, which, in its discretion, may decide to bring suit against the state or locality within 18 months after the practice at issue occurred or terminated. DOJ may also bring suit by exercising its authority to initiate litigation alleging a pattern or practice of discrimination or a denial of rights to a group of persons which raises an issue of general public importance.

If HUD determines that there is no reasonable cause to believe that there may be a violation, it will close an investigation without referring the matter to DOJ. But a HUD or DOJ

decision not to proceed with a land use or zoning matter does not foreclose private plaintiffs from pursuing a claim.

Litigation can be an expensive, time-consuming, and uncertain process for all parties. HUD and DOJ encourage parties to land use disputes to explore reasonable alternatives to litigation, including alternative dispute resolution procedures, like mediation or conciliation of the HUD complaint. HUD attempts to conciliate all complaints under the Act that it receives, including those involving land use or zoning laws. In addition, it is DOJ's policy to offer prospective state or local governments the opportunity to engage in pre-suit settlement negotiations, except in the most unusual circumstances.

27. How can I find more information?

For more information on reasonable accommodations and reasonable modifications under the Fair Housing Act:

- HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act, *available at* <https://www.justice.gov/crt/fair-housing-policy-statements-and-guidance-0> or <http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>.
- HUD/DOJ Joint Statement on Reasonable Modifications under the Fair Housing Act, *available at* <https://www.justice.gov/crt/fair-housing-policy-statements-and-guidance-0> or http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf.

For more information on state and local governments' obligations under Section 504:

- HUD website at http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504.

For more information on state and local governments' obligations under the ADA and *Olmstead*:

- U.S. Department of Justice website, www.ADA.gov, or call the ADA information line at (800) 514-0301 (voice) or (800) 514-0383 (TTY).
- Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*, *available at* http://www.ada.gov/olmstead/q&a_olmstead.htm.
- Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of *Olmstead*, *available at* <http://portal.hud.gov/hudportal/documents/huddoc?id=OlmsteadGuidnc060413.pdf>.

For more information on the requirement to affirmatively further fair housing:

- Affirmatively Furthering Fair Housing, 80 Fed. Reg. 42,272 (July 16, 2015) (to be codified at 24 C.F.R. pts. 5, 91, 92, 570, 574, 576, and 903).
- U.S. Department of Housing and Urban Development, Version 1, Affirmatively Furthering Fair Housing Rule Guidebook (2015), *available at* <https://www.hudexchange.info/resources/documents/AFFH-Rule-Guidebook.pdf>.
- Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, Vol. 1, Fair Housing Planning Guide (1996), *available at* <http://www.hud.gov/offices/fheo/images/fhpg.pdf>.

For more information on nuisance and crime-free ordinances:

- Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Enforcement of Local Nuisance and Crime-Free Housing Ordinances Against Victims of Domestic Violence, Other Crime Victims, and Others Who Require Police or Emergency Services (Sept. 13, 2016), *available at* <http://portal.hud.gov/hudportal/documents/huddoc?id=FinalNuisanceOrdGdnce.pdf>.

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 287
HOUSE BILL 2107

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.38; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-269.15; RELATING TO LOCAL HEALTH AND SAFETY ORDINANCES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes, is
3 amended by adding section 9-500.38, to read:

4 9-500.38. Structured sober living homes; standards; definition

5 A. A CITY OR TOWN MAY ADOPT BY ORDINANCE STANDARDS FOR STRUCTURED
6 SOBER LIVING HOMES THAT COMPLY WITH STATE AND FEDERAL FAIR HOUSING LAWS AND
7 THE AMERICANS WITH DISABILITIES ACT. IF ADOPTED, THE STANDARDS FOR
8 STRUCTURED SOBER LIVING HOMES MAY INCLUDE:

9 1. A WRITTEN NOTIFICATION FROM ALL STRUCTURED SOBER LIVING HOMES THAT
10 INCLUDES:

11 (a) THE NAME AND ADDRESS OF THE STRUCTURED SOBER LIVING HOME.

12 (b) THE FOLLOWING INFORMATION REGARDING THE PROPERTY:

13 (i) THE PROPERTY OWNER'S NAME, ADDRESS AND CONTACT TELEPHONE NUMBER.

14 (ii) IF THE PROPERTY IS LEASED, A COPY OF THE LEASE THAT STATES THAT
15 THE PROPERTY WILL BE USED AS A STRUCTURED SOBER LIVING HOME.

16 2. SUPERVISION REQUIREMENTS IN THE STRUCTURED SOBER LIVING HOME FOR
17 THE RESIDENTS DURING ALL HOURS OF OPERATION.

18 3. THE ESTABLISHMENT AND MAINTENANCE OF AN OPERATION PLAN THAT
19 FACILITATES THE REHABILITATIVE PROCESS, INCLUDING DISCHARGE PLANNING, AND
20 THAT ADDRESSES THE MAINTENANCE OF THE PROPERTY AND NOISE ABATEMENT CONSISTENT
21 WITH LOCAL ORDINANCES.

22 B. A CITY OR TOWN THAT ADOPTS STANDARDS FOR STRUCTURED SOBER LIVING
23 HOMES PURSUANT TO SUBSECTION A OF THIS SECTION MAY EXCLUDE FROM REGULATION
24 ANY STRUCTURED SOBER LIVING HOME THAT IS SUBJECT TO ADEQUATE OVERSIGHT BY
25 ANOTHER GOVERNMENTAL ENTITY OR CONTRACTOR.

26 C. FOR THE PURPOSES OF THIS SECTION, "STRUCTURED SOBER LIVING HOME":

27 1. MEANS ANY PREMISES, PLACE OR BUILDING THAT PROVIDES ALCOHOL-FREE OR
28 DRUG-FREE HOUSING, PROMOTES INDEPENDENT LIVING AND LIFE SKILL DEVELOPMENT AND
29 PROVIDES STRUCTURED ACTIVITIES THAT ARE DIRECTED PRIMARILY TOWARD RECOVERY
30 FROM SUBSTANCE USE DISORDERS IN A SUPERVISED SETTING TO A GROUP OF UNRELATED
31 INDIVIDUALS WHO ARE RECOVERING FROM DRUG OR ALCOHOL ADDICTION AND WHO ARE
32 RECEIVING OUTPATIENT BEHAVIORAL HEALTH SERVICES FOR SUBSTANCE ABUSE OR
33 ADDICTION TREATMENT WHILE LIVING IN THE HOME.

34 2. DOES NOT INCLUDE A PRIVATE RESIDENCE IN WHICH A RELATED FAMILY
35 MEMBER IS REQUIRED TO RECEIVE OUTPATIENT BEHAVIORAL HEALTH SERVICES FOR
36 SUBSTANCE ABUSE OR ADDICTION TREATMENT AS A CONDITION OF CONTINUING TO RESIDE
37 IN THE FAMILY DWELLING.

38 Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes, is
39 amended by adding section 11-269.15, to read:

40 11-269.15. Structured sober living homes; standards; definition

41 A. A COUNTY MAY ADOPT BY ORDINANCE STANDARDS FOR STRUCTURED SOBER
42 LIVING HOMES THAT COMPLY WITH STATE AND FEDERAL FAIR HOUSING LAWS AND THE
43 AMERICANS WITH DISABILITIES ACT. IF ADOPTED, THE STANDARDS FOR STRUCTURED
44 SOBER LIVING HOMES MAY INCLUDE:

45 1. A WRITTEN NOTIFICATION FROM ALL STRUCTURED SOBER LIVING HOMES THAT
46 INCLUDES:

- 1 (a) THE NAME AND ADDRESS OF THE STRUCTURED SOBER LIVING HOME.
2 (b) THE FOLLOWING INFORMATION REGARDING THE PROPERTY:
3 (i) THE PROPERTY OWNER'S NAME, ADDRESS AND CONTACT TELEPHONE NUMBER.
4 (ii) IF THE PROPERTY IS LEASED, A COPY OF THE LEASE THAT STATES THAT
5 THE PROPERTY WILL BE USED AS A STRUCTURED SOBER LIVING HOME.
6 2. SUPERVISION REQUIREMENTS IN THE STRUCTURED SOBER LIVING HOME FOR
7 THE RESIDENTS DURING ALL HOURS OF OPERATION.
8 3. THE ESTABLISHMENT AND MAINTENANCE OF AN OPERATION PLAN THAT
9 FACILITATES THE REHABILITATIVE PROCESS, INCLUDING DISCHARGE PLANNING, AND
10 THAT ADDRESSES THE MAINTENANCE OF THE PROPERTY AND NOISE ABATEMENT CONSISTENT
11 WITH LOCAL ORDINANCES.
12 B. A COUNTY THAT ADOPTS STANDARDS FOR STRUCTURED SOBER LIVING HOMES
13 PURSUANT TO SUBSECTION A OF THIS SECTION MAY EXCLUDE FROM REGULATION ANY
14 STRUCTURED SOBER LIVING HOME THAT IS SUBJECT TO ADEQUATE OVERSIGHT BY ANOTHER
15 GOVERNMENTAL ENTITY OR CONTRACTOR.
16 C. FOR THE PURPOSES OF THIS SECTION, "STRUCTURED SOBER LIVING HOME":
17 1. MEANS ANY PREMISES, PLACE OR BUILDING THAT PROVIDES ALCOHOL-FREE OR
18 DRUG-FREE HOUSING, PROMOTES INDEPENDENT LIVING AND LIFE SKILL DEVELOPMENT AND
19 PROVIDES STRUCTURED ACTIVITIES THAT ARE DIRECTED PRIMARILY TOWARD RECOVERY
20 FROM SUBSTANCE USE DISORDERS IN A SUPERVISED SETTING TO A GROUP OF UNRELATED
21 INDIVIDUALS WHO ARE RECOVERING FROM DRUG OR ALCOHOL ADDICTION AND WHO ARE
22 RECEIVING OUTPATIENT BEHAVIORAL HEALTH SERVICES FOR SUBSTANCE ABUSE OR
23 ADDICTION TREATMENT WHILE LIVING IN THE HOME.
24 2. DOES NOT INCLUDE A PRIVATE RESIDENCE IN WHICH A RELATED FAMILY
25 MEMBER IS REQUIRED TO RECEIVE OUTPATIENT BEHAVIORAL HEALTH SERVICES FOR
26 SUBSTANCE ABUSE OR ADDICTION TREATMENT AS A CONDITION OF CONTINUING TO RESIDE
27 IN THE FAMILY DWELLING.

APPROVED BY THE GOVERNOR MAY 17, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 17, 2016.

36-407. Prohibited acts

A. A person shall not establish, conduct or maintain in this state a health care institution or any class or subclass of health care institution unless that person holds a current and valid license issued by the department specifying the class or subclass of health care institution the person is establishing, conducting or maintaining. The license is valid only for the establishment, operation and maintenance of the class or subclass of health care institution, the type of services and, except for emergency admissions as prescribed by the director by rule, the licensed capacity specified by the license.

36-403. Licensure by counties and municipalities

Nothing in this chapter shall prevent counties or municipalities from adopting and enforcing building and zoning regulations for health care institutions which are equal to or more restrictive than regulations of the department.

DHS License for residential care	Type of care	Distinguishing features
Assisted Living home	supervisory care services, personal care services or directed care services	10 or fewer residents
Behavioral Health	services that pertain to mental health and substance use disorders and performed by or under the supervision of a licensed professional or staff	General category for behavioral health services not separately licensed
Behavioral Health respite	same	Temporary (<30 days) services to persons otherwise cared for in foster homes and in private homes to provide an interval of rest or relief to operators of foster homes or to family members.
Behavioral Health specialized transitional	same	Specifically for persons determined to be sexually violent
Behavioral Health therapeutic	same	assists in acquiring daily living skills, coordinates transportation to scheduled appointments, monitors behaviors, assists in the self-administration of medication, and provides feedback to a case manager related to behavior for an individual 18 years of age or older
Hospice inpatient		Includes medical social services plus palliative care, i.e. medical services or nursing services provided to a patient that is not curative and is designed for pain control or symptom management
Nursing Care		services that pertain to the curative, restorative and preventive aspects of nursing care and that are performed at the direction of a physician by or under the supervision of a registered nurse licensed in this state
Substance abuse transitional	behavioral health services	Persons over 18 with substance abuse problems
Unclassified	medical services, nursing services, behavioral health services, health screening services, other health-related services, supervisory care services, personal care services or directed care services	Catch-all category for health care institutions not separately licensed

Statutory definitions

36-401

7. "Assisted living center" means an assisted living facility that provides resident rooms or residential units to eleven or more residents.
8. "Assisted living facility" means a residential care institution, including an adult foster care home, that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuous basis.
9. "Assisted living home" means an assisted living facility that provides resident rooms to ten or fewer residents.
10. "Behavioral health services" means services that pertain to mental health and substance use disorders and that are either:
- (a) Performed by or under the supervision of a professional who is licensed pursuant to title 32 and whose scope of practice allows for the provision of these services.
 - (b) Performed on behalf of patients by behavioral health staff as prescribed by rule.
21. "Health care institution" means every place, institution, building or agency, whether organized for profit or not, that provides facilities with medical services, nursing services, behavioral health services, health screening services, other health-related services, supervisory care services, personal care services or directed care services and includes home health agencies as defined in section 36-151, outdoor behavioral health care programs and hospice service agencies. Health care institution does not include a community residential setting as defined in section 36-551.
27. "Inpatient beds" or "resident beds" means accommodations with supporting services, such as food, laundry and housekeeping, for patients or residents who generally stay in excess of twenty-four hours.
29. "Medical services" means the services that pertain to medical care and that are performed at the direction of a physician on behalf of patients by physicians, dentists, nurses and other professional and technical personnel.
33. "Nursing services" means those services that pertain to the curative, restorative and preventive aspects of nursing care and that are performed at the direction of a physician by or under the supervision of a registered nurse licensed in this state.
36. "Personal care services" means assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and the administration of medications and treatments by a nurse who is licensed pursuant to title 32, chapter 15 or as otherwise provided by law.
38. "Residential care institution" means a health care institution other than a hospital or a nursing care institution that provides resident beds or residential units, supervisory care services, personal care services, behavioral health services, directed care services or health-related services for persons who do not need continuous nursing services.
39. "Residential unit" means a private apartment, unless otherwise requested by a resident, that includes a living and sleeping space, kitchen area, private bathroom and storage area.
40. "Respite care services" means services that are provided by a licensed health care institution to persons otherwise cared for in foster homes and in private homes to provide an interval of rest or relief of not more than thirty days to operators of foster homes or to family members.
43. "Supervisory care services" means general supervision, including daily awareness of resident functioning and continuing needs, the ability to intervene in a crisis and assistance in the self-administration of prescribed medications.

36-151

5. "Home health agency" means an agency or organization, or a subdivision of such an agency or organization, which meets all of the following requirements:
- (a) Is primarily engaged in providing skilled nursing services and other therapeutic services.
 - (b) Has policies, established by a group of professional personnel, associated with the agency or organization, including one or more physicians and one or more registered professional nurses, to govern the services referred to in subdivision (a), which it provides, and provides for supervision of such services by a physician or registered professional nurse.

36-551

15. "Community residential setting" means a residential setting in which persons with developmental disabilities live and are provided with appropriate supervision by the service provider responsible for the operation of the residential setting. Community residential setting includes a child developmental home or an adult developmental home operated or contracted by the department or the department's contracted vendor or a group home operated or contracted by the department.

Regulations

R 9-10-101

10. "Adult behavioral health therapeutic home" means a residence that provides room and board, assists in acquiring daily living skills, coordinates transportation to scheduled appointments, monitors behaviors, assists in the self-administration of medication, and provides feedback to a case manager related to behavior for an individual 18 years of age or older based on the individual's behavioral health issue and need for behavioral health services and may provide behavioral health services under the clinical oversight of a behavioral health professional.

17. "Assistance in the self-administration of medication" means restricting a patient's access to the patient's medication and providing support to the patient while the patient takes the medication to ensure that the medication is taken as ordered.

22. "Behavioral care":

a. Means limited behavioral health services, provided to a patient whose primary admitting diagnosis is related to the patient's need for physical health services, that include:

i. Assistance with the patient's psychosocial interactions to manage the patient's behavior that can be performed by an individual without a professional license or certificate including:

(1) Direction provided by a behavioral health professional, and

(2) Medication ordered by a medical practitioner or behavioral health professional; or

ii. Behavioral health services provided by a behavioral health professional on an intermittent basis to address the patient's significant psychological or behavioral response to an identifiable stressor or stressors; and

b. Does not include court-ordered behavioral health services.

23. "Behavioral health facility" means a behavioral health inpatient facility, a behavioral health residential facility, a substance abuse transitional facility, a behavioral health specialized transitional facility, an outpatient treatment center that only provides behavioral health services, an adult behavioral health therapeutic home, a behavioral health respite home, or a counseling facility.

24. "Behavioral health inpatient facility" means a health care institution that provides continuous treatment to an individual experiencing a behavioral health issue that causes the individual to:

a. Have a limited or reduced ability to meet the individual's basic physical needs;

b. Suffer harm that significantly impairs the individual's judgment, reason, behavior, or capacity to recognize reality;

c. Be a danger to self;

d. Be a danger to others;

e. Be persistently or acutely disabled as defined in A.R.S. § 36-501; or

f. Be gravely disabled.

29. "Behavioral health residential facility" means a health care institution that provides treatment to an individual experiencing a behavioral health issue that:

a. Limits the individual's ability to be independent, or

b. Causes the individual to require treatment to maintain or enhance independence.

30. "Behavioral health respite home" means a residence where respite care services, which may include assistance in the self-administration of medication, are provided to an individual based on the individual's behavioral health issue and need for behavioral health services.

31. "Behavioral health specialized transitional facility" means a health care institution that provides inpatient behavioral health services and physical health services to an individual determined to be a sexually violent person according to A.R.S. Title 36, Chapter 37.

52. "Counseling facility" means a health care institution that only provides counseling, which may include:
a. DUI screening, education, or treatment according to the requirements in 9 A.A.C. 20, Article 1; or
b. Misdemeanor domestic violence offender treatment according to the requirements in 9 A.A.C. 20, Article 2.

58. "Daily living skills" means activities necessary for an individual to live independently and include meal preparation, laundry, housecleaning, home maintenance, money management, and appropriate social interactions.

61. "Detoxification services" means behavioral health services and medical services provided to an individual to:

- a. Reduce or eliminate the individual's dependence on alcohol or other drugs, or
- b. Provide treatment for the individual's signs or symptoms of withdrawal from alcohol or other drugs.

97. "Hospice inpatient facility" means a subclass of hospice that provides hospice services to a patient on a continuous basis with the expectation that the patient will remain on the hospice's premises for 24 hours or more.

195. "Substance abuse" means an individual's misuse of alcohol or other drug or chemical that:

- a. Alters the individual's behavior or mental functioning;
- b. Has the potential to cause the individual to be psychologically or physiologically dependent on alcohol or other drug or chemical; and
- c. Impairs, reduces, or destroys the individual's social or economic functioning.

196. "Substance abuse transitional facility" means a class of health care institution that provides behavioral health services to an individual over 18 years of age who is intoxicated or may have a substance abuse problem.

211. "Unclassified health care institution" means a health care institution not classified or subclassified in statute or in rule.

Frequently Asked Questions re: Care Home Ordinance

Summary: Lauber, Daniel. “Maximum Restrictions Local Zoning Can Place on Community Residences for People With Disabilities” 2017

<http://www.grouphomelaw.com/2%20page%20summary%20zoning%20for%20community%20residences%20family%20condensed.pdf>

U. S. Department Of Housing And Urban Development and U. S. Department Of Justice. “Joint Statement Of The Department Of Housing And Urban Development And The Department Of Justice: State And Local Land Use Laws And Practices And The Application Of The Fair Housing Act.” Justice.gov. November 2016.

<https://www.justice.gov/crt/page/file/909956/download>

Since the State doesn’t license sober homes, why doesn’t the City?

There is a state statute, A.R.S. § 36-407, that requires that all health care institutions be licensed by the state. Therefore the types of homes for recovering addicts where behavioral health, medical and supervisory care services are provided are licensed by the State. The State does not license homes where recovering addicts live together where no such care is provided. However, federal law prohibits the City from making it more difficult for disabled persons, including recovering addicts, to live in a residential setting, which includes requiring them to obtain a license or a permit just because they are going to be in a residential setting. The Department of Justice and the Department of Housing and Urban Development have made this clear in the “Joint Statement” referred to above. For example:

A land use or zoning practice may be discriminatory on its face. For example, a law that requires persons with disabilities to request permits to live in single-family zones while not requiring persons without disabilities to request such permits violates the Act because it treats persons with disabilities differently based on their disability. (p. 4)

Is there any way to separate the handling of sober/recovery homes from other homes where care is provided, such as assisted living homes?

The federal government in its “Joint Statement” referenced above addresses that: “Although a group home for persons in recovery may commonly be called a “sober home,” the term does not have a specific legal meaning, and the Act treats persons with disabilities who reside in such homes no differently than persons with disabilities who reside in other types of group homes.” (p. 7) Further, the Joint Statement says:

12. Can a state or local government enact laws that specifically limit group homes for individuals with specific types of disabilities?

No. Just as it would be illegal to enact a law for the purpose of excluding or limiting group homes for individuals with disabilities, it is illegal under the Act for local land use

and zoning laws to exclude or limit group homes for individuals with specific types of disabilities. For example, a government may not limit group homes for persons with mental illness to certain neighborhoods. The fact that the state or local government complies with the Act with regard to group homes for persons with some types of disabilities will not justify discrimination against individuals with another type of disability, such as mental illness. (p. 10)

Can we regulate separately the maximum number of residents allowed in a care home, the number of care takers required per resident, footage separating each kind from other neighbors, traffic control, parking, street safety, etc. ?

The Joint Statement addresses this as follows:

Examples of state and local land use and zoning laws or practices that may violate the Act include: . . .

- Imposing restrictions or additional conditions on group housing for persons with disabilities that are not imposed on families or other groups of unrelated individuals, by, for example, requiring an occupancy permit for persons with disabilities to live in a single-family home while not requiring a permit for other residents of single-family homes.
- Imposing restrictions on housing because of alleged public safety concerns that are based on stereotypes about the residents' or anticipated residents' membership in a protected class, by, for example, requiring a proposed development to provide additional security measures based on a belief that persons of a particular protected class are more likely to engage in criminal activity.
- Enforcing otherwise neutral laws or policies differently because of the residents' protected characteristics, by, for example, citing individuals who are members of a particular protected class for violating code requirements for property upkeep while not citing other residents for similar violations.
- Refusing to provide reasonable accommodations to land use or zoning policies when such accommodations may be necessary to allow persons with disabilities to have an equal opportunity to use and enjoy the housing, by, for example, denying a request to modify a setback requirement so an accessible sidewalk or ramp can be provided for one or more persons with mobility disabilities. (p. 3)

Examples of land use practices that violate the Fair Housing Act under a discriminatory effects standard include minimum floor space or lot size requirements that increase the size and cost of housing if such an increase has the effect of excluding persons from a locality or neighborhood because of their membership in a protected class, without a legally sufficient justification. (p.5)

What will happen to existing assisted living homes?

The City's zoning ordinance provides for the grandfathering of existing legal uses. S.R.C. § 1.1301.

What are surrounding cities doing about these issues and what their regulations are regarding these types of homes?

A Chart showing what other Arizona cities are doing is attached.

Are there other types of specialized residential homes that would fall under this same set of regulations and guidelines?

Yes. Small assisted living homes and behavioral health care homes would be regulated under the proposed ordinance.

Will homes for the homeless, half-way houses, homes run as charities, etc. fall under the same rules?

Under the proposed ordinance, any home where care is provided will be treated as ~~either~~ a care home (~~tensix~~ or fewer persons) ~~and a state license or a residential health care facility~~. Any home where care is NOT provided will be treated as a family (six or fewer adults and their related children) or a group home.

Is a Private Business allowed to operate in the middle of a residential neighborhood?

The zoning ordinance allows home occupations in single-family zoning districts. Additionally, adult care homes are permitted in residential districts, and because federal law treats recovering substance abusers as disabled persons the "business" of taking care of them is considered an allowed care home.

Why aren't neighbors notified when a sober home or any business moves into a neighborhood?

Because care homes are allowed uses in residential districts there is not a notification process that applies to them.

What about our children who may come in contact with the half-way house residents?

If unlawful activity occurs, then that may be a matter for the police.

What happens to our home re-sale values when trying to sell our homes?

The City cannot prohibit a use that is protected by federal law even if it may have an adverse effect on property values.

How/why was the zoning/business license ever approved for this type of operation?

There is no zoning license required for adult care homes. The State typically licenses facilities providing medical care where such licenses are required.

Regulation of housing for disabled in single family residential districts

	NAME GIVEN	PERMIT FOR CARE HOMES?	FAMILY	SEPARATION IN R1	CRITERIA/CONDITIONS	ACCOMODATION
PROPOSED	<p>Family: up to 6, no care Group Home: more than 6, no care Care Home: up to 10 disabled + up to 2 caregivers; 24 hour on-site supervision required Residential Health Care Facility: Care + 24-hour on-site supervision</p>	<p>Registration, but in some circumstances licensed by State. Use permit required for Residential Health Care facilities.</p>	<p>Up to 6 unrelated adults and their dependents.</p>	<p>Group homes not allowed in R1 Districts Care homes: 1200' separation in R1 Districts</p>	<p>Licensed care homes must provide proof of state licensing; City registration + operational criteria for all other care homes.</p>	<p>Yes – up to 10% administratively</p>
PRESCOTT	<p>Family: up to 4 unrelated Community Residence (zoning): 5-12 disabled --Family Community Residence (yearly tenancy) --Transitional Comm. Residence (monthly tenancy) Sober Living Home (licensing): a community residence, except for “a self-governed community residence . . .”</p>	<p>Family: none Sober Living Home: License required Family Community Residence: Permitted all districts Transitional Comm. Residence: Use Permit in SF (R1)</p>	<p>4 unrelated/ any related + 2 caregivers/2 unrelated with their children</p>	<p>Family Community Residence: 800' from another (Others require use permit and proof of compatibility)</p>	<p>Family Community Residence: 800' from nearest community residence AND operator is licensed/certified by State of Arizona to operate (If either criteria missing, use permit required) Sober Living Home. Licensing requirements: no registered sex offenders allowed; must have treatment plans; must have insurance (\$1mill/\$3mill)/no second hand smoke to neighbors/no drug or alcohol use/ good neighbor plan</p>	<p>Yes, for 12+ disabled Yes for sober living licensing</p>
PHOENIX	<p>Assisted Living, Home: 1 to 10 Residential Care Home: 1 to 10 Sober Living Home: Assisted Living Center: 11+ Residential Care Center: 11+</p>	<p>To 5: by right 6-10: registration & conditions Centers: not permitted in R1; Use permit in multifamily</p>	<p>5 unrelated</p>	<p>to 5: allowed by right; 6-10: 1320 feet</p>		<p>Yes as to separation requirement</p>
GILBERT	<p>Congregate Care: Group Homes for the Handicapped: up to 5 excluding staff, unless state licensed – up to 10 Recovery Residence: to 11</p>	<p>Congregate Care: Use Permit Group Home: State license & town Registration Recovery Home: Licensing and Registration + Operation Mngmnt Plan</p>	<p>5 unrelated</p>	<p>1200 feet</p>		<p>Yes</p>
CHANDLER	<p>Residential Care Homes: ≤ 5 residents with a disability, unless accommodation granted Group Home: > 5 unrelated, no disability</p>	<p>Registration for group and residential care homes</p>	<p>1+ living as single housekeepin g unit (up to 5 unrelated)</p>	<p>1200 feet</p>	<p>Residential Care: no more than 5 persons</p>	<p>Yes as to number of residents</p>

Regulation of housing for disabled in single family residential districts

	NAME GIVEN	PERMIT FOR CARE HOMES?	FAMILY	SEPARATION IN R1	CRITERIA/CONDITIONS	ACCOMMODATION
PROPOSED	Family: up to 6, no care Group Home: more than 6, no care Care Home: up to 6 10 disabled + up to 2 caregivers; 24-hour on-site supervision state license required Residential Health Care Facility: Care + 24-hour on-site supervision	Registration, but in some circumstances licensed by State State license required. Use permit required for Residential Health Care facilities.	Up to 6 unrelated adults and their dependents.	Group homes: not allowed in R1 Districts Care homes: 1200' separation in R1 Districts	Licensed care homes must provide proof of state licensing; City registration + operational criteria for all other care homes Care homes must provide proof of licensing.	Yes – up to 10% administratively
PRESCOTT	Family: up to 4 unrelated Community Residence (zoning): 5-12 disabled --Family Community Residence (yearly tenancy) --Transitional Comm. Residence (monthly tenancy) Sober Living Home (licensing): a community residence, except for “a self-governed community residence ...”	Family: none Sober Living Home: License required Family Community Residence: Permitted all districts Transitional Comm. Residence: Use Permit in SF (R1)	4 unrelated/ any related + 2 caregivers/2 unrelated with their children	Family Community Residence: 800' from another (Others require use permit and proof of compatibility)	Family Community Residence: 800' from nearest community residence AND operator is licensed/certified by State of Arizona to operate (If either criteria missing, use permit required) Sober Living Home. Licensing requirements: no registered sex offenders allowed; must have treatment plans; must have insurance (\$1mill/\$3mill)/no second hand smoke to neighbors/no drug or alcohol use/ good neighbor plan	Yes, for 12+ disabled Yes for sober living licensing
PHOENIX	Assisted Living, Home: 1 to 10 Residential Care Home: 1 to 10 Sober Living Home: Assisted Living Center: 11+ Residential Care Center: 11+	To 5: by right 6-10: registration & conditions Centers: not permitted in R1; Use permit in multifamily	5 unrelated	to 5: allowed by right; 6-10: 1320 feet		Yes as to separation requirement
GILBERT	Congregate Care: Group Homes for the Handicapped: up to 5 excluding staff, unless state licensed – up to 10 Recovery Residence: to 11	Congregate Care: Use Permit Group Home: State license & town Registration Recovery Home: Licensing and Registration + Operation Plan	5 unrelated	1200 feet		Yes
CHANDLER	Residential Care Homes: ≤ 5 residents with a disability, unless accommodation granted Group Home: > 5 unrelated, no disability	Registration for group and residential care homes	1+ living as single housekeeping unit (up to 5 unrelated)	1200 feet	Residential Care: no more than 5 persons	Yes as to number of residents



Fire Department

8401 E. Indian School Road
Scottsdale, AZ 85251

PHONE 480-312-8000
FAX 480-312-1887
WEB www.Scottsdalefd.com

**City of Scottsdale Fire Ordinance Requirements
Scottsdale Revised Codes, Chapter 36-18, Ordinance #4283: 2015 IFC**

Guide for Residential Occupancy Classifications

This guide is in response to requests from property managers and residents, related to the requirements for single-family facilities that provide care and/or accommodations for other than immediate family occupants. To help ensure a safe environment for our citizens, the following requirements of the Scottsdale Fire Codes/Ordinance shall be enforced:

Section 202: General Definitions

Institutional: Institutional Group I-1 is amended to include but not limited to the following;

- Congregate Living Facilities
- Convalescent Facilities

Facilities such as the above with five (5) or fewer persons may be classified as a Group "R-3" occupancy or may comply with the International Residential Code...

Facilities such as above housing at least six (6) and not more than ten (10) persons may be classified as a Group "R-4" occupancy.

Occupancies providing care and accommodations for more than ten (10) occupants, excluding staff, shall be classified as a Group "I" occupancy type.

Residential Group R-3: International Fire Code (IFC)/COS Ordinance #4283 Requirements.

1. IFC 403.10 – General requirements and approved safety evacuation plan (Ord. 4283)
2. IFC 906 – Portable Fire Extinguishers – recommended - not required in R-3.
3. IFC 1103.8.1 – single station smoke alarms required in Group "I" and "R" occupancies.

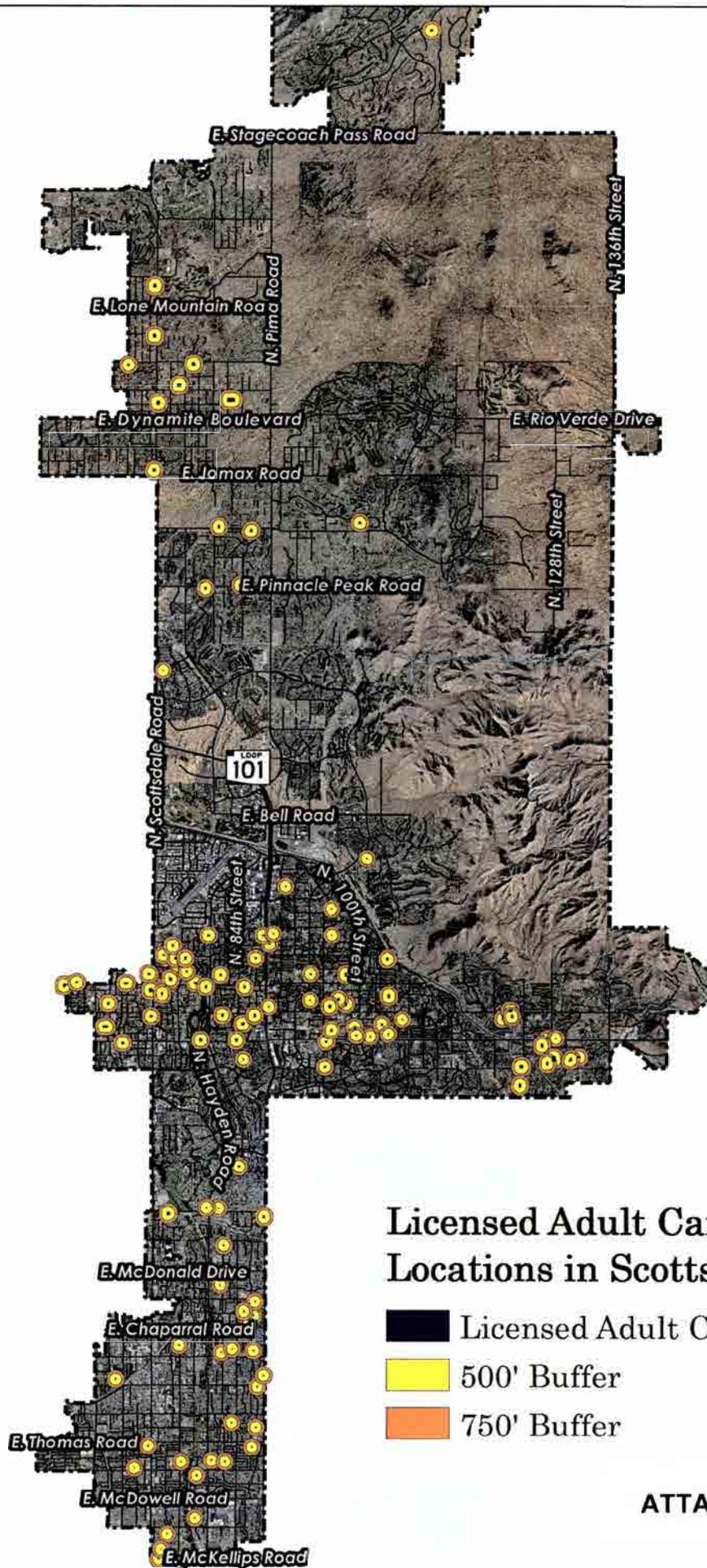
Residential Group R-4: International Fire Code (IFC)/COS Ordinance #4283 Requirements.

1. IFC 403.10 – General requirements and approved safety evacuation plan.
2. IFC 906 – Portable Fire Extinguishers – required for R-4 occupancies.
3. IFC 1103.8.1 – single station smoke alarms required in Group "I" and "R" occupancies.
4. IFC 1103.5 – Group R-4 residential sprinkler system required (Ord. 4283)

Additional Information

Group R-3 and R-4 Occupancies shall meet the requirements for construction as defined in the International Building Code (IBC) or shall comply with the International Residential Code (IRC).

For additional information, question or inspections please contact the Scottsdale Fire Department at 480-312-1855.



Licensed Adult Care Home Locations in Scottsdale

- Licensed Adult Care Home
- 500' Buffer
- 750' Buffer

Recipient: Scottsdale City Council

Letter: Greetings,

As citizens and residents of Scottsdale, we are concerned about maintaining the residential character of our community while providing the ability for persons with disabilities to live in our neighborhoods in a manner that is compatible and safe for all. We have become aware of a type of residential use that is unregulated by the City and the State that may present challenges related to traffic, parking and safety. We are petitioning the City Council to address the situation by enacting zoning regulations for "sober homes." The City of Scottsdale Zoning Code currently lacks a definition of a sober house and does not regulate its use.

Sober homes are residences where persons recovering from chemical dependency of drug and alcohol abuse reside, remaining for several months to transition from rehabilitation programs. They are considered to be "persons with a disability" under the federal and state fair housing laws. We believe it is possible and desirable for the future of Scottsdale that the City provide reasonable regulations to mitigate impacts to residents and residential neighborhoods without unreasonably restricting the rights of persons with disabilities. As the occurrence of these homes increases, we believe it is timely for the City Council to direct staff to initiate an amendment to the City zoning code and are hereby petitioning the Council to do so.

Angela Ashley 8/18/14
Angela Ashley
7711 E. CHARTER OAK
SCOTTSDALE AZ 85260
480 922-5760
AASHLEY@IX.NETCOM.COM



May 16, 2017

AzRHA is not in support of the City of Scottsdale ordinance regulating sober livings and AzRHA believes it was drafted out of unfounded fears of some neighbors trying to eradicate sober livings from their neighborhoods. Sober livings are integrated into the community and AzRHA has not been provided any evidence to the contrary. If the City does have evidence of traffic, parking or public safety issues, AzRHA would like to see such evidence, otherwise, this ordinance is an attempt to erase a protected class from the community.

Rather than the City of Scottsdale impose regulation with the proposed draft ordinance, AzRHA's recommendation is self-regulation through membership in our organization.

The Arizona Recovery Housing Association (AzRHA) is a statewide association of residential recovery program providers and community stakeholders. We represent over 1000 beds for quality recovery housing providers throughout Arizona. We have chapters in northern Arizona and as well southern Arizona. AzRHA promotes the development and quality operation of recovery-based residential programs through membership meetings, training/education, providing a platform for exchange of knowledge and experience, fostering relationships with community stakeholders, increasing community awareness of the value and needs of recovery housing programs, and through the inspection and certification of the residential facilities of its members.

AzRHA member programs receive AzRHA Certification annually upon passing AzRHA inspection, which certifies them as a quality recovery housing provider. All member programs who receive certification abide by AzRHA's Quality of Care Standards and Code of Ethics. Choosing an AzRHA certified provider for residential recovery services means choosing a well-managed, supported and quality program in which to begin the recovery process.

Executive Committee President,

Vern Johnson

www.myazrha.org

INSPECTION FORM

ALL PROGRAMS MUST BE INSPECTED.

Complete inspection form including detailed notes where applicable, especially in case of a failure. Use the designated section at the end of the form to provide detail on all failing marks. Use a separate Inspection Form for each housing location inspected. **Return all completed forms to AzRHA Treasurer by email at info@myazrha.org or by fax within 48 hours of inspection completion. \$50 Inspection Fee per Program, not per location.**

1. Name of Program Being Inspected: _____ 2. Number of Beds at this Location: _____
3. Address of Program: *(Use a different form for each location)*: _____ City: _____ Zip: _____
4. Billing Address *(if different than above)*: _____
5. Contact Person: _____ 6. Phone #: _____ 7. Email: _____
8. Date of Inspection: _____
9. Time of Inspection: _____ 10. Name of Inspectors from two different programs *(2 must be present)*: _____

Safety and Health Standards				
# to Reference for Notes	✓ if Pass	✓ if Fail	✓ if N/A	Quality Standard for Inspection
1				Smoke alarms installed in every room.
2				Fire evacuation maps posted in conspicuous locations throughout the home.
3				Current tagged fire extinguishers in kitchen and dining areas.
4				Clean, cosmetically maintained, and debris free yards, living areas, bedrooms, and driveways.
5				OSHA approved extension cords and GFI plugs in bathrooms, kitchen, and pool areas, as required.
6				Water heater valves checked annually. **This is a self-report item.
7				Emergency contact information posted in conspicuous location.
8				Five residents maximum per properly operating bathroom, excluding one staff member.
9				Attic access clear of debris.
10				Motor vehicles stored per city code.
11				Properly inspected and operational heating and cooling systems.
12				Fully functional and clean kitchen and bathrooms.
13				Adequate food storage space for residents.
14				Property address clearly visible on property.
15				Proper disposal areas for cigarettes.
16				No open flames, no fire hazards, smoke free environment.

Operations and Management Standards				
Standard # for Reference	✓ if Pass	✓ if Fail	✓ if N/A	Quality Standard for Inspection*
				All program policy documents should be stored in a binder easily accessible to residents.
17				Clearly defined written policies, rules, and regulations, copies provided prior to inspection.
18				Clearly defined written consequences for infractions of program policies, rules, and regulations, copies provided prior to inspection.
19				Written non-discrimination policy, copies provided prior to inspection.
20				Clearly defined written grievance procedure policy, copies provided prior to inspection.
21				Clearly defined written discharge policy, copies provided prior to inspection.
22				Self-administration of medication policy. **This is a self-report item.
23				Program is able to articulate disposal methods for illegal drugs/medications on property.
24				House rules and regulations are posted in conspicuous location.
25				Program conducts random urine testing and breathalyzer tests.
26				Participants are required to attend 12 Step or other comparable recovery program.
27				Program holds, at minimum, weekly mandatory resident meetings.
28				Recovery resource material is available to participant.
29				Program maintains personal information for each participant, example provided prior to inspection.
30				Program staff conducts regular internal safety and health inspections.
31				Program provides intake orientation and subsequent reviews.
32				Program has a sign in/out board to track participants and registers all guests.
33				Program is able to articulate minimum sober time required for staff and articulate training/support offered to staff to ensure he/she is capable of managing house.
34				Management and house leaders sign and abide by a code of ethics.
35				Program is in compliance with the Federal Fair Housing Act. **This is a self-report item.
36				First aid kit is located on property. One kit per Program

Detailed Notes, Required for Failing Items – Use Back of Sheet or Additional Page, if Necessary		
List # of standard from above for failed items	Explain in detail why the standard failed inspection and provide <u>DETAILED</u> information regarding corrections required to earn a passing score at re-inspection. Inspector to initial and date items below that have been resolved and items that have passed re-inspection.	
Item	Date passed:	Signature:



OPERATING POLICIES

Table of Contents

I.	MISSION AND VISION
II.	GUIDING PRINCIPLES
III.	GOALS
IV.	MEMBERSHIP
V.	COMMITTEES
VI.	SPOKESPERSON
VII.	STAFF
VIII.	TREASURY
IX.	MEETINGS
X.	POLICY AND PROCEDURE REVISIONS
XI.	GRIEVANCE PROCEDURE
XII.	SIGNED UNDERSTANDING OF POLICIES AND RELEASE OF LIABILITY STATEMENT

I. MISSION AND VISION

The Arizona Recovery Housing Association (AZRHA) is a statewide association of addiction recovery, reentry, other supportive housing providers, and associated service providers that promote well-being. AZRHA promotes the development and quality operation of community residential services (e.g. recovery homes, halfway houses, sober living housing, transitional housing, and recovery-facilitative housing).

AzRHA (1) Provides education and training; (2) exchanges knowledge and experience; (3) defines and promotes ethics and standards; (4) defines and promotes safety and quality of care service standards through annual inspection of member programs, and (5) increases community awareness of the value, need, and success of supportive housing programs in our communities.

AzRHA believes in the importance of its members and values them equally, regardless of the size and/or scope of a member's program. AzRHA promotes cooperation, respect, and ethical intent in all member interactions.

Mission Statement:

Setting and maintaining the standard for quality and safety in recovery housing in Arizona.

Vision Statement:

The Arizona Recovery Housing Association (AzRHA) will be widely recognized as the bridge between communities, government, and recovery housing providers building unity and trust for the benefit of recovering individuals.

II. GUIDING PRINCIPLES

Code of Ethics

Arizona Recovery Housing Association (AzRHA) Members:

- 1) Are dedicated to the belief in the dignity and worth of all human beings.
- 2) Pledge to provide services for the welfare and betterment of individuals in recovery and their families.
- 3) Maintain ethical relationships with individuals served.
- 4) Respect the privacy and confidentiality of individuals served.
- 5) Respect the diversity of member organizations.
- 6) Emphasize the professional development and accountability of its members.

Standards

Arizona Recovery Housing Association (AzRHA) Members:

- 1) Will not threaten or commit any act of physical or emotional violence.
- 2) Will not become personally financially involved with individuals served.
- 3) Will adhere strictly to established rules of confidentiality of records, materials, and knowledge regarding individuals served in accordance with government and program regulations.
- 4) Will consistently respect management, colleagues, organizational policies and procedures, and other agencies with which we come into contact within daily work.
- 5) Will regularly evaluate his or her personal skills and strengths, striving always for self-improvement, personal growth, and increased knowledge through further education and training.
- 6) Will strive to meet AzRHA requirements and attendance commitments.
- 7) Will remain clean and sober in recovery.
- 8) Will not become romantically or sexually involved with individuals they currently serve or have served within the last two years.

III. GOALS

1. To act as liaison to the community for supportive housing program operation.

Objectives:

- a. Increase community awareness and support for supportive housing programs by providing community education and outreach.

- b. Provide a forum for communication, education, and information sharing among those involved in supportive housing and related services.
 - c. Provide the expertise necessary to support the improvement of supportive housing programs.
 - d. Sustain quality of care standards for the purpose of providing quality supportive housing services.
2. Provide leadership and education to local, state, and federal bodies regarding issues that impact providing supportive housing services to vulnerable populations, especially those who are not supported with state or private paid treatment.

Objectives:

- a. Develop and sustain relationships with stakeholders and be a conduit to promote the betterment of supportive housing programs.
- b. Develop training workshops that bring together probation, parole, social service organizations, other stakeholders, and supportive housing program operators to share information and exchange knowledge.

IV. MEMBERSHIP (Voting Members and Associate Members)

Voting Member:

A voting member is a housing provider that has full voting rights while all membership criteria is met and maintained. A voting member is granted full membership benefits, is required to pay annual AzRHA dues, and is required to pass an annual AzRHA inspection.

Steps to becoming a voting member and maintaining voting membership status are:

- To become a voting member, an organization must agree to abide by AzRHA policies, complete a membership application and submit a \$50 application fee, have a named representative present at two consecutive AzRHA general meetings, be mentored by an existing AzRHA member during two attended meetings, and pass AzRHA inspection of all properties
 - All beds for which a program collects fees must be disclosed to AzRHA on the Membership Application. This information is for internal use only and will not be made public without program consent.
 - It is recommended that a new member address questions he/she may have with the assigned mentor outside of AzRHA meetings. An active AzRHA member acting as a mentor will be able to answer all background and procedural questions.
- A. Voting members must actively participate in at least one standing committee. Active participation includes meeting the attendance requirement and completion of assigned tasks and/or other committee responsibilities. The committee chair determines if activities meet participation requirements.
 - B. Voting rights will commence at the beginning of the third association meeting upon final membership approval by the Executive Committee.
 - C. The Membership Committee will inform the association when a new member is eligible for voting status during the designated time at the start of the meeting.
 - D. Each organization with voting member status will have only one vote. This vote may be transferred to any individual designated by the organization to be their representative, at any given time. However, one individual cannot represent two organizations at the same time.
 - E. Voting members are required to attend a minimum of 3 meetings per year and pass the annual inspection process in June or their membership may be revoked. If a member cannot attend a meeting, the member should notify the EC prior to the missed meeting and a named representative should attend in the member's place. If a representative attends the AzRHA and committee meeting, it will not be counted as an absence. One exception to this rule is that an Executive Committee member cannot have a representative attend the EC meeting in his or her place as executive business cannot be voted on by a named representative.

- F. Voting members are required to pass AzRHA inspection of all housing locations before membership is granted. AzRHA inspection must be scheduled within 30 days of the day a program submits its membership application and the inspection must be complete within 45 days of the date the application was submitted. If AzRHA inspection is not completed in the required timeline, the application will be marked dormant and a new fee and application must be submitted.

If a housing location does not pass first inspection, AzRHA will work with the member program to institute corrective action that will help ensure the program passes second inspection. It is AzRHA's intention to support programs in successfully passing inspection. If a member program cannot pass re-inspection, AzRHA membership will be not granted or will be revoked.

A new member program will be inspected only once in the first year of membership. If a new member program's initial inspection is conducted between January and June of the year membership is granted, the annual re-inspection requirement is waived for the first year.

- G. AzRHA Executive Committee will maintain attendance records and inform the organization when members have not met attendance requirements.
- H. If a member program has membership revoked, the program may reapply for AzRHA membership after a 6 month waiting period. After the waiting period, members wishing reinstatement must follow the procedure for attaining voting membership as described above beginning with completing a new membership application and submitting a \$50 non-refundable application fee.
- I. All AzRHA invoices are net 30 days and one payment reminder will be sent. Membership will be revoked 90 days from the invoice date if invoices for dues, inspection fees, or any other billing are not paid in full within 90 days. If a member program is unable to pay an invoice in full, a written request for payment arrangements must be sent to the treasurer within 30 days of the date of the invoice.

Associate Member:

AzRHA values all community entities and welcomes all members. An Associate Member is a non-voting member that benefits from networking and servicing within the recovery industry. An associate member may be a stakeholder, government/state/city/county agency, business, or other non-recovery housing provider organization that wishes to be a member of AzRHA. Associate members will be matched with a mentor who can help explore desired benefits from membership and will mentor the association member through their first three meetings to learn about the business and operating procedures of AzRHA.

Mentorship:

Each new member will be matched with a mentor and mentored through to learn about the business and operating procedures of AzRHA.

New Member Packet:

New members will receive operating policies, dues information, detailed inspection information, ethics and standards, quality of care standards, member list, website information, and other applicable information.

Refusal or Revocation of AzRHA Membership:

AzRHA's Executive Committee will present a proposed membership revocation to AzRHA membership for vote at general meetings. A revocation may be presented under the following circumstances:

- A member does not meet the attendance requirement.
- A member does not participate committee meetings or fails to complete committee assignments.
- A member consistently displays unprofessional and/or disruptive behavior.
- A member does not abide by AzRHA Policies.
- A member fails to pass inspection after two attempts.
- A member is in violation of AzRHA Ethics and Standards.
- A member displays consistently unsupportive or damaging behavior towards AzRHA, AzRHA members, and/or AzRHA member programs.
- Owners, operators, managers, and individuals that represent a recovery housing program being

- inconsistent in their sobriety.
- Other issues at the discretion of AzRHA's Executive Committee.
- A member does not pay invoices within 90 days of the invoice date or make suitable payment arrangements, as described in Section I, Voting Member section.

V. COMMITTEES

AzRHA committees are formed to serve the association and all members must participate in at least one standing committee. Committee items requiring membership vote must be submitted to the Executive Committee (EC), in writing, prior to the agenda being finalized for the monthly meeting.

- AzRHA EC members and standing committee chairs are nominated by AzRHA members.
- Each committee chair is responsible for organizing the committee, assigning tasks, presenting items that require a membership vote to the Executive Committee prior to an AzRHA general meeting, and ensuring committee reports are provided at each meeting.
- All committees will contain an odd number of members including the Committee Chair.

Executive Committee and Committee Chair Nomination Procedures:

- To adequately represent the size and constituency of current AzRHA voting membership, the EC consists of 3 members until such time that AzRHA's total bed count reaches 1,000 beds, at which time the size of the EC will be increased to 5 members, elected by membership vote.
- When an EC position opens, members interested in joining the EC are invited to submit their names for consideration and vote.
- Once all interested members are accounted for, each individual is provided the opportunity to address membership regarding their nomination and desire to serve on the EC during the next monthly meeting.
- After each interested party addresses membership, a current EC member will facilitate a membership vote at a monthly meeting or alternatively, conduct an e-mail vote.
- Terms for elected members run for two years. EC members may serve consecutive terms if approved by membership vote.
- Standing Committee Chairpersons are elected by vote of the respective committees. Newly elected Chairpersons will be announced at a monthly meeting during committee reports.

Standing Committees

AzRHA committees work closely with one another and may have overlap of responsibilities, and as such are encouraged to communicate and meet together regularly to coordinate shared responsibilities. Each committee is expected to meet during the committee breakout session at the AzRHA meeting. Committee chairs are responsible for management, attendance records, minutes, and communicating items for vote to the EC.

Executive Committee Responsibilities:

- Provide leadership and governing oversight to AzRHA.
- Manage association finances, including reporting, invoicing, and dues tracking.
- Strategic planning.
- Cultivate and maintain stakeholder relationships and community contact/public relations.
- Plan, facilitate, and record association meetings.
- Handle association issues and complaints.
- Manage staffing and space requirements.
- Document/policy changes and the right to veto any proposed document/policy changes.
- Review committee recommendations for voting and accept or deny.

- Present items approved for vote to general membership.
- Manage and organize all Committees and Ad Hoc Committees.
- Other tasks as needed.

Marketing & Public Relations Committee Responsibilities:

- Ensure AzRHA's message to the community is uniform and effective.
- Promote AzRHA's mission to the community.
- Develop and produce AzRHA literature.
- Develop and produce products and services.
- Website development, changes, and maintenance.
- Overall responsibility for the web based housing provider registry. Add new members and remove members from registry listing as required.
- Act as AzRHA ambassadors at community functions. Relationship development, community outreach, and community presentations.
- Create and maintain public information and common language used by association members.
- Develop and implement an annual strategic plan for recruiting and retaining new members.
- Other tasks as needed and assigned.

Membership Committee Responsibilities:

- Accept and review membership applications for completeness and final approval.
- Work with potential members to educate them about AzRHA and to help them complete membership applications.
- Receive membership applications/fees and processes as required.
- Act as a point of contact for organizations and individuals interested in joining AzRHA – send out potential member information and answer questions.
- Mentor new AzRHA members.
- Maintain member files.
- Plan, organize, schedule, and track inspections.
- Process inspection findings and send inspection letters.
- Create membership certificates upon final membership approval.
- Other tasks as needed and assigned.

Subcommittees

AzRHA recognizes the need to create subcommittees to work on special projects. Subcommittee formation, goals, and purpose must be presented to the Executive Committee by a Committee Chair. If the Executive Committee approves subcommittee formation, it will be presented to membership for vote. If approved, the committee chair will manage the subcommittee in the same manner a standing committee is managed. Subcommittees will be dissolved when the purpose and goals of the committee have been met.

VI. SPOKESPERSON

It is necessary that AzRHA maintain one collective voice to address radio, press, film, or any other community entities. AzRHA members should not handle media inquiries or community presentations on their own without prior approval. All members must contact the Executive Committee with regard to any media inquiries or any community presentations that will be given in regard to AzRHA.

VII. AzRHA STAFF

AzRHA does have paid staff and administrative duties are handled by the Executive Committee and Standing Committees. In the event that AzRHA retains staff in the future, parameters of desired administrative assistance will be outlined.

VIII. TREASURY

- AzRHA is a broad-based membership and utilizes a treasurer to carry out the financial responsibilities required. The treasury consists of any funds provided through and/or raised by or donated to AzRHA.

- The Treasurer is a member of the Executive Committee. The Executive Committee and Treasurer develop an annual budget that is presented to membership for discussion and approval in January of each year. Financial reporting is provided to membership for approval on a monthly basis at general meetings.
- Expenditures of funds up to \$150 can be decided upon at the discretion of two Executive Committee members. Request for expenditures of over \$150 must be approved by the AzRHA voting membership.

IX. MEETINGS

A general membership/open meeting shall take place monthly for 2-3 hours unless otherwise stated in the agenda. General meetings may be cancelled only by the voting membership or additional meetings may be called by the Executive Committee. Notice of the time, place, and purpose of the meeting shall be e-mailed to each member at least five days prior to the meeting.

Recognizing that there may be discussion and or decision items that should be handled by voting AzRHA members only that may come up, a closed meeting, open only to voting AzRHA members, can be called by the EC at any time.

Quorum:

A quorum shall consist of 66% of the voting membership.

Meeting Guidelines:

1. Each member is expected to be a full participant and take responsibility to attend meetings (both general and committee), to be prepared, clarify and deal with issues openly and honestly.
2. New members will be mentored by an existing AzRHA member during the first two attended meetings. It is recommended that a new member address any questions he or she may have with the assigned mentor and not during the regularly scheduled meeting. An active AzRHA member acting as a mentor should be able to answer all AzRHA background and procedural questions.
3. Anything agreed upon, or assigned, shall be documented.
4. At the end of each meeting, decisions will be reviewed and assignments clarified.
5. Agenda items shall be submitted in writing to the Executive Committee prior to the AzRHA general meeting, identify who is responsible for presentations or leading discussions on that item.
6. An AzRHA Executive Committee member will be the meeting facilitator.
7. Minutes of the meeting will be recorded by the Executive Committee and published to membership.
8. The Executive Committee will develop the meeting agenda (including information items) and send the agenda in advance of the association meetings to all membership, along with any action items.
9. The agenda shall be uniform and include:
 - a. Defined length of time for the meeting and agenda items.
 - b. Agenda items for review, discussion, and decision.
 - c. First agenda item is to review agenda to allow for additions, deletions, prioritization, etc.
 - d. A block of time for discretionary items that include:
 - i. Items that are time sensitive.
 - ii. Agency announcements will be brief and to the point. Any detailed information may be distributed to the membership via email, flyers, etc. These materials must be left at the designated table before the meeting starts.

Decision Making Process:

- AzRHA members will strive to reach consensus.
- Any voting member may call for a ballot vote.
- Robert's Rules of Order will be followed with a 66% majority of present members to pass a motion
- Executive Committee may decide to table any issue with a specific time frame to put it back on the agenda.

E-Mail Voting:

Items may be presented for vote via e-mail as deemed appropriate. There is a 24 hour maximum response time for e-mail votes. If a member does not vote within the 24 hour timeframe, the vote will be counted as an abstaining vote.

X. POLICY/PROCEDURE REVISIONS AND COMMITTEE RECOMMENDATIONS FOR MEMBERSHIP VOTE

Policy/Procedure Revisions:

- Each August, AzRHA conducts an annual review of policies and procedures at the general meeting. Revisions are approved or denied by membership vote. Amendments will be voted on by the membership to reflect current issues addressed by the association.
- Approved changes to AzRHA Quality of Care Standards may not be retroactively applied to programs that have undergone and passed annual inspection for the year of the change. Each program will have to comply with all changes during the next annual inspection.
- If an individual believes a policy should be reviewed prior to the annual review, a Formal Grievance may be filed with the Executive Committee for consideration.

Committee Recommendations for Vote other than Policy Changes:

All committee recommendations for vote must be submitted to the Executive Committee for review and approval before being presented to AzRHA membership for vote at general meetings. The Executive Committee will review the recommendations for vote, ensure that recommendations are not in conflict with AzRHA Policy, and work with committee members to institute changes, if required, before being presented for vote.

XI. GRIEVANCES

AzRHA members, stakeholders, or potential members who are aggrieved by the actions of AzRHA as an association or an individual member must utilize the Formal Grievance Procedure outlined below. AzRHA does not condone the airing of grievances at general meetings or via e-mails. The Formal Grievance Procedure is in place to ensure that grievances are handled respectfully, appropriately, and professionally and may be utilized to resolve interpersonal conflict between individuals and to report issues with existing AzRHA policy that a member believes should be examined prior to the next scheduled annual policy review meeting that takes place each August.

Formal Grievance Procedure:

A Formal Grievance should be filed within 30 days of when the grievant knew or should have reasonably known of the alleged conduct using the **AzRHA Formal Concern/Complaint Documentation Form**. The form should be submitted AzRHA's Executive Committee for processing. If a member of the Executive Committee is a party in a grievance or involved in any way, he or she will be excused from the grievance proceedings.

Grievant will be notified by e-mail or telephone within 14 business days of Executive Committee receipt of the grievance. Within 30 days of receiving the written complaint, the Executive Committee will complete an objective investigation of the matter and record findings in writing. If a grievance pertain to a member program's physical facility is received, the EC reserves the right to conduct an unannounced, on-site visit at any time. The EC also reserves the right to interview current residents and staff, as deemed appropriate, to ensure proper and fair grievance resolution.

After the investigation is complete, the Committee will present the complaint, the investigation summary including an objective account of everything that transpired to result in the grievance, and the recommended resolution to the general membership for vote at the next general meeting.

A report of findings, the voting results, and corrective actions will be provided to the grievant via e-mail within 14 business days after the general meeting. Proceedings are recorded in general meeting minutes to keep official record.

An extension of no more than 30 days may be granted for investigations that take longer than the initial 30 day timeframe. No grievant or member of the Executive Committee shall intentionally try to stall, prolong, or delay proceedings. The Executive Committee may require the grievant to appear in front of the committee. Written notice of the time and date will be sent to the grievant and the respondent at least 10 days prior to the hearing.

Important Notes:

- It is always the desire of the Executive Committee that a grievant attempt to work out conflicts on their own, as adults, prior to submitting a formal grievance.
- Verbal grievances will not be acted on.
- A grievance must be presented in writing using the "Formal Concern Complaint Form" to the Executive Committee for it to be discussed and acted upon.



XII: Acknowledgement of Receipt and Understanding

I hereby acknowledge receipt and understanding of the Arizona Recovery Housing Association (AzRHA) Operating Policies Manual and I pledge my full support of the spirit and letter of the requirements contained therein.

Printed Name and Signature Date

Organization Name

Release of Liability Statement

I unconditionally waive and release the Arizona Recovery Housing Association (AzRHA) its members, officers, agents, stakeholders, representatives, volunteers, and employees, and agree to hold said persons harmless from any and all claims, rights, or causes of action which may be asserted against AzRHA, its members, officers, agents, stakeholders, representatives, volunteers, and employees by any person as the result of any injuries, denial/revocation of membership, expenses, loss of compensation, or loss of experience as a direct or indirect result of the use of the services, endorsement, membership, and instruction of AzRHA, including any act or failure to act.

I hereby acknowledge receipt and understanding of the Arizona Recovery Housing Association (AzRHA) Limitation of Liability Statement and agree to such statement.

Printed Name and Signature Date

Organization Name

AzRHA Membership Interest

I am interested in pursuing membership in AzRHA: Yes No

Phone Number E-Mail Address

Please sign and return this document to an AzRHA representative. If you have indicated an interest in pursuing AzRHA members, an AzRHA representative will contact you.



Membership Application

Mission Statement:

Setting and maintaining the standard for quality and safety in recovery housing in Arizona.

New Member Member Renewal

*Include a \$50 non-refundable application fee with new member applications. Please make checks payable to AzRHA. Mail application and check to:

AzRHA
5101 N 17th Ave
Phoenix AZ 85015

Name: _____
(Organization, Agency, or Individual) *Date of Application*

Mailing Address: _____
Street *City* *State* *Zip*

Phone: _____ **E-Mail:** _____

Website: _____

Operator Type:

Non-Profit: Yes No **Active 501 (c) 3 – Status?:** Yes No **Tax ID#:** _____

Private Organization: Yes No **Name of Owner/Corporation:** _____

Agency/Organization/Individual Scope of Services or Business: _____

Do you offer housing services? Yes No **How many facilities?** ____ **How many beds?** _____

Housing Populations: (Check all that apply): Male (>17yrs.) Female (>17yrs.) Unaccompanied minors (<18yrs.) Families (parent >17 yrs.) Co-Ed Homeless Sex Offenders

Does your housing/program(s) require state licensure or other licensure by an authorized entity?
 Yes No **If yes, are your licenses current?** Yes No

Is your housing/program(s) in compliance with city, county, state, and/or federal regulations? Yes No

What services do you provide? Check all that apply:

- Food Case Management Counseling Job Assistance Life Skills 12-Step Meetings On-Site
- Computer Access/Internet Laundry Services Bedding Cable TV Telephone Bus Passes

Please list all other services provided: _____

Have you been an AzRHA member in the past? (Circle one) Yes No

If yes, when? _____

Why did you leave the organization?

Why do you want to rejoin the organization?

Are you willing to be a fully participating member of AzRHA? Yes No

Have you read Operating Policies and Ethics and Standards Guidelines? Yes No

Do you understand and agree to abide by Operating Policies and Ethics and Standards? Yes No

Have you read AzRHA Quality of Care Standards? Yes No

Do you understand and agree to institute AzRHA's Quality of Care Standards? Yes No

Do you agree to participate in an inspection of all your housing locations? Yes No

Are you willing to pay AzRHA membership dues as explained by AzRHA representative? Yes No

I hereby certify the above information and request membership in AzRHA.

Agency Representative(s):

Name	Title/Position	Phone

Name	Title/Position	Phone

Signature of Applicant/Representative	Title/Position	Date

Please list the addresses of all your housing locations:

Location #1	Number of Beds Location #1	Gender Served (Circle One):	Male	Female	Co-Ed

Location #2	Number of Beds Location #2	Gender Served (Circle One):	Male	Female	Co-Ed

Location #3 _____
Number of Beds Location #3 _____ Gender Served (Circle One): Male Female Co-Ed

Location #4 _____
Number of Beds Location #4 _____ Gender Served (Circle One): Male Female Co-Ed

Location #5 _____
Number of Beds Location #5 _____ Gender Served (Circle One): Male Female Co-Ed

Location #6 _____
Number of Beds Location #6 _____ Gender Served (Circle One): Male Female Co-Ed

(Use Additional Sheet for More Housing Locations, if Necessary)

Bloemberg, Greg

From: Richard and Judy Pollick <djpollick@cox.net>
Sent: Saturday, January 14, 2017 8:12 AM
To: Littlefield, Kathy; Bloemberg, Greg; City Council; Morales, Isol; Kathy Littlefield; Bloemberg, Greg; Curtis, Tim; Bob Littlefield; Lane, Jim; Biesemeyer, Brian K; Guy Phillips; Grant, Randy; Milhaven, Linda; Smetana, Rachel; Klapp, Suzanne
Cc: Phyllis Smiley; Angela Ashley; Jack Pugh; Norm Klein; Dick & Judy Pollick
Subject: Sober Living Homes
Attachments: 201701051659.pdf

Dear Council and Planning members,

Recently I had a telephone conversation with Greg Bloemberg, who informed me that the estimated number of sober living homes in Scottsdale is 2,900. Of which, non of these homes are required to be licensed and represent a potential loss of City taxes of approximately \$1 million a year.

These are estimates, you really don't know how many or much because you have not required any reporting, rules, standards, regulations or licensing.

He told me on the phone that a draft was in process and that an ordinance would be available in about 6 months. Well, that turned out to be false information (see his email response below).

Very disappointed that the council has not made this a priority! Nor is it on the table to be addressed.

The MOTION was made by the City Council, Regular Meeting on August 30, 2014, to address the issue and it passed unanimously. Most recently, the AZ legislation HB2107 was adopted on May 17, 2016, stating the cities may establish the ordinance for sober living for the health, safety and welfare of the residents and surrounding neighbors. HB2107 even provided the outline of what variables to consider in establishing an ordinance.

Why has the City of Scottsdale ignored this business? By not implementing any regulations and licensing requirements you are putting the residents of the sober living homes and the surrounding neighbors at risk from a safety, health and welfare perspective.

Why are the sober living homes, which are rental properties not even licensed as all other rental properties within the City of Scottsdale are required to be licensed?

Since non of these homes are licensed, no inspections can be conducted. How do you know that health standards, fire standards and safety standards are in place to protect the residents and the community?

It is despicable that the City of Scottsdale has not stepped up and addressed the business requirements for this industry!!

This is a request to the City of Scottsdale City Council to establish rules, regulations, inspections and licensing requirements for existing and future sober homes to protect the residents of the sober homes and surrounding homeowners.

Sincerely,
Judy Pollick

ATTACHMENT 11

480-236-9854
djpollick@cox.net

Begin forwarded message:

From: "Bloemberg, Greg" <GBLO@Scottsdaleaz.gov>
Subject: Sober Homes ordinance
Date: January 5, 2017 at 5:06:41 PM MST
To: "djpollick@cox.net" <djpollick@cox.net>

Judy,

Checking my files, we don't actually have a draft ordinance in place that is even remotely complete. All we really have at this point is ideas for a draft ordinance, so there is not much I can send you that would be very beneficial.

Just for information purposes, attached is a copy of the revised Prescott ordinance that we are taking a very close look at. We will be benchmarking other cities as well, so this is not the only ordinance we are considering; however, it should give you a pretty good idea what issues we will be attempting to address with this amendment.

I apologize for the misinformation. Please do not hesitate to contact me with any additional questions/concerns.

Regards,

Greg Bloemberg
Senior Planner
Current Planning
City of Scottsdale
e-mail: gbloemberg@scottsdaleaz.gov
phone: 480-312-4306

-----Original Message-----

From: staff@scottsdaleaz.gov [<mailto:staff@scottsdaleaz.gov>]
Sent: Thursday, January 05, 2017 4:59 PM
To: Bloemberg, Greg
Subject: Message from "RNP0026739B0715"

This E-mail was sent from "RNP0026739B0715" (Aficio MP 7502).

Scan Date: 01.05.2017 16:59:23 (-0700)
Queries to: staff@scottsdaleaz.gov

Bloemberg, Greg

From: Richard and Judy Pollick <djpollick@cox.net>
Sent: Monday, February 13, 2017 11:26 AM
To: Grant, Randy
Cc: plnsmiley@gmail.com; Angela Ashley; Jack Pugh; Norm Klein; Kathy Littlefield; Bloemberg, Greg; City Council; Morales, Isol; Curtis, Tim; Bob Littlefield; Lane, Jim; Biesemeyer, Brian K; Guy Phillips; Milhaven, Linda; Smetana, Rachel; Klapp, Suzanne; City Manager Mailbox; jimthompson@scottsdaleaz.gov; Thompson, Jim; Washburn, Bruce; Boomsma, Patricia
Subject: Status Update on Sober Living Homes

Please provide a status update on how the City of Scottsdale is progressing in addressing the licensing, rules, regulations and inspections of Sober Living Homes.

We will be meeting with the State of Arizona Board of Behavioral Health Examiners on March 3rd. We would like to be able to provide them with an update on how the City of Scottsdale is addressing this subject.

We will also update the Arizona Department of Health Services with the City of Scottsdale's status.

Your support and assistance is greatly appreciated.

Sincerely,
Judy and Richard Pollick
480-236-9854
djpollick@cox.net

Bloemberg, Greg

From: Pmooo <pmooo@cox.net>
Sent: Friday, February 24, 2017 9:16 AM
To: Bloemberg, Greg
Subject: Short term rental and drug rehab criteria

Greg,

Thank you for calling me back and taking time to talk with me yesterday. Based on our conversation can you please forward references and/or links to the following specific federal, state regulations and city codes:

1. Fair housing act reference stating that 6 and under people living in a home can occupy the home together if they are recovering attics and any additional applicable discrimination references.
2. The new state statute that now allows homeowners to short term rent their residential properties.
3. City code that requires short term rentals of properties to rent the whole unit as a single unit and cannot rent out individual rooms simultaneously to various independent renters.
4. City code for senior living facilities in residential zoning.
5. The mayor's and City council members requirements to protect public health, safety and welfare.

I look forward to seeing the specific statute and code references and will work on providing you with hopefully constructive feedback on drug rehab facilities operating within residential zoning. I also hope that the mayor and council members will take the recommendations very seriously as this issue is directly impacting my family and 5 other family's with fourteen k-12 children within 3 doors of this new business facility which just opened last month. This operation is also in direct violation with our subdivision deed restrictions.

Thanks,

Patrick Moraca
(602) 316-5407

Sent from my iPad

Bloemberg, Greg

From: Richard and Judy Pollick <djpollick@cox.net>
Sent: Friday, March 03, 2017 11:28 AM
To: Grant, Randy; plnsmiley@gmail.com; Angela Ashley; Jack Pugh; Norm Klein; Kathy Littlefield; Bloemberg, Greg; City Council; Morales, Isol; Curtis, Tim; Bob Littlefield; Lane, Jim; Biesemeyer, Brian K; Guy Phillips; Milhaven, Linda; Smetana, Rachel; Klapp, Suzanne; City Manager Mailbox; jimthompson@scottsdaleaz.gov; Thompson, Jim; Washburn, Bruce; Boomsma, Patricia
Subject: Sober Living Homes

Here's an example of a medical emergency at a sober living home that occurred this past Wednesday, March 1st.(See emails below). Also, a response from the Arizona Department of Health and Services. Here again, since no license, rules, regulations or inspections are defined there is no control or safety for the residents of the sober living homes or the community.

It is the City of Scottsdale's responsibility to take action to define the rules, regulations and licensing and minimize the risks to the residents and homeowners.

Please provide update on the status of the draft ordinance.

Sincerely,
Judy Pollick
480-236-9854

Begin forwarded message:

From: Connie Belden <Connie.Belden@azdhs.gov>
Subject: RE: Scottsdale Providence Recovery Center
Date: March 2, 2017 at 1:19:50 PM MST
To: Richard and Judy Pollick <djpollick@cox.net>

Thank you for the email. Judy we are not able to investigate the house and events at the home since it is not licensed and we do not have legal jurisdiction. I understand your concerns. Perhaps you could reach out to the city for their review in regards to this. I will add this to the information and our investigation but this is about all that I can do.

From: Richard and Judy Pollick [<mailto:djpollick@cox.net>]
Sent: Thursday, March 02, 2017 10:07 AM
To: Connie Belden
Subject: Scottsdale Providence Recovery Center

Connie,
I received this email from a neighbor, who lives next door to the Sober Living House at 35231 N. 98th Street, Scottsdale, AZ 85262. This is the facility that you have been investigating. It appears there was an emergency last night at the home.

These homes are suppose to be drug and alcohol free. We are not sure what transpired, but the comment the fireman made raises the suspicion. Please

contact the Fire Department and the number below and investigate our concern.

Also, please confirm your receipt of this email.

Thank you.
Judy Pollick
480-236-9854

Begin forwarded message:

From: stigausa@aol.com
Subject: The "Sober Living' house;
Date: March 1, 2017 at 10:54:48 PM MST
To: pugh2@cox.net, djpollick@cox.net, pbudge@aamaz.com, pdudev.88@gmail.com,
nklein@hpedge.com

Hello All;

The excitement for the evening just ended.....There was a fire truck and an ambulance at Ripson's for about the last hour, about 9:45 to 10:30 or so. I spoke with one of the firemen who could only tell me that someone was being taken to the hospital. He said he could not elaborate because of privacy laws. When I told him what was going on there he said they were not aware of the situation. But it seemed like a light came on when I told what the house was being used for. He said something like "that explains it".

He said he could not give me any more info but we could call the Fire Department at 480-312-FIRE (3473), and ask for an administrator.

Bill

CONFIDENTIALITY NOTICE: This E-mail is the property of the Arizona Department of Health Services and contains information that may be PRIVILEGED, CONFIDENTIAL or otherwise exempt from disclosure by applicable law. It is intended only for the person(s) to whom it is addressed. If you receive this communication in error, please do not retain or distribute it. Please notify the sender immediately by E-mail at the address shown above and delete the original message.
Thank you.

Bloemberg, Greg

From: Vern Johnson <vern.johnson@buildingblockscounseling.com>
Sent: Thursday, March 09, 2017 11:52 AM
To: Bloemberg, Greg
Cc: Siwek, Michelle; 'Duane Mantey'
Subject: AZRHA

Greg
Thanks so much for including us in your work regarding sober living and Scottsdale Zoning Requirements. I am the current Chair of AZRHA and Duane and Michelle are our Public Policy committee members. We would be willing to participate in your process we all own properties in Scottsdale currently and are stakeholders in this process.

Our contact information is as follows

Vern Johnson
Vern.johnson@bbcaz.com 602-524-0583
Michelle Siwek
michelle.s@abtrs.com 480-414-2596
Duane Mantey
duane.mantey@vivrehousing.org 602-421-8066

Please feel free to contact us as needed.

Sincerely,
Vern

Vern Johnson BSW
CEO
BBC
4225 W. Glendale Ave Suite E-108
Phoenix AZ 85064
602-524-0583
BBCAZ.com

Bloemberg, Greg

From: Richard and Judy Pollick <djpollick@cox.net>
Sent: Monday, March 13, 2017 12:39 PM
To: Grant, Randy
Cc: plnsmiley@gmail.com; Angela Ashley; Jack Pugh; Norm Klein; Kathy Littlefield; Bloemberg, Greg; City Council; Morales, Isol; Kuester, Kelli; Curtis, Tim; Bob Littlefield; Lane, Jim; Biesemeyer, Brian K; Guy Phillips; Milhaven, Linda; Smetana, Rachel; Klapp, Suzanne; City Manager Mailbox; jimthompson@scottsdaleaz.gov; Thompson, Jim; Washburn, Bruce; Boomsma, Patricia
Subject: Sober Living Home Ordinance
Attachments: 1AZDHS sresidential-initial-checklist.pdf; 2AZDHSarticle-8.pdf; 3PrescottStructured Sober Living Homes .pdf; 4PrescottSoberChapter 4-11.pdf; 5Prescottsober_living_requirements_checklist.pdf; 6Prescottsober_living_requirements_safety_checklist.pdf; 7Prescottsober_living_requirementsresidence.pdf; 8Comparisonofhomes.pdf

We received and reviewed your Zoning Ordinance draft document. These facilities need to be addressed separately for zoning due to FHA and ADA perspective.

Nor does this Ordinance address the Licensing, Rules, Regulations and Inspections for a Sober Living Home. The Arizona Department of Health and Services will not have any jurisdiction of Sober Living Homes. It is the responsibility of the City of Scottsdale.

The Arizona Department of Health and Services does the licensing, rules and regulations and inspections of the Assisted Living Facilities. The Department goes through an elaborate Initial Checklist (See attachment #1) and AZDHS Article 8 (See attachment #2)which defines the Rules and Regulations.

The intent is: "To protect the residents of structured sober living homes from operators who engage in abuse, neglect, mistreatment, fraud, and/or inadequate supervision of this vulnerable population as well as to protect the residents of structured sober living homes and the neighboring community from operators who fail to provide the supportive, residential **family-like living environment** necessary to achieve and maintain sobriety."

The City of Scottsdale would be required to perform a similar initial check-list to ensure the home meets the necessary requirements.

Inspections would have to be completed by the City of Scottsdale and probably performed by city code enforcement and/or with other departments assistance - fire, police.

It is abundantly clear, separate documents are required for Sober Living Homes for the City of Scottsdale.

Monday, March 13, 2017, Judy Pollick spoke to Mr. Matt Podracky, an attorney with the City of Prescott for 11 years. He stated after the AZ Legislation passed HB2107 on May 17, 2016, the City of Prescott approved a new ordinance on October 11, 2016. This new ordinance was reviewed by Attorney, Dr. Daniel Lauber, legal expert on zoning for community residence from Illinois and was deemed not to be in conflict with FHA or ADA. The ordinance had an effective date of January 1, 2017. To date there were 2 challenges and both were dismissed by the DOJ as unsubstantiated against the City of Prescott.

The City of Prescott Attorney, Mr. Jon Paladini and/or Mr. Matt Podracky would be happy to share their knowledge and experiences with the City of Scottsdale. This is a complex issue that is not easily resolved. Mr. Jon Paladini would also be available for training.

Based on conversation with the City of Prescott, we suggest the City of Scottsdale consider:

- A) hiring an attorney very knowledgeable of the FHA and ADA,**
- B) form an Ad-hoc Committee with representation from the appropriate City departments, resident(s) of Scottsdale, owner(s) of sober living homes and a council member(s).**

The City of Prescott has provided us with a good basis to address Sober Living Homes in our City.

Attached are the City of Prescott's ordinance and documents, which would be a good start to develop Scottsdale's ordinance for Sober Living Homes. (Attachments 3 through 7 below)

Also, attached is a comparison of adult care home with a proposal of parameters for Sober Living Homes. This clearly highlights the need for a separate new ordinance to address all the differing variables. (Attachment 8)

We are available to support the City's initiative in any manner. Please don't hesitate to contact us.

Judy and Richard Pollick
480-236-9854

AZ Department of Health and Services Attachments:

City of Prescott's Rules, Regulations, etc.

Comparison/Proposal Chart

Bloemberg, Greg

From: Vern Johnson <vern.johnson@buildingblockscounseling.com>
Sent: Thursday, March 16, 2017 9:49 AM
To: Bloemberg, Greg
Cc: Michelle Siwek; Duane Mantey; William Willis; Anthony Pfeffer (anthonypfeff@gmail.com); Nick Jones
Subject: RE: Care Homes/Group Homes Ordinance Draft

Greg
We our Monthly AZRHA meeting yesterday. The membership does have interest in the proposed zoning changes and we will be present at the city open house.

The membership was not willing to give you all of our membership addresses. But I will tell you about my property it is at 808 north 74th street we are licensed with AZDHS.

We look forward to hearing more about this change. Thanks for including us.

Vern Johnson BSW
CEO
Building Blocks Counseling
4225 W Glendale Ave suite B-101
Phoenix, Arizona 85051
602-524-0583 C

Whatever good things we build end up building us - Jim Rohn
CONFIDENTIALITY NOTICE: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you are not the intended recipient, you may not review, copy or distribute this message. If you have received this email in error, please notify the sender immediately and delete the original message. Neither the sender nor the company for which he or she works accepts any liability for any damage caused by any virus transmitted by this email.

-----Original Message-----

From: Bloemberg, Greg [<mailto:GBLO@Scottsdaleaz.gov>]
Sent: Monday, March 13, 2017 10:36 AM
To: Vern Johnson <vern.johnson@buildingblockscounseling.com>
Cc: Siwek, Michelle <michelle.s@abtrs.com>; 'Duane Mantey' <duane.mantey@vivrehousing.org>; Grant, Randy <RGrant@Scottsdaleaz.gov>; Hardy, Wendy <wenh@scottsdaleaz.gov>; Anthony Pfeffer (anthonypfeff@gmail.com) <anthonypfeff@gmail.com>; William Willis <william.willis@vivrehousing.org>; Nick Jones <njones@paxtonhouse.net>
Subject: Care Homes/Group Homes Ordinance Draft

Vern,

Per your request, attached is our initial draft for a new Care Homes/Group Homes ordinance in Scottsdale. I want to stress, this a working draft and is subject to change.

We anticipate quite a bit of feedback from citizens, but it would be just as beneficial to hear from the operators of these facilities; so please feel free to send me any comments/questions/concerns/suggestions. I will keep you apprised of the Open House schedule.

Regards,

Greg Bloemberg
Senior Planner
Current Planning
City of Scottsdale
e-mail: gbloemberg@scottsdaleaz.gov
phone: 480-312-4306

-----Original Message-----

From: staff@scottsdaleaz.gov [mailto:staff@scottsdaleaz.gov]
Sent: Monday, March 13, 2017 10:25 AM
To: Bloemberg, Greg
Subject: Message from "RNP0026739B0715"

This E-mail was sent from "RNP0026739B0715" (Aficio MP 7502).

Scan Date: 03.13.2017 10:25:06 (-0700)
Queries to: staff@scottsdaleaz.gov

Bloemberg, Greg

From: Richard and Judy Pollick <djpollick@cox.net>
Sent: Friday, March 17, 2017 2:07 PM
To: Grant, Randy; plnsmiley@gmail.com; Angela Ashley; Jack Pugh; Norm Klein; Kathy Littlefield; Bloemberg, Greg; City Council; Morales, Isol; Curtis, Tim; Bob Littlefield; Lane, Jim; Biesemeyer, Brian K; Guy Phillips; Milhaven, Linda; Smetana, Rachel; Klapp, Suzanne; City Manager Mailbox; jimthompson@scottsdaleaz.gov; Thompson, Jim; Washburn, Bruce; Boomsma, Patricia
Subject: Another incident at a Sober Living Home

This is the 2nd incident, in the last 16 days, at the same Sober Living Home. We can't stress enough the urgency for the City of Scottsdale to establish licensing, rules, regulations and inspections.

Sincerely,
Judy and Richard Pollick

Begin forwarded message:

From: stigausa@aol.com
Subject: RIPSONS
Date: March 17, 2017 at 7:34:02 AM MST
To: pbudge@aamaz.com, pugh2@cox.net, djpollick@cox.net, nklein@hpedge.com

Hello All;

Just an FYI for everyone....around 11pm, last night, there was a fire truck and ambulance at Ripson's house, again. They didn't stay quite as long as the last time, and I don't know if anyone was taken to the hospital....

Pat...could you please request the "action report" from the fire department for this one also. I think it is important to get these reports because it's an indication that proper supervision of these people is not occurring. That makes it dangerous for them, and also for the neighborhood.

Bill

Bloemberg, Greg

From: Richard and Judy Pollick <djpollick@cox.net>
Sent: Thursday, March 23, 2017 10:25 AM
To: Castro, Lorraine; Bloemberg, Greg
Cc: Grant, Randy; Thompson, Jim
Subject: Re: Care Homes/Group Homes (2-TA-2017) Open House information
Attachments: 2-TA-2017_Open House postcard.doc

Thank you for the information. I assume this document includes Sober Living Homes.

Couple of questions:

- 1) This proposed Text amendment affects **ALL** of Scottsdale, including the very North Scottsdale (Desert Mountain). When and where will the Open House be in Northern Scottsdale?
- 2) Who is receiving the current Open House invitation? What zip codes?
- 3) Would you please email the documents or put them on the City Website for review prior to the open houses? This would allow people to have knowledge before the open house and be able to give constructive feedback.

Thank you for your assistance.

Judy and Richard Pollick
480-236-9854

On Mar 22, 2017, at 2:33 PM, Castro, Lorraine <Lcastro@scottsdaleaz.gov> wrote:

Dear Richard & Judy Pollick,

The Coordinator Greg Bloemberg wanted me to make sure you have the information regarding the Open Houses.

I have attached the postcard that I will be mailing out.

If you would like a postcard mailed to you, just let me know your address and I will be more than happy to mail it out to you.

Thanks,

Lorraine Castro
Planning Specialist
City of Scottsdale
Planning and Development Services
Lcastro@ScottsdaleAZ.gov
480-312-7620

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Bloemberg, Greg

From: Richard and Judy Pollick <djpollick@cox.net>
Sent: Friday, March 24, 2017 4:00 PM
To: Grant, Randy; Bloemberg, Greg
Cc: plnsmiley@gmail.com; Angela Ashley; Jack Pugh; Norm Klein; Kathy Littlefield; City Council; Morales, Isol; Kuester, Kelli; Curtis, Tim; Bob Littlefield; Lane, Jim; Biesemeyer, Brian K; Guy Phillips; Milhaven, Linda; Smetana, Rachel; Klapp, Suzanne; City Manager Mailbox; jimthompson@scottsdaleaz.gov; Thompson, Jim; Washburn, Bruce; Boomsma, Patricia
Subject: Draft Ordinance

Our feedback and questions on the ordinance follows. Sober Living Homes exist **ALL** over Scottsdale. A Sober Living Home could be your next door neighbor. Please take that into consideration when writing this document. There are Sober Living Homes in numerous North and South Scottsdale communities and homeowner associations.

1) Recommend establish a **separate section** in the Ordinance for: Sober Living Homes (SLH), rather than trying to make it **“fit”** under Care home. These are two distinct different operating environments.

Sober Living Homes are: To provide a sober family environment to foster recovery from addiction. A Sober Living Home emulates a biological family with residents sharing housekeeping responsibilities as well as the kitchen, bathrooms, living room and other common areas of the dwelling unit.

As defined by the State, a family means one to six adults. The total of six adults should include the Supervisor of the SLH. SLH's are to operate like a family. Not like assisted care home which allows up to ten, plus the Supervision

Biological family in the USA - City of Prescott has it defined to be 4 people.

Differences are substantial Due to:

- Size of the “family”
- Size/ sq. ft. for a bedroom in a family differ than an Adult Care Home
- The number of people using one bathroom in an assisted care home vs a family environment.
- Parking facilities in a residential home are limited
- Roads within gated communities are narrower and traffic is an issue
- SLH are in gated communities and HOA ccr's have varying restrictions on walls, landscape hedge and outside lighting
- Location of within 1200 feet from another SLH's is too close. Especially within a HOA community could result in “clustering of SLH”.

2) If not licensed by State of Arizona, then **should be licensed by the City of Scottsdale.**

License by the City of Scottsdale to absorb some of the additional costs that will be incurred for regulating Sober Living Homes. For example:

Application Fee (code enforcement, legal & Administrative) \$ 150.00

Business License (annual expense)	\$ 50.00
Health/Safety Inspection (annual expense) (\$100/bed capacity)(maximum of 4)	\$ 400.00

3)Operation Plan needs to include appropriate minimum insurance requirements.

4)Sober Living Home owner or operator should be required to sign a waiver agreeing to allow entry into the common areas by police or code enforcement officer upon demonstration that probably cause exists to believe that a violation of operations exists.

5)Time frame of getting existing SLB licensed within 60 days? from effective date of the ordinance?

6)Supervisor Qualifications including education,training and no criminal record.
City would perform background checks on Supervisors and training/certifications needed for safety and welfare of residents.

7)Safety minimums should be required. Checklists to ensure SLH has fire safety devices are installed and functional.

Sincerely,
Richard and Judy Pollick
480-236-9854

Bloemberg, Greg

From: Richard and Judy Pollick <djpollick@cox.net>
Sent: Saturday, March 25, 2017 12:15 PM
To: Lane, Jim; Klapp, Suzanne; Kathy Littlefield; Milhaven, Linda; Guy Phillips; Smith, David N; Korte, Virginia; jimthompson@scottsdaleaz.gov
Cc: Grant, Randy; Bloemberg, Greg; plnsmiley@gmail.com; Angela Ashley; Jack Pugh; Norm Klein; City Council; Morales, Isol; Kuester, Kelli; Curtis, Tim; Biesemeyer, Brian K; Smetana, Rachel; Washburn, Bruce; Boomsma, Patricia
Subject: SLH Classification

Sober Living Homes **ARE NOT** Care Homes. If they were, they would be licensed by the Arizona Department of Health and Services.

The State of Arizona, HB2107 recognizes the fact that Sober Living Homes are a unique classification that needs to be addressed separately. Each City has differing demographics which need to be taken into consideration, when establishing licensing, rules, regulations, inspections, etc..

Even the **U.S. Federal Government** recognizes the need for separate classification for Sober Living Homes. Recently, on 1/12/2017, Congressman, Darrell Issa Introduced to the House **H.R.472**-for proposed amendments to the Fair Housing Act below which would allow Cities to establish regulations. (see below)

We implore the Mayor and Members of The City of Scottsdale Council to provide the leadership to establish separate classification for Sober Living Homes. For the Mayor and City Council Members to take into consideration the demographics of Scottsdale. As the Mayor stated in his 2017 State of the City address,

"Imagine a place of particular beauty, a community in some of the most beautiful desert in the world. Home to a downtown where western charm walks arm-in-arm with polished sophistication among galleries and gastro-pubs. Where innovative people fuel a vibrant economy that helps create an unparalleled quality of life.

A place people want to come – whether it’s for a few days at world-caliber events, or to live, work and thrive all year-round. In beautiful and distinct neighborhoods connected by paths and trails, dotted with parks, art and gathering places.

We know that place – Scottsdale.”

Let’s not devalue what we all have come to enjoy. Average household is **2.20** persons. The number of people in a family environment **should not exceed 4** persons including supervision in Scottsdale.

Your action to support separate classification, licensing, rules, regulations, etc. for Sober Living Homes is appreciated.

Regards,
Richard and Judy Pollick
480-236-9854

Summary: H.R.472 — 115th Congress (2017-2018)[All Bill Information](#) (Except Text)

Listen to this page

There is one summary for H.R. 472. [Bill summaries](#) are authored by [CRS](#).

Shown Here:

Introduced in House (01/12/2017)

Safe Recovery and Community Empowerment Act

This bill amends the Fair Housing Act to provide that nothing in federal law relating to protections for persons with disabilities prohibits a local, state, or federal government body from:

- requiring a reasonable minimum distance between residential recovery facilities within a particular area zoned for residential housing if such requirement is necessary to preserve the residential character of the area and allows for some of such facilities to be located within such area; and
- requiring that such a facility obtain an operating license or use permit or satisfy a set of consumer protection standards, which may include a maximum capacity requirement.

A residential recovery facility is a residence that provides housing to individuals in recovery from drug or alcohol addiction with the promise of providing a clean and sober environment in return for direct or indirect payment to an owner, operator, or compensated staff person.

Facilities receiving payments from a federal health care program, or via private insurance purchased on a federal exchange or federally subsidized, for either housing, recovery services, or testing or monitoring for drugs or alcohol shall ensure that residents: (1) are provided a safe living environment completely free from illicit drugs, alcohol, firearms, harassment, abuse, or harm; and (2) live in a licensed or registered residence that has committed to following standards approved by states and localities.

Bloemberg, Greg

From: Richard and Judy Pollick <djpollick@cox.net>
Sent: Monday, March 27, 2017 3:52 PM
To: Lane, Jim; Klapp, Suzanne; Kathy Littlefield; Milhaven, Linda; Guy Phillips; Rodbell, Alan - 855; Smith, David N; Korte, Virginia; jimthompson@scottsdaleaz.gov; Grant, Randy; Bloemberg, Greg; plnsmiley@gmail.com; Angela Ashley; Jack Pugh; Norm Klein; City Council; Morales, Isol; Kuester, Kelli; Curtis, Tim; Biesemeyer, Brian K; Smetana, Rachel; Washburn, Bruce; Boomsma, Patricia
Subject: SLH - AVES
Attachments: graffiti.pdf

This is getting out of control! Besides the previous two incidents that we informed you about, it appears there is a gang member living in this Sober Living Home (SLH). As the home has been “marked” with “AVES”.

I received this picture from an individual living near this SLH in a gated community in North Scottsdale. It is critical the City of Scottsdale take action to license and inspect these homes. Is it operating as a alcohol and drug free environment? Nobody knows!

Check out Wikipedia for detail about the “AVES” members. See below brief statement from Wikipedia. Also, the individual talked to the Phoenix police and they are aware the AVES gang is infiltrating Arizona.

Richard and Judy Pollick
480-236-9854

Bloemberg, Greg

From: Tim Selling <tselling@aol.com>
Sent: Monday, May 01, 2017 1:15 PM
To: Bloemberg, Greg
Subject: Care Homes/Group Homes Case No. 2-TA-2017

Hi Gary,

I am a resident of North Scottsdale and plan to attend the Sober Living Homes open house on May 16. Can you tell me if the city has considered using the Prescott ordinance as a model for Scottsdale's? I understand they spent close to two years and much trial and error to develop language which protects both the residents and neighborhoods of the homes, while regulating the facilities effectively. I hope this will be seriously considered as it could save the city substantial time and expense while achieving a good result for all concerned. Thank you.

Best Regards,

Tim Selling
480-767-0018 / fax 480-767-0019

Bloemberg, Greg

From: Edward Rousseau <erousseau@treatmentllc.com>
Sent: Friday, May 05, 2017 6:55 AM
To: Hardy, Wendy
Cc: Bloemberg, Greg
Subject: RE: Follow up tom community meeting...

Hi Wendy,

Thank you so much for the clarification. I would like to amend my feedback to reflect that any decrease in capacity could negatively impact treatment centers and their ability to provide services to those in need.

Please accept my apologies for not being able to attend the last meeting. I had a family emergency I needed to take care of.

Again, thank you for allowing me to be part of the community meetings. I will be happy to attend any future meetings that would be related to substance abuse disorder treatment.

Hope you have a wonderful weekend and I look forward to seeing you again soon.

Thank you!!

Edward



TREATMENT MANAGEMENT
COMPANY

Edward Rousseau | Chief Administrative Officer

Treatment Management Company LLC.
770 SE Indian Street
Stuart, FL 34997

Direct Line: 772-266-7682
Main Line: 772-872-6025

For those who don't appreciate your presence, give them the gift of your absence.

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From: Hardy, Wendy [<mailto:wenh@scottsdaleaz.gov>]
Sent: Thursday, April 27, 2017 6:18 PM
To: Edward Rousseau <erousseau@treatmentllc.com>
Cc: Bloemberg, Greg <GBLO@Scottsdaleaz.gov>
Subject: RE: Follow up to community meeting...

Edward,

Thanks for attending the first open house and for sending me your feedback. I will make sure they are taken into consideration as we move forward.

I must clarify that the draft ordinance actually limits capacity to 6 with up to two caregivers/owners on site.

b. *Capacity:* The maximum number of residents, including up to six disabled persons, the manager, or property owner, and residential staff at the home is eight ~~ten~~ (408).

Thank you,

Wendy Hardy, Senior Planner

City of Scottsdale

Planning and Development Services

7447 E. Indian School Rd. Ste. 105

Scottsdale, AZ 85251

P: 480/312-7938

F: 480/312-9211

www.Scottsdaleaz.gov

From: Edward Rousseau [<mailto:erousseau@treatmentllc.com>]

Sent: Wednesday, April 26, 2017 5:17 PM

To: Hardy, Wendy

Subject: Follow up to community meeting...

Hi Wendy,

Thank you so much for allowing me to join the community meeting regarding proposed amendments to zoning ordinance relating to group living, including sober homes. I hope my alternate perspective provides some value to the City and its residents.

As a substance abuse service provider, I would like to submit my concerns over the proposed changes:

- The change in capacity from 10 to 8 could present a financial hardship for treatment companies and may limit their availability to provide treatment to individuals in need.
- The requirement for a 6-foot-high landscape hedge, solid fence, or solid wall around outdoor recreation areas could also present a financial hardship and limit the availability to provide treatment to individuals in need.

I am planning on attending the next meeting and look forward to seeing you again.

Thank you!

Edward



TREATMENT MANAGEMENT
COMPANY

Edward Rousseau

Treatment Management Company LLC.
770 SE Indian Street
Stuart, FL 34997

Direct Line: 772-266-7682

Main Line: 772-872-6025

For those who don't appreciate your presence, give them the gift of your absence.



Confidentiality Disclaimer

This message, including any attachments, is confidential, intended only for the named recipient(s) and may contain information that is privileged or exempt from disclosure under applicable law, including PHI (Protected Health Information) covered under the Health Insurance Portability and Accountability Act (HIPAA) of 1996. If you are not the intended recipient(s), you are notified that the dissemination, distribution, or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please destroy this communication immediately.

Bloemberg, Greg

From: Nic Cherches <nic@cjetsolutions.com>
Sent: Monday, May 08, 2017 7:23 PM
To: Bloemberg, Greg
Subject: Care/Group Homes 2-TA-2017 Zoning Ordinances

Greg,

I am unable to attend the meeting on Tuesday, May 16th regarding the community input on proposed revisions to the city of Scottsdale zoning ordinances for Care Homes/Group homes and was wondering if there was a place I could submit a written complaint.

I currently live next to care home and it has been nothing but problems for our neighborhood and would like my (and my neighbor's) opinions heard even though I will not be able to attend in person.

Thanks,

Nic Cherches

**Owner / Chief Pilot
Corporate Jet Solutions**

*direct: 480.370.2020
15220 N. 78th Way
Scottsdale, AZ 85260*

Bloemberg, Greg

From: pk@eldersense.com
Sent: Friday, May 12, 2017 8:02 AM
To: Bloemberg, Greg
Subject: Bill 2107



Does this bill effect Senior living adult group homes otherwise known as residential care facilities? Please advise? Also what time will this be heard on 4/19/17? -- sent by PK Fields (case# 2-TA-2017)

CITY OF
SCOTTSDALE

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Bloemberg, Greg

From: Tammy Pefanis <tlpefanis@gmail.com>
Sent: Friday, May 12, 2017 1:54 PM
To: Curtis, Tim; Grant, Randy; Bloemberg, Greg
Subject: Group homes 2-TA-2017

Good morning,

I am a Scottsdale resident and understand that you are looking at changing the rules for group homes. I respectfully ask you to look at assisted living homes in a different light than the ones that are causing the noise complaints.

Currently, both my mom and my aunt (for whom I am legal guardian) reside in assisted living homes in Scottsdale. Without the wonderful care that they receive I do not believe they would still be with us. These homes are beautifully maintained and well run. The residents are cared for in a family setting, with all medical needs brought to them. They are quiet and peaceful unlike large commercial facilities. Our family has had experience with both types. The home environment in the assisted living setting allows seniors live in a near normal setting. The infections and noise and over sedating don't occur. The caregivers are kind and take their time with the residents. They are treated with respect. They eat home cooked meals around a family table. They are in bed by 8 pm.

Again, I also understand the complaints about the group homes for rehab which tend to be younger people. My oldest son is a senior counselor in such a setting in Missouri. Most of his clients smoke, they like loud music and they are much louder than the seniors. The loudest thing in an assisted living group home is the bingo game or music therapy. But our country is also under siege with the current addiction epidemic. There is a vital need for both services and the Fair Housing Act provides for the enforcement of stopping discrimination against the populations who needs these homes. There is a need and they are legally allowed to exist if they follow the rules. The city certainly has a right to establish rules as well.

Please consider that we live in a NIMBY world. Everyone wants to be served when they need it but they don't want to participate in solving the problems. Not In My Back Yard. They just want their perfect neighborhood but it takes understanding and they need to have skin in the game. I confess that I was that way until my world was rocked by addiction at the same time my dad needed assisted living care.

We lived in Chandler and an assisted living home was setting up right next door to me. My neighbors were up in arms. They were rallying to stop it. But I went over and knocked on their door. I asked for a tour. I was graciously admitted and I learned that these homes are already highly regulated by the state. They are licensed and bonded and insured and inspected. I worked as a liaison within my subdivision to welcome these wonderful people into our neighborhood. I had no idea that less than a year later my dad would end in up a nursing home and so we brought him next door for the last month of his life where he peacefully passed away surrounded by family. I still keep in touch with his amazing caregivers. While he was in skilled nursing at a large commercial facility he caught every super bug and was treated carelessly with little concern for his needs. I am grateful that he left our world in a place that allowed him some dignity.

Please don't let emotions and hysteria limit the wonderful things that are going on in Scottsdale and all over Arizona. Every family will need some type of support at some point in their lives. Cool heads and rational discussions are needed to find a way to provide for them. Sadly Arizona ranks at the bottom of many categories including mental health care. We are better than this. There are wonderful options out there. Let's work together to help everyone find the care they need.

I would be happy to discuss this further or appear at your upcoming meeting. Our family would be lost without these homes. Limiting these homes to 6 residents won't work financially for most of them. My aunt and mom are currently living in homes licensed for 10 residents. What happens if you pass this? Four very vulnerable adults are evicted? To go where? And why weren't these homes notified in writing last August that this was working through the system?

Thank you so much for your thoughtful consideration.

Tammy Pefanis
15698 N 103rd Way
Scottsdale, Arizona 85255

480-363-3082

--

Thank you!

Tammy Pefanis
480-363-3082

Bloemberg, Greg

From: Mitch Prager <Mitch@hotelheadhunter.com>
Sent: Friday, May 12, 2017 3:38 PM
To: Bloemberg, Greg
Subject: City of Scottsdale Open House - May 16, 2017 at 5:00p.m. at Appaloosa Library.

Greg, Please reply to confirm the following meeting time and location, Thank You.

City of Scottsdale Open House - May 16, 2017 at 5:00p.m. at Appaloosa Library.

Currently, Sober Living Homes are not licensed, regulated or inspected by any State or City agency. Arizona Legislation passed HB2107 allowing cities to provide regulation to substance abuse recovery homes in their communities.

The intent of the text amendment is:

To protect the residents of structured sober living homes from operators who engage in abuse, neglect, mistreatment, fraud, and/or inadequate supervision of this vulnerable population as well as to protect the residents of structured sober living homes and the neighboring community from operators who fail to provide the supportive, residential family-like living environment necessary to achieve and maintain sobriety.

These homes are under the jurisdiction of the City of Scottsdale.

Sober Living Homes based on the Fair Housing Act (FHA) and American Disability Act (ADA) are allowed to reside in any residential setting, including gated communities and HOA's.

The City is proposing to combine:

Structured Sober Living Homes with Adult Care Homes classification in the text amendment.

Seeking Community Input - Come to the Open House and express your opinion as to licensing, rules, regulations and inspections you would like to see included in the text amendment for Sober Living Homes.

Care Homes/Group Homes City-Wide Text Amendment

(Case No. 2-TA-2017)

The City of Scottsdale is preparing a text amendment to the Zoning Ordinance to address care homes and group homes in residential zoning districts.

The proposal may amend definitions related to care homes and group homes; and may modify the criteria for care homes in single-family residential districts; specifically increasing the separation requirement between care homes from 750 feet to 1,200 feet, adding registration requirements and adding operation plan requirements. This amendment will also clarify what zoning districts care homes and group homes are permitted in.

Tuesday, May 16

5 to 6:30 p.m.

Appaloosa Library

7377 E. Silverstone

Conference Room

City Staff Contact:

Greg Bloemberg, Senior Planner

gbloemberg@ScottsdaleAZ.gov 480-312-4306



Kristine Williams
REALTOR®
480-540-9079 Cell
480-624-3424 Fax
kristinewilliamsrealtor.com



Russ
Lyon

Sotheby's
INTERNATIONAL REALTY



Bloemberg, Greg

From: John Tica <jtica@cox.net>
Sent: Tuesday, May 16, 2017 12:28 PM
To: Bloemberg, Greg
Subject: Re: Adult care home ordinance

Thank you very much for the clarification.

But I still believe that have the group home for elderly at the same category with sober home it is not right .This home are totally different operating; totally different from the resident prospects; Elderly population very different than people with addition;

Also the big question is if we as a community like to have this sober houses next to my or your personal home? For sure most of the people will say no.

In same of this homes can end up very bed people; who will take the responsibility for them ? Alcoholic people, drugs addiction people should rehab in special places not in the middle of our community.

Thank you John Tica
Sent from my iPhone

On May 16, 2017, at 10:17 AM, Bloemberg, Greg <GBLO@Scottsdaleaz.gov> wrote:

Mr. Tica,

I'd like to update you on where we are with this issue. The latest draft of the ordinance is going to include language that "grandfathers" existing care homes, legally operating at the time the new ordinance is adopted. Any care home that is legally operating at the time of ordinance adoption will be able to utilize the existing "Adult Care Home" criteria; which allows up to 10 residents (not including staff). Any new care home that begins operations after the ordinance is adopted may be limited to 6 residents and/or subjected to increased separation requirements; depending on what is ultimately approved by City Council.

Let me know if you have any additional questions or concerns.

Regards,

Greg Bloemberg
Senior Planner
Current Planning
City of Scottsdale
e-mail: gbloemberg@scottsdaleaz.gov
phone: 480-312-4306

-----Original Message-----

From: Kuester, Kelli
Sent: Monday, May 15, 2017 3:10 PM
To: 'John Tica'
Subject: RE: Adult care home ordinance

Dear Mr. Tica,

Mayor Lane and some members of Council have asked that I thank you for your email and for sharing your input and concerns. I have sent your email to our Planning Department so that they can add your input to the record on this topic.

Thank you again and please let me know if you have any questions.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 kkuester@scottsdaleaz.gov
(480) 312-7977

-----Original Message-----

From: John Tica [<mailto:jtica@cox.net>]
Sent: Friday, May 12, 2017 4:04 PM
To: City Council
Subject: Adult care home ordinance

Hi,

My name is John Tica, the owner of Serenity of North Scottsdale Assisted Living Home located at 29750 N 77th Pl in Scottsdale, Az 85266 After I did read the draft of this ordinance I am very, very angry and upset the way city council wants to change the zoning requirements and reduce the number of residents we can take care of it in our care homes.

This changes will make a lot of small businesses go out of business.

I invest a lot of money and over 22 years in this business with huge amounts of money (over 1,5 mil \$)to build a very, very nice home (10,000 SF under roof; over 8,000 SF livable) for our residents to enjoy at their old age and for most of them at the end of their live.

I think It is not right to put the sober home together with the Adult care home.

One of the reason for me to open this business in city of Scottsdale was that I do like the present zoning requirements and the fact we can have up to 10 residents in the home which will help me hire few caregivers and be able to run a good business for the community.

I cannot support the changes the city council it is trying to do and I do hope you keep in mind our consideration and do not move forward with this ordinance.

Also this will not help our old population from Scottsdale; this will push more people to live their last years in big institutions like nursing home or huge assisted living facilities not in something very small, home environment like they use to have their own home.

Talking with other business owners we all agree this is not good for our community and our business.

Thank you and for any questions please email me or call me at 480-585-9757.

Thank you John

Sent from my iPhone

Bloemberg, Greg

From: Nic Cherches <nic@cjetsolutions.com>
Sent: Tuesday, May 16, 2017 12:51 PM
To: Bloemberg, Greg
Cc: Lane, Jim; City Council
Subject: Re: Care/Group Homes 2-TA-2017 Zoning Ordinances
Attachments: Rules & Regulations.pdf

Greg,

Please use this email as my formal complaint/statement relating the the Amendment of Care Homes/Group Homes Case T-2A-2017. My specific complaint is in regards to the Care Home located at 9362 E. Sharon Dr. Scottsdale, AZ 85260 in which I live next door. Please use the information below to assist in any decision making by the City of Scottsdale.

I reside in the Encantada Subdivision in North Scottsdale and reside at 9374 E. Sharon Dr. Scottsdale, AZ 85260 which is located next door to a care home located at 9362 E. Sharon Dr operated by Stellar Healthcare (<http://stellar-healthcare.com/ourfacility.html>). This particular Group Home houses numerous (approx. 3-5) children with developmental issues, most wheel chair bound and in need of full-time care provided by a staff of nurses on site. I want to make it clear that my issues, along with the neighbors, have absolutely nothing to do with the mission of this home and we are very sympathetic to those children who reside within however we do have a serious issue with how these homes are managed, placed and issues that relate in them not being more strategically managed by both the owners and the City of Scottsdale. **The owners of these homes simply do not care about their impact on the neighborhood.**

The primary issue we have with this Group Home is with parking. This particular Group Home is located at the entrance to a neighborhood and has a 2 car garage and driveway; literally the worst possible location for a Group Home as it does not provide ample parking for the nature of this business and it's location impacts EVERY resident who must use this entrance/exit to the neighborhood.

I would encourage you and others on the planning committee and city council to look at this link provided by Google Images for this care home and imagine this issue where you live:
https://www.google.com/maps/place/9362+E+Sharon+Dr,+Scottsdale,+AZ+85260/@33.6110474,-111.8793146,3a,75y,336.35h,61.34t/data=!3m7!1e1!3m5!1sSEIp9yE62B73kDmrw8L1zg!2e0!6s%2F%2Fgeo2.ggpht.com%2Fcbk%3Fpanoid%3DSEIp9yE62B73kDmrw8L1zg%26output%3Dthumbnail!%26cb_client%3Ds earth.TACTILE.gps%26thumb%3D2%26w%3D392%26h%3D106%26yaw%3D353.09076%26pitch%3D0%26thumbfov%3D100!7i13312!8i6656!4m1!3!1m7!3m6!1s0x872b759f129774b9:0x6b8431df741f5abf!2s9374+E+Sharon+Dr,+Scottsdale,+AZ+85260!3b1!8m2!3d33.611258!4d-111.87911!3m4!1s0x872b759f6d14b241:0xf18a0c863e9c5ebd!8m2!3d33.611255!4d-111.879329!6m1!1e1

While viewing this link please notice the following:

- Five (5) Vehicles parked on the street, all of which are vehicles related to this care home.
- The garage is used for storage along with one van that is used to support the facility
- The driveway is not being used for parking, thus promoting on-street parking

- This on-street parking often creates a bottle-neck situation and severely impacts safety with an increased risk of a head-on collision
- There is another vehicle parked on 93rd Way also belonging to this property.

Attached are just a couple pictures of the on going issue with parking related directly to this particular residence. Additionally I have attached a copy of our Neighborhood HOA Rules & Regulations

Other issues relating to this home include:

- Numerous deliveries/trucks during the day (UPS, FedEx, Oxygen Fill Services that make a lot of noise, etc)
- 4 School bus pickups with wheel chair loading (blocks the major entrance to our neighborhood for 5-10 minutes to load handicapped passengers)
- Food Deliveries for Employees
- State Inspector visitings (adding even more vehicles on the street)
- Fire Trucks / Ambulances
- Vehicles parked illegally both on the wrong side of the road, on sidewalks or blocking driveways... my driveway is blocked at least 2 times a month, sometimes more.
- 3 Trash Containers and 2 Recycling Bins curbside those making parking issues even worse on pickup days.

Since I moved into my home in 2010 I have tried everything I can think of to help remedy the issues related to this Group Home. I have talked with the owners of this facility countless times and they simply tell me to call the police when vehicles are parked illegally or are blocking my driveway. This being a public street there is no protection from our HOA but normal traffic laws apply however being located in a neighborhood they are not patrolled by Scottsdale PD and when I do contract the police (which I hate to do being former law enforcement) they rarely respond and if they do the response time is horrible and I simply do not have time to wait around. What is the most frustrating thing about all this is that the neighborhood feels helpless as we have no one to help remedy this issues. We have all talked with the owners at some point but it simply appears that they no longer care and consider our complaints a nuisance and they go unaddressed.

Our neighborhood Rules & Regulations provided by our HOA state the following:

"#12 On street parking needs to be avoided as much as possible. Vehicles of all owners, residents, guests and invitees are to be kept in garages, carports, or residential driveways".

Our neighborhood HOA (Peterson Company) is definitely aware of the ongoing issues with this Group Home however they simply say that on-street parking, being city streets, is out of their control and there is nothing they can do as a result. This Group Home is clearly in violation of rule #12 of our Neighborhood Rules & Regulations.

While we, as a neighborhood, sympathize with these children located at this care home, it's location in our neighborhood has severely degraded the quality of life of so many residents even forcing two great families to move as a result of these ongoing frustrations. We have tried for so many years for the management to fix these issues and have had no luck and we are desperate to restore our quality of life.

I fully support these homes but they need to be strategically placed so that they do not negatively impact the communities in which they reside.

Please feel free to reach out to me with any questions you may have. I live at 9374 E Sharon Dr. Scottsdale, AZ 85260 and my phone number is 480-370-2020.

I love Scottsdale and simply just to restore peace that our neighborhood once provided. We are begging for the City of Scottsdale to help assist us and other neighborhoods to better regulate where these Group Homes can be placed within a neighborhood so that issues such as ours can be minimized so that everyone can enjoy where they live. It is my opinion that Group Homes like this should be required to be located on cul-de-sac's and/or have a driveway that is large enough for employees to park on the property and not on the street. It's critical that the City of Scottsdale better regulate where these homes are located.

Thank you for your time,

Nic Cherches









On May 9, 2017, at 8:14 AM, Bloemberg, Greg <GBLO@Scottsdaleaz.gov> wrote:

Hello Nic,

Thank you for the correspondence. Any email you send me is public record, so if you want to relay your concerns via email, I will include them in my report when the amendment goes to hearing. You can also go to the following link and input comments there.

<https://eservices.scottsdaleaz.gov/bldgresources/Cases/Details/47223>

Thanks again and let me know if you have any questions.

Regards,

Greg Bloemberg
Senior Planner
Current Planning

City of Scottsdale
e-mail: gbloemberg@scottsdaleaz.gov
phone: 480-512-4506

From: Nic Cherches [<mailto:nic@cjetsolutions.com>]
Sent: Monday, May 08, 2017 7:23 PM
To: Bloemberg, Greg
Subject: Care/Group Homes 2-TA-2017 Zoning Ordinances

Greg,

I am unable to attend the meeting on Tuesday, May 16th regarding the community input on proposed revisions to the city of Scottsdale zoning ordinances for Care Homes/Group homes and was wondering if there was a place I could submit a written complaint.

I currently live next to care home and it has been nothing but problems for our neighborhood and would like my (and my neighbor's) opinions heard even though I will not be able to attend in person.

Thanks,
Nic Cherches
Owner / Chief Pilot
Corporate Jet Solutions
direct: 480.370.2020
15220 N. 78th Way
Scottsdale, AZ 85260

Bloemberg, Greg

From: doug volker <dvol2@msn.com>
Sent: Tuesday, May 16, 2017 1:17 PM
To: Kuester, Kelli
Cc: Bloemberg, Greg
Subject: Re: Changes to Rules, Regulations for Private Group Homes for the Elderly

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Kelli,

Thanks you for letting me know my email was directed and read by the appropriate people involved in this decision making process. Your guidance and understanding is also very much appreciated.

It is gratifying to know the Council is attentive to important issues that effect a large community of people. It also speaks highly of their diligence to address the concerns of the citizens of Scottsdale.

Sincerely,

Doug Volker

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Tuesday, May 16, 2017 1:51 PM
To: 'doug volker'
Subject: RE: Changes to Rules, Regulations for Private Group Homes for the Elderly

Dear Mr. Volker,

Mayor Lane and some members of Council have asked that I thank you for your email and for sharing your input and concerns. I have also sent your email to our Planning Department so they can include your comments in the public record on this topic.

Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: doug volker [<mailto:dvol2@msn.com>]
Sent: Tuesday, May 16, 2017 11:22 AM
To: City Council
Subject: Fw: Changes to Rules, Regulations for Private Group Homes for the Elderly

Dear Scottsdale City Council Members,

Last week we became aware of possible changes to the Rules and Regulations applied to Private Group Healthcare homes for the elderly.

My first thoughts is how many people this will have a significant impact on including the home's owners, the residents, and the families who are currently paying to comfortably keep their loved ones in these homes. These costs, as you aware, are not inexpensive.

In our case, our Mother is not able to live in a large Assisted Living facility due to her mental condition. She has been a North Scottsdale Gardens resident for almost 9 years. The owners are kind, attentive, adhere to all State rules and regulations, and maintain their facility in the highest standards. We are fortunate to have our Mother at this facility. Parking or traffic has never been an issue at this facility since it is in a cul-de-sac.

There are currently 10 residents in this facility. From an economic standpoint this number of residents assists in providing healthcare for these loved ones at a high, but reasonable cost for a group home. If the number of allowable residents is reduced or limited to a lower number, the monthly rate would have to be substantially increased in order to compensate for the decreased number of people living in the home. It could cause some of these homes and the caregivers to close their homes due to the reduced revenue. If this were to happen, we, and I am sure hundreds of other families throughout Scottsdale would not be able to afford this specialty care for their loved ones. The impact would be devastating to the home owners, the residents, and their families.

We are asking that you take careful consideration to your actions and consider how many, and how much, any changes in these rules, regulations, or ordinances will effect many lives.

Also, I would be more than willing to be participate in an interactive focus or discussion group with the Council or a committee established to study these proposed changes. To assist in a collaborative, cohesive effort to achieve a positive, win-win outcome to the proposed changes.

The changes being considered are very critical, important, and could be financially devastating to both the group homeowner and the families of the person living there. Your decisions could have a great impact not only for this current time, but in future years to come as the entire population ages.

Your willingness to listen, study, and consider the potential ramifications, are extremely appreciated,

Sincerely,

Doug Volker
dvol2@msn.com
480-570-5927

Bloemberg, Greg

From: doug volker <dvol2@msn.com>
Sent: Tuesday, May 16, 2017 2:20 PM
To: Bloemberg, Greg
Cc: bgrozav@gmail.com; lindah@jbhenderson.com; volker@plateautel.net; Kuester, Kelli
Subject: Re: Changes to Rules, Regulations for Private Group Homes for the Elderly

Hi Greg,

I know you are very busy, so the time taken to reply to my email is greatly appreciated.

The language to "grandfather" existing Adult Care Homes, allowing up to 10 residents is fair and shows the Council is addressing what could be a difficult situation in a positive manner. Thank You!

I would like to ask the Council to consider a case study in the costs associated with these homes for the future too. As addressed in my earlier email, the costs associated with Assisted living facilities and Private Care Homes are extremely expensive. I think a case study would show that the majority of Americans are not able to pay \$3000.00 plus a month for this type of care. The cost of the in home caretakers, the maintenance and upkeep of the home, State and Local fees, food costs, and all the other related costs add up.

This is what I am concerned about for future residents and their families trying to place their loved ones in this type of home care, if the new ordinances limit the number residents in a home. A simple example: Lets say there are currently 10 residents in a home, and the monthly charge for their care is \$3000.00. $10 \times \$3000.00 = \$30,000.00$. If the number of residents is reduced to 6, in order to operate the facility and cover the same overhead expenses, the monthly fee would have to be increased to \$5000.00 per resident.

I can tell honestly say, if this were to happen to our family, we would not be able to provide this specialized type of care needed for our Mother. I also believe not many families could afford to do so either. That total of \$60,000.00 per year for the care facility is \$9000.00 more than the average income of a family in the United States. (\$50,756.00 annually according to the US Census Bureau)

I understand the responsibility of the City Council is to review these situations. One suggestion/option would be to consider and review the Adult Care homes size. Then base the number of residents on the square footage and living space provided.

Again, I sincerely thank you for your email. I again offer my time to meet or be involved with the Council, if it decided to include residents and those concerned in the proposed ordinance changes.

Best regards,

Doug Volker
dvol2@msn.com
480-570-5927

PS: I learned today there is a City Council meeting scheduled for tonight. Due to a previous commitment I am unfortunately not able to attend. I would have liked to have been there.

From: Bloemberg, Greg <GBLO@Scottsdaleaz.gov>
Sent: Tuesday, May 16, 2017 2:11 PM
To: 'doug volker'
Cc: Grant, Randy
Subject: RE: Changes to Rules, Regulations for Private Group Homes for the Elderly

Mr. Volker,

Thank you for your feedback. I wanted to update you on where we are with this issue. The latest draft of the ordinance is going to include language that "grandfathers" existing care homes, legally operating at the time the new ordinance is adopted. Any care home that is legally operating at the time of ordinance adoption will be able to utilize the existing "Adult Care Home" criteria; which allows up to 10 residents (not including staff). Any new care home that begins operations after the ordinance is adopted may be limited to 6 residents; depending on what is ultimately approved by City Council.

Let me know if you have any additional questions or concerns.

Regards,

Greg Bloemberg
Senior Planner
Current Planning
City of Scottsdale
e-mail: gbloemberg@scottsdaleaz.gov
phone: 480-312-4506

From: Kuester, Kelli
Sent: Tuesday, May 16, 2017 12:51 PM
To: 'doug volker'
Subject: RE: Changes to Rules, Regulations for Private Group Homes for the Elderly

Dear Mr. Volker,

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Best,

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: doug volker [<mailto:dvol2@msn.com>]
Sent: Tuesday, May 16, 2017 11:22 AM

To: City Council

Subject: Fw: Changes to Rules, Regulations for Private Group Homes for the Elderly

Dear Scottsdale City Council Members,

Last week we became aware of possible changes to the Rules and Regulations applied to Private Group Healthcare homes for the elderly.

My first thoughts is how many people this will have a significant impact on including the home's owners, the residents, and the families who are currently paying to comfortably keep their loved ones in these homes. These costs, as you aware, are not inexpensive.

In our case, our Mother is not able to live in a large Assisted Living facility due to her mental condition. She has been a North Scottsdale Gardens resident for almost 9 years. The owners are kind, attentive, adhere to all State rules and regulations, and maintain their facility in the highest standards. We are fortunate to have our Mother at this facility. Parking or traffic has never been an issue at this facility since it is in a cul-de-sac.

There are currently 10 residents in this facility. From an economic standpoint this number of residents assists in providing healthcare for these loved ones at a high, but reasonable cost for a group home. If the number of allowable residents is reduced or limited to a lower number, the monthly rate would have to be substantially increased in order to compensate for the decreased number of people living in the home. It could cause some of these homes and the caregivers to close their homes due to the reduced revenue. If this were to happen, we, and I am sure hundreds of other families throughout Scottsdale would not be able to afford this specialty care for their loved ones. The impact would be devastating to the home owners, the residents, and their families.

We are asking that you take careful consideration to your actions and consider how many, and how much, any changes in these rules, regulations, or ordinances will effect many lives.

Also, I would be more than willing to be participate in an interactive focus or discussion group with the Council or a committee established to study these proposed changes. To assist in a collaborative, cohesive effort to achieve a positive, win-win outcome to the proposed changes.

The changes being considered are very critical, important, and could be financially devastating to both the group homeowner and the families of the person living there. Your decisions could have a great impact not only for this current time, but in future years to come as the entire population ages.

Your willingness to listen, study, and consider the potential ramifications, are extremely appreciated,

Sincerely,

Doug Volker
dvol2@msn.com
480-570-5927

Bloemberg, Greg

From: Jake Crawford <jake@crawford.team>
Sent: Tuesday, May 16, 2017 9:36 PM
To: Bloemberg, Greg; Grant, Randy
Cc: Lane, Jim; City Council
Subject: Assisted Living Regulation/Tuesday Meeting/Scottsdale Property Values

Hi Greg,

I would consider tonight's meeting as a roaring success, you all did an excellent job of facilitating and hearing the civilians voice and votes, thank you!

I hope every comment/question was noted as tonight's meeting was high level and all encompassing-almost every possible point was covered. It was very efficient- I've seen City of Phoenix have similar meetings that took 6-12 months of meetings to cover what you all facilitated in one night!

I would like to add one last comment that Scottsdale residents would really appreciate solely regarding real estate values:

As an active Realtor (sold \$6mil so far this year and \$5mil in escrow right now) being in the blood stream of the market 24/7, as is the life of a Realtor lol, I can tell you that assisted living homes actually raise property values by nature- let me explain: it seems to be a common fallacy that assisted living homes across the board bring down property values, that is simply not true, however, assisted living homes can bring down property values just like any other home if the home sells and is in sub-par C-F condition as apposed to A or B condition, so assisted living homes are not different that traditional homes in that sense sub-par home=sub-par comp/value, however, an A-B condition assisted living home will sell for *MORE* than market value and banks will lend on the those acquisitions! I have a good friend who is acquisitions manager of large equity firm and he sees assisted living companies overpaying for land/real estate all the time outbidding other asset classes as buyers because they can; other real estate asset classes cannot support as high of acquisition prices with the cash flow of their business model ie multifamily or retail etc, but more often than not assisted living cash flow of business mode can support higher acquisition price! For example, I have a client who recently purchased an assisted living home/business in Valley for \$427k, comps were \$280k-\$300k!! (There are stories similar to this all over Scottsdale except numbers are naturally larger than \$427k across the board) They paid for real estate and business but in the county assessor a \$427k sales price is recorded and they overpaid for real estate and were happy to do so. Assisted living sales are some of the best comps neighbors will probably have to support higher prices in neighborhood and build equity! Grant it one comp is not going to make or break a neighborhood and often buyers/sellers will throw out the highest/lowest comp, but the assisted living industry is good news for property values (assuming property is not in C-F condition, then it's just a bad comp like all the other neighbors that sell when homes are not updated and bring down the market for neighborhood). I hope this makes sense, please let me know if you'd like me to speak at future City meetings to further expound on this aspect of the market to help concerned Scottsdale residents understand the reality of the market.

PS. I also recently did deal with client who bought home in Scottsdale for around \$380k and he fully remodeled/converted the property into an assisted living home and no other potential buyer would touch that home for more than \$350k due to comps/true market value, but it was worth it to my client!!! Neighbors should be pleased with potential equity increase from that sale :)

Sincerely,

Jake Crawford

Licensed Real Estate Practitioner

Realty ONE Group

17550 N Perimeter Dr, Suite 160

Scottsdale, AZ 85255

(We are now conveniently located off the 101 & Princess Dr -at the Scottsdale Airpark)

(480)-766-2973 - Direct

Please feel free to contact me via your preference of communication – call, text, or email; whichever you prefer.

Also, here is a link to our website that gives you direct access to the MLS for free so you can search all homes For Sale and Sold!: <http://crawford.team/>

Bloemberg, Greg

From: Morley and Linda <morli@mindspring.com>
Sent: Wednesday, May 17, 2017 9:55 AM
To: Bloemberg, Greg
Subject: Thanks for the Meetings

Thank you for holding the meetings regarding changes to care home ordinances. I feel defeated and now know that these business people who planted themselves in residential neighborhoods are arrogant, outspoken and will do anything to continue lining their pockets with as much money as possible.

I have a hoarder next store who has rats running all over, a boarded up house across the street and what appears to be a sober house moving in next door and nothing I can do about it.

Please don't forget about the residents who are counting on the city to regulate what goes on in residential neighborhoods.

Linda Meredith

Bloemberg, Greg

From: Richard Doubek <azcarboy@cox.net>
Sent: Sunday, May 21, 2017 11:06 AM
To: Washburn, Bruce
Cc: City Council; Thompson, Jim; Grant, Randy; Bloemberg, Greg; Boomsma, Patricia; Kuester, Kelli; Padilla, Joe; Santaella, Luis; Nichols, Jeff; Walker, Sharron; Jagger, Carolyn; Smetana, Rachel; Hoglund, Teresa
Subject: Re: Drug/Alcohol Half Way house in residential neighborhood

Mr. Washburn----I wish to thank you (and staff) for your prompt and informative responses to my questions. I find it most interesting that my local and state government bodies cannot protect it's citizens from our Federal Government who can't fix anything that's wrong with this great country of ours. It appears that the American dream of working hard all of your life, doing things the right way, following the laws, raising a family, serving our country when called and needed and saving one's money to be able to build your dream house in a custom home area in a beautiful city after you retire doesn't mean a great deal when one has to fight the Feds. My government is once again helping me! Are local and state governments so afraid of the feds that nobody will take them to court? Whose job is it to protect the local citizen? When will one of these people go off the reservation to fulfill their need and break into one of our homes to steal money or our positions to feed their habit? Then what??

It took the Feds 20 pages to outline the need for fair housing. Why not place these types of homes in MIXED zoning codes areas? Why the middle of a custom home residential area? Where is the common sense we use to have in thinking our problems?

With all of the many, many pages of city and state codes/ordinances telling me everything from building codes, alarm systems, signage, fireplaces, front yard parking and how/what to landscape---just to name a few, I have to live with a Drug/Alcohol house across the street from my home. I guess I will have to consider selling my home and move out in the country instead of Scottsdale, which I thought always stood for a GREAT city and a place to retire in. With all of the help I am getting from my government my last question is "Do I have to notify any prospect buyers of the DRUG/ALCOHOL house?? Maybe I'll start an AIR B and B!!

Wonder how ANY of you would feel if this happened across the street from YOUR house? Just saying!!

Thank you once again for the information you supplied.

RJ Doubek

From: Washburn, Bruce

Sent: Friday, May 19, 2017 5:25 PM

To: 'Dick Doubek'

Cc: City Council ; Thompson, Jim ; Grant, Randy ; Bloemberg, Greg ; Boomsma, Patricia ; Kuester, Kelli ; Padilla, Joe ; Santaella, Luis ; Nichols, Jeff ; Walker, Sharron ; Jagger, Carolyn ; Smetana, Rachel ; Hoglund, Teresa

Subject: RE: Drug/Alcohol Half Way house in residential neighborhood

Mr. Doubek: Licensing staff has confirmed that the facility at 39022 N. Fernwood Ln., Scottsdale, AZ. 85262, Serenity Care Center, LLC, is licensed by the State Department of Health Services as "Behavioral Health Facility – Adult". Serenity Care Center, LLC, also has a business license for this location. Please remember, as noted below, that the City's business license process does not

perform the same function as the Department of Health Service's licensing process for the State, and that the City is not legally able to deny a business license when it has been properly applied for.

Bruce Washburn

City Attorney
City of Scottsdale
(480) 312-2405

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From: Washburn, Bruce

Sent: Thursday, May 18, 2017 5:04 PM

To: Dick Doubek

Cc: City Council; Thompson, Jim; Grant, Randy; Bloemberg, Greg; Boomsma, Patricia; Kuester, Kelli; Padilla, Joe; Santaella, Luis; Nichols, Jeff; Walker, Sharron; Jagger, Carolyn; Smetana, Rachel

Subject: RE: Drug/Alcohol Half Way house in residential neighborhood

Mr. Doubek: Thank you for your inquiry. Your email touches on a number of legal and regulatory issues that are very challenging for cities and other regulatory bodies. Under federal law people who are recovering from substance abuse are considered "disabled," and are entitled to the protections for disabled individuals contained in many federal laws, including the Fair Housing Act and the Americans with Disabilities Act. I have attached a handout prepared by the federal authorities that discusses many of the regulatory limitations that arise from the applicability of this protected status.

In consultation with staff from the Planning Department I have set forth below, highlighted in yellow, responses to a number of your specific questions. I hope you will find these of some assistance. The City is in the process of reviewing its current regulations pertaining to facilities that provide services to those classified as disabled. That review may help address some of your concerns, although, of course, whatever the City does is still subject to the limitations imposed by federal law.

Bruce Washburn

City Attorney
City of Scottsdale
(480) 312-2405

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From: Littlefield, Kathy

Sent: Wednesday, May 17, 2017 8:39 AM

To: Dick Doubek

Cc: Washburn, Bruce; Thompson, Jim

Subject: RE: Drug/Alcohol Half Way house in residential neighborhood

Thank you for your email.

Since many of your questions touch on the legalities of having a Sober Living Home (or any other type of Home) in neighborhoods, I am forwarding this email to our legal department so they can address your concerns.

Best,

Councilwoman Kathy Littlefield

From: Dick Doubek [azcarboy@cox.net]
Sent: Wednesday, May 17, 2017 7:36 AM
To: City Council; Lane, Jim
Subject: Drug/Alcohol Half Way house in residential neighborhood

Mayor Lane and Council Members-

I have just recently been made aware of the fact that our neighborhood has a Drug/Alcohol half way house right in the middle of our neighborhood. This area is a small area consisting of mostly semi-custom/full custom homes in North Scottsdale. I have tried to research the owners/company running this operation, but to no avail. It appears to be buried as a LLLP and records are difficult to trace.

The property information is as follows:

Property ID# 219-11-223 This property is listed on the tax roles as a **Residential Rental, Single Family Residence**. This appears not to be true as a Drug/Alcohol half way house would appear to be a business. The owners are listed as CANAMERICA 2012 LLLP.

Address: 39022 N. Fernwood Ln., Scottsdale, AZ. 85262

I am aware of web sites that allow people to go on line to check on sex offenders that might live in their area, but no where am I able to find out information about Half Way houses in neighborhoods.

My questions to the Mayor and City Council members are:

How and Why is a Private Business allowed to operate in the middle of a residential neighborhood? Do we not have zoning ordinances and codes? If not, why not??

These are essentially home occupations, which are permitted in single-family zoning districts. Additionally, adult care homes are permitted in residential districts, and because federal law treats recovering substance abusers as disabled persons the "business" of taking care of them is considered an allowed care home.

Why were we never notified (neighbors) of this Business being run in our neighborhood? Are businesses allowed to be operated in residential neighborhoods zoned RESIDENTIAL R-1-43??

Because care homes are allowed uses in residential districts there is not a notification process that applies to them.

What about our children who may come in contact with the half way house residents?

The City cannot regulate the personal behavior of residents through zoning or other land use regulations, nor can it enact an ordinance that prohibits children from having contact with persons who are not engaged in an unlawful activity. If unlawful activity occurs then that may be a matter for the police.

What happens to our home re-sale values when trying to sell our homes?

As noted above, federal law requires the City to provide those protections that are available to disabled persons to those recovering from substance abuse. The City cannot prohibit a use that is thus protected by federal law even if it may have an adverse effect on property values.

How/why was the zoning/business license ever approved for this type of operation?

There is no zoning license required for adult care homes. The State typically licenses facilities providing medical care where such licenses are required. The City will check on whether the facility has any City business license that might be required. However, even if a City business license is required, a City business license does not encompass regulation of the nature or location of a business, and the City does not have the lawful right to withhold such a license from a lawful business even if it may disagree with the type of business that is being conducted.

Does this business have a license to operate in our neighborhood?

Please see the response immediately above.

The last thing we want in our neighborhood is another Drug Problem!

I would believe that any type of Half Way housing is a Business as they receive funding from either the Federal Government and/or the State or they would not be in business. We did not buy/build our homes to be in an area that allows private funded businesses right in the middle of our homes.

We have many other questions for the Scottsdale elected officials but I would appreciate your comments on these questions and what is currently being done to address our concerns.

Thank you!

Richard J. Doubek
39021 N. Fernwood Ln.
Scottsdale, AZ. 85262

azcarboy@cox.net

Bloemberg, Greg

From: Richard and Judy Pollick <djpollick@cox.net>
Sent: Monday, May 22, 2017 8:42 AM
To: Grant, Randy; Littlefield, Kathy; Bloemberg, Greg; City Council; Morales, Isol; Kathy Littlefield; Curtis, Tim; Bob Littlefield; Lane, Jim; Biesemeyer, Brian K; Guy Phillips; Milhaven, Linda; Smetana, Rachel; Klapp, Suzanne; City Manager Mailbox; jimthompson@scottsdaleaz.gov; Thompson, Jim; Washburn, Bruce; Boomsma, Patricia; Planning Commission
Cc: Angela Ashley; Jack Pugh; Norm Klein
Subject: Delray Beach Florida and Prescott Arizona Study
Attachments: Delray Beach FL GH Zoning Study May 2017.pdf; Prescott AZ Group Home Report.pdf

Please find attached the Study for Delray and Prescott from Daniel Lauber, the attorney who worked with Prescott to develop their licensing, rules and regulations for Sober Living Homes.

The study along with his email below should provide assistance in adopting Scottsdale's.

Sincerely,
Richard and Judy Pollick
480-236-9854

----- Forwarded message -----

From: Daniel Lauber <dan@lauber.law>
Date: Thu, May 18, 2017 at 3:07 PM
Subject: Re: Request for 57 Page Report for Delray Beach
To: Janice Morton <janice@takeactionphoenix.com>

Dear Ms. Morton,

Thanks for writing.

Since the Delray Beach study is a public document, I have attached it to this email. Keep in mind that the State of Florida has statutory regulation of zoning for some group homes that is different than the state statutes in Arizona. So I have also attached the study I did for Prescott which looks at the zoning through the prism of Arizona's statewide zoning statute. Naturally there are some similarities to the studies -- some paragraphs are the same in both studies (why increase the cost to the client by rewriting paragraphs that don't need to be rewritten? I know, I could be thrown out of the legal profession for trying to keep costs down).

You might also want to visit our site <http://www.grouphomes.law> where you can download a two-page summary of the current state of the law as well as a one-page article from *Planning* magazine and, if you are a glutton for punishment, my 1996 law review article that explains everything in great detail (despite the best efforts of the law review editors, the article does not cure insomnia).

A few key points to keep in mind:

- When a city has a zoning definition of "family" that sets a cap on the number of unrelated people in a single housekeeping unit that constitute a family, any community residence that fits within that cap must be treated the same as any other family. So if the definition of family allows five unrelated people to live together, the city must treat any community residence with five or fewer unrelated occupants exactly the same as any other family. So no licensing or certification requirement or spacing requirement can be applied to those homes. That's the way the case law has worked out. And if the city does not have a cap on the number of unrelateds who constitute a family, it cannot regulate community residences at all.
- All community residences are subject to the same zoning regulations. The zoning regulations apply the same to sober homes as well as to all other community residences such as group homes for people with developmental disabilities, mental illness, or physical disabilities.
- Prescott also adopted a basic licensing ordinance. While about 10 to 15 percent of the sober homes have decided not to apply for a license and close down, the insurance industry's crackdown on fraud has played a more substantial role in reducing the number of sober homes in Prescott. The new zoning has prevented new concentrations of community residences from developing and further intensification of existing concentrations. It was not designed to close existing community residences.
- The proper and legal zoning approach to community residences is very nuanced and carefully reasoned out. It's important to resist the temptation to take anything from the study out of context.
- The zoning approaches recommended by both studies constitute the least drastic means needed to actually accomplish legitimate government interests -- which satisfies the key legal test. They offer much greater certainty and clarity to operators of prospective community residences than the so-called "reasonable accommodation" process that so many jurisdictions use.

I hope this information and the studies are helpful.

On 5/18/2017 11:29 AM, Janice wrote:

Dear Mr Lauber,

I came across your name in the article mentioned

here: <http://spbc.blog.palmbeachpost.com/2017/05/17/delays-latest-sober-home-regulation-efforts-could-force-out-bad-homes/>

Our group Take Action Phoenix (<http://www.takeactionphoenix.com>) has been working with the City of Phoenix to pass health & safety ordinances for sober living homes.

We are very interested in reading the 57 page report that you created. I do not know if it is a public document, etc. If it is a report that you can share, please point me in the direction of where I can get a copy. We are eager to read it.

Thanks,

Janice Morton

Take Action Phoenix

jmorton@takeactionphoenix.com

--

FROM:

Daniel Lauber, AICP
Planning/Communications
Law Office of Daniel Lauber
7215 Oak Avenue
River Forest, IL 60305

Phone: 708-366-5200

Fax: 708-366-5280 (**Please call before** sending us a fax
so we can connect the rarely-used fax machine)

Emails:

dl@planningcommunications.com

dan@fairhousing.law

dan@grouphomes.law

Websites:

<http://www.planningcommunications.com>

<http://www.lauber.law>

<http://www.fairhousing.law>

<http://www.grouphomes.law>

Bloemberg, Greg

From: Alexia Shonteff <alexia~~shonteff~~@gmail.com>
Sent: Sunday, May 28, 2017 8:15 PM
To: Washburn, Bruce
Cc: City Council; Thompson, Jim; Nichols, Jeff; Walker, Sharron; Jagger, Carolyn; Grant, Randy; Padilla, Joe; Boomsma, Patricia; Bloemberg, Greg
Subject: Re: Response from the Office of the Governor
Attachments: SB1350Letter.docx

Dear Mr. Washburn,

Thank you for your email.

I have attached a letter that explains my position and how/why I have come to the conclusion SB1350 (2016) - ARS 9.500.39 is an illegal piece of legislation in R-1 (single family) neighborhoods – the bill prohibits occupancy control, age limit control, and does not require homeowner occupancy. This legislation has turned R-1 property into commercial property.

I don't understand why the cities have not questioned this piece of legislation but instead are allowing this to continue? A correction to SB1350 could be made that would read 'single family residences must be owner occupied' - this would maintain the purpose of R-1 property which is what I chose to purchase.

I truly appreciate your time and look forward to hearing from you. I am also sending a copy to Governor Ducey's office.
Alexia Shonteff, PhD

On Fri, May 26, 2017 at 6:06 PM, Washburn, Bruce <bwashburn@scottsdaleaz.gov> wrote:

Dr. Shonteff: Thank you for your email inquiry regarding the regulation of “sober living homes”. Just to clarify the issue, permit me to point out that there are facilities where people recovering from substance abuse reside, and where they receive behavioral health and other services, and many of these are, in fact, regulated by the State. It appears that your inquiry to the State, and to the City, is not about such facilities, but is about residences where persons recovering from substance abuse reside and receive no medical treatment or health care services.

As to why the City is “allowing/legitimizing” these places, the bill referenced by the Governor's office that is said to have given cities oversight responsibility specifically states that a city's actions must be consistent with federal law. The relevant federal agencies have been very clear in stating that the Fair Housing Act and the Americans with Disabilities Act provide that people recovering from substance abuse meet the federal definition of “disabled,” and therefore cannot be discriminated against on that basis, including with respect to land use (zoning) laws affecting housing. I am attaching a Joint Statement from the U.S. Department of Housing and Urban Development and the U.S. Department of Justice setting forth a discussion of their guidelines for how federal law impacts local land use regulation. I refer you to numbered paragraphs 2 and 3 on pages 3 and 4 of this

document to give you some idea of the parameters within which the City must function in dealing with land use regulations that may impact persons with disabilities.

As you may be aware, the City is in the process of making changes to its Zoning Code to deal with group homes and other, similar facilities. Here is a link to the City's web page pertaining to this undertaking: <http://www.scottsdaleaz.gov/codes/care-homes> The City welcomes your participation in this process.

The email from the Governor's Office of Constituent Affairs references frustration on your part with some failure on the City's part to enforce its zoning regulations. It was unclear to me if you had expressed such frustration, or if that was just something inferred by the writer of that email. In any event, if there is some zoning regulation that you believe the City has failed to enforce and you want to provide us with the situation where you understand that to have occurred the City can review the matter and address your concern.

Again, thank you for bringing your concerns to the City's attention. I hope the information in this email will be of some assistance.

Bruce Washburn

City Attorney

City of Scottsdale

(480) 312-2405

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From: Alexia Shonteff [alexia.shonteff@gmail.com]

Sent: Tuesday, May 23, 2017 3:22 PM

To: Lane, Jim; City Council; mayor.stanton@phoenix.gov; council.district.1@phoenix.gov; council.district.2@phoenix.gov; Council District 3 PCC; council.district.4@phoenix.gov; council.district.5@phoenix.gov; council.district.6@phoenix.gov; council.district.7@phoenix.gov; council.district.8@phoenix.gov; Stephanie N Lieb; Darcy Kober; Sandra Hoffman; Tricia

Gomes; Alan Stephenson; Paul M. Li

Subject: Fwd: Response from the Office of the Governor

Dear Mayor Lane and All Council Members and City of Phoenix,

I contacted Governor Ducey's office to find out what legal authority the State of Arizona is using to NOT regulate "sober living homes" as all other group homes are regulated- please review the response I received above.

Clearly, from the response, the Governor's office is claiming "sober living homes" are NOT group homes, rather they are and I quote "a temporary residency for recovering addicts" - so given this is the case, why is the City of Phoenix and City of Scottsdale allowing/legitimizing these places to reside in a single family zoning area by adding them into the zoning guidelines?

I look forward to hearing from someone.

Thank you.

Alexia Shonteff, PhD

----- Forwarded message -----

From: <engage@az.gov>

Date: Tue, May 23, 2017 at 2:52 PM

Subject: Response from the Office of the Governor

To: alexiasonteff@gmail.com

May 23, 2017

Dr. Alexia Shonteff
5526 E Wethersfield Rd
Scottsdale, AZ 85254-4232

Dear Dr. Shonteff,

The Arizona Department of Health Services does not have the authority to oversee or regulate sober living homes as there is no law requiring them to do so. This might be due in part to the fact that no medical treatment or health care is provided at these homes; they simply act as a temporary residency for recovering addicts.

As mentioned in the previous email, oversight powers were given to the cities and counties in a bill passed last year. If the City of Scottsdale has in place zoning laws prohibiting these types of homes in certain neighborhoods, then it is up to the City of Scottsdale to enforce those rules. We encourage you to contact the Scottsdale Mayor and City Council to share your frustrations with the Planning and Zoning Department with regards to the lack of enforcement. For your convenience, we have provided contact information below:

Mayor Jim Lane

3939 N. Drinkwater Blvd.

Scottsdale, AZ 85251

Phone: 480-312-2433

Email: jlane@scottsdaleaz.gov

City Council Offices

3939 N. Drinkwater Blvd.

Scottsdale, AZ 85251

Phone: 480-312-2550

Email: citycouncil@scottsdaleaz.gov

Thank you for contacting the Governor's Office.

Laddie G. Shane
Director, Office of Constituent Affairs
Arizona Governor Douglas A. Ducey

Bloemberg, Greg

From: Advanced Care Homes <admin@advancedcarehomes.com>
Sent: Wednesday, May 31, 2017 11:05 PM
To: Bloemberg, Greg
Cc: Curtis, Tim; Grant, Randy
Subject: Long Term Care Information

I've been gathering some info for you guys by speaking with individuals in LTC Insurance (who more prudent of a future care predictor?) and have gotten mixed opinions and reports, but these two resources seems to have consensus in terms of legitimacy.

LongTermCare.gov has lots of data on Long-Term Care utilization trends.

"In the 2000, almost **10 million people** needed some form of long-term care. in the United States. Of this population, 3.6 million (37%) were under age **65** and 6 million (63%) were over age **65** (Roger & Komisar, 2003). Almost **70%** of people turning age**65** will need long-term care at some point in their lives."

And then the GenWorth website has a cost of care prediction tool as well, see here:

<https://www.genworth.com/about-us/industry-expertise/cost-of-care.html>

An interesting article from a fairly reputable source that covers the broader problem of need for care and cost increases is here from Heritage Foundation.

<http://www.heritage.org/health-care-reform/report/the-long-term-care-financing-crisis>

Its long but to give you an idea of what they predict, heres a quote from the conclusion:

"A massive wave of 77 million baby boomers is now entering retirement. Advancements in medical technology have increased the life expectancy of these Americans. Faced with a huge population that is living longer, America will experience a sizable future need for long-term care services and potentially exploding public and private costs.

As in every other phase of their lives, the baby boomers can be expected to redefine retirement and aging. For this redefinition to lead to responsible decisions rather than passing unfunded programs and personal debts onto future generations, that redefinition will require reconsidering the funding mechanisms and the process of care delivery. For a productive conversation to take place over the future of LTC, **policymakers must raise awareness of these issues and reexamine how to ensure that LTC is available and affordable to the millions of Americans who will need it.** This cannot be accomplished by turning first to the government and taxpayers. Without a serious plan to expand personal responsibility among Americans for their future care needs, a strong safety net for the truly needy hit with extraordinary care needs will be imperiled. Without efforts to trigger innovative new approaches to care, LTC will become increasingly unaffordable.

Policymakers need to move swiftly to reexamine the current system of long-term care as well as the financial implications of the failure to address them so far. The task is nothing less than ensuring that tomorrow's retirees have access to the high quality care they require without bankrupting future generations."

Now obviously we're talking City Planning specifically, not legislating CMS reform but nonetheless its an issue with many angles that all affect outcomes in enormous ways, hence the importance of a holistic policy approach and the need to keep in mind the future of our Baby Boomers with each law passed, such as the zoning amendment.

Waiting on feedback from a few more individuals and will forward what I get as I receive it.

Regards,

Aaron Waldman

Founder and President at

Advanced Care Homes

Admin@AdvancedCareHomes.com

Direct Line (831)915-9611

AdvancedCareHomes.com

Bloemberg, Greg

From: Diana Kaminski <dianakaminski@cox.net>
Sent: Thursday, June 08, 2017 10:37 PM
To: Bloemberg, Greg
Subject: Care Homes/Group Homes City-Wide Text Amendment

Greg,
Because of my job I would appreciate if I had the ability to provide input on the care home text amendment without my name, so that I may participate as a resident/citizen and not be publicly identified for providing input. My comments are not reflective of my employer, but could be perceived as such by people who know me from work. I have my own personal concerns and experiences with this issue. What is the best mechanism for me to participate?

I will be out of town 6/10-6/17, and I do not know if I can come to the open house, but would like to take the time to provide meaningful input.

I'm fairly familiar with the issues and federal/state regulations, and have a growing concern about the commercial enterprise of treatment in residential neighborhoods. I think there are great opportunities for these types of facilities, but we need careful text language to prevent what has happened in other communities. There is a home in Mesa with 10 registered sex offenders in one house on a cul de sac. What do you think the home value is for the adjacent houses, should they ever try to sell, and someone looks up who the neighbors are on line? (10 or 6, would that matter, it is a cluster). The residents are persons with addictions, legally complying with registration requirements, highly susceptible to recidivism, and now, living next door to existing neighbors who had no choice in who moved in next door. This is only one example. Let me know how I can provide feedback.

Thank you,
diana

**Uncompleted Plans Report
(Plans For MCCLAY DORIS Only)(ALL - Excluding Administrative) for 9/18/2017**

PLAN NUMBER	PROJECT NAME	PROJECT TYPE	TOTAL SQ FT	SUBMIT DATE	REVIEW TYPE	#	REVIEWER	DATE OUT	LOCATION	STANDARD DUE DATE	MID POINT	UPDATED DUE DATE
748-17-1	Muze Town Homes (aka 70th & Earll Townhomes	MULTI-FAMILY	20320	8/29/2017	PLANNING	2	MCCLAY DORIS		IN DEPT	9/19/2017	9/8/2017	
748-17-2	MUZE TOWN HOMES (AKA 70TH & EARLL TOWNHOMES	IMPROVEMENT PLANS	0	8/29/2017	PLANNING	2	MCCLAY DORIS		IN DEPT	9/19/2017	9/8/2017	
748-17-3	Muze Town Homes (aka 70th & Earll Townhomes	CONDOMINIUM PLAT	0	8/29/2017	PLANNING	2	MCCLAY DORIS	9/14/2017	IN REVIEW	9/19/2017	9/8/2017	
4888-17	Main Street Real Estate Advisors	SIGNS - PERMANENT	0	9/14/2017	PLANNING	1	MCCLAY DORIS		IN DEPT	9/21/2017	9/17/2017	09/21/2017DIGITAL
4915-17	Sierra Charlie Aviation	SIGNS - PERMANENT	0	9/14/2017	PLANNING	1	MCCLAY DORIS		IN DEPT	9/21/2017	9/17/2017	09/21/2017DIGITAL
4700-17	SCOTTSDALE MOUNTAIN ESTATES UNIT ONE PARCEL A	IMPROVEMENT PLANS	0	9/5/2017	PLANNING	1	MCCLAY DORIS		IN DEPT	9/26/2017	9/15/2017	
4700-17-1	SCOTTSDALE MOUNTAIN ESTATES UNIT ONE PARCEL A	NATIVE PLANT FIELD	0	9/5/2017	PLANNING	1	MCCLAY DORIS		IN DEPT	9/26/2017	9/15/2017	
185-16-13	WHITE HORSE	NATIVE PLANT FIELD	0	9/5/2017	PLANNING	1	MCCLAY DORIS		IN DEPT	9/26/2017	9/15/2017	
424-17-2	PANERA SCOTTSDALE REVISIONS	IMPROVEMENT PLANS	0	9/5/2017	PLANNING	1	MCCLAY DORIS		IN DEPT	9/26/2017	9/15/2017	
4736-17	Beck Residence	SFR - CUSTOM/SUBD	10411	9/6/2017	PLANNING	1	MCCLAY DORIS		IN DEPT	9/27/2017	9/16/2017	
1582-17-1	1654 Wingspan	SFR - CUSTOM/SUBD	10142	9/7/2017	PLANNING	1	MCCLAY DORIS		IN DEPT	9/28/2017	9/17/2017	09/28/2017DIGITAL
3696-17	ATALON LOT 31 SITE PLAN	SITE REVIEW ONLY	0	9/11/2017	PLANNING	2	MCCLAY DORIS		IN DEPT	10/2/2017	9/21/2017	10/02/2017DIGITAL
4882-17	SIERRA BLOOM	IMPROVEMENT PLANS	0	9/13/2017	PLANNING	1	MCCLAY DORIS		IN DEPT	10/4/2017	9/23/2017	

Number of Plans = 13

Bloemberg, Greg

From: meghan liggett <meghanliggett@gmail.com>
Sent: Monday, June 12, 2017 1:10 PM
Cc: Kris Muretta; Leanna Lupea; Leigh Anne Odinet; Len Levy; Lesley Gibbs; Linda & Ray Good; Lisa Andrews; Marcia Ianacone; Marian & Mark Jensen; Mark Hopp; Mark Lewis; Mary Kay Marino; Melody McKary; Michelle Siwek; Mike Messer; Morley & Linda Meredith; Nancy Mangieri; Ofelia Catuna; P.K. Fields; Pat & Dennis Eckel; Patrick Chapin; Patrick Moraca; R. Stamo; Richard & Judy Pollick; Richard & Kris Orestad; Richard Elton; Richard Ernst; Robert McClure; Robert Wilson; Rodica Nicula; Rosemary Bailey; Scott Fischer; Shanell Grozav; Sherry Romer; Simon Grozav; Stephen Murkowicz; Steven Friedland; Sue Broggi; Susan Archer; Susan Grozav; Susan Pack; Susan Raymond; Susan Wood; Tammy Pefanis; Bloemberg, Greg; Thom Corrigan; Tim & Nina Selling; Tim Fitzpatrick; Tim Westbrook; Tom Fay; Valerie Nelson; Vern Johnson; Voss & Diana Speros; Wendy & Paul Laver; Yesenia Figueroa-Diaz; Grant, Randy; Curtis, Tim; Weiss, Kit; Hardy, Wendy
Subject: Sober Living Homes

Hi everyone,

You do not know me, but I, like you have an issue with group homes in our neighborhood. The sober living home that is next door to me IS IN VIOLATION of one of the only rules right now there is, it is located too close to another group home. I was able to get a notice of violation written to them and they were supposed to have 30 days to correct it (which would mean shutting down). Instead of complying, their lawyer sent a letter to the City threatening to sue them.

Please sign my petition to help make our voices heard that we want our laws enforced. NO ONE should be able to pick and choose what rules they are going to follow.

Our goal is to reach 100 signatures and we need more support. You can read more and sign the petition here:

https://www.change.org/p/city-of-scottsdale-city-council-enforce-zoning-code-for-adult-care-homes-in-scottsdale-az?recruiter=733010201&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition

Thank you and I am sure I will be seeing everyone at the Open House on the 29th.

Meghan Liggett
Citizen of Scottsdale

Bloemberg, Greg

From: meghan liggett <meghanliggett@gmail.com>
Sent: Tuesday, June 13, 2017 10:58 AM
To: Washburn, Bruce
Cc: Thompson, Jim; Littlefield, Kathy; Santaella, Luis; Grant, Randy; Boomsma, Patricia; Bloemberg, Greg; Keagy, Raun; Alvarez, Mario; Lane, Jim
Subject: Re: Sober Living Home Notice of Violation

Mr Washburn,

Thank you for taking the time to consult on this matter and reassure me that concern of litigation will not be a deciding factor as to whether or not to proceed. I was taken aback on the abruptness and dismissiveness I received when I called your office. However, no apologies are needed but the explanation is appreciated.

As I am sure you are aware, the concern with this Sober Living Home (Adult Care Home) is its proximity to another type of facility. It seems that everyone wants to be cautious of the ADA and FHA and protect the rights of the disabled person. I agree. The reason these homes are allowed in our neighborhoods is to give the disabled person a chance to live in a "normal" residential surrounding. To achieve the goals of normalization and community integration, Adult Care Homes should be scattered throughout all residential districts instead of being concentrated together. The impact of not enforcing the current distance requirements will change the character of single-family neighborhoods and will affect their recovery. The "normal" residential neighborhood could in turn be turned into an institutional environment and defeat the purpose of community-based care. In essence the way to protect this group of people is by giving them the opportunity to be surrounded by people that are different from them, not the same and enforcing this rule.

How can I follow up on this matter and what your office will proceed to do? Obviously this one house is of immense concern to me, my family and my neighbors. There is a petition on [Change.org](https://www.change.org/p/enforce-zoning-code-for-adult-care-homes-in-scottsdale-az) to gain supporters on this issue and to serve as a reminder that this case is very important to many people.

<https://www.change.org/p/enforce-zoning-code-for-adult-care-homes-in-scottsdale-az>

Thank you for your time and please let me know how to follow up on this specific matter in the future or if you will contact me.

Meghan Liggett
480-440-5066

On Jun 12, 2017, at 5:02 PM, Washburn, Bruce <bwashburn@scottsdaleaz.gov> wrote:

Ms. Liggett: Thank you for contacting the City about this matter. The letter you reference that was sent to the City by the attorney representing Alliance Sober Homes has only recently been received and is still under analysis. Since you have been attending the open houses I am sure you are aware that the regulation of residential facilities for the disabled is subject to extensive federal controls and restrictions, and the City is limited in what it can accomplish, either under the existing ordinance or after any changes to that ordinance that the Council may approve in the future. The decision on how to proceed with any enforcement action will be determined by the probability of

success in that enforcement action. It will not be determined based on whether or not litigation might ensue. That is always a possibility no matter what action the City might take.

I deeply regret that you felt like you were not treated courteously when you called to speak with Mr. Santaella, and I apologize to you for that having occurred. I have spoken with Senior Assistant City Attorney Santaella, and the message he intended to convey to you was that there was not a matter pending in which he was involved so Code Enforcement was the correct department for you to talk to as it was still at the stage where they were handling the matter. He also wanted to convey to you that to the extent you might have legal questions about what you personally could do about sober homes he could not give you legal advice in response to those questions. He certainly meant no disrespect, and, again, I sincerely apologize for how this came across to you.

Bruce Washburn

City Attorney
City of Scottsdale
(480) 312-2405

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From: Littlefield, Kathy
Sent: Monday, June 12, 2017 2:40 PM
To: meghan liggett
Cc: Washburn, Bruce; Thompson, Jim
Subject: RE: Sober Living Home Notice of Violation

Meghan:

Thank you for your email.

The issue of the Sober Living Homes is indeed a difficult one for Cities...we must abide within the State laws as their jurisdiction takes precedent over city law. City Staff is working on what our legal options are and how we can best craft a ruling that protects our citizens and neighborhoods. Hopefully this will come back before us sometime this coming year for discussion and direction by Council. There have been many concerned citizens regarding this issue with concerns similar to your own.

I am concerned you were treated so rudely by a member of our legal staff. It is true the lawyers on staff represent the City and its interests in all cases that go before the Courts. However, the citizens make up the major part of our City and should be listened to and their comments considered with respect. Your comments were not part of a court case. Therefore, I am copying Mr. Bruce Washburn, our City Attorney, on this reply so he can respond to your concerns directly.

Councilwoman Kathy Littlefield

From: meghan liggett [meghanliggett@gmail.com]
Sent: Monday, June 12, 2017 12:01 PM

To: Littlefield, Kathy
Subject: Sober Living Home Notice of Violation

Councilwoman Littlefield,

Thank you for taking the time to read this email. Right now it is very easy for me to feel as if I do not matter.

I have a sober living home that is right next door to me and my family, including two little girls 2yr and 4yr. We scraped together our savings to buy this home because the schools are the best and the land will give the girls lots of room to run and play and be children. Even though the house is a fixer upper, and it was at the top of our budget and we were so excited to find something in such a great location that we could buy.

We thought that we had found our forever home until months later we met the neighbors. They are a Sober Living home. I am not against sober homes, I think they are needed, but we already have an assisted living facility within 420' of the sober home. Too many of these non-family houses turns a community into a business park, not a neighborhood.

I have been dealing with our local code enforcement official, Mario Alvarez, and with the instruction and wording from his supervisor Michael Ritter, a notice of violation was issued (Complaint Number 285457). Since the two facilities (Sunrise Care Homes 11002 N 66th St-est. 2004) and (Alliance Sober Homes 10857 N 64th ST- est. 2017) are within 420' from each other I was told that they are in violation of 5.202.A.

I called Mr Alvarez today to find out the status of the NOV and he informed me that Alliance Sober Living Homes lawyer has sent a letter stating that the NOV violates the Fair Housing Act. I tried calling the attorney at legal that is handling this case (Luis Santaella) to express to him that this case matters to someone. I was told that he does not represent me and will not speak to me on the phone.

I am concerned that when our municipality is threatened with a lawsuit that we will just back down.

I am concerned about what precedence that would set. Shouldn't our City zoning codes have to be followed?

I am concerned that at this moment the only rules these types of facilities have to follow is the distance and without it, another one could open up on the other side of us and behind us and across the street from us.

I am concerned that me, just a regular citizen, does not matter when there is a threat of a lawsuit.

I have been active in the open houses for the text amendment for the Sober Homes. I have spoken with Greg Blomberg and Randy Grant. I have spoken with the mayors office. I have spoken to everyone I can think of. I don't want to be pushed aside and I want my rights as a law abiding citizen of Scottsdale to be enforced. Can you help me?

Thank you again Councilwoman Littlefield for reading this. I appreciate that.

Meghan Liggett

480-440-5066
10841 N 64th St
Scottsdale, AZ 85254

Bloemberg, Greg

From: Josh Ursu <joshursu@yahoo.com>
Sent: Tuesday, June 20, 2017 4:41 PM
To: Bloemberg, Greg
Cc: Grant, Randy; Curtis, Tim; Weiss, Kit; Hardy, Wendy
Subject: Group home amendment

Hi Greg,

Regarding the proposed amendment, it appears that the "sober homes" have been the biggest concern to our city residents. I am a 20 year resident of Scottsdale and own 3 properties in the city.

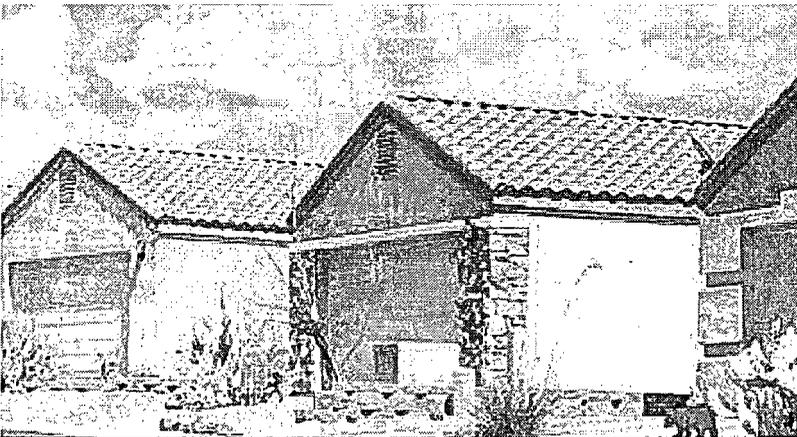
Why not follow the state's AZ Department of Health licensing distinction between "Residential Assisted living homes" and "Behavioral Health" facilities to regulate the facility types differently.

Sober homes are regulated under Behavioral Health rules.

Assisted living homes for the elderly are regulated under the Residential Assisted living home rules.

See this link from AZDHS:

[AZDHS | Residential Facilities Licensing](#)



AZDHS | Residential Facilities Licensing

Assisted Living and Behavioral Health Services
Providers.

Sober homes potentially have a much higher impact on a neighborhood than assisted living homes do - with drugs, alcohol, and other behavioral issues which assisted living homes do not deal with.

Reducing maximum residents from 10 to anything less will make this type of housing unavailable in our city and we strongly oppose this proposed change.

If it is absolutely necessary to further regulate these homes, I would suggest those regulations be targeted at sober homes as licensed by the state as Behavioral Health facilities and not assisted living homes, which are separately regulated.

This option could easily be justified by simply changing the city ordinance to target Behavioral Health facilities as defined by the AZ Department of Health Services.

If you have any questions, please let me know.

Thanks,
Josh Ursu
480 682-7467
10338 E Running Deer Trail
Scottsdale, AZ 85262

Bloemberg, Greg

From: Donna Sweeney <j-dsweeney@cox.net>
Sent: Tuesday, June 27, 2017 8:57 PM
To: Bloemberg, Greg
Cc: Donna Sweeney
Subject: Sober Living articles

Greg,

Thank you so much for your time on the phone today. I will put together an email to you with my comments and concerns for your record. In the meantime, here are those articles regarding the situation PV that I was telling of about. They are fighting on the point that this is a business which is our argument also. I understand that they have different regulations but it makes for interesting reading.

<https://www.google.com/amp/paradisevalleyindependent.com/news/neighbors-raise-concerns-over-sunnyvale-sober-home-proposal-in-paradise-valley/amp/>

<http://www.azfamily.com/story/35678662/neighbors-pushing-back-on-potential-rehab-center-next-door>

Thank you again,

Donna Sweeney
(480) 720-4496

Bloemberg, Greg

From: Nicole Morong <Nicole.Morong@azdhs.gov>
Sent: Monday, June 26, 2017 8:58 AM
To: Bloemberg, Greg
Cc: Harmony Duport
Subject: RE: follow-up to 6/5 meeting

Good morning Greg,

Sorry for the delay in our response! I wanted to make sure that I took some time to answer your questions as best and as complete as possible. Thank you again for having us out there.

In response to the questions you sent, I hope the following answers provide some clarification:

1. Would on-site injections of prescription medication be considered medical, health-related, or supervisory care services and subject the home to a licensing requirement?
Onsite medication administration would be a licensable health-related service. The definition of medication administration can be found in our regulations, A.A.C. R9-10-101(120)
120. "Medication administration" means restricting a patient's access to the patient's medication and providing the medication to the patient or applying the medication to the patient's body, as ordered by a medical practitioner.
2. If prescription medication (such as anabuse or methadone) is kept in a locked area and dispensed by staff, would this be considered medical, health-related, or supervisory care services and subject the home to a licensing requirement?
Prescription medications kept by a facility and either administered or assistance in the self-assistance in medication was provided, would also be a licensable health-related service.
3. If a recovering addict's medication is restricted (such as in a locked cabinet) and staff monitors/supervises the recovering addict's consumption of that medication, would this qualify as "assistance in the self-administration of medication"?
Yes, it would. The definition of assistance in the self-administration of medication can be found in our regulations, A.A.C. R9-10-101(17)
17. "Assistance in the self-administration of medication" means restricting a patient's access to the patient's medication and providing support to the patient while the patient takes the medication to ensure that the medication is taken as ordered.
4. If behavioral counseling is provided to residents in a recovery house who need such treatment to remain sober, would that recovery house be a "behavioral health residential facility"?
The answer depends. If counseling is provided to the residents in the home by or on the behalf of the company/owner/facility, then they would be providing licensable services and most likely would be a behavioral health residential facility.
5. If a recovery home is set up with staff who assists residents in acquiring living skills needed for re-entry into society, coordinates transportation to scheduled appointments, monitors behaviors, assists in the self-administration of medication, and provides feedback to a case manager, would this home be an "adult behavioral health therapeutic home"? What if some but not all of these services are present?
It could be a behavioral health residential home or an adult behavioral health therapeutic home or a behavioral health respite home. An adult behavioral health therapeutic home and behavioral health respite home is run out of a personal residence, can have no more than three residents, and they have a contract with a collaborating healthcare institution to provide oversight and monitor the services provided.

Substance abuse transitional facilities and unclassified healthcare institutions are a subclass that is regulated by our Bureau of Medical Facilities Licensing, and unfortunately I do not have the background or knowledge to be able to give a sufficient answer to those questions. But, I can connect you to our team over there, their number is (602)364-3030.

Let us know if this clarified what you needed for your upcoming City Council meeting.

Nicole R. Morong

State Licensing Team Leader
Arizona Department of Health Services
Public Health Licensing Services
Bureau of Residential Facilities Licensing
150 N. 18th Ave, Suite 420, Phoenix, AZ 85007
Direct (602) 364-2639
Fax (602) 324-5872
Email Nicole.Morong@azdhs.gov
<http://www.azdhs.gov/als/residential/>
Health and Wellness for all Arizonans

From: Bloemberg, Greg [mailto:GBLO@Scottsdaleaz.gov]
Sent: Monday, June 19, 2017 9:47 AM
To: Nicole Morong
Cc: Harmony Duport
Subject: follow-up to 6/5 meeting
Importance: High

Good morning, Nicole.

Not sure if you got my last email, but there's still a few things we are not entirely clear on.....so I was hoping you might be available for a follow-up meeting with us. We will be updating our City Council on 7/6, so if you are available, it would be ideal to have the meeting prior to the July 4th holiday weekend.

Let me know.

Thanks!!

Greg Bloemberg

Senior Planner

Current Planning

City of Scottsdale

e-mail: gbloemberg@scottsdaleaz.gov

phone: 480-312-4306

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Bloemberg, Greg

From: Pmooo <pmooo@cox.net>
Sent: Tuesday, July 04, 2017 4:07 PM
To: Bloemberg, Greg
Cc: Grant, Randy; Washburn, Bruce
Subject: Re: Adult care facilities meeting-June 29th

Greg,

Here is another link to an in depth article about the practices of Sober Homes, insurance fraud and how they are operating in Florida. One lady at the last open house meeting you hosted appeared to stump everyone about her description of "day spa sober homes" popping up in her neighborhood and the people being driven in with multiple van loads per day.

The article paragraph that starts out "*A fleet of unmarked white vans—nicknamed “druggie buggies”*—directly describes what she is experiencing in her neighborhood and it appears the business practice is already being imported from Florida to Scottsdale. Sober homes are clearly businesses and not about family unit living. It is clear the fair housing act is being overtly abused and used as cover by many of these businesses to engage in fraud.

In Palm Beach County, where "sober homes" trap addicts and scam insurance companies, the cure is as bad as the disease. [Read the full story](#)

Thanks,
Pat Moraca

Sent from my iPad

On Jun 30, 2017, at 9:43 AM, Bloemberg, Greg <GBLO@Scottsdaleaz.gov> wrote:

Patrick,

Thank you for the information, and your continued participation.

Greg Bloemberg
Senior Planner
Current Planning
City of Scottsdale
e-mail: gbloemberg@scottsdaleaz.gov
phone: 480-312-4506

From: Pmooo [<mailto:pmooo@cox.net>]
Sent: Thursday, June 29, 2017 9:42 PM
To: Bloemberg, Greg; Grant, Randy; Washburn, Bruce
Subject: Adult care facilities meeting-June 29th

Greg/Randy,

Thanks for all your work with the issues surrounding Sober Homes. It was mentioned during the meeting about a Sober Homes story on national tv. I encourage you and anyone else in the decision tree to watch the video link below about Florida Homes that is about to flood Arizona. Let's not make the same mistakes as Florida when considering how to deal with licensing or writing code relating to Sober Homes. I did not have Wendy's email but she also appeared interested in the story in our discussion following the meeting if you could also forward it to her.

Florida's Billion-Dollar Drug Treatment Industry Is Plagued by Overdoses, Fraud - NBC News

<http://www.nbcnews.com/feature/megyn-kelly/florida-s-billion-dollar-drug-treatment-industry-plagued-overdoses-fraud-n773376>

I failed to make the point when I was called on during the meeting that everyone has stuck like glue to the example in the fair housing legislation and documentation about how a municipality can for EXAMPLE limit a family to 6 individuals. However, fair housing documentation clearly and directly talks at length about needing to maintain character of neighborhoods as part of the recovery process, integration back into functioning society and prevention of institutionalizing neighborhoods. It is recommended that the weight of character and institutionalization of neighborhoods be given the appropriate significant weight that the act clearly requires. For example the expansion of an existing property outside the typical or maximum number of bedrooms found in a subdivision for the purposes of expanding sober home residences directly institutionalizes the subdivision and changes the character of the subdivision.

As a reminder following the meeting per our discussion the attorney Steven G. Polin representing Alliance Sober Homes at 10857 N 64th Street is not licensed in the state of Arizona and is dispensing legal advise to Alliance Sober Homes and directly contacting the city on their behalf. This is in direct violation of ARS, annotated Rule 31 Part (b) Regulation of the Practice of Law.

Thanks,
Patrick Moraca

Sent from my iPad

Bloemberg, Greg

From: L. Fitzhugh <neighborhoodwire@gmail.com>
Sent: Friday, July 07, 2017 9:01 AM
To: neighborhoodwire
Subject: Palm Beach, Florida Sober Home Task Force score: One-fourth already have pleaded guilty

<http://www.palmbeachpost.com/news/sober-home-task-force-score-one-fourth-already-have-pleaded-guilty/gnvqc8ZCDTwXC9A0KtdOnM/>

Palm Beach, Florida

Palm Beach Post

Sober Home Task Force score: One-fourth already have pleaded guilty

local

By Christine Stapleton - Palm Beach Post Staff Writer



Bruce R. Bennett The Palm Beach County Sober Home Task force conducted a raid at Palm Beach Recovery & Wellness, a drug treatment center at 6600 S. Dixie Highway in West Palm Beach, Wednesday, March 1, 2017. (Bruce R. Bennett / The Palm Beach Post)

Posted: 7:00 a.m. **Saturday, July 01, 2017**

In the past eight months, the **Palm Beach County Sober Home Task Force** has arrested and charged 28 owners and operators of drug treatment centers and sober homes with buying and selling insured addicts.

Already, seven have pleaded guilty. Court records of these cases reveal prosecutors' strategy: Allow defendants to avoid felony convictions if they agree to expose other bad operators and testify against them. If they successfully complete between 18 and 36 months of probation, they will have no felony record.

»Latest stories on sober homes and addiction treatment



+ **State Attorney Dave Aronberg speaks to members of the media during a news conference at the State Attorney's Office in West ... read more**

The strategy appears to be working. Palm Beach County State Attorney Dave Aronberg, who created the task force, has promised more arrests.

“We’re closer to the beginning than the end,” Aronberg said of the investigation by the task force, which includes police, inspectors and agents from a dozen state and federal agencies. While the task force works on more arrests, Aronberg’s prosecutors are now faced with taking those already arrested to court.

»How the scams work

Many of those who have not pleaded are treatment center owners and other major players — some facing dozens of counts of patient brokering. Some have hired heavy-hitting, high-priced lawyers. It is not yet known how many of those cases — if any — will proceed to trial.

To convict a treatment provider of patient brokering, prosecutors must prove that the provider offered or paid “any commission, bonus, rebate, kickback, or bribe, directly or indirectly, in cash or in kind,” for the referral of patients. Those who participate in patient-brokering schemes are guilty of a slightly different charge: aiding patient brokering. Patient brokering is a third-degree felony. Aiding patient brokering is a first-degree misdemeanor.

Twenty-two of the arrests so far stem from alleged patient brokering at two Palm Beach County treatment centers: Whole Life Recovery and Chapters Recovery, formerly known as Good Future Recovery. The list below groups those arrested by their affiliated treatment center. Information used to compile this list comes from police and court records.

Whole Life Recovery



+
James Kigar

James Kigar

Arrested Oct. 25 on 95 counts of patient brokering.

Kigar, 56, of Boca Raton, was the first person arrested by the Palm Beach County Sober Home Task Force. As owner of Whole Life Recovery Treatment Center in Boynton Beach, prosecutors say Kigar ginned up business by paying sober home operators to send him their residents for outpatient treatment. The payments were labeled as “case-management fees.”

Pleaded not guilty. Case pending.

»Boynton Beach addiction treatment center’s CEO and operator arrested



+
Christopher Hutson

Christopher Hutson

Arrested Oct. 25 on six counts of patient brokering.

Hutson, 37, of West Palm Beach, worked at Kigar’s Whole Life Recovery Treatment Center, where he handled payments and contracts with patient brokers, according to a police report. Hutson’s criminal record includes a 2012 conviction for fraud for his role in a \$40 million pill mill empire operated by Wellington brothers Christopher and Jeff George. According to court records, Hutson ran an illegal internet steroid business and sold steroids on behalf of Jeff George.

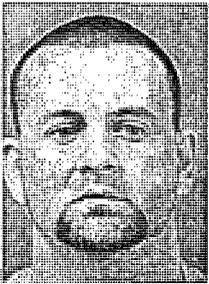
Pleaded not guilty. Case pending.

»Sober home task force arrests two Boynton Beach operators



+
Bryan Norquist

Bryan Norquist and Patrick Norquist



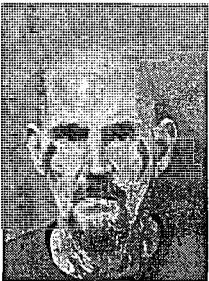
+
Patrick Norquist

Arrested Nov. 17 and Nov. 18 on 16 counts of aiding patient brokering. Prosecutors are pursuing 7 counts against Eric and 12 counts against Patrick.

Norquist, 26, of Boynton Beach and his brother Patrick, 32, of Delray Beach, are charged with brokering patients from their Delray Beach sober home, The Halfway House, to Whole Life Recovery.

Both have pleaded not guilty. Cases pending.

»Third sober home official arrested on patient brokering charges



+
John Dudek

John Dudek

Arrested Nov. 17 and Feb. 26 on 39 counts of aiding patient brokering.

John Dudek, a 55-year-old tattoo artist from Delray Beach, has been arrested twice on aiding patient brokering charges. In both cases, Dudek received \$450 for each addict with insurance that he enrolled from his sober home, Southern Palms Oasis to Whole Life Recovery.

Dudek pleaded guilty to 13 counts of aiding patient brokering on June 16 and was sentenced to three years of probation. He must also pay a \$5,000 fine. As part of his plea deal, Dudek agreed to aid and testify in cases brought by the Sober Home Task Force. He cannot work in the drug treatment industry and may not discuss cases with others facing charges from Whole Life Recovery and Chapters, formerly doing business as Good Future Recovery. Dudek also must provide two DNA samples. He will not have a felony conviction if he successfully completes probation.

»Two sober home operators got kickbacks from treatment program, state says



+
Alex Vandervert

Alex Vandervert

Arrested Dec. 13 on four counts of aiding patient brokering.

Vandervert, 29, of Hollywood, received \$3,335 for residents from his Lake Worth sober home, Saje House, that he enrolled in Whole Life Recovery.

On April 19, he pleaded guilty to four counts of aiding patient brokering. Also, he must pay a \$11,000 fine and serve three years of probation. He must cooperate with investigators, testify if necessary and provide two DNA samples. Sober homes he may own or operate must be certified by the Florida Association of Recovery Residences. Vandervert will not have a felony conviction if he successfully completes probation.

»Lake Worth sober home owner charged with patient brokering



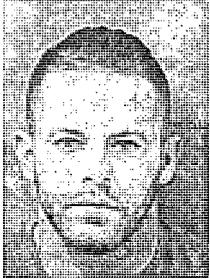
+
Ehab "Egypt" Iskander

Ehab "Egypt" Iskander

Arrested Nov. 22 on six counts of aiding patient brokering.

Iskander, 34, of Lake Worth, pleaded guilty on May 19 to six counts of brokering residents from his sober house, Integrity House, to Whole Life Recovery. He was sentenced to two years of probation and ordered to pay \$5,250 fine. Additional details of his plea deal are sealed.

»Fifth sober home arrest in six days



+
Howard James Fowler Jr.

Howard James Fowler Jr.

Arrested Nov. 21 on 14 counts of aiding patient brokering. Prosecutors pursued 7 charges.

Fowler, 27, of Boynton Beach, owned and operated Anchorage Sober Living in Delray Beach, and Limitless Consulting Solutions LLC. Fowler received kickbacks for brokering residents at his sober home to Whole Life Recovery, according to court records. The checks were signed by Kigar.

As part of a plea deal on Feb. 15, Fowler pleaded guilty to seven others. Fowler, who claimed on his Facebook page that he is a recovering addict, was sentenced to three years of probation and a \$15,000 fine. He will not have a felony conviction if he successfully completes probation.

»Man faces patient brokering charges



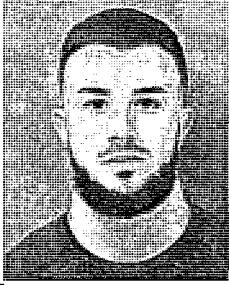
+
Amanda LaFrance

Amanda LaFrance

Arrested Dec. 2 on 8 counts of patient brokering and 5 counts of aiding patient brokering. As co-owner of Saved by Grace, a sober home in Delray Beach, LaFrance deposited \$6,750 in 13 checks from Whole Life Recovery for case-management services, according to court records.

LaFrance, 25, came to Florida several years ago for treatment, according to her mother. LaFrance pleaded guilty to four counts of patient brokering and one count of attempted patient brokering. She was sentenced to 18 months of probation and must cooperate with investigators. She will have no felony conviction if she successfully completes probation.

»Woman charged in sober home crackdown takes deal, avoids prison



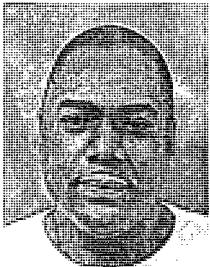
+
Anthony Tursi

Anthony Tursi

Arrested Dec. 16 on 13 counts of aiding patient brokering. Prosecutors pursued six counts.

Tursi, 30, of Boca Raton, pleaded guilty to six counts of aiding patient brokering on April 17 for accepting kickbacks for referring insured addicts from his sober home, Fellowship House, to Whole Life Recovery. Kigar signed many of the checks, according to court records. Tursi must serve two years of probation and pay a \$15,000 fine. Additional conditions of his bond were redacted from the court file.

»Operator of Boca Raton sober home faces patient brokering charges



+
Leonard Dobard

Leonard Dobard

Arrested Jan. 4 on 11 counts of aiding and attempting to aid patient brokering for enrolling residents living in his sober home, House of Chance, in Boynton Beach, in programs at Whole Life Recovery.

Dobard, 50, of Delray Beach, pleaded guilty on April 27 to nine counts of aiding patient brokering and two counts of attempted patient brokering. He was sentenced to three years of probation and ordered to pay a \$10,500 fine. He also must cooperate with investigators and is barred from working in the drug treatment industry. He will have no felony record if he successfully completes probation.

» 11th arrest made in sober home crackdown



+
Zarinah Hargrove

Zarinah Hargrove and Angela Weathersbee



+
Angela Weathersbee

Arrested May 17 . Both face 22 counts of patient brokering and aiding patient brokering.

Hargrove, 41, of West Palm Beach, owner of True Sober Living on Kirk Road, allegedly accepted 11 payments for referring clients to Whole Life Recovery. Weathersbee, 37, of Lake Worth, signed attendance forms used by Whole Life to determine the referral fees paid to True Sober Living, according to court records.

Both have pleaded not guilty. Cases pending.

»Sober home owner and manager accused of patient brokering

Chapter's Recovery/Good Future Recovery



+
Daniel Kandler

Daniel Kandler

Arrested Feb. 23 on 93 counts of aiding patient brokering and on May 11 for 5 counts of patient brokering. Prosecutors are pursuing 48 of the aiding patient brokering charges and the five patient brokering charges. .

Kandler, 41, was the owner of Chapters Recovery, formerly known as Good Future Recovery. According to the arrest report, Kandler paid \$325,000 to three sober home operators who enrolled residents living in their sober

homes in treatment programs at Chapters Recovery. In December, the Sober Home Task Force raided the business.

Kandler is also the owner of Impact Q Testing, a laboratory next to Chapters in Delray Beach. Police reports say that Kandler — along with co-owners David Remland and Mark Desimone — made payments to James Tomasso and others for urine samples from addicts at various treatment centers. Prosecutors filed five additional patient brokering charges against Kandler in May relating to business practices at his lab.

Pleaded not guilty. Case pending.

» Drug treatment CEO arrested on 93 counts of patient brokering

» Sober home task force makes 26th arrest: Takes aim at labs



+
David Remland

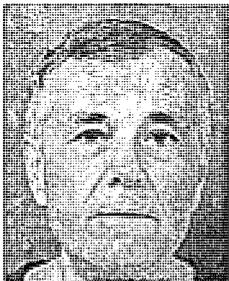
David Remland

Arrested May 10 on five counts of patient brokering.

Charges against Remland, 52, of Boca Raton, stem from his alleged involvement with his business partners, Kandler and Mark DeSimone at Chapters and Impact Q.

Pleaded not guilty. Case pending.

» Sober home task force makes 26th arrest: Takes aim at labs



+
Mark DeSimone

Mark DeSimone

Arrested May 11 on five counts of patient brokering.

State corporation records show DeSimone, 61, of Delray Beach, as the registered agent and manager of Good Future. Charges stem from his alleged involvement with his business partners, Kandler and Remland.

Pleaded not guilty. Case pending.

»Sober home task force makes 26th arrest: Takes aim at labs



+
Eric Lahr

Eric Lahr and Adam Lahr



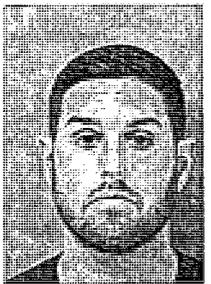
+
Adam Lahr

Both arrested Feb. 26 on 34 counts of aiding patient brokering. Prosecutors are pursuing 12 counts against Eric 29, and one count against 26-year-old Adam.

The brothers, owners of The Treatment Professionals, accepted 34 checks totaling \$185,904 for enrolling residents at their sober in treatment programs at Chapters Recovery, formerly Good Future Recovery, according to court records.

Both have pleaded not guilty. Cases pending.

»More sober home operators arrested.



+
Kristopher Bayne

Kristopher Bayne

Arrested Feb. 24 on 33 counts of aiding patient brokering. Prosecutors are pursuing 23 counts.

Bayne, 28, of Delray Beach, received checks from Good Future Recovery totaling \$94,225 for insured addicts from his sober home business, Guiding Light Properties, that he enrolled in the treatment program, according to court records.

Pleaded not guilty. Case pending.

» Sober arrests ratcheting up: Operator charge with taking kickbacks



+
Sarah Muhammad

Sarah Muhammad

Arrested June 15 on 35 counts of aiding patient brokering and one count of patient brokering.

Muhammad, 50, of Boca Raton, worked as the admissions director at Chapters Recovery, a substance-abuse treatment facility that also did business as Good Futures Recovery in Delray Beach. Over six months, Muhammad was connected to more than \$155,000 in referral fees to the Lahr brothers and Bayne for enrolling residents at their sober homes in treatment programs at Chapters Recovery.

Awaiting arraignment. Case pending.

» Admission director at Delray treatment center arrested



+
James Tomasso

James Tomasso

Arrest Feb. 8 on 21 counts of patient brokering and four counts of aiding patient brokering. Prosecutors are not pursuing the four counts of aiding patient brokering.

Tomasso, 57, is also the target of a forfeiture, filed by the Delray Beach Police Department, for \$61,881 found in his home during a search on Feb. 8. Tomasso, who was on federal probation and barred from the drug treatment business when he was arrested, paid more than \$68,000 to the operator of Infinity House sober home to enroll residents of Infinity House in Tomasso's treatment programs.

Tomasso operated Pathways 2 Recovery in Boca Raton, Inspirations Recovery in Greenacres and Acceptance Recovery Center in Delray Beach from the offices of Global Recovery Resources, another business owned by Tomasso.

Police reports say Tomasso also accepted payments from Kandler, Remland and Desimone for urine samples from addicts at various treatment centers.

Pleaded not guilty. Case pending.

»Boca treatment center owner charged with patient brokering



+
Dickie Taylor Dreher

Dickie Taylor Dreher

Arrested May 11 on nine counts of aiding patient brokering for accepting kickbacks from Tomasso for enrolling clients in Tomasso's treatment centers, according to police reports.

Dreher, 24, of Palm Beach Shores, is scheduled to accept a plea bargain at a court hearing on Aug. 10.

»Sober home task force makes 26th arrest: Takes aim at labs

Palm Beach Recovery and Wellness



+
Steve Johnson

Steve Johnson

Arrested March 1 on 48 counts of aiding patient brokering. Prosecutors are pursuing 46 charges.

Johnson, 45, a 1990 graduate of Wellington High School, paid referral fees to sober home operators to steer insured addicts to his treatment center, Palm Beach Recovery & Wellness in West Palm Beach. Johnson used a bank account from another company he operated, Reel Recovery, to pay referral fees to Alex Vandervert, according to court records. Vandervert pleaded guilty in April to brokering clients to Whole Life Recovery.

Pleaded not guilty. Case pending.

»Sober home task force raid nets 20th arrest

Hope Center for Recovery/Relapse Prevention



+
James Durkin

James and Jaclyn Durkin



+
Jaclyn Durkin

Arrested Feb. 9. James Durkin, 37, faces eight counts of forging checks. His wife, Jaclyn Durkin, 29, faces two counts of forging checks.

James Durkin operated Hope Center Recovery, which did business as Relapse Prevention in Boynton Beach. According to court records, the couple used the credentials of a doctor who did not work for them to file insurance claims. James Durkin forged the doctor's signature, according to court records. Jaclyn Durkin deposited two checks, according to court records. Her husband deposited others, for a combined total of \$37,487.

Both pleaded not guilty. Cases pending.

»Addiction treatment center raided: Husband and wife arrested

Epiphany Treatment Center



+
Robert "Bobby" Simeone

Robert “Bobby” Simeone

Arrested March 21 on 15 counts of aiding patient brokering.

Simeone, 46, a former Palm Beach County sheriff’s deputy who left to open Epiphany Treatment Center in West Palm Beach, paid referral fees to sober home operators for each insured addict they enrolled in Epiphany. Vandervert also aided investigators in the case against Steve Johnson.

Pleaded not guilty. Case pending.

»Former deputy and state house candidate faces patient brokering charges

Anastasia Way/London Treatment Center



+
Matthew Anderson

Matthew Anderson

Arrested May 10 on two counts of patient brokering.

Anderson, 38, offered free rent to residents of his West Palm Beach sober home, Anastasia’s Way, contingent on their attendance at London Treatment Center, also in West Palm Beach, court records show.

Pleaded not guilty. Case pending.

»Owner of West Palm Beach sober home accused of patient brokering

The Wellness Center of Palm Beach



+
Jayeshkumar Rameshander Dave

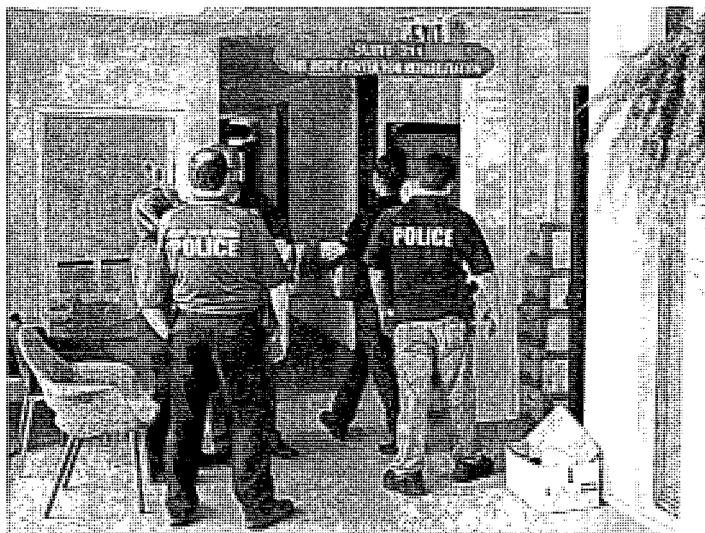
Jayeshkumar Rameshander Dave

Arrested June 27 on two counts of patient brokering.

Dave, 39, owner of The Wellness Center in West Palm Beach, required addicts living in his sober homes to enroll in his treatment program and also paid their rent and gave them cigarettes and gift cards, according to court records. Investigators obtained messages from Dave's Facebook account and found "countless pages of airline tickets," Uber rides and other services to entice addicts, according to court records.

Awaiting arraignment. Case pending.

»West Palm Beach treatment center owner charged with patient brokering



+ A raid was conducted at The Hope Center for Rehabilitation in Boynton Beach Thursday, February 9, 2017. (Bruce R. Bennett / [... read more](#))

What The Post reported

An two-year investigation by The Palm Beach Post's investigative team exposed widespread corruption in the county's billion-dollar addiction treatment industry, including insurance fraud, kickbacks and patient brokering. To read the investigation and continuing coverage, go to MyPalmBeachPost.com/soberhomes.

About the Author

CHRISTINE STAPLETON

-
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Bloemberg, Greg

From: L. Fitzhugh <neighborhoodwire@gmail.com>
Sent: Wednesday, July 19, 2017 10:23 AM
To: neighborhoodwire
Subject: Sober Living FLORIDA Delray and Boynton approve rules to regulate sober homes

July 19,2017
To: Arizona Stakeholders

From: L.Fitzhugh
Phoenix

Re: Sober Living Homes
Florida

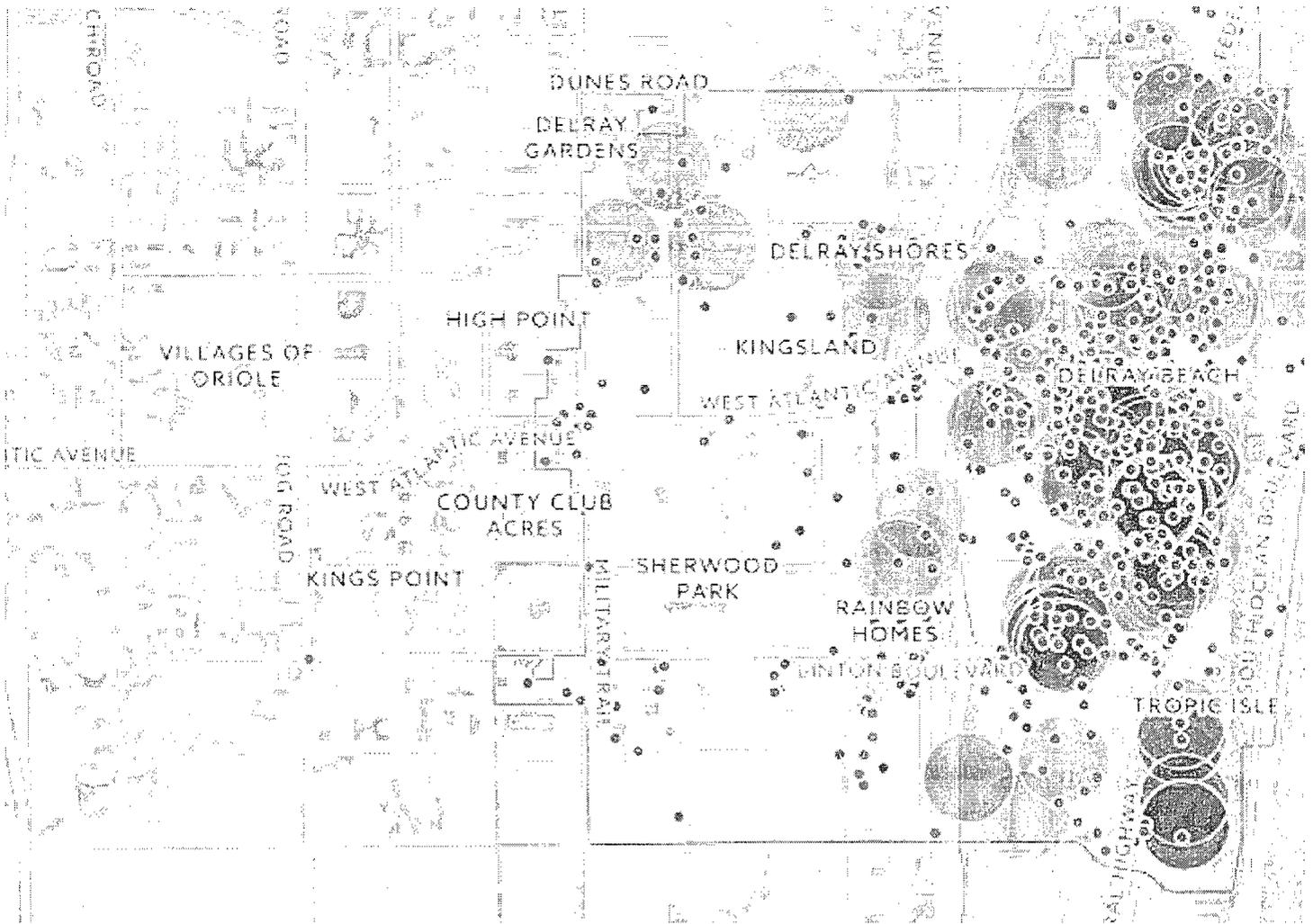
Delray Beach and Boynton Beach, Florida

<http://www.sun-sentinel.com/local/palm-beach/fl-pn-new-group-homes-rules-20170718-story.html>

July 18, 2017 10:50pm

Local News Palm Beach County News

Delray and Boynton approve rules to regulate sober homes



For the first time in Florida, the Sun Sentinel analyzed how frequently overdoses occurred near sober homes in one South Florida city.

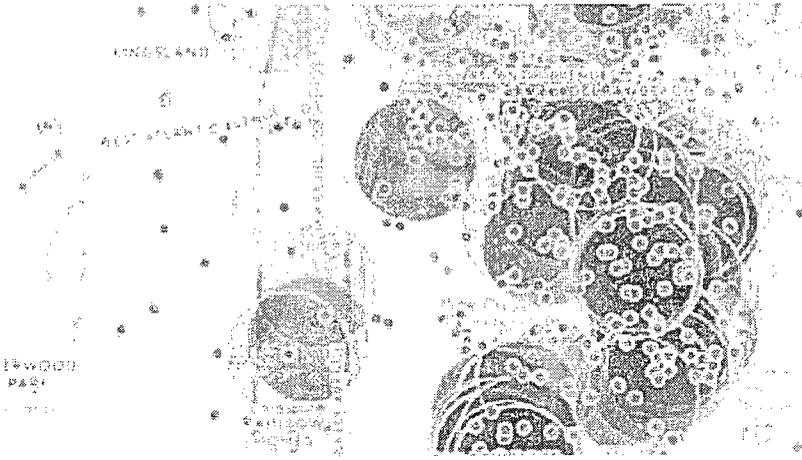
Brooke Baitinger and Ryan Van Velzer Contact Reporters Sun Sentinel

Delray Beach and Boynton Beach are ready to regulate sober homes and other types of community housing in response to the opioid crisis gripping South Florida and the rest of the country.

Delray and Boynton on Tuesday night unanimously approved new rules for group homes. Both cities will require group homes to be licensed through a regulatory entity such as the Florida Association of Recovery Residences, a Boca Raton-based organization.

Sober homes, also known as recovery residences or halfway houses, shelter people recovering from alcohol or drug addiction. The new regulations aim to enact a regulatory system meant to help preserve the character of neighborhoods.

A Sun Sentinel investigation found hundreds of people in Delray Beach are overdosing on drugs just beyond the group homes that are supposed to help them recover. The vast majority of overdoses in Delray happen in neighborhoods where sober homes are concentrated, predominantly on the city's east side.



Some homes and treatment centers in South Florida, run by unscrupulous operators, have come under fire for luring people from other regions of the country with cash, gift cards and discounted rents, primarily to collect on their insurance policies, authorities say.

Many people wind up on the streets, returning to drug use, according to a report commissioned in Palm Beach County.

Paramedics handled 5,000 overdose calls in Palm Beach County last year. In Broward County, opioids killed 582 people last year.

Delray's new law would affect most community residences, including sober homes and other group homes for people with disabilities. Under the ordinance, 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 would apply only to new community residences and would not be imposed on existing ones.

“This legislation will save lives in this community,” said Delray Beach Mayor Cary Glickstein.

The city will have to consider adding the necessary funding in upcoming budget cycles to enforce the ordinance, he said.

“While this is broadly based and broadly applied, we are not going to be able to implement with current staff,” he said.

It also 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.

The ordinance is based on findings from a zoning study commissioned by the city to learn more about the impacts of community residences on Delray Beach.

“This is not a silver bullet, there is a lot more that we have to do and can do,” said Commissioner Jim Chard.

Al Johnson, Chief Assistant State Attorney for Palm Beach County, supported the city's new rules.

“I think the city went about it in a compassionate and thoughtful way,” Johnson said. “They’ve come up with the right idea — the protection of residents as opposed to banning group homes that house people with disabilities.”

Boynton city officials drafted new rules during a six-month moratorium that temporarily halted processing for new group-home applications, which ended on June 4.

Boynton officials approved the new rules unanimously in an hourslong meeting Tuesday night. Many residents at the meeting voiced their concerns, including Neill Timmons, owner and operator of Arch to Freedom, a Boynton sober home.

Timmons applauded officials for rules that he said were reasonable.

“I was so terrified you were going to shut down every sober home on every block and I was going to have to go work at Denny’s or something,” he said. “I’ve been doing this for a little over four years. It’s my passion.”

He responded to complaints from other residents and said that oversight will help.

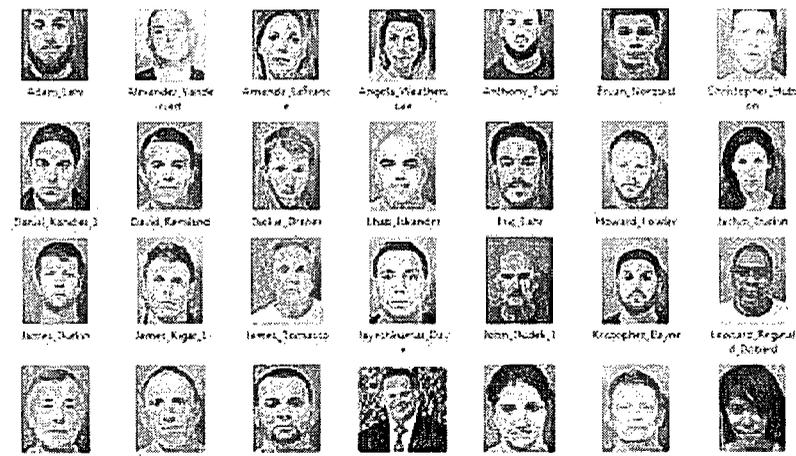
Starting Wednesday, new sober homes in Boynton Beach that open up will have to register with Florida Association of Recovery Residences.

The new rules also include increasing parking requirements, preventing frontyards from being paved to accommodate more cars per home, and increasing the maximum number of residents in the homes from six to 10.

Boynton officials initially proposed a distance separation standard of 300 feet between all group homes, but decided to omit the rule because it is a weak point in the proposed standards due to a potentially arbitrary method of setting distance. It wasn’t supported legally, officials said.

In related business, Delray Commissioners on Tuesday night unanimously chose to take the next step in plans to sue drug manufacturers.

The city will enter into negotiations with San Diego-based law firm Robbins Geller Rudman & Dowd, which wrote a memo to city commissioners saying it could use Florida’s consumer protection laws to argue drug manufacturers misled the public and omitted facts through their marketing.



Brooke Baitinger: bbaitinger@sun-sentinel.com, 561-243-6648 or Twitter: [@BaitingerBrooke](https://twitter.com/BaitingerBrooke)

Visit our Sun Sentinel community pages at [facebook.com/BoyntonBeach](https://www.facebook.com/BoyntonBeach) and [facebook.com/DelrayBeach](https://www.facebook.com/DelrayBeach).

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Bloomberg, Greg

From: L. Fitzhugh <neighborhoodwire@gmail.com>
Sent: Wednesday, August 09, 2017 10:56 AM
To: neighborhoodwire
Subject: Fwd: FBI raids Sovereign Health rehab chain's sites across Southern California

<http://www.latimes.com/local/lanow/la-me-ln-sovereign-health-raid-20170613-story.html>

Los Angeles Times

June 13, 2017

LOCAL L.A. Now

FBI raids Sovereign Health rehab chain's sites across Southern California

Matt Hamilton Contact Reporter

Federal and state agents raided several locations Tuesday of the Southern California rehab company Sovereign Health as part of an ongoing probe, authorities said.

The search warrants were filed under seal, and officials were barred from discussing the extent of the investigation, Eimiller said.

A spokesman for the company could not be reached for comment.

Sovereign Health has an array of treatment programs in Texas, Utah, Florida and **Arizona**, as well as multiple homes and facilities across Southern California.

The company's website also lists an office in India, 10 homes in the Coachella Valley and eight homes around Culver City.

Sovereign offers programs for drug detoxification as well as treatment for addiction and mental health disorders.

In San Juan Capistrano, officials also searched a private residence along Silver Leaf Drive, the same street where Sovereign CEO Tonmoy Sharma lives.

Sharma's medical license was revoked by Britain's General Medical Council in 2008 for "serious professional misconduct."

A panel found that he claimed to have a doctorate but had not completed his degree; that he undertook unethical research practices involving human subjects; and that he showed "a serious disregard for established ethical procedures and practice."

At the time, Sharma told the Orange County Register that the loss of his license in Britain was unconnected to his work in the rehab industry, and he described the panel hearing as a "witch hunt." Sharma told the newspaper he had a medical license in India.

<http://www.sanclementetimes.com/fbi-state-local-police-onsite-sovereign-health-vedanta-laboratories/>

Breaking News EYE ON SC News Headlines Uncategorized

FBI, state, local police conducting investigations at Sovereign Health, Vedanta Laboratories

- By SC Times
- On June 13, 2017

Photo Gallery

1 of 5

Open as list

Updated at 12:47 p.m.

By Eric Heinz

FBI officials confirmed on Tuesday that they are conducting investigations at multiple locations, which include Sovereign Health and Vedanta Laboratories.

“FBI agents as well as multiple partners at federal, state and local are executing search warrants, and the affidavits are under seal and we are prohibited from commenting on the case, but agents are expected to be out there for hours,” said Laura Eimiller, spokeswoman for the FBI in Los Angeles.

Eimiller said the FBI cannot specify details of the ongoing investigation, but the agency is seeking evidence based on allegations of “criminal activity.” The warrants have been sealed by the judge.

Eimiller also said no arrests are planned to take place today, but the locations of Sovereign Health and Vedanta Laboratories in San Clemente are being searched. She said there are other locations that are being searched as well. It is the FBI’s policy to confirm activity at locations with such an ongoing investigation, she said.

The treatment provider and the laboratory have been at the center of focus for its ongoing legal battle with the city of San Clemente.

Although Sovereign Health is only one of many treatment providers in litigation with the city, the broader industry – including sober living homes – is currently under fire for allegations ranging from insurance fraud to patient brokering.

This is a developing story. Stay tuned for more information.

Related

[Update: Healthcare Insurance Company is Providing 'Alternatives' to Sovereign Health](#) June 22, 2017 In "EYE ON SC"

Sovereign Health Issues Statement Regarding FBI Investigation June 15, 2017 In "Breaking News"

City of San Clemente, Sovereign Health Sue Each Other November 10, 2016 In "EYE ON SC"

Orange County San Clemente Sovereign Sovereign Health Vedanta Vedanta Laboratories

sharing

comments (4)

- [ARS June 13, 2017 at 1:38 pm Reply](#)

[Drug & Alcohol Treatment](#) in California is changing. Thank you for the story.

- [ARS June 13, 2017 at 1:45 pm Reply](#)

Great Article

- [George Gregory June 13, 2017 at 1:47 pm Reply](#)

dont forget to check out 217 -219 avenida monterey pac. hills

- [Rob June 14, 2017 at 11:13 am Reply](#)

I was a patient at Sovereign health. I was promised top of the line treatment covered by there "foundation insurance". They charged that insurance over \$3000 a day. In addition to medical billing. Drug tests were being billed at \$1200. In 85 days I saw my counselor 2 times. Groups consisted of watching Disney movies and making macaroni necklaces. I believe I received no actual treatment. Then right before the FBI raid most patients were discharged with no where to go. I ended up homeless. Now I'm 3000 miles from home and have no where to go. **They were not treating people they were just billing insurance.**

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Bloomberg, Greg

From: L. Fitzhugh <neighborhoodwire@gmail.com>
Sent: Wednesday, August 09, 2017 10:57 AM
To: neighborhoodwire
Subject: Fwd: Crossroad adds Center of HOPE to its portfolio

<https://www.behavioral.net/news-item/crossroads-adds-center-hope-its-portfolio>



Crossroads adds Center of HOPE to its portfolio

August 8, 2017

by Julie Miller, Editor in Chief

Crossroads Treatment Centers has completed its acquisition of Center of HOPE in Myrtle Beach, S.C., an opioid treatment program offering methadone and buprenorphine.

Under the private equity firm Revelstoke Capital Partners LLC, Crossroads operates in eight states and is based in Greenville, S.C. Officials say more facility acquisitions are anticipated in addition to organic growth.

Launched in 2003, Center of HOPE was previously owned by Carolina Treatment Centers. Winston & Strawn LLP acted as exclusive legal advisor to Revelstoke and Crossroads.



Get the latest information on **Business Strategy** and other valuable topics at this three-day retreat bringing together treatment center owners and executives and key members of the financial community for prime networking opportunities and in-depth discussions for those looking to grow, invest and transform their business.

Bloemberg, Greg

From: L. Fitzhugh <neighborhoodwire@gmail.com>
Sent: Thursday, August 10, 2017 12:16 PM
To: Representative Noel Campbell
Cc: neighborhoodwire
Subject: Investing in Addiction Treatment and Recovery Dec. 4-6, 2017 Scottsdale, AZ.

8-10-17

Representative Noel Campbell
District 1
House of Representative
Arizona State Legislature

Re: Addiction Treatment and Recovery Investor Retreat.
Dec. 4-6, 2017
Scottsdale, AZ.

Dear Representative Campbell,

As other states enact effective regulation of the addiction recovery industry Arizona becomes a more attractive market.

Discovering the following conference is being held in Scottsdale almost dropped me to my knees.

As California and Florida adopt statewide laws on the industry, the Arizona sunshine is attracting operators whom are fleeing the those states and relocating to Arizona.

Are there any bills being drafted for the 2018 session to deal with the dark under belly of this industry?

With Best Regards,
Lawrrie Fitzhugh
Phoenix, AZ.
Take Action Phoenix
neighborhoodwire@gmail.com
602- 841-0230

<https://vendome.swoogo.com/tciv-2017/Home>



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Investing in Addiction Treatment and Recovery

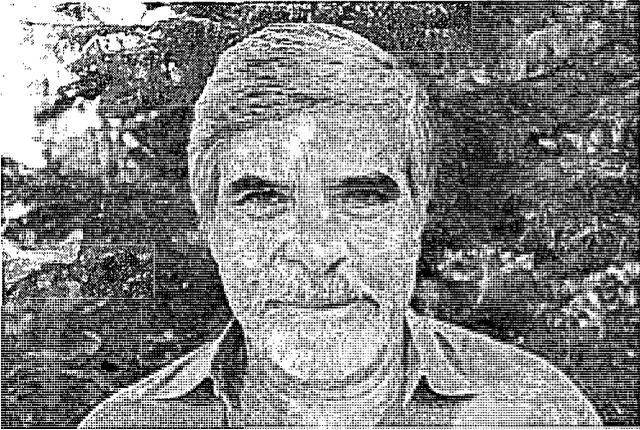
December 4 - 6, 2017 | Scottsdale, AZ

The **third annual Treatment Center Investment & Valuation Retreat** brings together owners and senior executives from the addiction treatment and recovery community to meet with key members of the investment and financial community for an exclusive three-day educational, business, and networking event.

Featured Speakers:



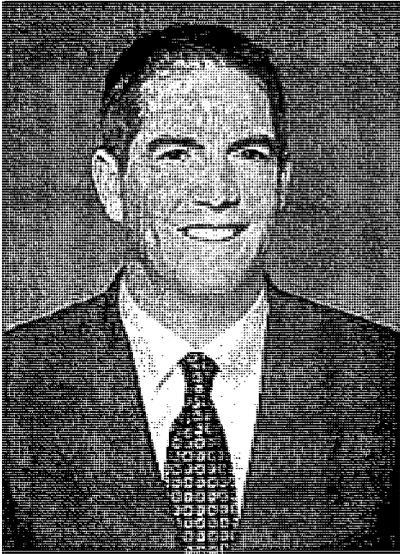
Jessica Hulsey Nickel
President and CEO,
Addiction Policy Forum



Barry W. Karlin, PhD,
Former Chairman and CEO, CRC Health Group, Inc



David C. Guth, Jr.
Chief Executive Officer and Co-founder
Centerstone



Matthew Evans
Managing Director
Monroe Capital LLC



Moises Worthalter
CFO
Serenity House Detox LLC



Donald A Yurga
COO/CFO
Little Hill Foundation /
Alina Lodge



Nathaniel 'Tani' Weiner
Counsel
Shartsis Friese, LLP



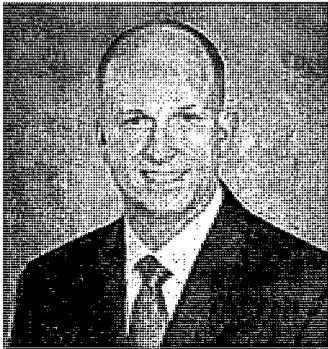
John A. Mills
Partner
Nelson Hardiman
American Addiction Treatment Association



Dexter W. Braff, MBA
President
Braff Group



Tom Schramski, PhD, CMAA
President/Managing Partner
Vertess



Kevin Taggart
Principal
Mertz Taggart



Cory Mertz, M&AMI
Managing Partner
Mertz Taggart

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Through a series of panel discussions, expert presentations, and formal and informal networking opportunities, the Retreat is the premier event for executives who want to grow, invest in, and transform their businesses.

The Treatment Center Investment & Valuation Retreat is a sister event of the Treatment Center Executive & Marketing Retreat

Who should attend?

- **Owners and senior executives of addiction treatment centers, behavioral healthcare, and recovery communities**
- **Investors**
- **Brokers**
- **Financiers**

- Insurers
- M&A intermediaries,
- Other key individuals from the investment and financial community

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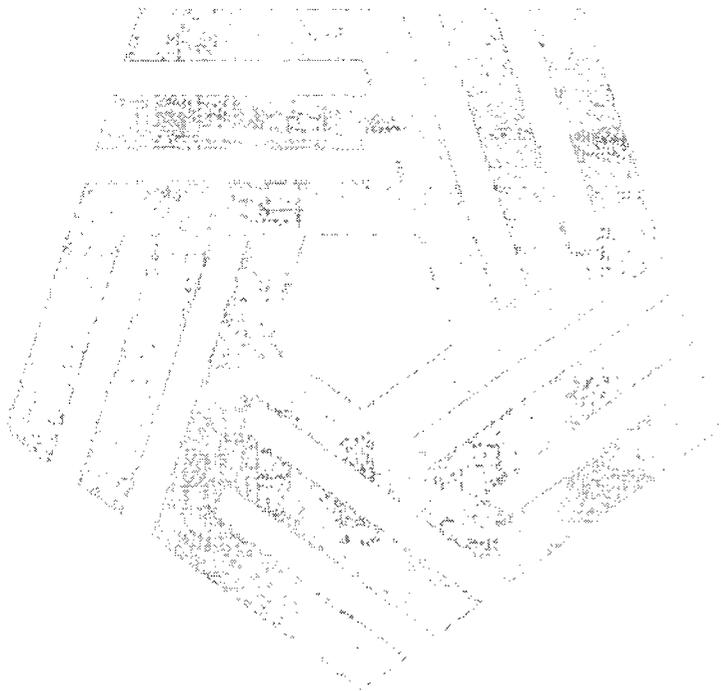
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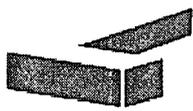
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2017 Cancellation and Substitution/Transfer Policy

Cancellation and Refund Policy

All requests for refunds must be in writing and received within 30 days of registration. A \$75 administrative fee will be assessed for cancellations received within 30 days of registration. Refunds will not be issued for cancellations made after 30 days from registration or for registrations made 30 or less days prior to the start of the event. Exhibitor and sponsor complimentary passes may not be issued to non-employees. Refunds will not be issued to speakers who register outside of the speaker registration portal. Any additional fees (i.e. tour, pre-conference workshop and partner association workshop fees) are non-refundable. Persons who register and fail to attend will not receive a refund. Refunds will be processed within 30 days of the conference. There are no exceptions to this cancellation policy. Please send cancellation requests to Kari Primiano at kprimiano@iabhc.com. Cancellation requests must be made in writing.

Bloemberg, Greg

From: L. Fitzhugh <neighborhoodwire@gmail.com>
Sent: Thursday, August 10, 2017 11:54 AM
To: neighborhoodwire
Subject: Beach Town Tries To Reverse Runaway Growth Of 'Sober Homes'

<http://www.npr.org/sections/health-shots/2017/08/10/537882989/beach-town-tries-to-reverse-runaway-growth-of-sober-homes>

Health News From NPR

Health Inc.

Beach Town Tries To Reverse Runaway Growth Of 'Sober Homes'

4:46

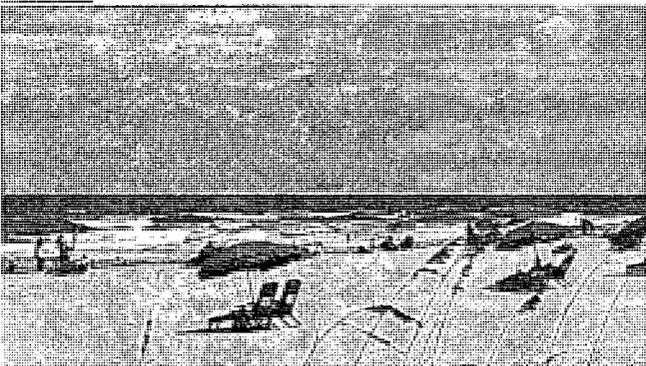
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August 10, 2017 7:25 AM ET
Heard on [Morning Edition](#)



[Greg Allen](#)

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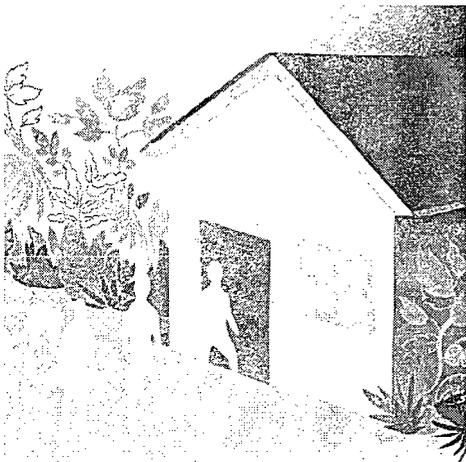
The surf and sand views of Delray Beach, Fla., draw residential drug recovery programs, as well as tourists.

Greg Allen/NPR

Delray Beach's charming downtown, palm trees and waves attract locals, vacationers and, increasingly, drug users who come here to try to get off opioids. In some parts of the small Florida community, there's a residential program for people recovering from addiction — a sober living house or "sober home" — on nearly every block. Sometimes two or three.

On a block where resident Michelle Siegel was walking a dog recently, there are at least six sober homes. She says "you can usually tell" by the white vans and "no trespassing" signs out front.

"I have walked down the street sometimes and seen kids just passed out, face down on the ground," she says. "And you ask them if they're OK and they're like, 'Yeah, yeah, I was just tired. I was sleeping.' And you don't know whether you should get them help; whether you should leave them alone."



Shots - Health News

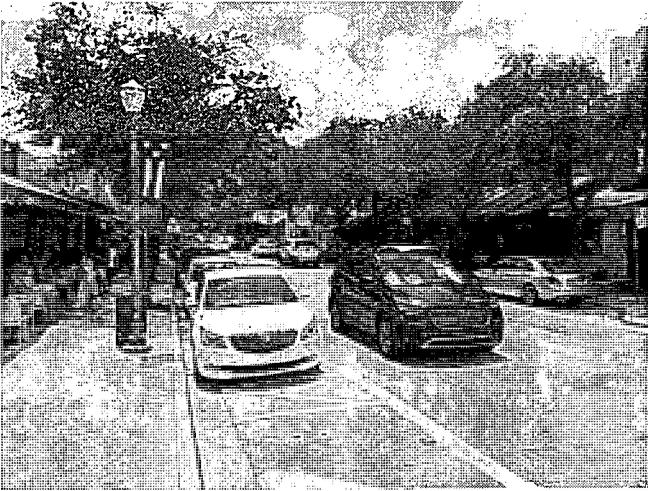
A Small Town Struggles With A Boom In Sober Living Homes

In South Florida, there's been runaway growth of these residential programs. As group homes for people recovering from addictions, sober homes are protected by the Americans with Disabilities Act and also the Fair Housing Act. Those federal laws have made it difficult for local communities to limit or otherwise regulate the facilities.

And the nation's epidemic of opioid abuse has created **new opportunities for insurance fraud**. Under federal law, health care insurance pays for the costs of recovery. That's led to a boom in residential programs to treat addiction, and also growth in deceptive marketing by some programs, fraudulent claims and what's known as patient brokering.

The state attorney for Palm Beach County, Dave Aronberg, convened a special task force to study opioid abuse and the drug recovery industry, with a report released early this year.

Aronberg says while there are many legitimate sober homes, there are also many others operated by unscrupulous providers. They tap into insurance money by offering free rent and getting kickbacks from outpatient drug treatment centers. Aronberg calls the practice of "**patient brokering**" a scheme.



Fire Rescue crews say they get overdose calls even from restaurants and shops in Delray Beach's downtown.

Greg Allen /NPR

"The outpatient treatment center van picks your residents up three times a week to go drug test them," he says, "which is then billed to insurance at very high rates."

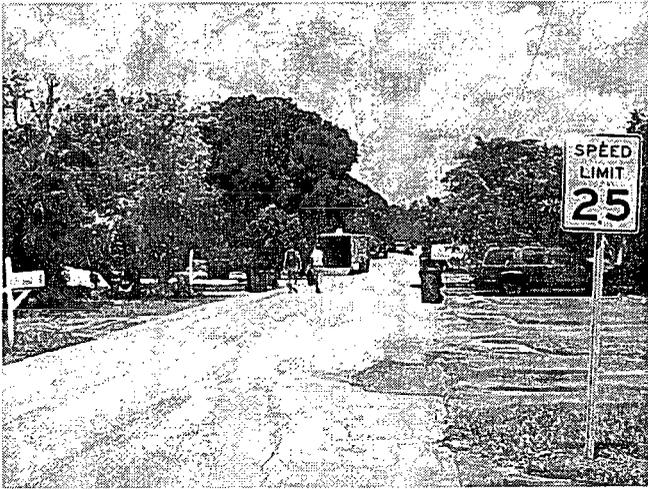
Treatment centers bill insurance companies not just for drug tests but also for other services, like group counseling, massage and acupuncture. They share the money with the people supplying the patients, Aronberg says.

"In return," he says, "you as a sober home owner, you get a nice check for patient brokering — which is what you've done."

Although they're in Delray Beach for recovery, residents of sober homes can find easy access to heroin and other drugs. The city's fire rescue crews responded to more than 1,300 overdose calls last year — many at sober homes.

"We respond there sometimes repeatedly in the same shift," says Matt Pierce, an EMS captain. On one recent night, he says, "they responded to the same sober home two times within 10 minutes, both for overdoses."

With a **cost of \$2,500 for each EMS call**, these overdoses have put a strain on the city's budget. Much worse is the human toll. Countywide, nearly 600 people died of overdoses last year.



A recent study in Delray Beach identified at least six sober homes on this street alone.

Greg Allen /NPR

It's a problem for Delray Beach and for people with addictions who are often lured by marketers to South Florida on false pretenses.

"They make the individual on the other line think that they're a doctor and they're diagnosing them," Aronberg says, "when, in reality, they're only reading from a script given to them by the treatment center which is paying them."

Rather than operating on a recovery model, Aronberg says, unscrupulous sober homes and treatment centers operate on a "relapse cycle," which bring clients back time and again for treatment that is covered by health insurance.

Neill Timmons has seen how reputable facilities can work — from both sides. "I'm in recovery myself," he says, "six years next month." Timmons runs four houses for sober living in another Palm Beach county community, Boynton Beach.

Like other reputable operators, he doesn't receive payments through arrangements with drug treatment centers. He says for someone going through recovery, landing in a good sober home can make all the difference. Of his residents, he says, "They're not certain ... if they want to stay sober the rest of their lives or return back to use. And they're struggling with what they need to do ... if they do want to stay sober."

A good facility, he says, "should really guide and give them some guidance toward recovery."

Timmons and others who run good facilities want more regulation. They're pleased by a law, recently signed by Florida's governor, that increases the penalties for patient brokering and deceptive marketing.

A study commissioned by Delray Beach, and released in May, found at least 250 sober homes in a town of just 60,000 — about a quarter of them operating under the city's radar.

The town's mayor, Cary Glickstein is no fan of the drug recovery industry and sober homes — or of the problems he says they've brought to his city. **He runs down the list — "patient brokering, drug trafficking, human trafficking, prostitution.** It's a Pandora's Box of problems that the unscrupulous operators bring to a community."

Glickstein is confident a new ordinance just adopted by Delray Beach will enable the city to crack down on sober homes. It requires them to be certified by an independent trade association and limits their presence to no more than one per block.

After adopting a similar ordinance, officials in Prescott, Arizona say the number of sober homes in their community is now a third of what it once was.

Bloemberg, Greg

From: Traci Hurley <hurleytd@me.com>
Sent: Tuesday, August 15, 2017 10:06 PM
To: Grant, Randy; Bloemberg, Greg
Subject: Assisted Living Facilities: Please respond so I can disperse to the neighborhood

Hi Mr Bloemberg and Mr Grant:

I have been at the last couple meetings re assisted living homes. We appreciate your efforts.

My neighborhood La Tierra Estates has a specific question that we would like definitively answered.

There is a planned assisted living facility at 9660 E Clinton 85260 trying to get a certificate of occupancy in the next few days to weeks

I understand the proposal at the most recent meeting at mountain view park was to limit the residents to 6 people but possibly to grandfather existing facilities. Has this been passed and what is the status of the grandfather clause?

1. Is there any way for us as a united group of neighbors to prevent a new facility from getting grandfathered at 10 units to limit it to 6 if has not yet opened but is trying to get a certificate of occupancy in the next few weeks?
2. At what point in the process is a facility considered to be approved or licensed to the point that it might be "grandfathered"?
3. Is there a way to delay the certificate of occupancy or licensing until the city council has decided the issue or prevent grandfathering. We have the support of the majority of the neighborhood confirmed by a door to door campaign and I am happy to get you a signed petition or have everyone email their support.

We do not have any homes with members of 10 different families or 10 bedrooms in our neighborhood and have concerns re traffic, congestion, appearance(there is no garage structure as all surrounding home have as the facility converted this to bedrooms).

As background information, The community notified the owner of record as soon as possible after discovering the intent of the owner that a the facility was not in keeping with the neighborhood. We notified the owner that the restrictions for La Tierra Estates on file with the county do not allow for renting to more than one individual. We were met with a legal response and are addressing this to the best of our ability but have concerns that a 10 unit facility will result in a multitude of issues for the neighborhood.

I would greatly appreciate your responses

Thanks
Dan Hurley
9748 E Clinton Street
Scottsdale, AZ 85260

(480)203-5570

Bloemberg, Greg

From: Traci Hurley <hurleytd@me.com>
Sent: Thursday, August 17, 2017 9:03 PM
To: Bloemberg, Greg
Subject: Re: Assisted Living Facilities: Please respond so I can disperse to the neighborhood

Thanks Mr Bloemberg.

Do you know when the ordinance will likely be passed? It looks like we will have to hope that they operate illegally until the ordinance is passed:)

On a note separate from our specific problem, having been to the meetings, it strikes me that the majority of the representation at the meeting is for the group homes who statistically represent a very small percentage of the population of Scottsdale but have a vested business or commercial interest. Although business is very important for Scottsdale, Scottsdale is by nature a residential city and if they follow a path that will not protect their residents(including residents that live in and operate a small assisted living facility) from commercial interests then slowly but surely we will lose the character to cities that do represent their residents. At the meetings, the residents are underrepresented and mainly individuals who have been negatively affected. I appreciate that yours is a difficult position but I hope the city understands that there is a silent majority that is opposed to commercial businesses operating in their neighborhoods as it does not pass the basic treat your neighbor as you would like to be treated test. I don't have much extra time but if you need an opinions from residents as opposed to business owners I can make myself available

Thanks

Dan Hurley

On Aug 17, 2017, at 4:34 PM, Bloemberg, Greg <GBLO@Scottsdaleaz.gov> wrote:

Ms. Hurley,

Thank you for your correspondence. The address you reference in your email is already approved to operate as an Adult Care Home for up to 10 residents, based on our Land Information System. Keep in mind, the City does not enforce private contract rules and regulations; so if there is a CC&R or HOA regulation prohibiting these types of homes, it is up to the HOA to enforce that. the City cannot stop them from operating if they meet code and ordinance requirements.

As for your inquiries, please see below for responses and let me know if I can be of further assistance.

Regards,

Greg Bloemberg
Senior Planner
Current Planning
City of Scottsdale
e-mail: gbloemberg@scottsdaleaz.gov
phone: 480-312-4306

-----Original Message-----

From: Traci Hurley [<mailto:hurleytd@me.com>]
Sent: Tuesday, August 15, 2017 10:06 PM

To: Grant, Randy; Bloemberg, Greg
Subject: Assisted Living Facilities: Please respond so I can disperse to the neighborhood

Hi Mr Bloemberg and Mr Grant:

I have been at the last couple meetings re assisted living homes. We appreciate your efforts.

My neighborhood La Tierra Estates has a specific question that we would like definitively answered.

There is a planned assisted living facility at 9660 E Clinton 85260 trying to get a certificate of occupancy in the next few days to weeks

I understand the proposal at the most recent meeting at mountain view park was to limit the residents to 6 people but possibly to grandfather existing facilities. Has this been passed and what is the status of the grandfather clause? **The ordinance has not been passed yet. It still needs to go through the public hearing process prior to adoption. The proposed ordinance includes language that will "grandfather" existing facilities legally operating at the time of ordinance adoption. Homes that are not operating legally at the time of ordinance adoption are not proposed to be grandfathered. As for the proposal to reduce the number of residents from 10 to 6, that is still being discussed internally with our Legal Department.**

- 1. Is there any way for us as a united group of neighbors to prevent a new facility from getting grandfathered at 10 units to limit it to 6 if has not yet opened but is trying to get a certificate of occupancy in the next few weeks? A home that has secured zoning clearance is approved from a land use perspective to operate with up to 10 residents. No "grandfathering" is presently needed. As long as the zoning clearance is still valid, they should be able to obtain their Certificate of Occupancy permit.**
- 2. At what point in the process is a facility considered to be approved or licensed to the point that it might be "grandfathered"? See above. Any licensing would be handled by the State.**
- 3. Is there a way to delay the certificate of occupancy or licensing until the city council has decided the issue or prevent grandfathering. We have the support of the majority of the neighborhood confirmed by a door to door campaign and I am happy to get you a signed petition or have everyone email their support. A Certificate of Occupancy cannot be delayed if an applicant has followed proper procedure and is in compliance with current building/fire codes and zoning ordinance requirements.**

We do not have any homes with members of 10 different families or 10 bedrooms in our neighborhood and have concerns re traffic, congestion, appearance(there is no garage structure as all surrounding home have as the facility converted this to bedrooms).

As background information, The community notified the owner of record as soon as possible after discovering the intent of the owner that a the facility was not in keeping with the neighborhood. We notified the owner that the restrictions for La Tierra Estates on file with the county do not allow for renting to more than one individual. We were met with a legal response and are addressing this to the best of our ability but have concerns that a 10 unit facility will result in a multitude of issues for the neighborhood.

I would greatly appreciate your responses

Thanks
Dan Hurley
9748 E Clinton Street

Scottsdale, AZ 85260

(480)203-5570

Bloemberg, Greg

From: gerard prosnier <gprosnier@hotmail.com>
Sent: Thursday, August 25, 2016 2:35 PM
To: Bloemberg, Greg
Cc: kellykdp@cox.net
Subject: "Sober House" zoning change support

Hello Graig, per our conversation earlier today, here is some information I found specific to the new Sober home at 12340 E. Mountain View.

Cathy Claud is the executive director. (8/25/16) I called the number listed on the medical billing website below, and spoke with the first lady who mentioned they have "dozens" of facilities throughout the valley. She then passed me onto a person name Tom Walters who stated that he is the COO of the company. He stated to me they are not running a facility out of that house, and that people "just sleep there, just like you and your wife" ...weird. He would not answer any other questions, and then hung up.

It appears this company alone probably is well established throughout the valley.

Gerard Prosnier
602.541.8405

<https://redrocktreatment.com/>

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http://www.hipaaspace.com/Medical_Billing/Coding/National_Provider_Identifier/Codes/NPI_1063878502.aspx

1063878502 NPI number — RED ROCK ADDICTION AND TREATMENT COMPANY, LLC

www.hipaaspace.com

1063878502 NPI number — RED ROCK ADDICTION AND TREATMENT COMPANY, LLC

<http://claudlaw.com/our-team/>

The owner, Cathy Claud appears with this company.

Our Team | The Law Offices of Justin Claud

claudlaw.com

Justin M. Claud, Esquire Email: Justin@claudlaw.com. Founder/ President . Justin M. Claud is the Founder and President of The Law Office of Justin M. Claud, P ...

Bloemberg, Greg

From: Charlotte Pierce <c.pierce2@cox.net>
Sent: Tuesday, September 05, 2017 5:17 PM
To: Bloemberg, Greg
Cc: ngrouhani@gamil.com
Subject: Upcoming City Council Meeting

Dear Mr. Bloemberg:

I understand that the City Council will be meeting in a few days and I would like to request that the Council limit the number of people in a residential assisted living property to six. Any number higher than that causes strain and stress on the residents of the residential subdivisions and is upsetting to the families that are affected by the commercial activities involved with such an operation.

Sincerely,

Charlotte Pierce
9807 E. Clinton Street
Scottsdale, AZ 85260
Phone: 480-391-2000

Bloemberg, Greg

From: Ellen Hopp <ellen.hopp@galileoaz.com>
Sent: Friday, September 08, 2017 10:09 AM
To: Bloemberg, Greg
Cc: 'markellenhopp@gmail.com'
Subject: RE: Care Homes text amendment update

Greg,

Clearly the city has NOT listened to the any of the concerned citizens opposed to locating commercial use "Care" homes in their neighborhoods. Instead of the proposed language that would REDUCE the number of occupants in a care home to 6 from 10, the new proposal INCREASES it to 12! This is a slap in the face to all of the concerned citizens who are opposed to seeing our neighborhoods turned into a mecca for multi-use dwellings. Furthermore, there is no language that would require a developer of such a home to show proof of compliance with a neighborhood CC&Rs prior to approval from the city of Scottsdale.

Our neighborhood is now faced with incurring additional legal costs associated with fighting so-called "Care" homes to prevent our community from turning into a mecca for "care" homes.

I am incensed as the lack of responsiveness to neighbors and the overt bowing down to the commercial operators that overwhelmed the public meetings.

Continue to keep me on your mailing list as I intend to mobilize my community to fight this ridiculous "draft" amendment.

Ellen Hopp

From: Bloemberg, Greg [<mailto:GBLO@Scottsdaleaz.gov>]

Sent: Friday, September 08, 2017 9:54 AM

To: Aaron Waldman ; Alicia Knipp; Angela Ashley; Anna Bronnenkant; Arnie Braasch; Athena Achim; Ben Ponduchi; Bob Zromek; Carl & Lyn Gottlieb; Carol Birch; Carol Thompson; Charlotte Pierre; Christine Kovach ; Christopher Consales; Christy Miller; Claud Covaci; Corina Maten; Crina Guinn; D. Seth Jenkins; Dan Hurley; Daniela Devoka; David Kutis; Daylynn Little; Debbie Black; Debera Kopp; Dennis Craft ; Dennis Davis ; Dennis Kirk; Dennis Mitchell; Diana Marc; Diane Kompier; Duane Mantey; E. Usvat; Edward Rousseau; Elisabeth McClure; Ellen Hopp; Emmanuel Guarino; Eric Cronin; Gaile Dixon; Gene Guarino ; Georganne Erickson; George Miller; Gerald Bridge; Gerard Prosnier; Gloria Mackay; Ian Jeffrey; J.P. Grako; Jake Crawford; Janet Bor; Jean Pederson; Jeanie Dowd; Jeff Bartle; Jim & Jeanie Dowd; John Tica; Josh Ursu; Joyce Bridge; Judy & Alan Michaelson; Judy Gudhus; Keith McKay ; Kelsey Jackson; Kerry Halcomb; Kim Wilkinson; Kris Muretta; Leanna Lupea; Leigh Anne Odinet; Len Levy ; Lesley Gibbs; Linda & Ray Good ; Lisa Andrews; Marcia Ianacone; Marian & Mark Jensen; Mark Hopp; Mark Lewis; Mary Kay Marino ; Meghan Liggett; Melody McKary; Michelle Siwek; Mike Messer; Morley & Linda Meredith; Nancy Mangieri; Ofelia Catuna ; P.K. Fields; Pat & Dennis Eckel; Patrick Chapin; Patrick Moraca; R. Stamo; Richard & Judy Pollick; Richard & Kris Orestad; Richard Elton; Richard Ernst; Robert McClure; Robert Wilson; Rodica Nicula; Rosemary Bailey; Scott Fischer; Shanell Grozav; Sherry Romer; Simon Grozav; Stephen Murkowicz; Steven Friedland; Sue Broggi; Susan Archer; Susan Grozav; Susan Pack; Susan Raymond; Susan Wood; Tammy Pefanis ; Thom Corrigan; Tim & Nina Selling; Tim Fitzpatrick; Tim Westbrook; Tom Fay; Valerie Nelson; Vern Johnson ; Voss & Diana Speros; Wendy & Paul Laver; Yesenia Figueroa-Diaz

Subject: Care Homes text amendment update

Hello All,

First of all, I want to thank you for your continued participation in this effort. This is obviously a very significant issue for all concerned and public participation is critical in assuring that all viewpoints are considered.

Attached for your review is the latest draft of the ordinance. Staff has met several times since the last Open House to consider all the comments. Below is an update on 3 key points:

1. The number of care home residents is no longer proposed to be reduced from 10 to 6.
2. There is no proposal to distinguish between types of care homes, i.e. elderly care vs. sober homes. All care homes are proposed to be consolidated under one category
3. Evidence of licensing from the State will be required to operate a care home in Scottsdale. Additional licensing by the city is not proposed.

The draft ordinance is scheduled to go before the Planning Commission as a *non-action* item on 10/11/17. This will be the first public hearing and public comment is permitted; though no action will be taken. A subsequent Planning Commission hearing will occur on a date to be determined; at which point Planning Commission will make a recommendation to City Council. The City Council date is also yet to be determined, but I will of course keep you all apprised. I want to stress, this is still just a draft ordinance. Any new ordinance will not become final until City Council approves it.

Again, thank you for your continued participation. Please feel free to respond to this email with any questions or concerns.

Regards,

Greg Bloemberg

Senior Planner

Current Planning

City of Scottsdale

e-mail: gbloemberg@scottsdaleaz.gov

phone: 480-512-4506

Bloemberg, Greg

From: Robert M McClure <rmm@unidot.com>
Sent: Saturday, September 09, 2017 8:35 AM
To: Bloemberg, Greg
Subject: Re: Care Homes text amendment update

Dear Mr Bloemberg,

Thank you for sending the revised draft Care Homes text amendment. I consider it a major improvement over the prior version and appreciate very much the planning commission's work on it.

I do have two very minor questions: In Section 3.100 at the end of the first paragraph is a sentence, "A care home is a, not an accessory, use." Is there a word missing after the "a"?

The second question relates to separation which is changed from 750 to 1200 feet. Are there any Care Homes currently closer than 1200 feet? And if so, are they grandfathered?

Thank you again for showing us all that government can do things right.

Robert M. "Bob" McClure
9994 E Vogel Ave
Scottsdale, AZ 85258
480-939-2916

On 9/8/2017 9:54 AM, Bloemberg, Greg wrote:

Hello All,

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Again, thank you for your continued participation. Please feel free to respond to this email with any questions or concerns.

Regards,

Greg Bloemberg

Senior Planner

Current Planning

City of Scottsdale

e-mail: gbloemberg@scottsdaleaz.gov

phone: 480-312-4506

Bloemberg, Greg

From: Richard and Judy Pollick <djpollick@cox.net>
Sent: Saturday, September 09, 2017 12:56 PM
To: Bloemberg, Greg
Cc: Aaron Waldman; Alicia Knipp; Angela Ashley; Anna Bronnenkant; Arnie Braasch; Athena Achim; Ben Ponduchi; Bob Zromek; Carl & Lyn Gottlieb; Carol Birch; Carol Thompson; Charlotte Pierre; Christine Kovach; Christopher Consales; Christy Miller; Claud Covaci; Corina Maten; Crina Guinn; D. Seth Jenkins; Dan Hurley; Daniela Devoka; David Kutis; Daylynn Little; Debbie Black; Debera Kopp; Dennis Craft; Dennis Davis; Dennis Kirk; Dennis Mitchell; Diana Marc; Diane Kompier; Duane Mantey; E. Usvat; Edward Rousseau; Elisabeth McClure; Ellen Hopp; Emmanuel Guarino; Eric Cronin; Gaile Dixon; Gene Guarino; Georganne Erickson; George Miller; Gerald Bridge; Gerard Prosnier; Gloria Mackay; Ian Jeffrey; J.P. Grako; Jake Crawford; Janet Bor; Jean Pederson; Jeanie Dowd; Jeff Bartle; Jim & Jeanie Dowd; John Tica; Josh Ursu; Joyce Bridge; Judy & Alan Michaelson; Judy Gudhus; Keith McKay; Kelsey Jackson; Kerry Halcomb; Kim Wilkinson; Kris Muretta; Leanna Lupea; Leigh Anne Odinet; Len Levy; Lesley Gibbs; Linda & Ray Good; Lisa Andrews; Marcia Ianacone; Marian & Mark Jensen; Mark Hopp; Mark Lewis; Mary Kay Marino; Meghan Liggett; Melody McKary; Michelle Siwek; Mike Messer; Morley & Linda Meredith; Nancy Mangieri; Ofelia Catuna; P.K. Fields; Pat & Dennis Eckel; Patrick Chapin; Patrick Moraca; R. Stamo; Richard & Kris Orestad; Richard Elton; Richard Ernst; Robert McClure; Robert Wilson; Rodica Nicula; Rosemary Bailey; Scott Fischer; Shanell Grozav; Sherry Romer; Simon Grozav; Stephen Murkowicz; Steven Friedland; Sue Broggi; Susan Archer; Susan Grozav; Susan Pack; Susan Raymond; Susan Wood; Tammy Pefanis; Thom Corrigan; Tim & Nina Selling; Tim Fitzpatrick; Tim Westbrook; Tom Fay; Valerie Nelson; Vern Johnson; Voss & Diana Speros; Wendy & Paul Laver; Yesenia Figueroa-Diaz
Subject: Re: Care Homes text amendment update
Attachments: 15321954-Group and Care Home draft-16.docx

Please clarify. Are you stating that this new draft will require **NO** licensing or regulations of Sober Living Homes?

The State (AZDHS and AZBBHE) currently has no jurisdiction over Sober Living Homes and does not combine them in the same classification as adult care homes. It's the responsibility of the cities to address Sober Living Homes (as was passed by AZ Legislation).

With this draft, the City of Scottsdale is proposing to abdicate it's responsibility and ignore the issue. Is this correct?

Judy Pollick
480-236-9854

On Sep 8, 2017, at 9:54 AM, Bloemberg, Greg <GBLO@Scottsdaleaz.gov> wrote:

Hello All,

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3. Evidence of licensing from the State will be required to operate a care home in Scottsdale. Additional licensing by the city is not proposed.

The draft ordinance is scheduled to go before the Planning Commission as a non-action item on 10/11/17. This will be the first public hearing and public comment is permitted; though no action will be taken. A subsequent Planning Commission hearing will occur on a date to be determined; at which point Planning Commission will make a recommendation to City Council. The City Council date is also yet to be determined, but I will of course keep you all apprised. I want to stress, this is still just a draft ordinance. Any new ordinance will not become final until City Council approves it.

Again, thank you for your continued participation. Please feel free to respond to this email with any questions or concerns.

Regards,

Greg Bloemberg

Senior Planner

Current Planning

City of Scottsdale

e-mail: gbloemberg@scottsdalgaz.gov

phone: 480-512-4506

Bloemberg, Greg

From: PaulM <pmurko@cox.net>
Sent: Monday, September 11, 2017 11:36 AM
To: Bloemberg, Greg
Cc: azshave@msn.com; cpierce2@cox.net; Deron Bocks; janetmellen@gmail.com; jonmirmelli@gmail.com; kelly@kellycookhomes.com; mrsnak@aol.com; buchanankh@aol.com; louiscruise@cox.net; lyngottlieb@gmail.com; cgottlieb@cox.net; squirt11@cox.net; pmurko@cox.net; Randy Hurwitz; ryan.kesslerlaw@gmail.com; sally@kinginsulation.com; 'Stephen Murkowicz'; City Council; Lane, Jim; markellenhopp@gmail.com
Subject: "Care" Homes

Greg Bloemberg,

First, I want to address the draft ordinance concerning "Care" homes. Please do not patronize the neighborhoods by stating "public participation is critical in assuring that all viewpoints are considered." Again, the City has not represented the voting residents of Scottsdale. The draft was prepared while working with the special interests. Instead of reducing the number of residents from 10 to 6 as requested by the neighborhood, the City proposes to increase the number to 12. One has to wonder where that came from! Thank you! We need to follow the money coming from special interests.

Second, the City allows a commercial enterprise (you can call it whatever you want) into a residential area in total disregard for the zoning and the CCRs. FHA does not require this - anybody can buy a house in the neighborhood. There is no discrimination against the disabled. There could be 3 or 4 disabled people in a typical home and nobody would care. But to actually gut the house to build 10 little cubby holes to accommodate 10 or now possibly 12, is absurd. The property looks commercial and hospital-like, very antiseptic along with its fake plastic grass.

Third, there are council members up for re-election in 2018.

So are you going to do what the voters want or the out of town special interests want? I saw the list of recipients you sent your draft to. Most are probably not even Scottsdale residents, or even AZ residents.

Bloemberg, Greg

From: PaulM <pmurko@cox.net>
Sent: Monday, September 11, 2017 11:48 AM
To: City Council; Lane, Jim; Bloemberg, Greg
Cc: azshave@msn.com; cpierce2@cox.net; Deron Bocks; janetmellen@gmail.com; jonmirmelli@gmail.com; kelly@kellycookhomes.com; mrsnak@aol.com; buchanankh@aol.com; louiscruse@cox.net; lyngottlieb@gmail.com; cgottlieb@cox.net; squirt11@cox.net; pmurko@cox.net; Randy Hurwitz; ryan.kesslerlaw@gmail.com; sally@kinginsulation.com; 'Stephen Murkowicz'; City Council; Lane, Jim; markellenhopp@gmail.com
Subject: Scottsdale Government

I am extremely dismayed by the City of Scottsdale. City of Scottsdale -most western town, yeh right. If it actually still is, it will not be as long as Mayor Lane and most of his City Council and Planning Commission are in power. On every occasion, you base your decisions on special interest campaign contributions. If this is no true, tell me directly why your decisions are always against the voters (the residents in the area affected). The voters will be more knowledgeable by the 2018 election.

Many examples exist.

1) Rezoning request by Empire Group (out of state LLC) to rezone an R1-35 area to R1-7. This is at 93rd St just north of Cactus. The final plan is still being worked but it looks like the developer will get some modified form of R1-18. And of course the City voted to make it more difficult to file a legal protest (because the State did).

2) Inserting commercial rentals into an R1-35 residential area near 96th St and E. Clinton Ave. The neighborhood requested 6 residents max but the City now proposes to increase the number from 10 to 12. Where did that come from?

3) The City lawyer construes "improvements" in the McDowell Mountain Preserve proposition to be valid approval by the voters for the City to spend \$60 million+ of Preserve money to build their DDC/Edge. The voters should decide this - not the mayor, City Council, and special interests. The DDC just rips off Preserve money.

4) More and more retail is performed on-line. So the City allows an increase in height for Fashion Square. This is totally against the wishes of the residents near the area.

5) The City allowed the monstrosity near Costco. Really?

6) The City has to build a roundabout on 90th St because the traffic is out of control. Planning says it is because of all of the medical facilities. Sure it is but it is also because of all of the apartments all over the place including the new ones at E. San Victor Dr just east of 90th St.

So please tell me why this is and what you are going to do about it. The City and State all seem to be striving to ruin the environment and everyone's standard of living.

Bloemberg, Greg

From: Richard and Judy Pollick <djpollick@cox.net>
Sent: Monday, September 11, 2017 12:05 PM
To: Bloemberg, Greg
Cc: Aaron Waldman; Alicia Knipp; Angela Ashley; Anna Bronnenkant; Arnie Braasch; Athena Achim; Ben Ponduchi; Bob Zromek; Carl & Lyn Gottlieb; Carol Birch; Carol Thompson; Charlotte Pierre; Christine Kovach; Christopher Consales; Christy Miller; Claud Covaci; Corina Maten; Crina Guinn; D. Seth Jenkins; Dan Hurley; Daniela Devoka; David Kutis; Daylynn Little; Debbie Black; Debera Kopp; Dennis Craft; Dennis Davis; Dennis Kirk; Dennis Mitchell; Diana Marc; Diane Kompier; Duane Mantey; E. Usvat; Edward Rousseau; Elisabeth McClure; Ellen Hopp; Emmanuel Guarino; Eric Cronin; Gaile Dixon; Gene Guarino; Georganne Erickson; George Miller; Gerald Bridge; Gerard Prosnier; Gloria Mackay; Ian Jeffrey; J.P. Grako; Jake Crawford; Janet Bor; Jean Pederson; Jeanie Dowd; Jeff Bartle; Jim & Jeanie Dowd; John Tica; Josh Ursu; Joyce Bridge; Judy & Alan Michaelson; Judy Gudhus; Keith McKay; Kelsey Jackson; Kerry Halcomb; Kim Wilkinson; Kris Muretta; Leanna Lupea; Leigh Anne Odinet; Len Levy; Lesley Gibbs; Linda & Ray Good; Lisa Andrews; Marcia Ianacone; Marian & Mark Jensen; Mark Hopp; Mark Lewis; Mary Kay Marino; Meghan Liggett; Melody McKary; Michelle Siwek; Mike Messer; Morley & Linda Meredith; Nancy Mangieri; Ofelia Catuna; P.K. Fields; Pat & Dennis Eckel; Patrick Chapin; Patrick Moraca; R. Stamo; Richard & Kris Orestad; Richard Elton; Richard Ernst; Robert McClure; Robert Wilson; Rodica Nicula; Rosemary Bailey; Scott Fischer; Shanell Grozav; Sherry Romer; Simon Grozav; Stephen Murkovicz; Steven Friedland; Sue Broggi; Susan Archer; Susan Grozav; Susan Pack; Susan Raymond; Susan Wood; Tammy Pefanis; Thom Corrigan; Tim & Nina Selling; Tim Fitzpatrick; Tim Westbrook; Tom Fay; Valerie Nelson; Vern Johnson; Voss & Diana Speros; Wendy & Paul Laver; Yesenia Figueroa-Diaz; Washburn, Bruce; Grant, Randy; Curtis, Tim; Boomsma, Patricia; plnsmiley@gmail.com; Jack Pugh; Norm Klein; Kathy Littlefield; Bloemberg, Greg; City Council; Morales, Isol; Bob Littlefield; Lane, Jim; Biesemeyer, Brian K; Guy Phillips; Milhaven, Linda; Smetana, Rachel; Klapp, Suzanne; City Manager Mailbox; jimtthompson@scottsdaleaz.gov; Thompson, Jim
Subject: Re: Care Homes text amendment update

Interesting. Especially since the State doesn't recognize Sober Living Homes or have any jurisdiction over Sober Living Homes. The State will not license or regulate SLH's, it is the Cities responsibility.

This makes it very clear that the City of Scottsdale is abdicating all responsibility of Sober Living Homes.

At the Mayor's annual address, he stated "he would be tackling some of the tough issues ahead like Sober Living Homes". For the good of Scottsdale residents and residents of the Sober Living Homes, I hope this council will address this issue as other cities and localities surrounding Scottsdale are doing and have done already.

The intent of having rules and regulations is:

To protect the residents of structured sober living homes from operators who engage in abuse, neglect, mistreatment, fraud, and/or inadequate supervision of this vulnerable population as well as to protect the residents of structured sober living homes and the neighboring community from operators who fail to provide the supportive, residential family-like living environment necessary to achieve

and maintain sobriety.

Judy Pollick

On Sep 11, 2017, at 8:07 AM, Bloemberg, Greg <GBLO@Scottsdaleaz.gov> wrote:

Good morning Judy.

Under the proposed ordinance, all licensing will be handled by the State. Any home that requires a license will need to provide evidence of that license to the City before beginning operations. If no care is provided (supervisory or medical), no license will be required.

Greg Bloemberg

Senior Planner

Current Planning

City of Scottsdale

e-mail: gbloemberg@scottsdaleaz.gov

phone: 480-512-4506

From: Richard and Judy Pollick [<mailto:djpollick@cox.net>]

Sent: Saturday, September 09, 2017 12:56 PM

To: Bloemberg, Greg

Cc: Aaron Waldman; Alicia Knipp; Angela Ashley; Anna Bronnenkant; Arnie Braasch; Athena Achim; Ben Ponduchi; Bob Zromek; Carl & Lyn Gottlieb; Carol Birch; Carol Thompson; Charlotte Pierre; Christine Kovach; Christopher Consales; Christy Miller; Claud Covaci; Corina Maten; Crina Guinn; D. Seth Jenkins; Dan Hurley; Daniela Devoka; David Kutis; Daylynn Little; Debbie Black; Debera Kopp; Dennis Craft; Dennis Davis; Dennis Kirk; Dennis Mitchell; Diana Marc; Diane Kompier; Duane Mantey; E. Usvat; Edward Rousseau; Elisabeth McClure; Ellen Hopp; Emmanuel Guarino; Eric Cronin; Gaile Dixon; Gene Guarino; Georganne Erickson; George Miller; Gerald Bridge; Gerard Prosnier; Gloria Mackay; Ian Jeffrey; J.P. Grako; Jake Crawford; Janet Bor; Jean Pederson; Jeanie Dowd; Jeff Bartle; Jim & Jeanie Dowd; John Tica; Josh Ursu; Joyce Bridge; Judy & Alan Michaelson; Judy Gudhus; Keith McKay; Kelsey Jackson; Kerry Halcomb; Kim Wilkinson; Kris Muretta; Leanna Lupea; Leigh Anne Odinet; Len Levy; Lesley Gibbs; Linda & Ray Good; Lisa Andrews; Marcia Ianacone; Marian & Mark Jensen; Mark Hopp; Mark Lewis; Mary Kay Marino; Meghan Liggett; Melody McKary; Michelle Siwek; Mike Messer; Morley & Linda Meredith; Nancy Mangieri; Ofelia Catuna; P.K. Fields; Pat & Dennis Eckel; Patrick Chapin; Patrick Moraca; R. Stamo; Richard & Kris Orestad; Richard Elton; Richard Ernst; Robert McClure; Robert Wilson; Rodica Nicula; Rosemary Bailey; Scott Fischer; Shanell Grozav; Sherry Romer; Simon Grozav; Stephen Murkowicz; Steven Friedland; Sue Broggi; Susan Archer; Susan Grozav; Susan Pack; Susan Raymond; Susan Wood; Tammy Pefanis; Thom Corrigan; Tim & Nina Selling; Tim Fitzpatrick; Tim Westbrook; Tom Fay; Valerie Nelson; Vern Johnson; Voss & Diana Speros; Wendy & Paul Laver; Yesenia Figueroa-Diaz

Subject: Re: Care Homes text amendment update

Please clarify. Are you stating that this new draft will require **NO** licensing or regulations of Sober Living Homes?

The State (AZDHS and AZBBHE) currently has no jurisdiction over Sober Living Homes and does not combine them in the same classification as adult care homes. It's the responsibility of the cities to address Sober Living Homes (as was passed by AZ Legislation).

With this draft, the City of Scottsdale is proposing to abdicate it's responsibility and ignore the issue. Is this correct?

Judy Pollick
480-236-9854

On Sep 8, 2017, at 9:54 AM, Bloemberg, Greg <GBLO@Scottsdaleaz.gov> wrote:

Hello All,

First of all, I want to thank you for your continued participation in this effort. This is obviously a very significant issue for all concerned and public participation is critical in assuring that all viewpoints are considered.

Attached for your review is the latest draft of the ordinance. Staff has met several times since the last Open House to consider all the comments. Below is an update on 3 key points:

1. The number of care home residents is no longer proposed to be reduced from 10 to 6.
2. There is no proposal to distinguish between types of care homes, i.e. elderly care vs. sober homes. All care homes are proposed to be consolidated under one category
3. Evidence of licensing from the State will be required to operate a care home in Scottsdale. Additional licensing by the city is not proposed.

The draft ordinance is scheduled to go before the Planning Commission as a non-action item on 10/11/17. This will be the first public hearing and public comment is permitted; though no action will be taken. A subsequent Planning Commission hearing will occur on a date to be determined; at which point Planning Commission will make a recommendation to City Council. The City Council date is also yet to be determined, but I will of course keep you all apprised. I want to stress, this is still just a draft ordinance. Any new ordinance will not become final until City Council approves it.

Again, thank you for your continued participation. Please feel free to respond to this email with any questions or concerns.

Regards,

Greg Bloemberg
Senior Planner
Current Planning
City of Scottsdale
e-mail: gbloemberg@scottsdaleaz.gov
phone: 480-312-4306

Bloemberg, Greg

From: Pmooo <pmooo@cox.net>
Sent: Monday, September 11, 2017 12:10 PM
To: Bloemberg, Greg
Cc: Richard and Judy Pollick; Aaron Waldman; Alicia Knipp; Angela Ashley; Anna Bronnenkant; Arnie Braasch; Athena Achim; Ben Ponduchi; Bob Zromek; Carl & Lyn Gottlieb; Carol Birch; Carol Thompson; Charlotte Pierre; Christine Kovach; Christopher Consales; Christy Miller; Claud Covaci; Corina Maten; Crina Guinn; D. Seth Jenkins; Dan Hurley; Daniela Devoka; David Kutis; Daylynn Little; Debbie Black; Debera Kopp; Dennis Craft; Dennis Davis; Dennis Kirk; Dennis Mitchell; Diana Marc; Diane Kompier; Duane Mantey; E. Usvat; Edward Rousseau; Elisabeth McClure; Ellen Hopp; Emmanuel Guarino; Eric Cronin; Gaile Dixon; Gene Guarino; Georganne Erickson; George Miller; Gerald Bridge; Gerard Prosnier; Gloria Mackay; Ian Jeffrey; J.P. Grako; Jake Crawford; Janet Bor; Jean Pederson; Jeanie Dowd; Jeff Bartle; Jim & Jeanie Dowd; John Tica; Josh Ursu; Joyce Bridge; Judy & Alan Michaelson; Judy Gudhus; Keith McKay; Kelsey Jackson; Kerry Halcomb; Kim Wilkinson; Kris Muretta; Leanna Lupea; Leigh Anne Odinet; Len Levy; Lesley Gibbs; Linda & Ray Good; Lisa Andrews; Marcia Ianacone; Marian & Mark Jensen; Mark Hopp; Mark Lewis; Mary Kay Marino; Meghan Liggett; Melody McKary; Michelle Siwek; Mike Messer; Morley & Linda Meredith; Nancy Mangieri; Ofelia Catuna; P.K. Fields; Pat & Dennis Eckel; Patrick Chapin; R. Stamo; Richard & Kris Orestad; Richard Elton; Richard Ernst; Robert McClure; Robert Wilson; Rodica Nicula; Rosemary Bailey; Scott Fischer; Shanell Grozav; Sherry Romer; Simon Grozav; Stephen Murkowicz; Steven Friedland; Sue Broggi; Susan Archer; Susan Grozav; Susan Pack; Susan Raymond; Susan Wood; Tammy Pefanis; Thom Corrigan; Tim & Nina Selling; Tim Fitzpatrick; Tim Westbrook; Tom Fay; Valerie Nelson; Vern Johnson; Voss & Diana Speros; Wendy & Paul Laver; Yesenia Figueroa-Diaz; Washburn, Bruce; Grant, Randy; Curtis, Tim; Boomsma, Patricia
Subject: Re: Care Homes text amendment update

Greg,

Can you provide clarification on the following:

Section 3.100. Definitions

Care Homes- ... on-site supervisory or other care services are provided to the disabled residents. For purposes of this definition, a person must live in the dwelling a minimum of thirty consecutive days for this dwelling to be considered a primary residence. A care home is a, not an accessory, use.

Question - does this establish thirty consecutive days of residence as a minimum stay requirement for Sober Homes?

Question - please clarify the meaning of "a care home is a, not an accessory use". Is this saying something such as you cannot do sober living in a main house and live in the guest house or via versa?

Minimal residential health care facility shall mean a residential health care facility which provides resident rooms or residential units to disabled residents.

Question - are Sober Homes inclusive or excluded in this definition?

Supervisory care services means general supervision, including daily awareness of resident functioning and continuing needs, and the ability to intervene in a crisis and to assist in the self-administration of prescribed medications.

Question - what is the definition of general supervision? Making sure the residents are attending work, doing work duties at the sober home, going to support meetings...? Does the ability to intervene include the discharge of a resident for not following sober home rules?

Question is this definition synonymous with on-site supervisory as stated in Care Homes definition?

Sec. 5.012. - Use regulations. [R1-190]

R1-190 and R1-43 clearly state spacing requirements of twelve hundred feet from the lot lines. There does not appear to be any spacing requirement for any smaller lot zoning which directly allows and promotes the institutionalization of subdivisions with lots less than one acre in size. Is this an oversight or is the proposed code intended to include 1200 foot spacing in R1-35 or lesser square footage sized lots?

Thanks,
Pat Moraca

Sent from my iPad

On Sep 11, 2017, at 8:07 AM, Bloemberg, Greg <GBLO@Scottsdaleaz.gov> wrote:

Good morning Judy.

Under the proposed ordinance, all licensing will be handled by the State. Any home that requires a license will need to provide evidence of that license to the City before beginning operations. If no care is provided (supervisory or medical), no license will be required.

Greg Bloemberg
Senior Planner
Current Planning
City of Scottsdale
e-mail: gbloemberg@scottsdaleaz.gov
phone: 480-312-4306

From: Richard and Judy Pollick [<mailto:djpollick@cox.net>]

Sent: Saturday, September 09, 2017 12:56 PM

To: Bloemberg, Greg

Cc: Aaron Waldman; Alicia Knipp; Angela Ashley; Anna Bronnenkant; Arnie Braasch; Athena Achim; Ben Ponduchi; Bob Zromek; Carl & Lyn Gottlieb; Carol Birch; Carol Thompson; Charlotte Pierre; Christine Kovach; Christopher Consales; Christy Miller; Claud Covaci; Corina Maten; Crina Guinn; D. Seth Jenkins; Dan Hurley; Daniela Devoka; David Kutis; Daylynn Little; Debbie Black; Debera Kopp; Dennis Craft; Dennis Davis; Dennis Kirk; Dennis Mitchell; Diana Marc; Diane Kompier; Duane Mantey; E. Usvat; Edward Rousseau; Elisabeth McClure; Ellen Hopp; Emmanuel Guarino; Eric Cronin; Gaile Dixon; Gene Guarino; Georganne Erickson; George Miller; Gerald Bridge; Gerard Prosnier; Gloria Mackay; Ian Jeffrey; J.P. Grako; Jake Crawford; Janet Bor; Jean Pederson; Jeanie Dowd; Jeff Bartle; Jim & Jeanie Dowd; John Tica; Josh Ursu; Joyce Bridge; Judy & Alan Michaelson; Judy Gudhus; Keith McKay; Kelsey Jackson; Kerry Halcomb; Kim Wilkinson; Kris Muretta; Leanna Lupea; Leigh Anne Odinet; Len Levy; Lesley Gibbs; Linda

Bloemberg, Greg

From: Mark <Mark@WaterResources.org>
Sent: Monday, September 11, 2017 2:24 PM
To: 'Richard and Judy Pollick'; Bloemberg, Greg
Subject: Care Homes - Homeowner's don't get to decide what your neighbors family looks like.
Attachments: Justice Department and City of Jackson Judgement in violation of Fair Housing Laws for Group homes.pdf

Judy and Greg,

In response to the HOA allegations in the Group Care home ordinance revision, we provide the following comments on the City leadership.

Sober living homes are so successful that Congress mandated the development of these homes 30 years ago.

Federal Anti-Drug Abuse Act of 1988, P.L. 100-690, required each State to establish rental houses to use as self run, self-supported group homes that are alcohol and drug free.



My clients have an extensive code of conduct and live up to Industry standards for residents of Sober living homes.

Please keep in mind that Sober living houses does not need additional regulation by the City of Scottsdale to protect sober living residents.

In addition, Sober living homes that provide no service other than a clean and sober living environment for other like minded adults are a protected class under the Fair Housing Act.

<https://www.justice.gov/crt/page/file/909956/download>

Many cities that attempt to regulate sober living home ended up sued by the Justice Dept Fair Housing Division, and were fined hundreds of thousands of dollars. The city staff is protecting the city from lawsuits from the Justice Dept, and others.

So while the mayor can make promises, the city staff may not violate Federal Fair Housing laws. Neither can HOA's. Homeowner's don't get to decide what your neighbors family looks like. That's discrimination.

The City of Jackson Mississippi, attempted to place the same limits on Sober Living homes as Scottsdale is doing, and Jackson was fined \$165,000 by the Justice Dept. (attached)

<https://www.justice.gov/opa/pr/justice-department-and-city-jackson-mississippi-resolve-lawsuit-over-zoning-group-homes>

The State of Louisiana tried to impose additional health and safety equipment on a Sober Living Homes and were slapped down by the Federal Courts on July 24, 2017. See OXFORD HOUSE, INC., ET AL. VERSUS H. "BUTCH" BROWNING.

It's important for both the city and the homeowners to provide reasonable accommodation for these group homes in the neighborhoods. Harassing group homes with zoning inspectors is not the proper function of government.

Nor is the need to set standards of care in a contract between a person in recovery and a recovery home house operator, when they are living under best practice standards, with 30 years of success.

I believe we can find a way to live and work in the same neighborhood, if some of the homeowners and the City of Scottsdale will provide reasonable accommodation for Seniors and Sobers in the same areas.

We can do so by:

1. Reducing the setbacks to a level of 1 city block.
2. Grandfathering in the existing homes who are already operating.
3. Allowing 6-12 residents in a group home, with a live in house mother or provider.
4. Exempting senior living homes who are already registered with the State.
5. Avoiding additional health and safety equipment in a home under 5,000 SF where residents are ambulatory.
6. Avoiding public hearings that promote discrimination against a protected class of residents, that will be overturned by the Courts.

7. Avoiding regulation of conduct between a Sober living operator and its residents if they are part of a Industry standards trade group.
8. Promoting neighbor to neighbor interaction by working with the HOA groups and Group home operators. Let the neighbors work it out.
9. Respecting the privacy and HIPPA code when inspecting group homes. No access to the private bedrooms of clients. No publication of addresses.
10. Encouragement of high codes of conduct, by requiring group homes to belong to an regulatory trade association.
11. Supporting the re entry into the work force, with small business assistance and employee training options for clients in recovery. What are the city hiring policies with regard to those with alcohol history?

My clients are reasonable people, and operate a small family run operation. They do it because of the commitment to help others and give back, provide low cost healthy living environments for those less fortunate.

We just want everyone to get along, protect the privacy rights of a protected class, and provide a normal neighborhood to flourish and grow in spiritual health.

It's very difficult to maintain a healthy attitude when the city and the neighbors are attacking you and every turn. That's not very neighborly.



For New Dimemnsions in Recovery,

By Mark Lewis, WRI

2515 E. Thomas Rd. Ste. 16-852
Phoenix, AZ 85016
602-499-3095

"Tactics without strategy is the noise before defeat" Sun Tsu

From: Richard and Judy Pollick [mailto:djpollick@cox.net]

Sent: Monday, September 11, 2017 12:05 PM

To: Bloemberg, Greg

Cc: Aaron Waldman; Alicia Knipp; Angela Ashley; Anna Bronnenkant; Arnie Braasch; Athena Achim; Ben Ponduchi; Bob Zromek; Carl & Lyn Gottlieb; Carol Birch; Carol Thompson; Charlotte Pierre; Christine Kovach; Christopher Consales; Christy Miller; Claud Covaci; Corina Maten; Crina Guinn; D. Seth Jenkins; Dan Hurley; Daniela Devoka; David Kutis; Daylynn Little; Debbie Black; Debera Kopp; Dennis Craft; Dennis Davis; Dennis Kirk; Dennis Mitchell; Diana Marc; Diane Kompier; Duane Mantey; E. Usvat; Edward Rousseau; Elisabeth McClure; Ellen Hopp; Emmanuel Guarino; Eric Cronin; Gaile Dixon; Gene Guarino; Georganne Erickson; George Miller; Gerald Bridge; Gerard Prosnier; Gloria Mackay; Ian Jeffrey; J.P. Grako; Jake Crawford; Janet Bor; Jean Pederson; Jeanie Dowd; Jeff Bartle; Jim & Jeanie Dowd; John Tica; Josh Ursu; Joyce Bridge; Judy & Alan Michaelson; Judy Gudhus; Keith McKay; Kelsey Jackson; Kerry Halcomb; Kim Wilkinson; Kris Muretta; Leanna Lupea; Leigh Anne Odinet; Len Levy; Lesley Gibbs; Linda & Ray Good; Lisa Andrews; Marcia Ianacone; Marian & Mark Jensen; Mark Hopp; Mark Lewis; Mary Kay Marino; Meghan Liggett; Melody McKary; Michelle Siwek; Mike Messer; Morley & Linda Meredith; Nancy Mangieri; Ofelia Catuna; P.K. Fields; Pat & Dennis Eckel; Patrick Chapin; Patrick Moraca; R. Stamo; Richard & Kris Orestad; Richard Elton; Richard Ernst; Robert McClure; Robert Wilson; Rodica Nicula; Rosemary Bailey; Scott Fischer; Shanell Grozav; Sherry Romer; Simon Grozav; Stephen Murkowicz; Steven Friedland; Sue Broggi; Susan Archer; Susan Grozav; Susan Pack; Susan Raymond; Susan Wood; Tammy Pefanis; Thom Corrigan; Tim & Nina Selling; Tim Fitzpatrick; Tim Westbrook; Tom Fay; Valerie Nelson; Vern Johnson; Voss & Diana Speros; Wendy & Paul Laver; Yesenia Figueroa-Diaz; Washburn, Bruce; Grant, Randy; Curtis, Tim; Boomsma, Patricia; plnsmiley@gmail.com; Jack Pugh; Norm Klein; Kathy Littlefield; Bloemberg, Greg; City Council; Morales, Isol; Bob Littlefield; Lane, Jim; Biesemeyer, Brian K; Guy Phillips; Milhaven, Linda; Smetana, Rachel; Klapp, Suzanne; City Manager Mailbox; jimthompson@scottsdaleaz.gov; Thompson, Jim

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Judy Pollick

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Greg Bloemberg

Senior Planner

Current Planning

City of Scottsdale

e-mail: gbloemberg@scottsdaleaz.gov

phone: 480-512-4506

Bloemberg, Greg

From: Pmooo <pmooo@cox.net>
Sent: Tuesday, September 12, 2017 7:27 PM
To: Mark
Cc: Richard and Judy Pollick; Bloemberg, Greg; Aaron Waldman; Alicia Knipp; Angela Ashley; Anna Bronnenkant; Arnie Braasch; Athena Achim; Ben Ponduchi; Bob Zromek; Carl & Lyn Gottlieb; Carol Birch; Carol Thompson; Charlotte Pierre; Christine Kovach; Christopher Consales; Christy Miller; Claud Covaci; Corina Maten; Crina Guinn; D. Seth Jenkins; Dan Hurley; Daniela Devoka; David Kutis; Daylynn Little; Debbie Black; Debera Kopp; Dennis Craft; Dennis Davis; Dennis Kirk; Dennis Mitchell; Diana Marc; Diane Kompier; Duane Mantey; E. Usvat; Edward Rousseau; Elisabeth McClure; Ellen Hopp; Emmanuel Guarino; Eric Cronin; Gaile Dixon; Gene Guarino; Georganne Erickson; George Miller; Gerald Bridge; Gerard Prosnier; Gloria Mackay; Ian Jeffrey; J.P. Grako; Jake Crawford; Janet Bor; Jean Pederson; Jeanie Dowd; Jeff Bartle; Jim & Jeanie Dowd; John Tica; Josh Ursu; Joyce Bridge; Judy & Alan Michaelson; Judy Gudhus; Keith McKay; Kelsey Jackson; Kerry Halcomb; Kim Wilkinson; Kris Muretta; Leanna Lupea; Leigh Anne Odinet; Len Levy; Lesley Gibbs; Linda & Ray Good; Lisa Andrews; Marcia Ianacone; Marian & Mark Jensen; Mark Hopp; Mary Kay Marino; Meghan Liggett; Melody McKary; Michelle Siwek; Mike Messer; Morley & Linda Meredith; Nancy Mangieri; Ofelia Catuna; P.K. Fields; Pat & Dennis Eckel; Patrick Chapin; R. Stamo; Richard & Kris Orestad; Richard Elton; Richard Ernst; Robert McClure; Robert Wilson; Rodica Nicula; Rosemary Bailey; Scott Fischer; Shanell Grozav; Sherry Romer; Simon Grozav; Stephen Murkowicz; Steven Friedland; Sue Broggi; Susan Archer; Susan Grozav; Susan Pack; Susan Raymond; Susan Wood; Tammy Pefanis; Thom Corrigan; Tim & Nina Selling; Tim Fitzpatrick; Tim Westbrook; Tom Fay; Valerie Nelson; Vern Johnson; Voss & Diana Speros; Wendy & Paul Laver; Yesenia Figueroa-Diaz; Washburn, Bruce; Grant, Randy; Curtis, Tim; Boomsma, Patricia; plnsmiley@gmail.com; Jack Pugh; Norm Klein; Kathy Littlefield; City Council; Morales, Isol; Bob Littlefield; Lane, Jim; Biesemeyer, Brian K; Guy Phillips; Milhaven, Linda; Smetana, Rachel; Klapp, Suzanne; City Manager Mailbox; jimthompson@scottsdaleaz.gov; Thompson, Jim
Subject: Re: Care Homes - Homeowner's don't get to decide what your neighbors family looks like.

Hi Mark,

I am interested in your cogent solution(s) on how to manage or regulate by whatever means are most appropriate to prevent the institutionalization of neighborhoods? How does your apparent start up organization coordinate with other organizations to provide appropriate spacing and densities to fully comply with the fair housing act (FHA)? How does your organization and industry define an institutionalized neighborhood to maintain full compliance with FHA? Please provide specific examples of how your organization and/or the industry has removed or decommissioned Sober Homes to comply with FHA densities as a result of an institutionalized neighborhood.

If there is no public documentation or licensing what assurances does the general public get that the FHA is not violated and prevents institutionalization? Is FHA compliance done through a privately funded database does it get independent third party audits submitted to municipalities/states/federal government for FHA compliance verification? If there is no system currently in place or being developed how is the general public informed or know if the full intent of FHA is not violated?

FHA spends a significant amount of time and effort elaborating about institutionalization of a neighborhood and how it eliminates the benefits to a person attempting recovery and integration into society. An institutionalized neighborhood with all sober living homes not only eliminates the benefits to recovering individuals it ultimately discriminates against blood related families or anyone not a listed protected class from living in an area. Sober homes institutionalizing a neighborhood is sober homes picking its neighbors.

Thanks,

Pat Moraca

PS: Do you intend to bcc all others in the conversation? If so please explain reasoning as bcc replies do not provide transparency on this public discussion.

Sent from my iPad

PASTED IN MARKS EMAIL RESPONSE TO JUDY DUE TO MARK'S BCC RESPONSE

RE: Care Homes - an effort to raise the level of education of group home owners rights, and the Protected Class of persons

Judy,

I am happy to respond to your comments in an effort to raise the level of education of group home owners rights, and the Protected Class of persons with a disability that the city is trying to regulate.

Among the misunderstandings in your email, many operators are afraid to speak their 1st amendment rights at the City of Scottsdale group home meetings, because of the hostility of the subject matter.

I spoke up at the last meeting, at one lady came up to me after the meeting and called me an assh**e, because we disagreed.

The City of Scottsdale's 1st & 3rd meeting on the group home ordinance was a scar on the city's reputation, for open honest dialogue.

I will pray for everyone's serenity and peace.

First off, the Oxford house is a model which most all group sober living homes operate in AZ.

The oxford house case law, interprets laws for all cities and state governments to act. (among others) The premise that the State Law Noel Campbell wrote, and the Prescott Ordinance, and the proposed Scottsdale Ordinance is legal and does not discriminate against a protect class of persons with injuries, is not settled in law.

Judicial history suggests otherwise, as I stated in my last email.

If the homeowners really wanted to behave non discriminatorily, we would examine the models of recovery and rehabilitation of seniors in a civil manner and come to an agreed upon outcome for regulation and standards.

But, as I said earlier my neighbors don't get to decide who I sell a home to, or get to define what a family is under the law. To limit the color, ethnicity, size, shape, hair style or alcohol habits of a new resident in a block by municipal code is discriminatory. You don't get to regulate what your neighbors look like.

The reason 6 congressman proposing: H.R. 472 which amends the Fair Housing Act, is dead on arrival is the inherently discriminatory nature of the law, and the weakening of Fair Housing Laws. It's not the law today and never will be so let's dispatch that notion early, until congress passes it, and Trump signs it. Cities cannot make Local Ordinances based on uncertain bills, with discriminatory intent like HR 472. This is a dog whistle for discrimination against a protected class of residents with disabilities.



My client New Dimensions in Recovery is not a member of AZRHA (Arizona Recovery Housing Association), and so we do not have any agenda here. We do recognize their leadership in group housing in the state, their high standards, and years of success, just like we recognize the leadership and high quality standards of the Oxford House models.

We agree on several points here that might be some common ground:

1. We agree: A recovery organization has no authority or jurisdiction over the numerous Sober Living Homes that exist in Scottsdale and/or AZ. (We support a mandatory regulatory trade association membership to keep the members to high standards)
2. We agree: Not being mandatory by City of Scottsdale government leaves the City of Scottsdale vulnerable to liability from the residents of the Sober Living Homes and surrounding communities.
3. We agree: Each State may make loans to **recovering individuals** from a revolving fund for the establishment of recovery houses (We should expand this loan fund with a statewide fee on opioid prescriptions)
4. We agree: The abuse of the American Care Act along with the opioid epidemic has resulted in some fraudulent Sober Living Homes being established in several states. (We should expand the concept of re habilitation of opioids drug users in residential settings.)
5. We agree: Many of the Sober Living Homes in Scottsdale are using a Sober Living Homes to make a profit. (My Client is a 501c 3 non profit.) (You have to charge 104% of costs (the profit) to keep up with inflationary costs)
6. The effort here is to protect the residents of the Sober Living Homes and neighboring communities. (we have contracts between the client and the provider to clearly state the goals and expectations, we all want to have clean, safe healthy residents. We have contracts, the city has the criminal code.)
7. We agree that Senior living homes should be given grandfathered status and should only be regulated by the state.

We do not agree we have enough information to make a judgment or write a city law on the following:

1. Many of them are not providing a family environment, allowing residents to cook, clean and take responsibilities of the home. (we don't know this as fact, and the city may not regulate this in a simple manner)
2. Many of these homes are operating as a short term rental place for those attending treatment at the associated recovery center. (we don't know this as fact, and the AirBnB law over ruled the cities regulations)
3. Treatments are also being provided in some of these Sober Living Homes, which is not allowed. (we don't know this as fact, and it's not a proper function of city government)
4. The City of Scottsdale has received all the information and tools that would allow them to implement similar licensing, rules and regulations as the surrounding cities and localities. (the city has not toured any group homes, nor have they spoken with Daniel Laber Esq. so we do not know this as fact.)
5. The effort here is to protect the residents of the Sober Living Homes and neighboring communities. (we do not have evidence of any criminal activity at sober or senior living homes in Scottsdale, we have innuendo and fear mongering we need facts)
6. I sense a real "conflict of interest" with your organization. It is a self-serving business model, that does not consider the resident's well being or the communities. (my client is not a member of a NGO Industry group we need facts.)
7. Your threatening of lawsuits is only looking at it from one perspective. (I did not threaten anyone, I merely re stated facts from case law available to industry leadership. I recommend the city hire an industry specialist to educate this process.)
8. I also found your email offensive. (I am sorry If I offended you, and I hope my amends will be accepted, I meant no disrespect.)
9. I do not see a need to have additional city regulations upon a protected class of disabled persons. A state rule would bring uniformity and oversight for group homes not regulated by a Statewide Recovery or Senior living association.

I am ready and able to meet up with you and the AZRA leadership to work out some agreements for a role in the city process. Please set up a time with city staff and we can work on a common bridge to a spiritually healthy future. This should be our last email effort to these groups and we should sit down with the city and work this out.

Humbly yours,

New Dimensions in Recovery

By Mark Lewis
 WRI LLC
 480-788-5003



On Sep 12, 2017, at 1:21 PM, Richard and Judy Pollick <djpollick@cox.net> wrote:

Mark,

In response to your recent email, I'd like to address your points.

First of all, the Federal Anti-Drug Abuse Act of 1988, P.L. 100-690 requires each state to establish a **revolving fund** for the purpose of making small loans **to individuals** recovering from alcoholism or other drug addiction to start self-run, self-supported recovery houses. This was based on the establishment of the first Oxford House. This provision of law was **modeled** after the experience and replication of **Oxford Houses**, which began in Silver Spring, Maryland in 1975.

The Act stated:

Each State may make loans to **recovering individuals** from a revolving fund for the establishment of recovery houses that:

1. Utilize no paid staff
2. Operate democratically, including admission of new residents by vote of current residents
3. Expel any residents who relapse into using alcohol or drugs and
4. Are financially self-supporting

These **four characteristics in the law are identical to the way Oxford Houses** had operated for over fourteen years, at the time the Act was introduced.

Since that time a number of factors have changed. Thus warranting a change in how to address the proliferation of Sober Living Homes across the Nation.

That is why the Federal government is proposing: H.R. 472. This bill amends the Fair Housing Act to provide that nothing in federal law relating to protections for persons with disabilities prohibits a local, state, or federal government body from:

- requiring a reasonable minimum distance between residential recovery facilities within a particular area zoned for residential housing if such requirement is necessary to preserve the residential character of the area and allows for some of such facilities to be located within such area; and
- requiring that such a facility obtain an operating license or use permit or satisfy a set of consumer protection standards, which may include a maximum capacity requirement.

Also, AZ Legislation adopted on May 17, 2016, HB2107 that states the Cities may establish the ordinance for Sober Living Homes. HB2107 even provides the various elements that should be addressed.

The abuse of the **American Care Act** along with the opioid epidemic has resulted in many fraudulent Sober Living Homes being established across the Nation. This is why the Federal and AZ State government supports the need for licensing, rules and regulations. To protect the residents of the homes and the neighboring communities.

Based on your organization AZRHA (Arizona Recovery Housing Association), you also concur that rules and regulations are necessary.

However, the problem is your organization has no authority or jurisdiction over the numerous Sober Living Homes that exist in Scottsdale and/or AZ. Of the 100's of Sober Living Homes in Scottsdale, only 5 organizations have signed up with your AZRHA. Not being mandatory by City of Scottsdale government leaves the City of Scottsdale vulnerable to liability from the residents of the Sober Living Homes and surrounding communities.

Many of the Sober Living Homes in Scottsdale are using the guise of a Sober Living Homes to make a profit. Many of them are not providing a family environment, allowing residents to cook, clean and take responsibilities of the home. Many of these homes are operating as a short term rental place for those attending treatment at the associated recovery center. Treatments are also being provided in some of these Sober Living Homes, which is not allowed.

Sober Living Homes are for individuals you have completed their treatment and want to reintegrate into a sober society. As how the Oxford Houses operate.

I also found your email offensive, considering the effort here is to protect the residents of the Sober Living Homes and neighboring communities. I sense a real "conflict of interest" with your organization. It is a self-serving business model, that does not consider the resident's well being or the communities.

Lawsuits can come from many different players in this situation. Your threatening of lawsuits is only looking at it from one perspective.

The City of Scottsdale has received all the information and tools that would allow them to implement similar licensing, rules and regulations as the surrounding cities and localities. If the city takes no action and abdicates it's responsibility, the City could be held liable to the residents of the Sober Living Homes and their families and to the neighboring communities.

We know there have been numerous incidents at various Sober Living Homes across the state, which is unfortunate to those involved. As we have said before, it is the responsibility of the City of Scottsdale's to address this issue to protect the residents and the neighboring communities!

Sincerely,
Judy Pollick
480-236-9854

On Sep 11, 2017, at 2:24 PM, Mark <Mark@WaterResources.org> wrote:

Judy and Greg,

In response to the HOA allegations in the Group Care home ordinance revision, we provide the following comments on the City leadership. Sober living homes are so successful that Congress mandated the development of these homes 30 years ago.

Federal Anti-Drug Abuse Act of 1988, P.L. 100-690, required each State to establish rental houses to use as self run, self-supported group homes that are alcohol and drug free.

<image001.gif>

My clients have an extensive code of conduct and live up to Industry standards for residents of Sober living homes.

Please keep in mind that Sober living houses does not need additional regulation by the City of Scottsdale to protect sober living residents.

In addition, Sober living homes that provide no service other than a clean and sober living environment for other like minded adults are a protected class under the Fair Housing Act.

<https://www.justice.gov/crt/page/file/909956/download>

Many cities that attempt to regulate sober living home ended up sued by the Justice Dept Fair Housing Division, and were fined hundreds of thousands of dollars. The city staff is protecting the city from lawsuits from the Justice Dept, and others.

So while the mayor can make promises, the city staff may not violate Federal Fair Housing laws. Neither can HOA's. Homeowner's don't get to decide what your neighbors family looks like. That's discrimination.

The City of Jackson Mississippi, attempted to place the same limits on Sober Living homes as Scottsdale is doing, and Jackson was fined \$165,000 by the Justice Dept. (attached)

<https://www.justice.gov/opa/pr/justice-department-and-city-jackson-mississippi-resolve-lawsuit-over-zoning-group-homes>

The State of Louisiana tried to impose additional health and safety equipment on a Sober Living Homes and were slapped down by the Federal Courts on July 24, 2017. See OXFORD HOUSE, INC., ET AL. VERSUS H. "BUTCH" BROWNING.

It's important for both the city and the homeowners to provide reasonable accommodation for these group homes in the neighborhoods. Harassing group homes with zoning inspectors is not the proper function of government.

Nor is the need to set standards of care in a contract between a person in recovery and a recovery home house operator, when they are living under best practice standards, with 30 years of success.

I believe we can find a way to live and work in the same neighborhood, if some of the homeowners and the City of Scottsdale will provide reasonable accommodation for Seniors and Sobers in the same areas.

We can do so by:

1. Reducing the setbacks to a level of 1 city block.
2. Grandfathering in the existing homes who are already operating.
3. Allowing 6-12 residents in a group home, with a live in house mother or provider.
4. Exempting senior living homes who are already registered with the State.

5. Avoiding additional health and safety equipment in a home under 5,000 SF where residents are ambulatory.
6. Avoiding public hearings that promote discrimination against a protected class of residents, that will be overturned by the Courts.
7. Avoiding regulation of conduct between a Sober living operator and its residents if they are part of a Industry standards trade group.
8. Promoting neighbor to neighbor interaction by working with the HOA groups and Group home operators. Let the neighbors work it out.
9. Respecting the privacy and HIPPA code when inspecting group homes. No access to the private bedrooms of clients. No publication of addresses.
10. Encouragement of high codes of conduct, by requiring group homes to belong to an regulatory trade association.
11. Supporting the re entry into the work force, with small business assistance and employee training options for clients in recovery. What are the city hiring policies with regard to those with alcohol history?

My clients are reasonable people, and operate a small family run operation. They do it because of the commitment to help others and give back, provide low cost healthy living environments for those less fortunate.

We just want everyone to get along, protect the privacy rights of a protected class, and provide a normal neighborhood to flourish and grow in spiritual health.

It's very difficult to maintain a healthy attitude when the city and the neighbors are attacking you and every turn. That's not very neighborly.

<image004.jpg>

<image006.jpg>

<image008.png>

For New Dimensions in Recovery,

By Mark Lewis, WRI
2515 E. Thomas Rd. Ste. 16-852
Phoenix, AZ 85016
602-499-3095

"Tactics without strategy is the noise before defeat" Sun Tsu

From: Richard and Judy Pollick [<mailto:djpollick@cox.net>]
Sent: Monday, September 11, 2017 12:05 PM
To: Bloemberg, Greg
Cc: Aaron Waldman; Alicia Knipp; Angela Ashley; Anna Bronnenkant; Arnie Braasch; Athena Achim; Ben Ponduchi; Bob Zromek; Carl & Lyn Gottlieb; Carol Birch; Carol Thompson; Charlotte Pierre; Christine Kovach; Christopher Consales; Christy Miller; Claud Covaci; Corina Maten; Crina Guinn; D. Seth Jenkins; Dan Hurley; Daniela Devoka; David Kutis; Daylynn Little; Debbie Black; Debera Kopp; Dennis Craft; Dennis Davis; Dennis Kirk; Dennis Mitchell; Diana Marc; Diane Kompier; Duane Mantey; E. Usvat; Edward Rousseau; Elisabeth McClure; Ellen Hopp; Emmanuel Guarino; Eric Cronin; Gaile Dixon; Gene Guarino; Georganne Erickson; George Miller; Gerald Bridge; Gerard Prosnier; Gloria Mackay; Ian Jeffrey; J.P. Grako; Jake Crawford; Janet Bor; Jean Pederson; Jeanie Dowd; Jeff Bartle; Jim & Jeanie Dowd; John Tica; Josh Ursu; Joyce Bridge; Judy & Alan Michaelson; Judy Gudhus; Keith McKay; Kelsey Jackson; Kerry Halcomb; Kim Wilkinson; Kris Muretta; Leanna Lupea; Leigh Anne Odinet; Len Levy; Lesley Gibbs; Linda & Ray Good; Lisa Andrews; Marcia Ianacone; Marian & Mark Jensen; Mark Hopp; Mark Lewis; Mary Kay Marino; Meghan Liggett; Melody McKary; Michelle Siwek; Mike Messer; Morley & Linda Meredith; Nancy Mangieri; Ofelia Catuna; P.K. Fields; Pat & Dennis Eckel; Patrick Chapin; Patrick Moraca; R. Stamo; Richard & Kris Orestad; Richard Elton; Richard Ernst; Robert McClure; Robert Wilson; Rodica Nicula; Rosemary Bailey; Scott Fischer; Shanell Grozav; Sherry Romer; Simon Grozav; Stephen Murkowicz; Steven Friedland; Sue Broggi; Susan Archer; Susan Grozav; Susan Pack; Susan Raymond; Susan Wood; Tammy Pefanis; Thom Corrigan; Tim & Nina Selling; Tim Fitzpatrick; Tim Westbrook; Tom Fay; Valerie Nelson; Vern Johnson; Voss & Diana Speros; Wendy & Paul Laver; Yesenia Figueroa-Diaz; Washburn, Bruce; Grant, Randy; Curtis, Tim; Boomsma, Patricia; plnsmiley@gmail.com; Jack Pugh; Norm Klein; Kathy Littlefield; Bloemberg, Greg; City Council; Morales, Isol; Bob Littlefield; Lane, Jim; Biesemeyer, Brian K; Guy Phillips; Milhaven, Linda; Smetana, Rachel; Klapp, Suzanne; City Manager Mailbox; jimtthompson@scottsdaleaz.gov; Thompson, Jim
Subject: Re: Care Homes text amendment update

Interesting. Especially since the State doesn't recognize Sober Living Homes or have any jurisdiction over Sober Living Homes. The State will not license or regulate SLH's, it is the Cities responsibility.

This makes it very clear that the City of Scottsdale is abdicating all responsibility of Sober Living Homes.

At the Mayor's annual address, he stated "he would be tackling some of the tough issues ahead like Sober Living Homes". For the good of Scottsdale residents and

residents of the Sober Living Homes, I hope this council will address this issue as other cities and localities surrounding Scottsdale are doing and have done already.

The intent of having rules and regulations is:

To protect the residents of structured sober living homes from operators who engage in abuse, neglect, mistreatment, fraud, and/or inadequate supervision of this vulnerable population as well as to protect the residents of structured sober living homes and the neighboring community from operators who fail to provide the supportive, residential family-like living environment necessary to achieve and maintain sobriety.

Judy Pollick

On Sep 11, 2017, at 8:07 AM, Bloemberg, Greg
<GBLO@Scottsdaleaz.gov> wrote:

Good morning Judy.

Under the proposed ordinance, all licensing will be handled by the State. Any home that requires a license will need to provide evidence of that license to the City before beginning operations. If no care is provided (supervisory or medical), no license will be required.

Greg Bloemberg
Senior Planner
Current Planning
City of Scottsdale
e-mail: gbloemberg@scottsdaleaz.gov
phone: 480-312-4306

<Justice Department and City of Jackson Judgement in violation of Fair Housing Laws for Group homes.pdf>

Bloemberg, Greg

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Sent: Tuesday, September 12, 2017 1:22 PM
To: Mark; Bloemberg, Greg
Cc: Richard and Judy Pollick; Bloemberg, Greg; Aaron Waldman; Alicia Knipp; Angela Ashley; Anna Bronnenkant; Arnie Braasch; Athena Achim; Ben Ponduchi; Bob Zromek; Carl & Lyn Gottlieb; Carol Birch; Carol Thompson; Charlotte Pierre; Christine Kovach; Christopher Consales; Christy Miller; Claud Covaci; Corina Maten; Crina Guinn; D. Seth Jenkins; Dan Hurley; Daniela Devoka; David Kutis; Daylynn Little; Debbie Black; Debera Kopp; Dennis Craft; Dennis Davis; Dennis Kirk; Dennis Mitchell; Diana Marc; Diane Kompier; Duane Mantey; E. Usvat; Edward Rousseau; Elisabeth McClure; Ellen Hopp; Emmanuel Guarino; Eric Cronin; Gaile Dixon; Gene Guarino; Georganne Erickson; George Miller; Gerald Bridge; Gerard Prosnier; Gloria Mackay; Ian Jeffrey; J.P. Grako; Jake Crawford; Janet Bor; Jean Pederson; Jeanie Dowd; Jeff Bartle; Jim & Jeanie Dowd; John Tica; Josh Ursu; Joyce Bridge; Judy & Alan Michaelson; Judy Gudhus; Keith McKay; Kelsey Jackson; Kerry Halcomb; Kim Wilkinson; Kris Muretta; Leanna Lupea; Leigh Anne Odinet; Len Levy; Lesley Gibbs; Linda & Ray Good; Lisa Andrews; Marcia Ianacone; Marian & Mark Jensen; Mark Hopp; Mark Lewis; Mary Kay Marino; Meghan Liggett; Melody McKary; Michelle Siwek; Mike Messer; Morley & Linda Meredith; Nancy Mangieri; Ofelia Catuna; P.K. Fields; Pat & Dennis Eckel; Patrick Chapin; Patrick Moraca; R. Stamo; Richard & Kris Orestad; Richard Elton; Richard Ernst; Robert McClure; Robert Wilson; Rodica Nicula; Rosemary Bailey; Scott Fischer; Shanell Grozav; Sherry Romer; Simon Grozav; Stephen Murkowicz; Steven Friedland; Sue Broggi; Susan Archer; Susan Grozav; Susan Pack; Susan Raymond; Susan Wood; Tammy Pefanis; Thom Corrigan; Tim & Nina Selling; Tim Fitzpatrick; Tim Westbrook; Tom Fay; Valerie Nelson; Vern Johnson; Voss & Diana Speros; Wendy & Paul Laver; Yesenia Figueroa-Diaz; Washburn, Bruce; Grant, Randy; Curtis, Tim; Boomsma, Patricia; plnsmiley@gmail.com; Jack Pugh; Norm Klein; Kathy Littlefield; City Council; Morales, Isol; Bob Littlefield; Lane, Jim; Biesemeyer, Brian K; Guy Phillips; Milhaven, Linda; Smetana, Rachel; Klapp, Suzanne; City Manager Mailbox; jimthompson@scottsdaleaz.gov; Thompson, Jim

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Since that time a number of factors have changed. Thus warranting a change in how to address the proliferation of Sober Living Homes across the Nation.

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It's important for both the city and the homeowners to provide reasonable accommodation for these group homes in the neighborhoods. Harassing group homes with zoning inspectors is not the proper function of government.

Nor is the need to set standards of care in a contract between a person in recovery and a recovery home house operator, when they are living under best practice standards, with 30 years of success.

I believe we can find a way to live and work in the same neighborhood, if some of the homeowners and the City of Scottsdale will provide reasonable accommodation for Seniors and Sobers in the same areas.

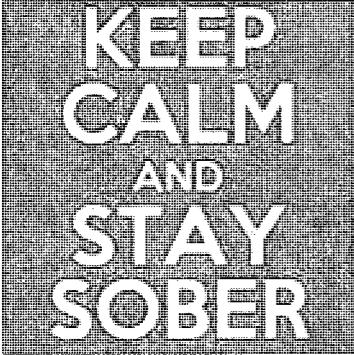
We can do so by:

1. Reducing the setbacks to a level of 1 city block.
2. Grandfathering in the existing homes who are already operating.
3. Allowing 6-12 residents in a group home, with a live in house mother or provider.
4. Exempting senior living homes who are already registered with the State.
5. Avoiding additional health and safety equipment in a home under 5,000 SF where residents are ambulatory.
6. Avoiding public hearings that promote discrimination against a protected class of residents, that will be overturned by the Courts.
7. Avoiding regulation of conduct between a Sober living operator and its residents if they are part of a Industry standards trade group.
8. Promoting neighbor to neighbor interaction by working with the HOA groups and Group home operators. Let the neighbors work it out.
9. Respecting the privacy and HIPPA code when inspecting group homes. No access to the private bedrooms of clients. No publication of addresses.
10. Encouragement of high codes of conduct, by requiring group homes to belong to an regulatory trade association.
11. Supporting the re entry into the work force, with small business assistance and employee training options for clients in recovery. What are the city hiring policies with regard to those with alcohol history?

My clients are reasonable people, and operate a small family run operation. They do it because of the commitment to help others and give back, provide low cost healthy living environments for those less fortunate.

We just want everyone to get along, protect the privacy rights of a protected class, and provide a normal neighborhood to flourish and grow in spiritual health.

It's very difficult to maintain a healthy attitude when the city and the neighbors are attacking you and every turn. That's not very neighborly.



For New Dimemnsions in Recovery,

By Mark Lewis, WRI
2515 E. Thomas Rd. Ste. 16-852
Phoenix, AZ 85016

602-499-3095

"Tactics without strategy is the noise before defeat" Sun Tsu

From: Richard and Judy Pollick [<mailto:djpollick@cox.net>]

Sent: Monday, September 11, 2017 12:05 PM

To: Bloemberg, Greg

Cc: Aaron Waldman; Alicia Knipp; Angela Ashley; Anna Bronnenkant; Arnie Braasch; Athena Achim; Ben Ponduchi; Bob Zromek; Carl & Lyn Gottlieb; Carol Birch; Carol Thompson; Charlotte Pierre; Christine Kovach; Christopher Consales; Christy Miller; Claud Covaci; Corina Maten; Crina Guinn; D. Seth Jenkins; Dan Hurley; Daniela Devoka; David Kutis; Daylynn Little; Debbie Black; Debera Kopp; Dennis Craft; Dennis Davis; Dennis Kirk; Dennis Mitchell; Diana Marc; Diane Kompier; Duane Mantey; E. Usvat; Edward Rousseau; Elisabeth McClure; Ellen Hopp; Emmanuel Guarino; Eric Cronin; Gaile Dixon; Gene Guarino; Georganne Erickson; George Miller; Gerald Bridge; Gerard Prosnier; Gloria Mackay; Ian Jeffrey; J.P. Grako; Jake Crawford; Janet Bor; Jean Pederson; Jeanie Dowd; Jeff Bartle; Jim & Jeanie Dowd; John Tica; Josh Ursu; Joyce Bridge; Judy & Alan Michaelson; Judy Gudhus; Keith McKay; Kelsey Jackson; Kerry Halcomb; Kim Wilkinson; Kris Muretta; Leanna Lupea; Leigh Anne Odinet; Len Levy; Lesley Gibbs; Linda & Ray Good; Lisa Andrews; Marcia Ianacone; Marian & Mark Jensen; Mark Hopp; Mark Lewis; Mary Kay Marino; Meghan Liggett; Melody McKary; Michelle Siwek; Mike Messer; Morley & Linda Meredith; Nancy Mangieri; Ofelia Catuna; P.K. Fields; Pat & Dennis Eckel; Patrick Chapin; Patrick Moraca; R. Stamo; Richard & Kris Orestad; Richard Elton; Richard Ernst; Robert McClure; Robert Wilson; Rodica Nicula; Rosemary Bailey; Scott Fischer; Shanell Grozav; Sherry Romer; Simon Grozav; Stephen Murkowicz; Steven Friedland; Sue Broggi; Susan Archer; Susan Grozav; Susan Pack; Susan Raymond; Susan Wood; Tammy Pefanis; Thom Corrigan; Tim & Nina Selling; Tim Fitzpatrick; Tim Westbrook; Tom Fay; Valerie Nelson; Vern Johnson; Voss & Diana Speros; Wendy & Paul Laver; Yesenia Figueroa-Diaz; Washburn, Bruce; Grant, Randy; Curtis, Tim; Boomsma, Patricia; plnsmiley@gmail.com; Jack Pugh; Norm Klein; Kathy Littlefield; Bloemberg, Greg; City Council; Morales, Isol; Bob Littlefield; Lane, Jim; Biesemeyer, Brian K; Guy Phillips; Milhaven, Linda; Smetana, Rachel; Klapp, Suzanne; City Manager Mailbox; jimthompson@scottsdaleaz.gov; Thompson, Jim

Subject: Re: Care Homes text amendment update

Interesting. Especially since the State doesn't recognize Sober Living Homes or have any jurisdiction over Sober Living Homes. The State will not license or regulate SLH's, it is the Cities responsibility.

This makes it very clear that the City of Scottsdale is abdicating all responsibility of Sober Living Homes.

At the Mayor's annual address, he stated "he would be tackling some of the tough issues ahead like Sober Living Homes". For the good of Scottsdale residents and residents of the Sober Living Homes, I hope this council will address this issue as other cities and localities surrounding Scottsdale are doing and have done already.

The intent of having rules and regulations is:

To protect the residents of structured sober living homes from operators who engage in abuse, neglect, mistreatment, fraud, and/or inadequate supervision of this vulnerable population as well as to protect the residents of structured sober living homes and the neighboring community from operators who fail to provide the supportive, residential family-like living environment necessary to achieve and maintain sobriety.

Judy Pollick

On Sep 11, 2017, at 8:07 AM, Bloemberg, Greg <GBLO@Scottsdaleaz.gov> wrote:

Good morning Judy.

Under the proposed ordinance, all licensing will be handled by the State. Any home that requires a license will need to provide evidence of that license to the City before beginning operations. If no care is provided (supervisory or medical), no license will be required.

Greg Bloemberg
Senior Planner
Current Planning
City of Scottsdale
e-mail: gbloemberg@scottsdaleaz.gov
phone: 480-512-4506

Bloemberg, Greg

From: Mark <Mark@WaterResources.org>
Sent: Tuesday, September 12, 2017 4:16 PM
To: 'Richard and Judy Pollick'
Cc: Bloemberg, Greg; 'Mark'
Subject: RE: Care Homes - an effort to raise the level of education of group home owners rights, and the Protected Class of persons

Judy,

I am happy to respond to your comments in an effort to raise the level of education of group home owners rights, and the Protected Class of persons with a disability that the city is trying to regulate.

Among the misunderstandings in your email, many operators are afraid to speak their 1st amendment rights at the City of Scottsdale group home meetings, because of the hostility of the subject matter.

I spoke up at the last meeting, at one lady came up to me after the meeting and called me an assh**e, because we disagreed.

The City of Scottsdale's 1st & 3rd meeting on the group home ordinance was a scar on the city's reputation, for open honest dialogue.

I will pray for everyone's serenity and peace.

First off, the Oxford house is a model which most all group sober living homes operate in AZ.

The oxford house case law, interprets laws for all cities and state governments to act. (among others) The premise that the State Law Noel Campbell wrote, and the Prescott Ordinance, and the proposed Scottsdale Ordinance is legal and does not discriminate against a protect class of persons with injuries, is not settled in law.

Judicial history suggests otherwise, as I stated in my last email.

If the homeowners really wanted to behave non discriminatorily, we would examine the models of recovery and rehabilitation of seniors in a civil manner and come to an agreed upon outcome for regulation and standards.

But, as I said earlier my neighbors don't get to decide who I sell a home to, or get to define what a family is under the law. To limit the color, ethnicity, size, shape, hair style or alcohol habits of a new resident in a block by municipal code is discriminatory. You don't get to regulate what your neighbors look like.

The reason 6 congressman proposing: H.R. 472 which amends the Fair Housing Act, is dead on arrival is the inherently discriminatory nature of the law, and the weakening of Fair Housing Laws. It's not the law today and never will be so let's dispatch that notion early, until congress passes it, and Trump signs it. Cities cannot make Local Ordinances based on uncertain bills, with discriminatory intent like HR 472. This is a dog whistle for discrimination against a protected class of residents with disabilities.



My client New Dimensions in Recovery is not a member of AZRHA (Arizona Recovery Housing Association), and so we do not have any agenda here. We do recognize their leadership in group housing in the state, their high standards, and years of success, just like we recognize the leadership and high quality standards of the Oxford House models.

We agree on several points here that might be some common ground:

1. We agree: A recovery organization has no authority or jurisdiction over the numerous Sober Living Homes that exist in Scottsdale and/or AZ. (We support a mandatory regulatory trade association membership to keep the members to high standards)
2. We agree: Not being mandatory by City of Scottsdale government leaves the City of Scottsdale vulnerable to liability from the residents of the Sober Living Homes and surrounding communities.
3. We agree: Each State may make loans to **recovering individuals** from a revolving fund for the establishment of recovery houses (We should expand this loan fund with a statewide fee on opioid prescriptions)

4. We agree: The abuse of the **American Care Act** along with the opioid epidemic has resulted in some fraudulent Sober Living Homes being established in several states. (We should expand the concept of re habilitation of opioids drug users in residential settings.)
5. We agree: Many of the Sober Living Homes in Scottsdale are using a Sober Living Homes to make a profit. (My Client is a 501c 3 non profit.) (You have to charge 104% of costs (the profit) to keep up with inflationary costs)
6. The effort here is to protect the residents of the Sober Living Homes and neighboring communities. (we have contracts between the client and the provider to clearly state the goals and expectations, we all want to have clean, safe healthy residents. We have contracts, the city has the criminal code.)
7. We agree that Senior living homes should be given grandfathered status and should only be regulated by the state.

We do not agree we have enough information to make a judgment or write a city law on the following:

1. Many of them are not providing a family environment, allowing residents to cook, clean and take responsibilities of the home. (we don't know this as fact, and the city may not regulate this in a simple manner)
2. Many of these homes are operating as a short term rental place for those attending treatment at the associated recovery center. (we don't know this as fact, and the AirBnB law over ruled the cities regulations)
3. Treatments are also being provided in some of these Sober Living Homes, which is not allowed. (we don't know this as fact, and it's not a proper function of city government)
4. The City of Scottsdale has received all the information and tools that would allow them to implement similar licensing, rules and regulations as the surrounding cities and localities. (the city has not toured any group homes, nor have they spoken with Daniel Laber Esq. so we do not know this as fact.)
5. The effort here is to protect the residents of the Sober Living Homes and neighboring communities. (we do not have evidence of any criminal activity at sober or senior living homes in Scottsdale, we have innuendo and fear mongering we need facts)
6. I sense a real "conflict of interest" with your organization. It is a self-serving business model, that does not consider the resident's well being or the communities. (my client is not a member of a NGO Industry group we need facts.)
7. Your threatening of lawsuits is only looking at it from one perspective. (I did not threaten anyone, I merely re stated facts from case law available to industry

leadership. I recommend the city hire an industry specialist to educate this process.)

8. I also found your email offensive. (I am sorry If I offended you, and I hope my amends will be accepted, I meant no disrespect.)
9. I do not see a need to have additional city regulations upon a protected class of disabled persons. A state rule would bring uniformity and oversight for group homes not regulated by a Statewide Recovery or Senior living association.

I am ready and able to meet up with you and the AZRA leadership to work out some agreements for a role in the city process. Please set up a time with city staff and we can work on a common bridge to a spiritually healthy future. This should be our last email effort to these groups and we should sit down with the city and work this out.

Humbly yours,

New Dimensions in Recovery

By Mark Lewis
WRI LLC
480-788-5003



From: Richard and Judy Pollick [mailto:djpollick@cox.net]

Sent: Tuesday, September 12, 2017 1:22 PM

To: Mark; Bloemberg, Greg

Cc: Richard and Judy Pollick; Bloemberg, Greg; Aaron Waldman; Alicia Knipp; Angela Ashley; Anna Bronnenkant; Arnie Braasch; Athena Achim; Ben Ponduchi; Bob Zromek; Carl & Lyn Gottlieb; Carol Birch; Carol Thompson; Charlotte Pierre; Christine Kovach; Christopher Consales; Christy Miller; Claud Covaci; Corina Maten; Crina Guinn; D. Seth Jenkins; Dan Hurley; Daniela Devoka; David Kutis; Daylynn Little; Debbie Black; Debera Kopp; Dennis Craft; Dennis Davis; Dennis Kirk; Dennis Mitchell; Diana Marc; Diane Kompier; Duane Mantey; E. Usvat; Edward Rousseau; Elisabeth McClure; Ellen Hopp; Emmanuel Guarino; Eric Cronin; Gaile Dixon; Gene Guarino; Georganne Erickson; George Miller; Gerald Bridge; Gerard Prosnier; Gloria Mackay; Ian Jeffrey; J.P. Grako; Jake Crawford; Janet Bor; Jean Pederson; Jeanie Dowd; Jeff Bartle; Jim & Jeanie Dowd; John Tica; Josh Ursu; Joyce Bridge; Judy & Alan Michaelson; Judy Gudhus; Keith McKay; Kelsey Jackson; Kerry Halcomb; Kim Wilkinson; Kris Muretta; Leanna Lupea; Leigh Anne Odinet; Len Levy; Lesley Gibbs; Linda & Ray Good; Lisa Andrews; Marcia Ianacone; Marian & Mark Jensen; Mark Hopp; Mark Lewis; Mary Kay Marino; Meghan Liggett; Melody McKary; Michelle Siwek; Mike Messer; Morley & Linda Meredith; Nancy Mangieri; Ofelia Catuna; P.K. Fields; Pat & Dennis Eckel; Patrick Chapin; Patrick Moraca; R. Stamo; Richard & Kris Orestad; Richard Elton; Richard Ernst; Robert McClure; Robert Wilson; Rodica Nicula; Rosemary Bailey; Scott Fischer; Shanell Grozav; Sherry Romer;

Simon Grozav; Stephen Murkowicz; Steven Friedland; Sue Broggi; Susan Archer; Susan Grozav; Susan Pack; Susan Raymond; Susan Wood; Tammy Pefanis; Thom Corrigan; Tim & Nina Selling; Tim Fitzpatrick; Tim Westbrook; Tom Fay; Valerie Nelson; Vern Johnson; Voss & Diana Speros; Wendy & Paul Laver; Yesenia Figueroa-Diaz; Washburn, Bruce; Grant, Randy; Curtis, Tim; Boomsma, Patricia; plnsmiley@gmail.com; Jack Pugh; Norm Klein; Kathy Littlefield; City Council; Morales, Isol; Bob Littlefield; Lane, Jim; Biesemeyer, Brian K; Guy Phillips; Milhaven, Linda; Smetana, Rachel; Klapp, Suzanne; City Manager Mailbox; jimthompson@scottsdaleaz.gov; Thompson, Jim

Subject: Re: Care Homes - Homeowner's don't get to decide what your neighbors family looks like.

Mark,

In response to your recent email, I'd like to address your points.

First of all, the Federal Anti-Drug Abuse Act of 1988, P.L. 100-690 requires each state to establish a **revolving fund** for the purpose of making small loans **to individuals** recovering from alcoholism or other drug addiction to start self-run, self-supported recovery houses. This was based on the establishment of the first Oxford House. This provision of law was **modeled** after the experience and replication of **Oxford Houses**, which began in Silver Spring, Maryland in 1975.

The Act stated:

Each State may make loans to **recovering individuals** from a revolving fund for the establishment of recovery houses that:

1. Utilize no paid staff
2. Operate democratically, including admission of new residents by vote of current residents
3. Expel any residents who relapse into using alcohol or drugs and
4. Are financially self-supporting

These **four characteristics in the law are identical to the way Oxford Houses** had operated for over fourteen years, at the time the Act was introduced.

Since that time a number of factors have changed. Thus warranting a change in how to address the proliferation of Sober Living Homes across the Nation.

That is why the Federal government is proposing: H.R. 472. This bill amends the Fair Housing Act to provide that nothing in federal law relating to protections for persons with disabilities prohibits a local, state, or federal government body from:

- requiring a reasonable minimum distance between residential recovery facilities within a particular area zoned for residential housing if such requirement is necessary to preserve the residential character of the area and allows for some of such facilities to be located within such area; and
- requiring that such a facility obtain an operating license or use permit or satisfy a set of consumer protection standards, which may include a maximum capacity requirement.

Also, AZ Legislation adopted on May 17, 2016, HB2107 that states the Cities may establish the ordinance for Sober Living Homes. HB2107 even provides the various elements that should be addressed.

The abuse of the **American Care Act** along with the opioid epidemic has resulted in many fraudulent Sober Living Homes being established across the Nation. This is why the Federal and AZ State government supports the need for licensing, rules and regulations. To protect the residents of the homes and the neighboring communities.

Based on your organization AZRHA (Arizona Recovery Housing Association), you also concur that rules and regulations are necessary.

However, the problem is your organization has no authority or jurisdiction over the numerous Sober Living Homes that exist in Scottsdale and/or AZ. Of the 100's of Sober Living Homes in Scottsdale, only 5 organizations have signed up with your AZRHA. Not being mandatory by City of Scottsdale government leaves the City of Scottsdale vulnerable to liability from the residents of the Sober Living Homes and surrounding communities.

Many of the Sober Living Homes in Scottsdale are using the guise of a Sober Living Homes to make a profit. Many of them are not providing a family environment, allowing residents to cook, clean and take responsibilities of the home. Many of these homes are operating as a short term rental place for those attending treatment at the associated recovery center. Treatments are also being provided in some of these Sober Living Homes, which is not allowed.

Sober Living Homes are for individuals you have completed their treatment and want to reintegrate into a sober society. As how the Oxford Houses operate.

I also found your email offensive, considering the effort here is to protect the residents of the Sober Living Homes and neighboring communities. I sense a real "conflict of interest" with your organization. It is a self-serving business model, that does not consider the resident's well being or the communities.

Lawsuits can come from many different players in this situation. Your threatening of lawsuits is only looking at it from one perspective.

The City of Scottsdale has received all the information and tools that would allow them to implement similar licensing, rules and regulations as the surrounding cities and localities. If the city takes no action and abdicates it's responsibility, the City could be held liable to the residents of the Sober Living Homes and their families and to the neighboring communities.

We know there have been numerous incidents at various Sober Living Homes across the state, which is unfortunate to those involved. As we have said before, it is the responsibility of the City of Scottsdale's to address this issue to protect the residents and the neighboring communities!

**Sincerely,
Judy Pollick
480-236-9854**



Care Homes/Group Homes - Open House

Thursday April 27, 2017

Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: _____ Phone: _____

Address: DICK + JUDY POLLICK

E-mail: djpollick@cox.net

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____



Care Homes/Group Homes - Open House

Thursday April 27, 2017

Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Susan Pack Phone: 1002
647 0740
 Address: 7311 E. Carol Way
 E-mail: Susanpack4@hotmail.com
 Affiliation: _____

Name: Gloria Mackay /Phone: _____
 Address: 9869 N. 124th St. Scottsdale 85259
 E-mail: gloriam@cox.net
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Name: Sherry Romer Phone: _____
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 E-mail: romer.sherry@gmail.com
 Affiliation: Legend Trail

Name: Norm Klein Phone: _____
 Address: 9971 E. Whiteville, Scottsdale
 E-mail: _____
 Affiliation: _____

Name: Hilda Varras Jimid Phone: _____
 Address: 10592 E. Canna St
 E-mail: _____
 Affiliation: _____

Name: Kathe Barnes Phone: _____
 Address: _____
 E-mail: _____
 Affiliation: _____



Care Homes/Group Homes - Open House

Thursday April 27, 2017

Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Merley Meredith Phone: 602-619-3880

Address: 12009 E. Mt. View

E-mail: _____

Affiliation: _____

Name: MARK JENSEN Phone: _____

Address: 7501 E. ANN WAY

E-mail: _____

Affiliation: _____

Name: Christine Kovach Phone: _____

Address: 9525 N. 13th St 85259

E-mail: crkovach25@gmail.com

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____



Care Homes/Group Homes - Open House

Thursday April 27, 2017

Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Yesenia Figueroa-Div2 Phone: 760 835 8891

Address: _____

E-mail: yfd25@yahoo.com

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____



Care Homes/Group Homes - Open House

Thursday April 27, 2017

Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Richard Elton Phone: 602 818-7141
 Address: 14406 N. 99th St
 E-mail: RidElton1@gmail.com
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Name: Alicia Knipp Phone: 480 818 1027
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 Affiliation: none

Name: Carol Thompson Phone: 480-710-6070
 Address: 35386-N 95th St.
 E-mail: THOMPSONCE@cox.net
 Affiliation: HDA

Name: Lisa Andrews Phone: _____
 Address: 10836 N. 65th St
 E-mail: lisaandrews1@msn.com
 Affiliation: _____

Name: Kay Sieben Phone: 480 948-3068
 Address: 10850 N. 65th St apt 85254
 E-mail: _____
 Affiliation: _____

Name: Linda Ewald Phone: 520 599 7531
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Care Homes/Group Homes - Open House
Thursday April 27, 2017
Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: RICHARD + KRIS ORESTAD Phone: 480-577-9896
 Address: 98310 E Roadrunner DR
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Name: Kelsey Jackson Phone: 480 432 3842
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Name: JEANIE DOWD Phone: _____
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Care Homes/Group Homes - Open House

Thursday April 27, 2017

Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

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Name: ANGELA ASHLEY Phone: 480-922-5760
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Name: Denise Gray Phone: _____
 Address: _____
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Name: John McFarlane Phone: _____
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 Affiliation: _____



Care Homes/Group Homes - Open House

Thursday April 27, 2017

Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: MARCIA ANACONE Phone: 714-296-9253
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 Affiliation: Sobriety Experience

Name: Judy Gudhus Phone: 480-948-5708
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 Affiliation: _____

Name: Kris Muretta Phone: 253 219 0394
 Address: 9602 E. Cavalry Dr Scottsdale 85262
 E-mail: KMURT@ME.COM
 Affiliation: Legend Trail

Name: Alex Boemare Phone: _____
 Address: 9885 N. 131st Pl
 E-mail: _____
 Affiliation: Resident

Name: Dink Pollin Phone: 480-236-9854
 Address: _____
 E-mail: _____
 Affiliation: _____

Name: Linda + Ray Good Phone: _____
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 Affiliation: Resident



Care Homes/Group Homes - Open House

Thursday April 27, 2017

Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: PATRICK CHAPIN Phone: (330) 970-5835

Address: 10462 N. 60TH PL SCOTTSDALE, AZ

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Name: Jim & Jeanie Dowd Phone: 602-909-3332

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Affiliation: _____

Name: Marian (Mark) Jensen Phone: 480 443-3745

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E-mail: mhmjensen@cox.net

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Name: Ray Hansen Phone: _____

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Affiliation: _____

Name: BECKY CANO Phone: 860-276-3314

Address: 35364 N. 95th St

E-mail: _____

Affiliation: _____

Name: DAVE CANO Phone: 860 276-3314

Address: 35364 N 95th ST.

E-mail: _____

Affiliation: _____



Care Homes/Group Homes - Open House

Thursday April 27, 2017

Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: JUDY + ALAN MICHAELSON Phone: 973-650-8157

Address: 9639 E Roadrunner

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Affiliation: Resident

Name: PAT'DEN ECKEL Phone: 727-709-4346

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Affiliation: LEGEND TRAIL RESIDENT

Name: MIKE + DENISE KENNEDY Phone: 480-575-6172

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Affiliation: LT Resident

Name: Sherry Romer Phone: 847-772-8346

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E-mail: romer.sherry@gmail.com

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Name: PATRICK CHAPIN Phone: (330) 980-5835

Address: 10462 N. 60TH PL SCOTTSDALE, AZ

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Affiliation: STONE VALLEY RECOVERY

Name: Patrick Moraca Phone: (602) 316-5407

Address: 6424 E. Desert Cove Ave

E-mail: pm000@cox.net

Affiliation: Corvillian Estates No. 3 resident



Care Homes/Group Homes - Open House

Thursday April 27, 2017

Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

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Care Homes/Group Homes - Open House

Thursday April 27, 2017

Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

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Care Homes/Group Homes - Open House

Thursday April 27, 2017

Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

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Thoughts on regulating Assisted Living and Sober Living homes

Although I do not operate either an Assisted Living home or a Sober Living home, I have an interest in the outcome of the proposed ordinance for their regulation. My wife, now 81, is in an Assisted Living home. I have a significant stake in the details that might evolve. As originally written, the proposed ordinance seems to me that it would work to the serious disadvantage of homes that provide assisted living for senior citizens in this community. As we all know, Scottsdale is not a slum. And none of us want it to become one. On the other hand, one can easily infer that abiding without serious thought by the presumed rules of the federal government in the regulations that have been handed down from HUD and the ADA, might result in such an outcome. Specifically, the federal government wants all people with disabilities to be treated equally. And they include drug addiction and alcohol addiction in the list of disabilities. In no case, does the federal government want those with disabilities to be disadvantaged relative to the population as a whole. While the goal of treating everyone equally might be noble, it often results in equal misery for everyone.

Since we don't treat all illnesses with the same medicine, perhaps we should not treat all disabled persons with the same rules either. In order to put this into a real perspective, let me share with you my current understanding of Assisted Living and Sober Living homes and their differences.

Sober Living Homes

Sober living homes are places in which individuals who desire to abstain from drugs and alcohol can find support and encouragement. Such homes do not provide actual treatment of addiction, but rather concentrate on providing a good environment. The residents of such places pay individual fees for their lodging. They are not supported by the federal government, states, counties, or cities.

Assisted Living Homes

Assisted living homes are places in which individuals who cannot care for themselves due to either physical or mental disabilities can be cared for. Such homes do provide for personal care, such medical care as might be incidentally needed, and around the clock availability of such care.

Differences between Sober Living Homes and Assisted Living Homes

Although information has been difficult to come by due to relatively few published studies, we have found enough studies and have made enough personal inquiries to be able to come to the following conclusions.

Age of residents

The average age of residents in Assisted Living is around 85. Very few residents are younger than 70. As noted earlier, all suffer from some disability that is not likely to go away. About 60% of the residents are female due to the longer average life of women. The average age of residents in Sober Living is around 38, with most being between the age of 25 and 45. About 75% of the residents are male.

Length of stay

The average length of stay in Assisted Living is about 5 years. The average length of stay in Sober Living is 6-9 months. About 2/3 of Sober Living residents depart in less than a year, and substantially all depart in less than a year and a half.

Exit

The normal reason for departure from Assisted Living is death or hospice. Some small number of residents move to alternative Assisted Living facilities. The normal reasons for departure from Sober Living are that the individual believes that they can stay away from drugs or alcohol on their own, or are asked to leave for recurring drug or alcohol abuse.

Daytime activities

Assisted Living residents spend almost of their days in the Assisted Living facility. A few have friends or relatives that they are able to visit. Essentially none are employed or have continuing commitments outside the Assisted Living facility. Sober Living residents are frequently employed. Those who are not are often students at some educational institution or vocational training. Going out for recreation is also common for Sober Living residents.

Automobiles

It is rare that residents of Assisted Living homes drive an automobile or even own one. This should be apparent from the average age of the residents. On the other hand, Sober Living residents frequently own (or have access to) an automobile and most drive regularly.

Care requirements

Assisted Living residents very often require assistance in bathing, dressing, other personal care, eating, or medication. Assisted Living homes generally provide for in home medical care through house physicians, therapists, dentists, and nurses. They provide arrangements for blood tests, Xrays, and other diagnostic procedures. All medications are dispensed by the staff, even aspirin. No such care is provided in Sober Living facilities. Sober Living residents need supervision primarily to help them avoid their falling off the wagon. To this end, Sober Living homes usually provide or require random drug and alcohol testing, which is not done in Assisted Living homes.

Other provided services

Assisted Living facilities provide meal service for their residents. In almost all instances they provide laundry services as well. Some Sober Living homes provide kitchen facilities, but few provide full meal service and if laundry service is provided it is on a similar do-it-yourself basis.

Physical condition of residents

In Assisted Living, the average physical condition must be considered poor, generally due to old age. In Sober Living, most residents are in reasonably good physical condition.

Mental Condition of residents

Assisted Living residents have significantly higher rates of Alzheimer's, vascular dementia, and other forms of mental impairment. In Sober Living, the predominant condition is the inability to refrain from addicting drugs or alcohol.

Licensing requirements

Assisted Living facilities are licensed by the State of Arizona and must meet the requirement set forth by the Arizona Department of Health Services

Staffing requirements

Assisted Living facilities are required to have licensed care givers on hand 24 hours per day. There is no such requirement for Sober Living.

Inspections

Assisted Living facilities are regularly inspected for compliance with all the conditions given the the licensing requirements. The same level of inspection is not required for Sober Living.

Cost

In Arizona, the monthly cost for each resident in an Assisted Living facility is typically \$4,000-\$5,000 per month. This does not include outside medical services, pharmaceuticals, and special services. Sober Living costs are typically \$500-\$1,000 per month, which as noted provides no food or laundry services.

Summary

In almost every category, there is substantive difference between Assisted Living and Sober Living. In my opinion, each should be subject to its own regulation that is aimed at providing the best compromise for all of the interested parties. One size does not fit all. I believe that the case can be made that it would be in everyone's interest to consider the circumstances and detailed requirements of all parties. I would very much like to share my view with the planning commission at their convenience.

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ARIZONA ASSISTED LIVING HOMES ASSOCIATION
POSITION PAPER – SCOTTSDALE TEXT AMENDMENT 2-TA-2017
JUNE 29, 2017

POSITION: THE ARIZONA ASSISTED LIVING HOMES ASSOCIATION OPPOSES THE CITY OF SCOTTSDALE'S PROPOSED TEXT AMENDMENT MERGING ASSISTED LIVING HOMES WITH SOBER LIVING HOMES. SPECIFICALLY, THE ASSOCIATION OPPOSES LIMITING FUTURE ASSISTED LIVING HOMES TO SERVING 6 RESIDENTS, LIMITING THE NUMBER OF STAFF MEMBERS TO TWO PER PROPERTY, REWRITING THE DEFINITION OF "CARE HOME", REQUIRING ASSISTED LIVING HOMES TO FACILITATE REHABILITATIVE PROCESSES FOR OUR RESIDENTS, IMPOSITION OF DISCHARGE PLANNING, AND IMPOSING A REQUIREMENT THAT WE ADDRESS NOISE ABATEMENT IN OUR ASSISTED LIVING FACILITIES.

Assisted Living Homes (ALH's) have been licensed in Arizona since the mid 1990's. These Homes exist to serve the vulnerable elderly residents of our neighborhoods, enabling them to stay close to their families. Today, ALH's are heavily regulated to insure consistency of care, and to assure that those who serve our elderly are licensed and certified according to specific standards. ALH's are nestled into almost every neighborhood in almost every City and town in Arizona.

There are approximately 1705 ALH's in Arizona, of which about 160 are located in Scottsdale. Of these Homes in Scottsdale, over 100 or 63% are 10-bed homes, and 46 or 29% are 5 beds and under. Seventy one percent (71%) of the ALH's in Scottsdale currently serve 7-10 residents. Six bed homes are non-existent in Scottsdale most likely because they must comply with fire sprinkler codes, which is not economical for such small businesses.

Our single-family homes allow a home style environment rather than a hotel and/or institutional setting. ALH's provide a more personal level of care than any other alternative living situation for our compromised elderly. As our elderly continue to age, we have the ability to manage the increased care needs without the families or elderly themselves worrying about having to move, whether to a different room or different facility. We call this "aging in place". ALH's are the lowest cost, highest care alternatives for many of our Scottsdale residents. It is only through the economies of scale that 10-bed professional homes are financially viable and thriving as a way to compete with the larger Centers for providing a higher level of care for the most compromised of our elderly.

Sober Living Homes house those released from rehabilitation centers, with drug and alcohol addictions, allowing them further recovery time before returning to their own homes. We are not opposed to Sober Living Homes, but we have nothing in common with them. Sober Living Homes are not care homes. They were never designed to be care homes. They are more akin to half-way houses. *To clump us together is a disservice to both industries.*

Scottsdale is known as being an upscale community. Many of the 10-bed ALH's located in Scottsdale serve the upper, and upper-middle-class residents within their neighborhoods. Residents who are unwilling or financially unable to be relocated into high-priced corporate Centers or nursing facilities will be relegated to move to other cities for more personal care. We do not think this is Scottsdale's intention under this proposal.

Please see the last page for an outline of major differences between Assisted Living Homes and Sober Living Homes. As you will see, there are practically no similarities between Assisted Living Homes and Sober Living Homes.

To diminish Assisted Living Homes to an uneconomical business model so that the City of Scottsdale can regulate Sober Living under the guise of being "care homes" is a faulty premise resulting in a gross inequity to both.

Specifically regarding the Text Amendment:

1. We oppose the changing of the definition of "care home", stripping from the definition the ability of ALH's to provide personal care to our residents. That is what assisted living does, is CARE for residents. By changing the definition to "supervisory or other care services" the definition of "care home" has been gutted and replaced with a nebulous, vague term so that Sober Living Homes can be hybridized with Assisted Living as "care homes".
2. Limiting the number of vulnerable elderly people we serve will prevent additional professional assisted living operators from entering the Scottsdale market, and therefore the professional assisted living homes, residents, employees and resources will move to adjoining cities, moving their money to those cities and not to Scottsdale.
3. Limiting the number of vulnerable people we serve will limit the resources we have available to best serve our clients. (Economies of scale.)
4. Limiting the number of vulnerable people we serve will deny Scottsdale residents the right to live in the least restrictive most professional environment (Residents/Patients Rights).
5. Limiting the number of caregivers in an Assisted Living Home to 2 denies adequate healthcare to those who require a higher level of care. The legality of restricting the number of caregivers in an ALH is questionable.
6. The Operation Plan which is to detail how the care home will facilitate the rehabilitative process for its residents is a prime example how Assisted Living and Sober Living cannot co-exist under the same umbrella. Assisted Living homes do not rehabilitate residents from substance abuse. To require us to have a rehabilitation plan for each of our residents is fundamentally flawed. You cannot rehabilitate old age. This is not an Assisted Living Home issue.
7. The Operation Plan which is to detail how the home will address discharge planning is equally absurd. Ninety-nine percent of Assisted Living Residents are discharged to a mortuary. This is not an Assisted Living Home issue.
8. The Operation Plan is to detail how the home will address noise abatement. Assisted Living Homes have traditionally never had a problem with noise abatement. This is not an Assisted Living Home issue.

CONCLUSION: We are opposed to being categorized as analogous to Sober Living Homes, in order that Scottsdale can claim that Sober Living and Assisted Living are the same under Fair Housing and Americans with Disabilities Acts. We are not the same. Dragging Assisted Living Homes down to claim parity with Sober Living is an unintended consequence. We are, what would be called collateral damage. Sacrificing the vulnerable elderly of Scottsdale is an issue of morality and should never be considered.

As Arizonan's age, our Cities and Towns need to protect, not limit the opportunities we have to care for our vulnerable elderly. We ask that the City of Scottsdale recognize the 10-bed Assisted Living Homes for what we are, for the community, and for the elderly and their families. Do not try to make us into something we are not. *It is not a matter of good or bad, it is solely a matter of how we, as a society, can provide the best service we can provide to the people we serve.* Neither of these industries can do that under the same umbrella. We are different.

Respectfully;



Gaile Perry Dixon
President
Arizona Assisted Living Homes Association



	ASSISTED LIVING HOMES	SOBER LIVING HOMES
1.	Operate under strict rules from the Arizona Department of Health Services.	Operate under no State regulation.
2.	Licensed/certified staff provide hands on care for every resident. (Feed, bathe, toilet, dress, direct)	No Licensed/certified staff. Provides no hands-on care for any resident.
3.	Employ Licensed Managers and Certified Caregivers 24 hours/day	Have one adult supervisor with no licensing or certification requirements available 24 hours/day
4.	Licensed /certified staff manage every medication even OTC medications for each resident.	Medication management is not permitted.
5.	Staff fingerprinted by law	No fingerprinting requirement
6.	Recourse available against a managers' license	Limited recourse against staff misconduct
7.	Neighbors are virtually not concerned about children in vicinity of Assisted Living Homes	Neighbors are concerned about children in vicinity of Sober Living Homes
8.	Neighbors are not concerned about increases of neighborhood crime rates in Assisted Living Homes	Neighbors are highly concerned about neighborhood crime rates and consequences of relapses in Sober Living Homes
9.	Provide housing to individuals with age related disabilities	Provide housing to individuals recovering from drug or alcohol abuse.
10.	Homes created for elderly people as a permanent residence for the rest of their lives.	Homes created for people suffering from drug or alcohol addiction for a temporary period of time.
11.	Residents do not come and go without direct supervision	Residents are highly mobile, and may come and go without direct supervision
12.	Residents have limited ability to ambulate, and do not generally congregate outside the home	Residents are ambulatory and may congregate (<i>ie; to smoke</i>) outside the home
13.	Residents almost exclusively do not drive, and do not create neighborhood parking problems	Residents do drive (<i>unless restricted</i>), and this causes problems within neighborhoods when a number of people consistently park cars at the same house
14.	Most residents are sedentary and retired; quiet neighbors	Most residents are not sedentary and not retired
15.	Residents are not expected to recover and lead a normal life	Residents anticipate recovery and the ability to lead a normal life
16.	Have integrated into neighborhoods for decades and serve their neighborhoods	Have not integrated into neighborhoods and have caused discord (<i>hence these proposed rules</i>).
17.	Do not provide alcohol-free or drug-free housing.	Provide alcohol-free or drug-free housing
18.	Most residents are beyond life skill development	Promote life skill development
19.	Do not provide outpatient behavioral health services for substance abuse or addiction treatment while living in the home.	Provide outpatient behavioral health services for substance abuse or addiction treatment while living in the home.

5-16-17

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Fire Chief estimated crowd at 120



Care Homes / Group Homes - Open House

Tuesday, May 16, 2017

Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

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Care Homes / Group Homes - Open House

Tuesday, May 16, 2017

Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

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Care Homes / Group Homes - Open House
 Tuesday, May 16, 2017
 Sign-In Sheet



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Care Homes / Group Homes - Open House

Tuesday, May 16, 2017

Sign-In Sheet



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Care Homes / Group Homes - Open House
Tuesday, May 16, 2017
Sign-In Sheet



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Care Homes / Group Homes - Open House
Tuesday, May 16, 2017
Sign-In Sheet



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Care Homes / Group Homes - Open House

Tuesday, May 16, 2017

Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

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Name: MARK HOPP Phone: 480 710 4744

Address: 10628 N 97th St

E-mail: markellenhopp@gmail.com

Affiliation: Self La Tierra Estates



Care Homes / Group Homes - Open House
 Tuesday, May 16, 2017
 Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Giulio Phone: 480 372 1281

Address: 7507 E Garfield St

E-mail: newsmwh@yahoo.com

Affiliation: _____

Name: Michael Prager Phone: 480 585 0347

Address: 3 E Barwick Drive Cave Creek AZ 85331

E-mail: mprager@hotechadventer.com

Affiliation: _____

Name: Crina Quinn Phone: 480 406 0109

Address: 8310 E Palm Ridge Dr

E-mail: Crinacuta@cox.net

Affiliation: Desert cave Assisted Living

Name: Ana Bennett Phone: 480 388 6107

Address: 10405 E Desert Center Ave

E-mail: _____

Affiliation: _____

Name: Sonee Bridgic Phone: 480/272-8444

Address: 34552 N-99th Way

E-mail: jbridgic@ad.com

Affiliation: _____

Name: Bob Adams Phone: 602 909 8442

Address: 9448 E Hidden Spur Trail 85255

E-mail: bob@robertmichelle.com

Affiliation: _____



Care Homes / Group Homes - Open House
Tuesday, May 16, 2017
Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: IVORICA Phone: 480-577-0174
 Address: 298 29914 N. 78 ST
 E-mail: AVIODMARC @ yahoo . com .
 Affiliation: _____

Name: Daniela Dekova Phone: 480-388-5565
 Address: 8611 E Cholla Street
 E-mail: ddekova@hotmail.com
 Affiliation: Agape Senior Living

Name: KETH MCKAY Phone: 480 797 3030
 Address: 12505 N. 146TH WAY SCOTTSDALE
 E-mail: KETH.G.MCKAY @ GMAIL . COM
 Affiliation: NONE.

Name: Kim Wilkinson Phone: 925-519-1859
 Address: 12496 E Gold Dust Ave
 E-mail: ckwilkinson72 @ msn . com
 Affiliation: _____

Name: JEFF BARTLE Phone: (602) 228-0762
 Address: 9624 E CLINTON SCOTTSDALE
 E-mail: jbartleaz @ hotmail . com
 Affiliation: _____

Name: JOAN TICA Phone: 480-585-9257
 Address: 21017 N. 81st ST. SCOTTSDALE, AZ. 86255
 E-mail: JTICA @ COP.NET
 Affiliation: GROUP HOMES



Care Homes / Group Homes - Open House
Tuesday, May 16, 2017
Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Eric Cronin Phone: _____
 Address: 2928 E Anglen Dr Phoenix AZ 85032
 E-mail: EmpowerNetwork@bunai.com
 Affiliation: CSL

Name: Emil Cusvat Phone: 480-419-9760
 Address: 7878 E. VISTA BONITA DR. SCOTTSDALE 85258
 E-mail: cusvat@yahoo.com
 Affiliation: _____

Name: Dennis Davis Phone: 602-793-9146
 Address: 7340 E. Sweetwater Ave. Scottsdale AZ 85260
 E-mail: LasfuentesINC@aol.com
 Affiliation: Las Fuentes assisted living

Name: PK Fields Phone: 646-256-1888
 Address: 20343 N. Hayden Rd
 E-mail: PK@eldersense.com
 Affiliation: well presence

Name: Georganne Erickson Phone: 928-446-0896
 Address: 8045 E Staghorn Ln Scottsdale
 E-mail: SWCTAZ@gmail.com
 Affiliation: Assisted Living Care II

Name: TOM FAY Phone: (480) 298-4017
 Address: 1150 E MARY LN
 E-mail: TOM@CARLAVISTA.COM
 Affiliation: CARLA VISTA SOBER LIVING LLC



Care Homes / Group Homes - Open House
Tuesday, May 16, 2017
Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Susan Archer Phone: 602-758-1245
 Address: 8160 E. McDowell Rd
 E-mail: SOA@careo-services.com
 Affiliation: AZCAL

Name: VOSS + Diana Spinos Phone: 480-748-8790
 Address: 2455 E Catalina Ave Mesa AZ 85204
 E-mail: VOSS5335 VOSS5335@gmail.com
 Affiliation: Allaha VOSS 5335@gmail.com

Name: Ben & Elaine Groza Phone: 951-892-9328
 Address: 10250 E. Becker Ln.
 E-mail: ~~egroza~~.egroza1@gmail.com
 Affiliation: Assisted Living Home Owner

Name: Karen & Don Shook Phone: 480-272-0153
 Address: 9747 E. Clinton Ave Scottsdale AZ 85260
 E-mail: none
 Affiliation: Personal Resident

Name: Jean Pederson Phone: (714) 420-1793
 Address: 11647 E. Windrose Dr
 E-mail: cj pederson 4@centurylink.net
 Affiliation: Hazelwood Manor assisted living.

Name: Valerie Nelson RN Phone: 602 826 8602
 Address: 13845 N Waltham Blvd
 E-mail: val@hospice-sanctuary.com
 Affiliation: Hospice

Debbie Black 602-578-3842
12402 N. 57th Way
debbie@fromtheheartaz.com
From The Heart Placements
Resource



Care Homes / Group Homes - Open House

Tuesday, May 16, 2017

Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Angel H Ashley Phone: 480 922 5760
 Address: _____
 E-mail: _____
 Affiliation: _____

Name: Edward Rousseau Phone: 520-247-0748
 Address: _____
 E-mail: _____
 Affiliation: Serenity Care

Name: Kerry Linda Kelly Phone: _____
 Address: _____
 E-mail: _____
 Affiliation: _____

Name: Dennis Kirk Phone: (602) 477-7477
 Address: 6002
 E-mail: Dennis@SanctuaryOfSobrietyLiving.com
 Affiliation: _____

Name: Mike Messer Phone: 480-621-8423
 Address: 12705 E. Sahara Drive
 E-mail: MichaelRmesser@gmail.com
 Affiliation: AL HOME

Name: Brim Walker Phone: 206.370.4933
 Address: 14500 N. Northgate Blvd Suite 101 Scottsdale, AZ
 E-mail: BRIMW@PSIGHC.COM
 Affiliation: Premier Southwest Inc. Group



Care Homes / Group Homes - Open House

Thursday, June 29, 2017

Sign-In Sheet

This document constitutes a public record under Arizona Law and is subject to public requests



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Wilma/Brendy Collado Phone: 480-440-7907

Address: 4124 W Bart Dr Chandler AZ 85226

E-mail: info@duntribeezaz.com

Affiliation: Duntribeez

Name: Ben/Elaine Grozav Phone: 951-892-9328

Address: 10250 E Becker Ln : 85260

E-mail: bgrozav@gmail.com / egrozav@gmail.com

Affiliation: North Scottsdale Gardens

Name: Barry Westhoff Phone: 602-910-0179

Address: _____

E-mail: BwesthoffJTB@aol.com

Affiliation: _____

Name: Susan Archer (Led) Phone: 602-758-1245

Address: _____

E-mail: SQA@caveoservices.com

Affiliation: AZCAL

Name: Simon Grozav Phone: 480-682-8974

Address: 9883 E. CORTIZ ST. Scotts. At 85260

E-mail: sgrozav@msn.com

Affiliation: _____

Name: Trace Hurley Phone: 602-295-4304

Address: _____

E-mail: _____

Affiliation: _____



Care Homes / Group Homes - Open House

Thursday, June 29, 2017

Sign-In Sheet

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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Susan + Chuck Wood Phone: 480 590-4648

Address: 9630 E Yucca St

E-mail: samw1222@aol.com

Affiliation: _____

Name: Leanna Lupea Phone: 480-329-6869

Address: 17015 N 58th Way Scottsdale, AZ 85254

E-mail: leannalupea@gmail.com

Affiliation: group home

Name: Mark Lewis Phone: 602-499-3095

Address: 2515 E Thomas Rd #6852 Phoenix AZ 85016

E-mail: mark@marklewis.com

Affiliation: Group Home Care

Name: Tammy + Dave Rohop Phone: 303-718-0067

Address: 12880 E. Mountain View Rd, 85259

E-mail: rohops@gmail.com Scottsdale

Affiliation: home owner

Name: Susan Garza Phone: _____

Address: _____

E-mail: sygarza@comcast.com

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____



Care Homes / Group Homes - Open House

Thursday, June 29, 2017

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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Brett Sakidell Phone: 480 622 2767
 Address: 11949 E Gold Dust Ave
 E-mail: bsakidell@yahoo.com
 Affiliation: _____

Name: Ben Crako Phone: 480 577 0363
 Address: 12202 N. 7th St. Scottsdale, AZ 85254
 E-mail: info@allianceforhomes.com
 Affiliation: Alliance Sober Homes

Name: Coile Perry Dixon Phone: 602 410 6671
 Address: 5449 E Crocus Drive Scottsdale 85254
 E-mail: gatorpd@cox.net
 Affiliation: AALHA

Name: Lou Carpenter Phone: 602 625-2768
 Address: 13134 E Kalil Dr Scottsdale
 E-mail: LC42@AOL.COM
 Affiliation: _____

Name: Dan Hurby Phone: (480) 457-5570
 Address: 9748 E Clinton
 E-mail: hurbytd@msc.com
 Affiliation: none

Name: Jim Haxby Phone: 480-991-7768
 Address: 7336 E Sunnyside Dr, Scottsdale 85260
 E-mail: chaxby@cox.net
 Affiliation: _____



Care Homes / Group Homes - Open House

Thursday, June 29, 2017

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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Meghan Liggett / Kevin Phone: 480-440-5066
 Address: 10841 N 164th St 85254
 E-mail: meghanliggett@gmail.com
 Affiliation: home owner

Name: Morley + Linda Meredith Phone: 480-314-5355
 Address: 12007 E Mountain View Rd
 E-mail: morli@mindspring.com
 Affiliation: Home Owner

Name: Sue Broggi Phone: _____
 Address: 8108 E Del Cristal Dr 85258
 E-mail: suebroggi@gmail.com
 Affiliation: home owner

Name: Judy Gudhus Phone: 480-948-5708
 Address: 8432 E Welsh Trail
 E-mail: J Gudhus@yahoo.com
 Affiliation: _____

Name: Mary Kay Marmo Phone: 602-999-0771
 Address: PO Box 54896 Phx
 E-mail: Info@TurningPointAPA.com
 Affiliation: Agency

Name: Dina Cociuba Phone: 480-221-1140
 Address: 32100 N. Scottsdale Rd
 E-mail: dina_utr@yahoo.com
 Affiliation: _____



Care Homes / Group Homes - Open House

Thursday, June 29, 2017

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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Jean Pederson Phone: (714) 420-1773
 Address: 11647 E. Windrose Dr Scottsdale AZ 86259
 E-mail: cjpederson4@centurylink.net
 Affiliation: 10 bed Scottsdale Care owner

Name: Dennis Kirk Phone: (602) 477-7472
 Address: 10042 N Carl Creek Rd. PHX AZ 85020
 E-mail: D.D.Kirk@outlook.com
 Affiliation: _____

Name: TIM GROZAV Phone: 909-456-9787
 Address: _____
 E-mail: DGROZAV@gmail.com
 Affiliation: _____

Name: Ang Bennett Phone: 480 388-6167
 Address: _____
 E-mail: _____
 Affiliation: _____

Name: Lisa Andrews Phone: _____
 Address: 10836 N. 65th Street
 E-mail: lisaandrews1@msn.com
 Affiliation: _____

Name: Kay Sieben Phone: 480 948-3068
 Address: 10850 N. 65 St
 E-mail: _____
 Affiliation: _____



Care Homes / Group Homes - Open House

Thursday, June 29, 2017

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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings

Name: Bea Phone: 480 742 2191
 Address: 12802 N 57th St
 E-mail: Bea.Wattatsead@msu.com
 Affiliation: Coreforest Green

Name: Joseph Landin Phone: 602-770-9822
 Address: 10042 N. Cave Creek RD
 E-mail: HelpingHandphx12@gmail.com
 Affiliation: Resident

Name: Karen Ahoak Phone: 480 860 8638
 Address: 9747 E. Clinton Ave. Scottsdale AZ 85260
 E-mail: None
 Affiliation: _____

Name: Nancy Rouhani
Horshang Rouhani Phone: _____
 Address: 9733 E. Delmar St 480 545 9055
 E-mail: _____
 Affiliation: _____

Name: Charlotte Pierce Phone: 480-391-2008
 Address: 9807 E Clinton St, Scottsdale
 E-mail: CPierce@ced.net
 Affiliation: _____

Name: Gabriel Groza Phone: 951 565 -0172
 Address: 10474 E Corrine Dr Scottsdale AZ 85259
 E-mail: ggroza2@gmail.com
 Affiliation: _____



Care Homes / Group Homes - Open House

Thursday, June 29, 2017

Sign-In Sheet

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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Pat Moraca Phone: 602 316-5407

Address: 6424 E. Desert Cove Ave

E-mail: pm000@cox.net

Affiliation: citizen

Name: Josh Vrsu Phone: 480 682 7467

Address: 10338 E Running Deer Trl

E-mail: joshvrsu@yahoo.com

Affiliation: _____

Name: Ivan Pemberton Phone: 520-222-7321

Address: 3104 E. Camelback Rd #1102

E-mail: _____

Affiliation: Self

Name: Pat Williams Phone: 480-661-8749

Address: 11829 E Gold Dust Ave

E-mail: erpcwms@cox.net

Affiliation: _____

Name: Crina Guinn Phone: 480 406-0109

Address: 8810 E. Palm Ridge Dr.

E-mail: crinacuta@cox.net

Affiliation: Desert Cove AL

Name: J. M. Guinn Phone: 480 567 82

Address: 8810 E Palm Ridge Dr

E-mail: ✓

Affiliation: Realtor



Care Homes / Group Homes - Open House

Thursday, June 29, 2017

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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Emmanuel Guarino Phone: (480) 567-8264

Address: _____

E-mail: Emmanuel@salacademy.com

Affiliation: _____

Name: Florida Bomongcag Phone: _____

Address: 3317 S. Higley Rd #14-466, Gilbert, AZ 85297

E-mail: fbomongcag@yahoo.com

Affiliation: Tranquility AVH

Name: LEE CARPENTER Phone: 847.912.6544

Address: Scottsdale

E-mail: LWCARPENTER@GMAIL.COM

Affiliation: _____

Name: Angela Ashley Phone: 480 438-8966

Address: _____

E-mail: AASHLEY@IX.NETCOM

Affiliation: None

Name: Ian Jeffrey Phone: 480-438-8966

Address: _____

E-mail: ijeffrey@ix.netcom.com

Affiliation: _____

Name: Robert M. McClure Phone: 480-939-296

Address: 9904 E VOGEL AVE

E-mail: rmm@unidot.com

Affiliation: _____



Zoning Ordinance Update

THURSDAY, APRIL 27, 2017

<p>Name: <u>DIANE KOMPIER</u></p> <p>Address: <u>34599 N. 99TH WAY</u> <u>SCOTTSDALE AZ 85262</u></p> <p>Phone: <u>8609183584</u></p> <p>E-mail: <u>DKOMPIER@ZOH0.COM</u></p> <p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Please provide your comments:</p> <p>① <u>SOBER LIVING HOMES SHOULD BE CLASSIFIED SEPARATELY FROM CARE HOMES AND SHOULD BE LICENSED</u></p> <p>② <u>DO WHAT PRESCOTT DID - DON'T WASTE TAXPAYERS' MONEY RE-INVENTING THE WHEEL!!</u></p>
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2-TA-2017 CARE HOMES/GROUP HOMES



Zoning Ordinance Update

THURSDAY, APRIL 27, 2017

<p>Name: <u>Christine</u></p> <p>Address: <u>KOVACH</u></p> <p>Phone: _____</p> <p>E-mail: <u>CRKOVACH25@gmail.com</u></p> <p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Please provide your comments:</p> <p><u>residents of sober homes who are sex offenders need ^{should} require notification to neighbors.</u></p> <p><u>1200 ft distances b/w sober homes and existing Assisted Living not just other sober homes.</u></p>
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2-TA-2017 CARE HOMES/GROUP HOMES



Zoning Ordinance Update

THURSDAY, APRIL 27, 2017

<p>Name: <u>Vern Johnson</u></p> <p>Address: <u>808 N 74th ST</u> <u>Scottsdale AZ</u></p> <p>Phone: <u>602 524 0583</u></p> <p>E-mail: <u>VERNJ@COX.NET</u></p>	<p>Please provide your comments:</p> <p><u>Limiting causes of the homes</u> <u>to 6 clients will limit assisted</u> <u>living homes & behavioral</u> <u>health facilities. It will</u> <u>create economic barriers to</u> <u>health care limiting access</u> <u>to people.</u></p> <p><u>The Economic Problem is very</u> <u>relivent.</u></p>
<p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	

2-TA-2017 CARE HOMES/GROUP HOMES



Zoning Ordinance Update

THURSDAY, APRIL 27, 2017

<p>Name: <u>Morley Meredith</u></p> <p>Address: <u>12007 E. Mt. View</u></p> <p>Phone: <u>480-314-5355</u></p> <p>E-mail: <u>morli@mindspring.com</u></p>	<p>Please provide your comments:</p> <p><u>Re Separation Between Sober Homes:</u> <u>"No Part of any Sober Home must Be</u> <u>1500' or more away From another Sober Home.</u></p> <p><u>ARS 36-582 A, B & E is a terrible</u> <u>statute!! Every Home in an area</u> <u>would be eligible to be a S.B.</u> <u>The Neighbor could be devastated</u></p>
<p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	

2-TA-2017 CARE HOMES/GROUP HOMES



Zoning Ordinance Update

THURSDAY, APRIL 27, 2017

Name: <u>Pat Mulheil</u> Address: <u>9375 E. Cavalry Dr</u> Phone: _____ E-mail: _____ Would you like to be added to an e-mail subscription list for updates on this project? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Please provide your comments: <u>Please license them so you can control them.</u> _____ _____ _____ _____ _____ _____ _____ _____ _____
---	--

2-TA-2017 CARE HOMES/GROUP HOMES



Zoning Ordinance Update

THURSDAY, APRIL 27, 2017

Name: <u>A. Ashley</u> Address: <u>CHARTER OAK</u> Phone: <u>480 922 5760</u> E-mail: <u>AAshleye@ix.netcom.com</u> Would you like to be added to an e-mail subscription list for updates on this project? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Please provide your comments: <u>NO ENFORCEMENT in</u> <u>PLANNED ORDINANCE!</u> <u>Sober home should</u> <u>have separate</u> <u>ORDINANCE</u> _____ _____ _____ _____
--	---

2-TA-2017 CARE HOMES/GROUP HOMES

Senior Planner Greg



Zoning Ordinance Update

THURSDAY, APRIL 27, 2017

Name: <u>LEN LEVY</u> Address: <u>9772 E Gold Bluff</u> Phone: _____ E-mail: <u>LLEVY@cox.net</u> Would you like to be added to an e-mail subscription list for updates on this project? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Please provide your comments: <u>All These ^{subps} homes should be licensed & regulated.</u> _____ _____ _____ _____ _____ _____ _____
--	--

2-TA-2017 CARE HOMES/GROUP HOMES

Question for

LEGAL



Zoning Ordinance Update

TUESDAY, MAY 16, 2017

Name: <u>Dan Hurley</u> Address: <u>9748 E Chula 85260</u> Phone: <u>(480) 208-5570</u> E-mail: <u>hurbytd@mac.com</u> Would you like to be added to an e-mail subscription list for updates on this project? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Please provide your comments: <u>My Question is a legal one.</u> <u>Does the City not get involved in HOA & CCR regulations do not stand up under the Federal Disability law?</u> <u>If it is merely the consideration that it is a private agreement would it the city participating in such / leases be similar specifically with respect to enforcing a private agreement</u> <u>Thankg</u>
---	---

2-TA-2017 CARE HOMES/GROUP HOMES

Hurleytd@mac.com



Zoning Ordinance Update

TUESDAY, MAY 16, 2017

<p>Name: <u>Arnie Zappa</u></p> <p>Address: <u>811 E. CHARTER OAK DR. SCOTTSDALE AZ 850290404</u></p> <p>Phone: <u>802 9040404</u></p> <p>E-mail: <u>SCOTTSDALE@kump.com</u></p>	<p>Please provide your comments:</p> <p><u>TOWN KIT'S HOUSE 10 BED ASSISTED LIVING. IF THE REQUIREMENTS DOWN SIZED TO 6 BEDS - I WOULD CLOSE. WE CANNOT SUPPORT THE HOME OR FEWER THAN 10 RESIDENTS.</u></p>
<p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>

2-TA-2017 CARE HOMES/GROUP HOMES



Zoning Ordinance Update

TUESDAY, MAY 16, 2017

<p>Name: <u>Dennis Craft</u></p> <p>Address: <u>10513 E Clinton</u></p> <p>Phone: <u>(480) 510 3054</u></p> <p>E-mail: <u>dennis@dean-dennis.com</u></p>	<p>Please provide your comments:</p> <p><u>I would like to speak at next mtg.</u></p> <p><u>I feel that there is no way sober living can be net compared to assisted living.</u></p>
<p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>

2-TA-2017 CARE HOMES/GROUP HOMES



Zoning Ordinance Update

TUESDAY, MAY 16, 2017

Name: AARON WADMAN

Address: [Redacted]

Phone: 831-915-9611

E-mail: admin@advancedcarehomes.com

Would you like to be added to an e-mail subscription list for updates on this project?

Yes No

Please provide your comments:

Costs of Long Term Care set to double in next ten years (longtermcare.gov)

Better Assisted Living provided in residential settings.

To limit residential AL to 6 beds and zoning requirements... = increased costs

Baby Boomers 2.5x population of 72+ currently... they will pay for this proposed change

2-TA-2017 CARE HOMES/GROUP HOMES



Zoning Ordinance Update

TUESDAY, MAY 16, 2017

Name: RICHARD ERNST

Address: 9221 N 123rd St
Scottsdale AZ 85259

Phone: 480-634-0059

E-mail: RICHARDE@GMAIL.COM

Would you like to be added to an e-mail subscription list for updates on this project?

Yes No

Please provide your comments:

changing from 10 to 6

in our home assisted living would negatively impact and severely affect the business model and financial equation

I hope to be able to attend to the next meeting

2-TA-2017 CARE HOMES/GROUP HOMES



Zoning Ordinance Update

TUESDAY, MAY 16, 2017

<p>Name: <u>Leanna Lopez</u></p> <p>Address: _____</p> <p>Phone: <u>480-329-0869</u></p> <p>E-mail: <u>leannalopez@gmail.com</u></p> <p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Please provide your comments:</p> <p><u>What is the issue to be solved to reduce capacity from 10 to 6 specifically?</u></p> <p><u>Reducing the capacity will more than likely create individuals to open more homes & will create a denser # of homes in one neighborhood.</u></p>
---	--

2-TA-2017 CARE HOMES/GROUP HOMES



Zoning Ordinance Update

THURSDAY, APRIL 27, 2017
TUES May 16

<p>Name: <u>Judy Gudhus</u></p> <p>Address: <u>8432 E. Welsh Trail 85258</u></p> <p>Phone: <u>480-948-5708</u></p> <p>E-mail: <u>J.Gudhus@yahoo.com</u></p> <p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Please provide your comments:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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2-TA-2017 CARE HOMES/GROUP HOMES



Zoning Ordinance Update

TUESDAY, MAY 16, 2017

<p>Name: <u>Rodica Stame</u></p> <p>Address: _____</p> <p>Phone: _____</p> <p>E-mail: <u>rstame@cox</u></p> <p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Please provide your comments:</p> <p>The problem is simple:</p> <ul style="list-style-type: none">- keep zoning as before- AZDHS is the one to take care of the problem. They need to regulate, and supervise the sober homes as per needs. <p>There is no reason to combine the sober homes with assisted living homes.</p>
--	--

2-TA-2017

CARE HOMES/GROUP HOMES



Zoning Ordinance Update

THURSDAY, JUNE 29, 2017

Name: _____ Address: _____ _____ Phone: _____ E-mail: _____ Would you like to be added to an e-mail subscription list for updates on this project? Yes <input type="checkbox"/> No <input type="checkbox"/>	Please provide your comments: Valerie Skidmore 9617 N 120 th St Scottsdale She has people recovering from drug/alcohol 12045 E Mountain View Extensive remodeling for 3 mos
--	---

2-TA-2017 CARE HOMES/GROUP HOMES

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Law and is subject to public requests



Zoning Ordinance Update

THURSDAY, APRIL 27, 2017

Name: <u>Linda Meredith</u> Address: <u>12007 E Mountain View Rd.</u> Phone: <u>602-619-3880</u> E-mail: <u>morli@mindspring.com</u> Would you like to be added to an e-mail subscription list for updates on this project? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Please provide your comments: <u>Separation - - Could it be minimum separation between care homes shall be 1200 feet, as measured from the closest property lines?</u> <u>Am I understanding correctly that an ordinary home in the City of Scottsdale cannot have more than 6 unrelated people per premises but a care/sober home can have 6 + 2 staff? What about children of residents - unlimited. Single family neighborhoods should not be expected to have any type of care home with more unrelated residents than ordinary homes. The impact of allowing more would increase traffic, noise, and parking beyond what one expects when they purchase a home in a residential neighborhood. Ordinary families should not see their property values depreciate at the expense of care home operators who receive state + federal grants along with lots of income. Is there a way that notices can be sent out to neighbors of established + potential homes in their neighborhood?</u> <u>Can a moratorium be put in place that all care homes opening from here on will fall under</u>
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2-TA-2017 CARE HOMES/GROUP HOMES the new ordinances!



Zoning Ordinance Update

THURSDAY, JUNE 29, 2017

Name: <u>SIMON G ROZAR</u>	Please provide your comments:
Address: <u>9883 E. Cortez St. Scotts. AZ 85260</u>	<p><u>City of Scottsdale should encourage 10 bed Luxury Assisted Living homes that also would service the city of Scottsdale residents who are looking to age in place. In a home (not institution) the cater to their standard of living. I own a 10 bed luxury A.C. - My prospective residents don't ask how much it costs they are interested in the luxury, amenities & being catered to - which can only happen in a home setting micromanaging their every need & want. I get ph. calls for out of state interests in Scottsdale life style</u></p>
Phone: <u>480 682-1974</u>	
E-mail: <u>sgrozar@msn.com</u>	
Would you like to be added to an e-mail subscription list for updates on this project?	
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Please come visit so a better decision can be reached

2-TA-2017 CARE HOMES/GROUP HOMES

This document constitutes a public record under Arizona Law and is subject to public requests



Zoning Ordinance Update

THURSDAY, JUNE 29, 2017

Name: <u>ANGELA</u>	Please provide your comments:
Address: <u>ASHLEY Charter Oak</u>	<p><u>HOW ABOUT HAVING A "GROUP HOME WORKING GROUP" LIKE PHX HAS</u></p> <p><u>HOW ABOUT A "SOBER HOME TASK FORCE" LIKE THE STATE ATHY IN 15th JUDICIAL CIRCUIT IN WEST PALM IN FLA. HAS MEET OVER THE SUMMER</u></p>
Phone: <u>480 438 8966</u>	
E-mail: <u>AASHLEY@IXC.NETCOM.COM</u>	
Would you like to be added to an e-mail subscription list for updates on this project?	
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

2-TA-2017 CARE HOMES/GROUP HOMES

This document constitutes a public record under Arizona Law and is subject to public requests



Zoning Ordinance Update

THURSDAY, JUNE 29, 2017

<p>Name: <u>Pat Moraca</u></p> <p>Address: <u>6424 E. Desert</u> <u>Cave Ave</u></p> <p>Phone: <u>602 316-5407</u></p> <p>E-mail: <u>pm000@cox.net</u></p> <p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Please provide your comments:</p> <p>① FHA supports maintaining character of neighborhoods is as important as allowing persons to live w/o discrimination. It would be important to maintain character of neighborhoods by limiting expansion of the home size it does not exceed the typical # of bedrooms within the subdivision.</p> <p>② The attorney Stephen G. Polip retained by Alliance Sober Homes @ 10857 N. 64th street is not licensed in Arizona and is dispensing legal advise.</p>
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2-TA-2017 CARE HOMES/GROUP HOMES

This document constitutes a public record under Arizona Law and is subject to public requests



Zoning Ordinance Update

THURSDAY, JUNE 29, 2017

<p>Name: <u>Josh Ursu</u></p> <p>Address: <u>10338 E,</u> <u>Running Deer 85262</u></p> <p>Phone: <u>480 682 7467</u></p> <p>E-mail: <u>joshursu@yahoo</u> <u>.com</u></p> <p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Please provide your comments:</p> <p>Sober Homes should be licensed as behavioral health by the state.</p> <p>Then those homes can be regulated separately from elderly care.</p> <p>Capacity of 10. Must remain at least for elderly care</p>
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2-TA-2017 CARE HOMES/GROUP HOMES

Thoughts on regulating Assisted Living and Sober Living homes

Although I do not operate either an Assisted Living home or a Sober Living home, I have an interest in the outcome of the proposed ordinance for their regulation. My wife, now 81, is in an Assisted Living home. I have a significant stake in the details that might evolve. As originally written, the proposed ordinance seems to me that it would work to the serious disadvantage of homes that provide assisted living for senior citizens in this community. As we all know, Scottsdale is not a slum. And none of us want it to become one. On the other hand, one can easily infer that abiding without serious thought by the presumed rules of the federal government in the regulations that have been handed down from HUD and the ADA, might result in such an outcome. Specifically, the federal government wants all people with disabilities to be treated equally. And they include drug addiction and alcohol addiction in the list of disabilities. In no case, does the federal government want those with disabilities to be disadvantaged relative to the population as a whole. While the goal of treating everyone equally might be noble, it often results in equal misery for everyone.

Since we don't treat all illnesses with the same medicine, perhaps we should not treat all disabled persons with the same rules either. In order to put this into a real perspective, let me share with you my current understanding of Assisted Living and Sober Living homes and their differences.

Sober Living Homes

Sober living homes are places in which individuals who desire to abstain from drugs and alcohol can find support and encouragement. Such homes do not provide actual treatment of addiction, but rather concentrate on providing a good environment. The residents of such places pay individual fees for their lodging. They are not supported by the federal government, states, counties, or cities.

Assisted Living Homes

Assisted living homes are places in which individuals who cannot care for themselves due to either physical or mental disabilities can be cared for. Such homes do provide for personal care, such medical care as might be incidentally needed, and around the clock availability of such care.

Differences between Sober Living Homes and Assisted Living Homes

Although information has been difficult to come by due to relatively few published studies, we have found enough studies and have made enough personal inquiries to be able to come to the following conclusions.

Age of residents

The average age of residents in Assisted Living is around 85. Very few residents are younger than 70. As noted earlier, all suffer from some disability that is not likely to go away. About 60% of the residents are female due to the longer average life of women. The average age of residents in Sober Living is around 38, with most being between the age of 25 and 45. About 75% of the residents are male.

Length of stay

The average length of stay in Assisted Living is about 5 years. The average length of stay in Sober Living is 6-9 months. About 2/3 of Sober Living residents depart in less than a year, and substantially all depart in less than a year and a half.

Exit

The normal reason for departure from Assisted Living is death or hospice. Some small number of residents move to alternative Assisted Living facilities. The normal reasons for departure from Sober Living are that the individual believes that they can stay away from drugs or alcohol on their own, or are asked to leave for recurring drug or alcohol abuse.

Daytime activities

Assisted Living residents spend almost of their days in the Assisted Living facility. A few have friends or relatives that they are able to visit. Essentially none are employed or have continuing commitments outside the Assisted Living facility. Sober Living residents are frequently employed. Those who are not are often students at some educational institution or vocational training. Going out for recreation is also common for Sober Living residents.

Automobiles

It is rare that residents of Assisted Living homes drive an automobile or even own one. This should be apparent from the average age of the residents. On the other hand, Sober Living residents frequently own (or have access to) an automobile and most drive regularly.

Care requirements

Assisted Living residents very often require assistance in bathing, dressing, other personal care, eating, or medication. Assisted Living homes generally provide for in home medical care through house physicians, therapists, dentists, and nurses. They provide arrangements for blood tests, Xrays, and other diagnostic procedures. All medications are dispensed by the staff, even aspirin. No such care is provided in Sober Living facilities. Sober Living residents need supervision primarily to help them avoid their falling off the wagon. To this end, Sober Living homes usually provide or require random drug and alcohol testing, which is not done in Assisted Living homes.

Other provided services

Assisted Living facilities provide meal service for their residents. In almost all instances they provide laundry services as well. Some Sober Living homes provide kitchen facilities, but few provide full meal service and if laundry service is provided it is on a similar do-it-yourself basis.

Physical condition of residents

In Assisted Living, the average physical condition must be considered poor, generally due to old age. In Sober Living, most residents are in reasonably good physical condition.

Mental Condition of residents

Assisted Living residents have significantly higher rates of Alzheimer's, vascular dementia, and other forms of mental impairment. In Sober Living, the predominant condition is the inability to refrain from addicting drugs or alcohol.

Licensing requirements

Assisted Living facilities are licensed by the State of Arizona and must meet the requirement set forth by the Arizona Department of Health Services

Staffing requirements

Assisted Living facilities are required to have licensed care givers on hand 24 hours per day. There is no such requirement for Sober Living.

Inspections

Assisted Living facilities are regularly inspected for compliance with all the conditions given the the licensing requirements. The same level of inspection is not required for Sober Living.

Cost

In Arizona, the monthly cost for each resident in an Assisted Living facility is typically \$4,000-\$5,000 per month. This does not include outside medical services, pharmaceuticals, and special services. Sober Living costs are typically \$500-\$1,000 per month, which as noted provides no food or laundry services.

Summary

In almost every category, there is substantive difference between Assisted Living and Sober Living. In my opinion, each should be subject to its own regulation that is aimed at providing the best compromise for all of the interested parties. One size does not fit all. I believe that the case can be made that it would be in everyone's interest to consider the circumstances and detailed requirements of all parties. I would very much like to share my view with the planning commission at their convenience.

Robert M McClure, PhD
9994 E Vogel Ave
Scottsdale, AZ 85258
480-939-2916
rmm@unidot.com



ARIZONA ASSISTED LIVING HOMES ASSOCIATION
POSITION PAPER – SCOTTSDALE TEXT AMENDMENT 2-TA-2017
JUNE 29, 2017

POSITION: THE ARIZONA ASSISTED LIVING HOMES ASSOCIATION OPPOSES THE CITY OF SCOTTSDALE'S PROPOSED TEXT AMENDMENT MERGING ASSISTED LIVING HOMES WITH SOBER LIVING HOMES. SPECIFICALLY, THE ASSOCIATION OPPOSES LIMITING FUTURE ASSISTED LIVING HOMES TO SERVING 6 RESIDENTS, LIMITING THE NUMBER OF STAFF MEMBERS TO TWO PER PROPERTY, REWRITING THE DEFINITION OF "CARE HOME", REQUIRING ASSISTED LIVING HOMES TO FACILITATE REHABILITATIVE PROCESSES FOR OUR RESIDENTS, IMPOSITION OF DISCHARGE PLANNING, AND IMPOSING A REQUIREMENT THAT WE ADDRESS NOISE ABATEMENT IN OUR ASSISTED LIVING FACILITIES.

Assisted Living Homes (ALH's) have been licensed in Arizona since the mid 1990's. These Homes exist to serve the vulnerable elderly residents of our neighborhoods, enabling them to stay close to their families. Today, ALH's are heavily regulated to insure consistency of care, and to assure that those who serve our elderly are licensed and certified according to specific standards. ALH's are nestled into almost every neighborhood in almost every City and town in Arizona.

There are approximately 1705 ALH's in Arizona, of which about 160 are located in Scottsdale. Of these Homes in Scottsdale, over 100 or 63% are 10-bed homes, and 46 or 29% are 5 beds and under. Seventy one percent (71%) of the ALH's in Scottsdale currently serve 7-10 residents. Six bed homes are non-existent in Scottsdale most likely because they must comply with fire sprinkler codes, which is not economical for such small businesses.

Our single-family homes allow a home style environment rather than a hotel and/or institutional setting. ALH's provide a more personal level of care than any other alternative living situation for our compromised elderly. As our elderly continue to age, we have the ability to manage the increased care needs without the families or elderly themselves worrying about having to move, whether to a different room or different facility. We call this "aging in place". ALH's are the lowest cost, highest care alternatives for many of our Scottsdale residents. It is only through the economies of scale that 10-bed professional homes are financially viable and thriving as a way to compete with the larger Centers for providing a higher level of care for the most compromised of our elderly.

Sober Living Homes house those released from rehabilitation centers, with drug and alcohol addictions, allowing them further recovery time before returning to their own homes. We are not opposed to Sober Living Homes, but we have nothing in common with them. Sober Living Homes are not care homes. They were never designed to be care homes. They are more akin to half-way houses. *To clump us together is a disservice to both industries.*

Scottsdale is known as being an upscale community. Many of the 10-bed ALH's located in Scottsdale serve the upper, and upper-middle-class residents within their neighborhoods. Residents who are unwilling or financially unable to be relocated into high-priced corporate Centers or nursing facilities will be relegated to move to other cities for more personal care. We do not think this is Scottsdale's intention under this proposal.

Please see the last page for an outline of major differences between Assisted Living Homes and Sober Living Homes. As you will see, there are practically no similarities between Assisted Living Homes and Sober Living Homes.

To diminish Assisted Living Homes to an uneconomical business model so that the City of Scottsdale can regulate Sober Living under the guise of being "care homes" is a faulty premise resulting in a gross inequity to both.

Specifically regarding the Text Amendment:

1. We oppose the changing of the definition of "care home", stripping from the definition the ability of ALH's to provide personal care to our residents. That is what assisted living does, is CARE for residents. By changing the definition to "supervisory or other care services" the definition of "care home" has been gutted and replaced with a nebulous, vague term so that Sober Living Homes can be hybridized with Assisted Living as "care homes".
2. Limiting the number of vulnerable elderly people we serve will prevent additional professional assisted living operators from entering the Scottsdale market, and therefore the professional assisted living homes, residents, employees and resources will move to adjoining cities, moving their money to those cities and not to Scottsdale.
3. Limiting the number of vulnerable people we serve will limit the resources we have available to best serve our clients. (Economies of scale.)
4. Limiting the number of vulnerable people we serve will deny Scottsdale residents the right to live in the least restrictive most professional environment (Residents/Patients Rights).
5. Limiting the number of caregivers in an Assisted Living Home to 2 denies adequate healthcare to those who require a higher level of care. The legality of restricting the number of caregivers in an ALH is questionable.
6. The Operation Plan which is to detail how the care home will facilitate the rehabilitative process for its residents is a prime example how Assisted Living and Sober Living cannot co-exist under the same umbrella. Assisted Living homes do not rehabilitate residents from substance abuse. To require us to have a rehabilitation plan for each of our residents is fundamentally flawed. You cannot rehabilitate old age. This is not an Assisted Living Home issue.
7. The Operation Plan which is to detail how the home will address discharge planning is equally absurd. Ninety-nine percent of Assisted Living Residents are discharged to a mortuary. This is not an Assisted Living Home issue.
8. The Operation Plan is to detail how the home will address noise abatement. Assisted Living Homes have traditionally never had a problem with noise abatement. This is not an Assisted Living Home issue.

CONCLUSION: We are opposed to being categorized as analogous to Sober Living Homes, in order that Scottsdale can claim that Sober Living and Assisted Living are the same under Fair Housing and Americans with Disabilities Acts. We are not the same. Dragging Assisted Living Homes down to claim parity with Sober Living is an unintended consequence. We are, what would be called collateral damage. Sacrificing the vulnerable elderly of Scottsdale is an issue of morality and should never be considered.

As Arizonan's age, our Cities and Towns need to protect, not limit the opportunities we have to care for our vulnerable elderly. We ask that the City of Scottsdale recognize the 10-bed Assisted Living Homes for what we are, for the community, and for the elderly and their families. Do not try to make us into something we are not. *It is not a matter of good or bad, it is solely a matter of how we, as a society, can provide the best service we can provide to the people we serve.* Neither of these industries can do that under the same umbrella. We are different.

Respectfully;



Gaile Perry Dixon
President
Arizona Assisted Living Homes Association



Arizona Assisted Living Homes Association

	ASSISTED LIVING HOMES	SOBER LIVING HOMES
1.	Operate under strict rules from the Arizona Department of Health Services.	Operate under no State regulation.
2.	Licensed/certified staff provide hands on care for every resident. (Feed, bathe, toilet, dress, direct)	No Licensed/certified staff. Provides no hands-on care for any resident.
3.	Employ Licensed Managers and Certified Caregivers 24 hours/day	Have one adult supervisor with no licensing or certification requirements available 24 hours/day
4.	Licensed /certified staff manage every medication even OTC medications for each resident.	Medication management is not permitted.
5.	Staff fingerprinted by law	No fingerprinting requirement
6.	Recourse available against a managers' license	Limited recourse against staff misconduct
7.	Neighbors are virtually not concerned about children in vicinity of Assisted Living Homes	Neighbors are concerned about children in vicinity of Sober Living Homes
8.	Neighbors are not concerned about increases of neighborhood crime rates in Assisted Living Homes	Neighbors are highly concerned about neighborhood crime rates and consequences of relapses in Sober Living Homes
9.	Provide housing to individuals with age related disabilities	Provide housing to individuals recovering from drug or alcohol abuse.
10.	Homes created for elderly people as a permanent residence for the rest of their lives.	Homes created for people suffering from drug or alcohol addiction for a temporary period of time.
11.	Residents do not come and go without direct supervision	Residents are highly mobile, and may come and go without direct supervision
12.	Residents have limited ability to ambulate, and do not generally congregate outside the home	Residents are ambulatory and may congregate (ie; to smoke) outside the home
13.	Residents almost exclusively do not drive, and do not create neighborhood parking problems	Residents do drive (unless restricted), and this causes problems within neighborhoods when a number of people consistently park cars at the same house
14.	Most residents are sedentary and retired; quiet neighbors	Most residents are not sedentary and not retired
15.	Residents are not expected to recover and lead a normal life	Residents anticipate recovery and the ability to lead a normal life
16.	Have integrated into neighborhoods for decades and serve their neighborhoods	Have not integrated into neighborhoods and have caused discord (hence these proposed rules).
17.	Do not provide alcohol-free or drug-free housing.	Provide alcohol-free or drug-free housing
18.	Most residents are beyond life skill development	Promote life skill development
19.	Do not provide outpatient behavioral health services for substance abuse or addiction treatment while living in the home.	Provide outpatient behavioral health services for substance abuse or addiction treatment while living in the home.

Bloemberg, Greg

From: L. Fitzhugh <neighborhoodwire@gmail.com>
Sent: Thursday, October 12, 2017 11:17 AM
To: neighborhoodwire
Subject: Hooked, hoodwinked Some drug rehabs aim for relapse and \$\$\$

<http://www.apnewsarchive.com/2017/Authorities-say-South-Florida-long-a-national-hub-of-the-addiction-recovery-industry-has-become-a-focal-point-for-rampant-insurance-fraud-that-relies-on-a-lethal-cycle-of-failure/id-0761e1b361414e45b36f5db1c5299262>

Hooked, hoodwinked: Some drug rehabs aim for relapse and \$\$\$

By CURT ANDERSON , Associated Press
Aug. 24, 2017 3:58 PM ET

DELRAY BEACH, Fla. (AP) — The Reflections treatment center looked like just the place for Michelle Holley's youngest daughter to kick heroin. Instead, as with dozens of other addiction treatment centers in Florida, the owner was more interested in defrauding insurance companies by keeping his patients hooked, her family says.



Lynne Sladky

In this Thursday, July 13, 2017 photo, Michelle Holley holds a photograph of her daughter Jaime Holley, 19, who died of a heroin overdose in November 2016, at her home in Fort Lauderdale, Fla. The Reflections treatment center looked like just the place for her youngest daughter to kick heroin. "It looked fine. They were saying all the right things to me. I could not help my child so I trusted them to help my child," Holley said. Instead, the center refused to give 19-year-old Jaime Holley her prescription medicine when she left, forcing her to use illegal drugs to avoid acute withdrawal symptoms, her mother said. (AP Photo/Lynne Sladky)

[APImages.com](#) More photos »

"It looked fine. They were saying all the right things to me. I could not help my child so I trusted them to help my child," Holley said.

Instead, the center refused to give 19-year-old Jaime Holley her prescription medicine when she left, forcing her to use illegal drugs to avoid acute withdrawal symptoms, her mother said. She died of a heroin overdose last November. "Right to my face they lied to me, and I believed them."

Rather than working to get people well, a growing number of unscrupulous industry players are focusing on getting patients to relapse so that insurance dollars keep rolling in, according to law enforcement officials, treatment experts and people trying to beat their addictions.

"It's terrible right now. I don't know of any business that wants to kill its customers, but this one does," said Timothy Schnellenberger, who has worked for years in running addiction recovery centers in Florida. "It really breaks my heart. Kids are dying left and right."

Reflections and Journey — both centers owned by Kenneth Chatman — are shuttered now, and Chatman is serving a 27-year federal prison sentence after pleading guilty to health care fraud and money laundering, but that's little comfort to Holley, who described her daughter's ordeal in an interview.

"I couldn't fix it. And as a parent, I wanted to fix it," she said, trying to contain her tears as she looked through her daughter's pictures and Mother's Day cards.

As drug addiction destroys families across America, "there's a need for a positive, vibrant recovery network to help people get off of opioids," said State Attorney Dave Aronberg, chief prosecutor in Palm Beach County. "You can't just arrest your way out of this problem."

But lately, sunny South Florida has become the focal point of rampant insurance fraud that relies on a lethal cycle of intentional failure, authorities say.

"The incentive is to keep them in this relapse system, this gravy train that doesn't end until the person leaves in a body bag or an ambulance," said Aronberg, whose opioid task force has made more than 30 fraud arrests. "There's no money in sobriety."

Overcoming substance abuse generally involves a treatment center, where urine tests are done, prescriptions dispensed and recovery group meetings held, and a "sober home," where people recovering from addictions live together to get group support.

It's a \$1 billion business in Palm Beach County alone, federal officials say.

Florida has the most sober homes per capita of any state, said David Sheridan, President of the National Alliance for Recovery Residences. Opioid treatment fraud has surfaced in California and Arizona, but Florida stands out, in part because so many people come for treatment.

Two people overdose on opioids every day in Palm Beach County, mainly from heroin laced with the synthetic drug fentanyl, investigators say. Statewide, deaths from this combination rose 75 percent in 2015 as more than 2,500 people died in Florida from opioid-related overdoses, according to the state medical examiner.

One operation alone — the Real Life Recovery Delray treatment center and the Halfway There Florida home — collected almost \$19 million by fraudulently billing insurance companies for \$58 million over four years, according to the FBI. That case has not yet gone to trial.

The FBI affidavit said the fraud included unnecessary or faked urinalysis samples, double-billing, and paying kickbacks to patients in the form of gift cards, trips to casinos and strip clubs, and free airline tickets. Other tactics included paying "patient brokers" to illegally direct addicts to particular facilities.

Chatman's patients were given drugs to trigger a positive drug test so they could be considered in "relapse" when their insurance coverage was about to expire. Court documents say he induced some female patients into prostitution for free rent at his sober home, and confiscated car keys, cellphones and prescription medications.

"They don't care if you die. They just want to keep swiping that insurance card so they can keep getting money out of you," said Blake Oppenheimer of Louisville, Kentucky, who was ordered into treatment, and landed in a center that was shut down for fraud. "I felt like I was something in a store that was just trying to be sold over and over again."

Fraudulent operators are exploiting a web of state and federal laws that make oversight difficult. People being treated for addictions are protected by the Americans With Disabilities Act and health privacy laws. With children up to age 26 now covered under their parents' insurance, there's more money to be made.

The Florida Legislature has imposed tougher penalties for patient brokering and new limits on deceptive marketing techniques. Delray Beach and Boynton Beach approved new rules for group homes, requiring them to be accredited by a regulatory organization such as the Florida Association of Recovery Residences.

Oppenheimer, 23, is now at Schnellenberger's Recovery Boot Camp, and hopes someday to return to college to study neuroscience.

"This is like the last house on the block for me," he said. "This is my last opportunity, and I've got to use it."

Associated Press reporter Joshua Replogle contributed to this report.

Follow Curt Anderson on Twitter: <http://twitter.com/Miamicurt>

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Bloemberg, Greg

From: Richard and Judy Pollick <djpollick@cox.net>
Sent: Friday, October 13, 2017 7:55 AM
To: Planning Commission
Cc: Grant, Randy; Littlefield, Kathy; Bloemberg, Greg; City Council; Morales, Isol; Kathy Littlefield; Curtis, Tim; Bob Littlefield; Lane, Jim; Biesemeyer, Brian K; Guy Phillips; Milhaven, Linda; Smetana, Rachel; Klapp, Suzanne; City Manager Mailbox; jimthompson@scottsdaleaz.gov; Thompson, Jim; Washburn, Bruce; Boomsma, Patricia
Subject: Jurisdiction of Arizona Department of Health Services

At the meeting October 11, 2017, the question as to who has jurisdiction for Sober Living Homes was asked. See emails below from AZDHS. It is the cities responsibility. Also, from a zoning standpoint, if there is no license, there is no authorization from either state or city to address any complaint either from the resident or a neighbor.

Sincerely,
Judy Pollick
480-236-9854

Begin forwarded message:

From: Connie Belden <Connie.Belden@azdhs.gov>
Subject: RE: Question
Date: March 12, 2017 at 5:57:17 AM MST
To: Richard and Judy Pollick <djpollick@cox.net>

We would still not have any jurisdiction for Sober Living Home. This would be the responsibility of the City.

From: Richard and Judy Pollick [<mailto:djpollick@cox.net>]
Sent: Saturday, March 11, 2017 2:09 PM
To: Connie Belden
Subject: Question

Sorry to bother you again. Question, if the City of Scottsdale begins licensing Sober Living Homes, what authority and responsibility will the Arizona Department of Health and Services have in this scenario? Would you be doing the inspections?
Would you be doing the elaborate initial check-list?

Appreciate your assistance.

Thank you.

Judy Pollick
480-236-9854

Begin forwarded message:

From: Connie Belden <Connie.Belden@azdhs.gov>
Subject: RE: Scottsdale Providence Recovery Center
Date: March 2, 2017 at 1:19:50 PM MST
To: Richard and Judy Pollick <djpollick@cox.net>

Thank you for the email. Judy we are not able to investigate the house and events at the home since it is not licensed and we do not have legal jurisdiction. I understand your concerns. Perhaps you could reach out to the city for their review in regards to this. I will add this to the information and our investigation but this is about all that I can do.

From: Richard and Judy Pollick [<mailto:djpollick@cox.net>]
Sent: Thursday, March 02, 2017 10:07 AM
To: Connie Belden
Subject: Scottsdale Providence Recovery Center

Connie,

I received this email from a neighbor, who lives next door to the Sober Living House at 35231 N. 98th Street, Scottsdale, AZ 85262. This is the facility that you have been investigating. It appears there was an emergency last night at the home.

These homes are suppose to be drug and alcohol free. We are not sure what transpired, but the comment the fireman made raises the suspicion. Please contact the Fire Department and the number below and investigate our concern.

Also, please confirm your receipt of this email.

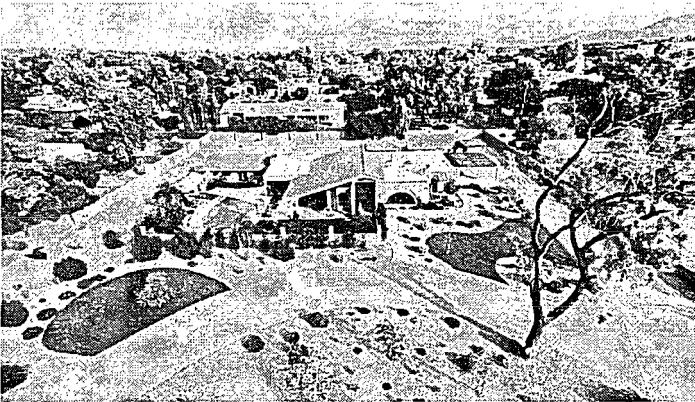
Thank you.
Judy Pollick
480-236-9854

Bloemberg, Greg

From: L. Fitzhugh <neighborhoodwire@gmail.com>
Sent: Friday, October 13, 2017 3:15 PM
To: neighborhoodwire
Subject: Sober-Living Facility Leaving Paradise Valley; Home for Sale for \$1.1 Million

<http://www.phoenixnewtimes.com/news/zillow-paradise-valley-sober-living-home-for-sale-for-11-million-9775843>

PHOENIX
NewTimes



This nearly-4,000 square foot home in Paradise Valley is home to a sober-living center, but perhaps not for long.

[Zillow](#)

Sober-Living Facility Leaving Paradise Valley; Home for Sale for \$1.1 Million

[Joseph Flaherty](#) | October 13, 2017 | 7:00am

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- [Print Article](#)

A sober-living home that caused a small uproar in upscale Paradise Valley is on its way out.

The house, located at 6710 East Fanfol Drive, is listed for sale after prompting a complaint from the Town of Paradise Valley and concerns from neighbors. The sober-living home is currently home to a group of residents recovering from addiction under the auspices of Pinnacle Peak Recovery, a Scottsdale-based addiction treatment center.

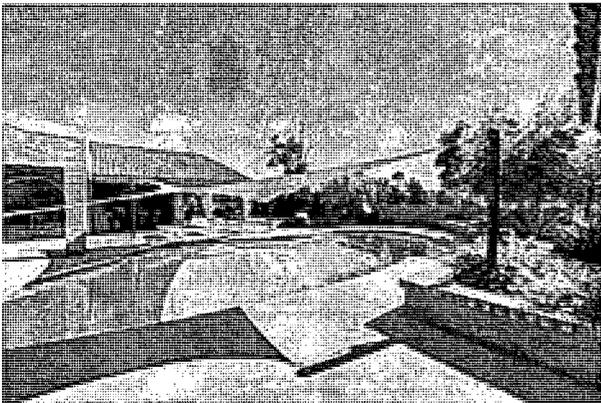
Related Stories

- **Addiction Recovery: Too Close to Home in Paradise Valley?**

According to Andrew Miller, Paradise Valley town attorney, Pinnacle Peak Recovery informed him that they intend to vacate the premises by the end of November. Miller has also received a notice of non-renewal of the lease for the sober-living house.

Property owner Dan Mosher declined to answer when asked whether he told Pinnacle Peak to vacate the house. He told *Phoenix New Times* in a text message that he could in theory terminate Pinnacle Peak Recovery's lease after giving them one month's notice.

The Zillow listing, which went online October 8, says that the property is leased until the end of November. The current asking price is listed as \$1,095,000.



The grounds of the house feature a heated pool and a large front yard.

Zillow

Pinnacle Peak Recovery declined to comment on the situation to *New Times*.

Paradise Valley took issue with the number of people in the house, prompting the complaint from the town. A September 7 letter stated that Pinnacle Peak was in violation of the city code, which does not permit more than five unrelated people to live together under one roof. According to the real estate listing, the house has 3,688 square feet of living space, five bedrooms, and a pool.

Neighbors were alarmed by the number of people they saw being ferried to and from the house in a white van several times a day. On a regular basis, cars would congregate outside the house for what appeared to be a group meeting.

"We call it visiting day," said one neighbor, who asked to remain anonymous. "That's when on a random Thursday morning there will be 14, 15 cars all around the place."



Zillow

Amie Mendoza, an attorney representing Pinnacle Peak, had previously requested that the sober-living home receive an accommodation to allow it to house at least two people per room.

"There's a number of issues that people are just completely uneducated about with regard to the Americans with Disabilities Act and the Fair Housing Act," she told *New Times* recently.

These federal laws require communities to accommodate residents who are recovering from addiction.

However, sober-living homes have proliferated, especially in Arizona. A number of treatment centers opened to serve a population ravaged by the opioid crisis; at the same time, the Affordable Care Act's expanded insurance coverage for addiction treatment facilitated the field's growth.

Addiction treatment centers are often tied to sober-living homes, where people recovering from addiction can live in a neighborhood with a supportive group of housemates. This has led to occasional clashes of neighborhoods and the sober-living residences, like the one on Fanfol Drive. Some cities and towns have attempted to regulate the sober-living homes using the city code, with mixed success, in an effort to weed out any bad actors.

The co-owner of Pinnacle Peak Recovery, Tyler Tisdale, was previously convicted of an attempt to defraud a bank, raising concerns in the mind of neighbors. The questionable Facebook history of a house manager didn't help, either.

"It just doesn't seem like a well-run company," a neighbor said, and added, "The fact that a company like Pinnacle Peak is able to capitalize on this situation is very, very disturbing."

Joseph Flaherty is a fellow at *New Times*. Originally from Wisconsin, he is a graduate of Middlebury College and Columbia University's Graduate School of Journalism.

- Contact:
- Joseph Flaherty

- Follow:
- Twitter: @flahertyjoseph

Bloemberg, Greg

From: Richard and Judy Pollick <djpollick@cox.net>
Sent: Friday, October 13, 2017 7:56 AM
To: Planning Commission
Cc: Grant, Randy; Littlefield, Kathy; Bloemberg, Greg; City Council; Morales, Isol; Kathy Littlefield; Curtis, Tim; Bob Littlefield; Lane, Jim; Biesemeyer, Brian K; Guy Phillips; Milhaven, Linda; Smetana, Rachel; Klapp, Suzanne; City Manager Mailbox; jimthompson@scottsdaleaz.gov; Thompson, Jim; Washburn, Bruce; Boomsma, Patricia
Subject: Delray Beach Florida and Prescott Arizona Study
Attachments: Delray Beach FL GH Zoning Study May 2017.pdf; Prescott AZ Group Home Report.pdf

Please find attached the studies for Delray Beach Florida and Prescott Arizona and email from attorney, Daniel Lauber.

This summer, the City of Phoenix established a committee to write the ordinance to address Sober Living Homes. This committee as of October, 2017, have meet four times. Also, this summer the City of Phoenix entered into a year consulting contract with attorney, Daniel Lauber, who has FHA and ADA expertise to facilitate this process. This is the same attorney that Prescott used to write their ordinance.

Sincerely,
Judy Pollick
480-236-9854

Begin forwarded message:

From: Richard and Judy Pollick <djpollick@cox.net>
Subject: Delray Beach Florida and Prescott Arizona Study
Date: May 22, 2017 at 8:42:21 AM MST
To: "Grant, Randy" <RGrant@Scottsdaleaz.gov>, "Littlefield, Kathy" <KLittlefield@Scottsdaleaz.gov>, "Bloemberg, Greg" <GBLO@Scottsdaleaz.gov>, City Council <CityCouncil@scottsdaleaz.gov>, "Morales, Isol" <IMorales@Scottsdaleaz.gov>, Kathy Littlefield <kathy@kathylittlefield.com>, "Curtis, Tim" <tcurtis@scottsdaleaz.gov>, Bob Littlefield <bob@boblittlefield.com>, "Lane, Jim" <JLane@ScottsdaleAZ.Gov>, "Biesemeyer, Brian K" <BBiesemeyer@Scottsdaleaz.gov>, Guy Phillips <guyrphillips@gmail.com>, "Milhaven, Linda" <LMilhaven@scottsdaleaz.gov>, "Smetana, Rachel" <RSmetana@scottsdaleaz.gov>, "Klapp, Suzanne" <SKlapp@scottsdaleaz.gov>, City Manager Mailbox <citymanager@Scottsdaleaz.gov>, "jimthompson@scottsdaleaz.gov" <jimthompson@scottsdaleaz.gov>, "Thompson, Jim" <JThompson@Scottsdaleaz.gov>, "Washburn, Bruce" <bwashburn@scottsdaleaz.gov>, "Boomsma, Patricia" <PBoomsma@Scottsdaleaz.gov>, PlanningCommission@ScottsdaleAZ.gov
Cc: Angela Ashley <aashley@ix.netcom.com>, Jack Pugh <pugh2@cox.net>, Norm Klein <nklein@hpedge.com>

Please find attached the Study for Delray and Prescott from Daniel Lauber, the attorney who worked with Prescott to develop their licensing, rules and regulations for Sober Living Homes.

The study along with his email below should provide assistance in adopting Scottsdale's.

Sincerely,

Richard and Judy Pollick
480-236-9854

----- Forwarded message -----

From: **Daniel Lauber** <dan@lauber.law>

Date: Thu, May 18, 2017 at 3:07 PM

Subject: Re: Request for 57 Page Report for Delray Beach

To: Janice Morton <janice@takeactionphoenix.com>

Dear Ms. Morton,

Thanks for writing.

Since the Delray Beach study is a public document, I have attached it to this email. Keep in mind that the State of Florida has statutory regulation of zoning for some group homes that is different than the state statutes in Arizona. So I have also attached the study I did for Prescott which looks at the zoning through the prism of Arizona's statewide zoning statute. Naturally there are some similarities to the studies -- some paragraphs are the same in both studies (why increase the cost to the client by rewriting paragraphs that don't need to be rewritten? I know, I could be thrown out of the legal profession for trying to keep costs down).

You might also want to visit our site <http://www.grouphomes.law> where you can download a two-page summary of the current state of the law as well as a one-page article from *Planning* magazine and, if you are a glutton for punishment, my 1996 law review article that explains everything in great detail (despite the best efforts of the law review editors, the article does not cure insomnia).

A few key points to keep in mind:

- When a city has a zoning definition of "family" that sets a cap on the number of unrelated people in a single housekeeping unit that constitute a family, any community residence that fits within that cap must be treated the same as any other family. So if the definition of family allows five unrelated people to live together, the city must treat any community residence with five or fewer unrelated occupants exactly the same as any other family. So no licensing or certification requirement or spacing requirement can be applied to those homes. That's the way the case law has worked out. And if the city does not have a cap on the number of unrelateds who constitute a family, it cannot regulate community residences at all.
- All community residences are subject to the same zoning regulations. The zoning regulations apply the same to sober homes as well as to all other community residences such as group homes for people with developmental disabilities, mental illness, or physical disabilities.
- Prescott also adopted a basic licensing ordinance. While about 10 to 15 percent of the sober homes have decided not to apply for a license and close down, the insurance industry's crackdown on fraud has played a more substantial role in reducing the number of sober homes in Prescott. The new zoning has prevented new concentrations of community residences from developing and further intensification of existing concentrations. It was not designed to close existing community residences.
- The proper and legal zoning approach to community residences is very nuanced and carefully reasoned out. It's important to resist the temptation to take anything from the study out of context.
- The zoning approaches recommended by both studies constitute the least drastic means needed to actually accomplish legitimate government interests -- which satisfies the key legal test. They offer

much greater certainty and clarity to operators of prospective community residences than the so-called "reasonable accommodation" process that so many jurisdictions use.

I hope this information and the studies are helpful.

On 5/18/2017 11:29 AM, Janice wrote:

Dear Mr Lauber,

I came across your name in the article mentioned

here: <http://spbc.blog.palmbeachpost.com/2017/05/17/delays-latest-sober-home-regulation-efforts-could-force-out-bad-homes/>

Our group Take Action Phoenix (<http://www.takeactionphoenix.com>) has been working with the City of Phoenix to pass health & safety ordinances for sober living homes.

We are very interested in reading the 57 page report that you created. I do not know if it is a public document, etc. If it is a report that you can share, please point me in the direction of where I can get a copy. We are eager to read it.

Thanks,

Janice Morton

Take Action Phoenix

jmorton@takeactionphoenix.com

--

FROM:

Daniel Lauber, AICP

Planning/Communications

Law Office of Daniel Lauber

7215 Oak Avenue

River Forest, IL 60305

Phone: [708-366-5200](tel:708-366-5200)

Fax: [708-366-5280](tel:708-366-5280) (**Please call before** sending us a fax so we can connect the rarely-used fax machine)

Emails:

dl@planningcommunications.com

dan@fairhousing.law

dan@grouphomes.law

Websites:

<http://www.planningcommunications.com>

<http://www.lauber.law>

<http://www.fairhousing.law>
<http://www.grouphomes.law>



**CITY OF SCOTTSDALE
NEIGHBORHOOD ADVISORY COMMISSION
REGULAR MEETING
MINUTES**

WEDNESDAY, APRIL 26, 2017

**COMMUNITY DESIGN STUDIO
7506 E. INDIAN SCHOOL ROAD
SCOTTSDALE, AZ 85251**

PRESENT: Jennifer Fabiano, Commissioner
Michael Gonzalez, Commissioner
Carol Miraldi, Commissioner
Rachel Putman, Commissioner

ABSENT: Joe Meli, Chair
William Lichtsinn, Commissioner

STAFF: Greg Bloemberg, Senior Planner
Christy Hill, Staff Representative
Adam Yaron, Citizen Liaison

Call to Order/Roll Call

The meeting of the Neighborhood Advisory Commission to order at 5:00 p.m. A formal roll call was conducted, confirming members present as stated above.

1. Approve Draft Summary Meeting Minutes: March 22, 2017

COMMISSIONER FABIANO MOVED TO APPROVE THE MINUTES OF THE MARCH 22, 2017 MEETING AS PRESENTED. COMMISSIONER MIRALDI SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). CHAIR MELI AND COMMISSIONER LICHTSINN WERE ABSENT.

2. Open Call to the Public

Tammy Smith asked what the Neighborhood Advisory Commission's mission is. Commissioner Gonzalez said it is to enhance neighborhoods from Indian Bend

south to the City limits. The Commission encourages neighborhoods to do self-improvement and to participate in the Spirit of Scottsdale Awards. Christy Hill, Staff Representative, elaborated that it is a City-wide commission with a focus on revitalization.

3. Care Homes Text Amendment

Greg Bloemberg, Senior Planner, said that the amendment deals specifically with care homes and group homes. There are three objectives/challenges:

- Integrate care homes into residential areas
- Promote successful recovery
- Compliance with federal and state law

The Arizona House passed Bill HB2107, enacted May 7, 2016, which allows cities to place regulations on these types of homes. A city or town may adopt via ordinance standards for these homes that comply with state and federal fair housing laws and the Americans with Disabilities Act. If adopted, those regulations may include:

- Written notifications from all structured sober living homes
- Supervision requirements for the residents
- Establishment and maintenance of an operation plan that facilitates the rehabilitative process, including discharge planning and that addresses maintenance of the property as well as noise abatement

The City is currently in the process of implementing regulations via ordinance. Commissioner Fabiano asked whether the City has any guiding ordinance regarding structured living homes. Mr. Bloemberg said that as of this time, the City's ordinance has been treating sober living homes as adult care homes, which is a stretch, as the adult care home category was created for elderly care. Now that the facilities are gaining in popularity, the issue needs to be addressed. One of the reasons the ordinance is being addressed is due to the receipt of a petition from a citizen group insisting that the City Council address the issue. Commissioner Gonzalez commented that there is the potential for redundancy, as any federal or state law will trump the City's ordinance. Mr. Bloemberg said that whatever ordinance the City adopts will mirror these laws. However, the regulations will be formalized via ordinance.

Mr. Bloemberg said public outreach has begun with one open house attended by 35 people. Another is scheduled for tomorrow at the Via Linda Senior Center and a third is planned for May. A summary of proposed amendments to the ordinance include:

- Reduce number of residents from ten to six, which is consistent with what State law terms a single family and allow up to two staff
- Increase separation requirements between homes from 750 to 1,200 feet
- Require operation plan and registration
- Maintenance and upkeep requirements of the property

- Require annual fire inspection
- Residents must be supervised 24 hours per day

Commissioner Fabiano asked for more detail on the increase from 750 to 1,200 feet separation. Mr. Bloemberg said that one of the objectives is to integrate the care homes into residential areas in such a way that the City is not compromising single family neighborhood settings. Adam Yaron, Citizen Liaison, added that much of this is predicated upon how the operations take place.

In response to a question from Commissioner Gonzalez, Mr. Bloemberg said that these are considered nonprofit organizations, which is why they are not licensed. Federal law, in particular, classifies addiction as a disability. The Federal Fair Housing Act specifically includes addiction as a disability.

There was discussion on HOAs and whether they can impose stricter rules. Commissioner Fabiano said that CC&Rs may prohibit home businesses. She asked whether these types of homes must be permitted due to requirements of the ADA. Mr. Bloemberg said this came up at the first open house. HOAs are private contracts between residents and communities. HOAs can prohibit the homes outright, if they choose. The City will not stop them from doing that. The HOA needs to be aware that it is at risk for a lawsuit.

In response to a question from Commissioner Fabiano, Mr. Bloemberg said that it is difficult to pinpoint the exact number of sober living homes in Scottsdale at this time, as they have been counted under adult care homes. If he had to estimate, he would estimate the number to be at least 300.

Commissioner Gonzalez commented that halfway houses and sober living homes involve addicts and is a distinctly different situation than elderly care homes. Mr. Bloemberg said that staff understand this. However, staff cannot put special restrictions on sober living homes, as this would be a discrimination against the disability.

Commissioner Fabiano asked about the difference between a halfway home in which inmates are coming out of prison and the sober living homes. Mr. Bloemberg said that this is not meant to specifically deal with situations of newly released inmates. There is a separate category aside from the sober living home and that is the group home. Group homes will be added as a land use to the ordinance. Group homes may refer to recovering addicts, but also could be six unrelated adults who want to share a home. This type of group home will only be allowed in multifamily districts. Commissioner Gonzalez said that logically, these types of homes would fit a multifamily designation, rather than a single residence. Mr. Bloemberg agreed and noted that group homes do not involve people with disabilities and these can be regulated by the City. Mr. Yaron added that there is also a difference in operators. One involves full time supervision, whereas this may not be the case in a group home setting. Mr. Bloemberg said that behavioral health care homes do require licensing, however sober living homes do not.

Mr. Bloemberg said that two of the main comments and suggestions made at the open house were that the facilities be licensed and that they be distinguished

from other types of care homes, which the legal department has said they cannot do.

Commissioner Gonzalez said that the neighborhood is entitled to expect no disruptions. Mr. Bloemberg said the law allows enforcement of basic nuisance provisions, such as noise and property maintenance. However, there is little that can be done about what is going on inside a house. There are parking restrictions. Commissioner Fabiano commented that state law would preclude a registered sex offender with an addiction living in the home. Mr. Bloemberg agreed, stating that no one would be able to live in the home who is considered to be a direct threat to the neighborhood.

Mr. Bloemberg said the item will be presented to City Council in August or September after the summer break.

Commissioner Gonzalez asked about governing rules, such as the number of people that can be housed in a certain square footage house. Mr. Bloemberg said for care homes, the fire department has to establish occupancy based on rooms, square footage and restrooms. He assumes it is the same for these types of homes, however, he is not certain and would have to verify.

There was discussion that the public outreach process is mainly information, as the City is limited in the restrictions it may apply.

4. Planning, Discussion and Selection of 2017 Spirit Awards

Commissioner Gonzalez addressed submissions. For the condominium category, there were no nominations. He reviewed the boundary map for the awards. Categories include:

- Residential
 - Single family homes, townhomes
 - Judging criteria:
 - Neighborhood input: Share any feedback, comments received from neighborhoods about the improvement.
 - Neighborhood impact: Were other neighbors inspired to make improvements, too?
 - Neighborhood participation: Was the neighborhood involved in the project?
- Non-residential (commercial)
 - Focus on how an organization, school, club, group or person has created an environment that positively impacts the neighborhood
 - Same basic criteria a residential
- Spirit of Scottsdale
 - People/organization involvement
 - Judging criteria:
 - Number of years of involvement in neighborhood building or City-wide neighborhood issue



**SCOTTSDALE PLANNING COMMISSION
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

WEDNESDAY, OCTOBER 11, 2017

***DRAFT SUMMARIZED MEETING MINUTES ***

PRESENT: Paul Alessio, Chair
Larry S. Kush, Commissioner
Prescott Smith, Commissioner
Kelsey Young, Commissioner
Kevin Bollinger, Commissioner
Christian Serena, Commissioner

ABSENT: Ali Fakh, Vice Chair

STAFF: Tim Curtis
Pat Boomsma
Greg Bloemberg
Randy Grant
Casey Steinke
Lorraine Castro

CALL TO ORDER

Chair Alessio called the regular session of the Scottsdale Planning Commission to order at 5:01 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning

MINUTES REVIEW AND APPROVAL

1. Approval of the September 27, 2017 Regular Meeting Minutes including Study Session.

COMMISSIONER KUSH MOVED TO APPROVE THE SEPTEMBER 27, 2017 REGULAR MEETING MINUTES, INCLUDING STUDY SESSION, SECONDED BY COMMISSIONER SMITH, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

2. Approval of the October 4, 2017 Remote Hearing Meeting Minutes.

COMMISSIONER KUSH MOVED TO APPROVE THE OCTOBER 4, 2017 REMOTE HEARING MEETING MINUTES, SECONDED BY COMMISSIONER SMITH, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

Non-Action Item

3. [2-TA-2017 \(Care Homes/Group Homes Text Amendment\)](#)

Request by City of Scottsdale to amend the Zoning Ordinance (Ord. No. 455); specifically, Sec. 1.202 (Interpretations and Decisions), Sec. 1.801 (Powers of the Board of Adjustment), Sec. 1.1304 (Enlargement, extension, reconstruction or structural alteration of nonconforming structure; enlargement of nonconforming use), Sec. 3.100 (Definitions), Sec. 5.010 (Single-family Residential (R1-190)), Sec. 5.012 (Use Regulations), Sec. 5.100 (Single-family Residential (R1-43)), Sec. 5.102 (Use Regulations), which affects all other Single-family Residential and Two-Family Residential districts (R1-130, R1-70, R1-35, R1-18, R1-10, R1-7, R1-5 and R-2), Sec. 5.700 (Medium-Density Residential (R-3)), Sec. 5.703 (Use Regulations), Sec. 5.800 (Townhouse Residential (R-4)), Sec. 5.803 (Use Regulations), Sec. 5.900 (Resort/Townhouse Residential (R-4R)), Sec. 5.903 (Use Regulations), Sec. 5.1001 (Multiple-family Residential (R-5)), and Sec. 5.1003 (Use Regulations), add new Sec. 1.806 (Disability Accommodation), and add new Sec. 1.920 (Request for Disability Accommodation) to address various types of care homes and group homes in residential zoning districts. Applicant/Staff contact person is Greg Bloemberg, 480-312-4306.

Request to speak cards: Judy Pollick, Richard Pollick, Gail Dixon, Mark Lewis, Laurie Fitzhugh.

Written comment cards: Gail Dixon, Michelle Siweks, Robert McClure.

Adjournment – Motion to adjourn at 6:06 p.m.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"



**SCOTTSDALE PLANNING COMMISSION
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

WEDNESDAY, OCTOBER 25, 2017

***SUMMARIZED MEETING MINUTES ***

PRESENT: Ali Fakh, Vice Chair
Larry S. Kush, Commissioner
Prescott Smith, Commissioner
Kelsey Young, Commissioner
Kevin Bollinger, Commissioner
Christian Serena, Commissioner

ABSENT: Paul Alessio, Chair

STAFF:

Tim Curtis	Randy Grant
Joe Padilla	Erin Perreault
Jesus Murillo	Sara Javaronok
Greg Bloemberg	Taylor Reynolds
Bryan Cluff	Alex Acevedo
Lorraine Castro	Wayland Barton

CALL TO ORDER

Vice Chair Fakh called the regular session of the Scottsdale Planning Commission to order at 5:01 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

MINUTES REVIEW AND APPROVAL

1. Approval of the October 11, 2017 Regular Meeting Minutes including Study Session.
COMMISSIONER KUSH MOVED TO APPROVE THE OCTOBER 11, 2017 REGULAR MEETING MINUTES, INCLUDING STUDY SESSION, SECONDED BY COMMISSIONER SMITH, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

REGULAR AGENDA

2. 1-GP-2017 (Siena Estates)
Request by owner for a major General Plan Amendment to the City of Scottsdale General Plan 2001 to change the land use designation from Rural Neighborhoods to Suburban Neighborhoods on a +/- 3.8-acre site located at 5814 N. Cattletrack Road, 5811 and 5805 N. Sundown Drive. Staff contact person is Sara Javoronok, 480-312-7918. Applicant contact person is Stephen Adams, 480-244-2557.
Item No 2: Recommend that City Council approve case 1-GP-2017, by a vote of 6-0; Motion by Commissioner Kush, 2nd by Commissioner Young.
Request to speak card: Dale Johnson
3. 10-ZN-2017 (Siena Estates)
Request by owner for a Zoning District Map Amendment from Single-family Residential (R1-43) zoning district to Single-family Residential, Planned Residential District (R1-18/PRD) zoning district, with a Development Plan and Amended Development Standards, located on a +/- 3.8-acre site, at 5814 N. Cattletrack Road, and at 5811 and 5805 N. Sundown Drive. Staff contact person is Jesus Murillo, 480-312-7849. Applicant contact person is Stephen Adams, 480-244-2557.
Item No. 3: Recommend that City Council approve case 10-ZN-2017, by a vote of 6-0; Motion by Commissioner Kush, finding that the rezoning with Amended Development Standards and Development Plan meet the PRD findings and are consistent and conform with the adopted General Plan, 2nd by Commissioner Young.
4. 3-GP-2017 (7676 E Pinnacle Peak)
Request by owner for a major General Plan Amendment to the City of Scottsdale General Plan 2001 to change the land use designation from Office to Suburban Neighborhoods on a +/- 19.7-acre site located at 7676 E. Pinnacle Peak Road. Staff contact person is Taylor Reynolds, 480-312-7924. Applicant contact person is Nick Wood, 602-382-6269.
Item No 4: Recommend that City Council approve case 3-GP-2017, by a vote of 5-0; Motion by Commissioner Serena, 2nd by Commissioner Young, Vice Chair Fakhri recused himself.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

5. 11-ZN-2017 (7676 E Pinnacle Peak)

Request by owner for a Zoning District Map Amendment from Service Residential, Environmentally Sensitive Lands (S-R ESL) zoning district, to Single-family Residential, Planned Residential District, Environmentally Sensitive Lands (R1-10 PRD ESL) zoning district, with a Development Plan and Amended Development Standards, on a +/- 19.7-acre site, located at 7676 E. Pinnacle Peak Road (includes parcels 212-04-001B, 212-04-001C, 212-04-001D, and 212-04-001E). Staff contact person is Jesus Murillo, 480-312-7849. Applicant contact person is Nick Wood, 602-382-6269.

Item No. 5: Recommend that City Council approve case 11-ZN-2017, with additional stipulations by a vote of 5-0; Motion by Commissioner Serena, finding that the rezoning with Amended Development Standards and Development Plan meet the PRD findings and are consistent and conform with the adopted General Plan, 2nd by Commissioner Young, Vice Chair Fakhri recused himself.

6. 4-GP-2017 (Bell Group Self Storage)

Request by owner for a major General Plan Amendment to the City of Scottsdale General Plan 2001 to change the land use designation from Rural Neighborhoods to Commercial on +/- 2.8-acres of a +/- 4.6-acre site located at the southeast corner of Shea Blvd and 116th St. Staff contact person is Sara Javoronok, 480-312-7918. Applicant contact person is Jordan Rose, 480-505-3939.

Item No 6: Motion to continue case 4-GP-2017 to the November 8, 2017 hearing, by a vote of 5-1; Motion by Commissioner Kush, 2nd by Commissioner Smith with Commissioner Young dissenting.

Request to speak cards: Dana Falen, Vickie Falen, Frank Magarelli, Marlene Magarelli, Patty Badenoch, Don Favreau, Troy Jarvis, Carolyn Linderman, Richard Frisch, Tamra Frisch, Zuhdi Tasser and Don Edwards

7. 9-ZN-2017 (Bell Group Self Storage)

Request by owner for a Zoning District Map Amendment from Service Residential/Planned Community District (S-R/PCD) zoning to Neighborhood Commercial (C-1) zoning on a 4.6-acre site, located at the southeast corner of Shea Blvd. and 116th St. Staff contact person is Bryan Cluff, 480-312-2258. Applicant contact person is Jordan Rose, 480-505-3939.

Item No 7: Motion to continue case 9-ZN-2017 to the November 8, 2017 hearing, by a vote of 5-1; Motion by Commissioner Kush, 2nd by Commissioner Smith with Commissioner Young dissenting.

Request to speak cards: Dana Falen, Vickie Falen, Frank Magarelli, Marlene Magarelli, Patty Badenoch, Don Favreau, Troy Jarvis, Carolyn Linderman, Richard Frisch, Tamra Frisch, Zuhdi Tasser and Don Edwards

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

8. 2-TA-2017 (Care Homes/Group Homes Text Amendment)

Request by City of Scottsdale to amend the Zoning Ordinance (Ord. No. 455); specifically, Sec. 1.202 (Interpretations and Decisions), Sec. 1.801 (Powers of the Board of Adjustment), Sec. 1.1304 (Enlargement, extension, reconstruction or structural alteration of nonconforming structure; enlargement of nonconforming use), Sec. 3.100 (Definitions), Sec. 5.010 (Single-family Residential (R1-190)), Sec. 5.012 (Use Regulations), Sec. 5.100 (Single-family Residential (R1-43)), Sec. 5.102 (Use Regulations), which affects all other Single-family Residential and Two-Family Residential districts (R1-130, R1-70, R1-35, R1-18, R1-10, R1-7, R1-5 and R-2), Sec. 5.700 (Medium-Density Residential (R-3)), Sec. 5.703 (Use Regulations), Sec. 5.800 (Townhouse Residential (R-4)), Sec. 5.803 (Use Regulations), Sec. 5.900 (Resort/Townhouse Residential (R-4R)), Sec. 5.903 (Use Regulations), Sec. 5.1001 (Multiple-family Residential (R-5)), and Sec. 5.1003 (Use Regulations), add new Sec. 1.806 (Disability Accommodation), and add new Sec. 1.920 (Request for Disability Accommodation) to address various types of care homes and group homes in residential zoning districts. Staff/Applicant contact person is Greg Bloemberg, 480-312-4306.

Item No. 8: Recommend that City Council approve case 2-TA-2017, by a vote of 5-1; Motion by Commissioner Kush, after determining that the proposed Text Amendment is consistent and conforms with the adopted General Plan, 2nd by Commissioner Young, with Commissioner Serena dissenting.

Request to speak: Judy Pollick

Written comment card: Michelle Siwek

Adjournment – Motion to adjourn at 8:12 p.m.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

REQUEST TO SPEAK

8



Request to Speak cards must be submitted to City Staff **BEFORE** public testimony begins.
Public testimony is limited to three (3) minutes per speaker.
Additional time **MAY** be granted to speakers representing two or more persons.
Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (print) Judy Pollick MEETING DATE 10/25/17

NAME OF GROUP/ORGANIZATION (if applicable) _____

ADDRESS 9956 E. Whitewing Dr ZIP 85262

HOME PHONE 480-236-9854 WORK PHONE _____

E-MAIL ADDRESS (optional) _____

I WISH TO SPEAK ON AGENDA ITEM # 8 I WISH TO DONATE MY TIME TO _____

I WISH TO SPEAK DURING "PUBLIC COMMENT"* CONCERNING _____

*Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.

This card constitutes a public record under Arizona law.



WRITTEN COMMENTS

8

This card is used to submit written comments to the Board or Commission.
Written comment cards may be submitted to the Staff at any time. Cards submitted after public testimony has begun will be provided to the Board or Commission at the conclusion of the testimony for that item.

NAME (print) Michelle Sivek MEETING DATE 10/25/17

NAME OF GROUP/ORGANIZATION (if applicable) _____

ADDRESS 12012 N 68th Pl. ZIP 85254

HOME PHONE 480-414-2596 WORK PHONE _____

E-MAIL ADDRESS (optional) michelle@thesiveks.com

AGENDA ITEM # 2TA-2017 SUPPORT OPPOSE

COMMENTS (additional space is provided on the back)
As a representative of sober living homes in Scottsdale the proposed TA violates fair housing & pushes sober living in multi-family neighborhoods. Please this vote is very premature w/o consulting AZRHA

This card constitutes a public record under Arizona law.

ATTACHMENT 16

Care Homes/Group Homes Text Amendment

2-TA-2017

City Council

December 5, 2017

Coordinator: Greg Bloemberg

Background

- Currently 109 licensed care homes mapped in Scottsdale
- Care home provisions already in place, including maximum # of residents and separation requirements
- Home care for addiction has become popular alternative to clinics or hospitals
- Spike in “sober homes” and group homes in residential neighborhoods
- Citizen petition received requesting restrictions and/or regulations on “sober homes”

Community Outreach

- Interested Parties List
- 1/8-page advertisement in Arizona Republic
- Webpage on City website
- Notification via City's social media outlets
- Email notification to over 500 HOA's

Community Outreach

- 4/19/17: Open House at Granite Reef Senior Center (35 attendees)
- 4/26/17: Neighborhood Advisory Commission (informational)
- 4/27/17: Open House at Via Linda Senior Center (50 attendees)
- 5/16/17: Open House at Appaloosa Library (120 attendees)
- 6/29/17: Open House at Mountain View Park (50 attendees)
- 8/30/17: Community Engagement Group Meeting (informational; sponsored by Police Department)
- 9/27/17: Planning Commission Study Session (introduction)
- 10/11/17: Planning Commission (Non-Action)
- 10/25/17: Planning Commission (Action)

Concerns/Issues

- Public safety; quality of life for neighborhoods
- Licensing; accountability of operators (oversight)
- Distinction of uses (sober homes vs. elderly care)
- Enforcement of HOA regulations

Comments from Open Houses

- In addition to State licensing, City should also license care homes
- Number of residents should be reduced from 10 to 6 for all care homes
- 10 residents ok for elderly care homes; not ok for sober homes
- Scottsdale should model ordinance after Prescott's ordinance
- Require neighborhood notification of proposed sober homes and group homes
- (From providers) Care homes provide much-needed community service and contribute to the local economy

Comments from Open Houses

- (From providers) Care homes provide residents an opportunity to live in a residential setting and be close to family
- (From providers) Reducing number of residents from 10 to 6 would price some residents out of available housing

Federal Fair Housing Act

- Makes it unlawful to deny or discourage housing options for persons with disabilities
- “Disability” — *A mental or physical impairment which substantially limits one or more life activities”*
- Addiction to drugs or alcohol is considered a “disability”
- No distinction between disabilities

Objectives

- Respond to citizen concerns regarding care homes in residential neighborhoods
- Craft ordinance that complies with Federal and State Law
- Integrate care homes into residential areas while preventing “saturation” of single-family neighborhoods
- Increase accountability of operators; additional oversight, i.e. proof of State license
- Clarify definition of “family”

Summary of Amendment

Greater separation and more oversight

- Maximum 10 disabled residents + 2 residential staff
- Increase separation requirement from 500/750 to 1,200 feet
- Additional oversight; proof of license from the State
- Annual safety inspection by the Fire Department
- Provide “disability accommodation” that would allow for flexibility when warranted

Summary of Amendment

- “Family”: *One (1) to six (6) adults and related dependent children*
- Homes with up to 6 adults (and related children) with no supervision or care are not subject to care home criteria
- Homes with up to 10 adults (and residential 2 staff) with supervision or care are subject to care home criteria
- Homes with more than 6 adults with no supervision or care are “group homes” and must be located in multi-family districts

Additional Information

- Does the State require licensed care home operators to live in the home?
No; 24-hour supervision required
- Are there any penalties (at the State level) for operating an unlicensed care home? Yes — Criminal (Class 3 misdemeanor) and Civil (fines)
- Number of staff is insufficient (Maximum of two currently proposed).
Proposed ordinance does not limit “transient” staff; only residential staff (living in home)

Schedule

- **8/30/16: Initiation (by City Council)**
- **9/27/17: PC Study Session**
- **10/11/17: PC hearing (non-action)**
- **10/25/17: PC Hearing (action; recommendation of approval with a vote of 5-1)**
- **12/5/17: CC Hearing**

Item 27

Care Homes/Group Homes Text Amendment

2-TA-2017

City Council
December 5, 2017

Coordinator: Greg Bloemberg

Background

- Currently 109 licensed care homes mapped in Scottsdale
- Care home provisions already in place, including maximum # of residents and separation requirements
- Home care for addiction has become popular alternative to clinics or hospitals
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- Citizen petition received requesting restrictions and/or regulations on “sober homes”

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- 10/25/17: Planning Commission (Action)

4

Concerns/Issues

- Public safety; quality of life for neighborhoods
- Licensing; accountability of operators (oversight)
- Distinction of uses (sober homes vs. elderly care)
- Enforcement of HOA regulations

5

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Federal Fair Housing Act

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- “Disability” – *A mental or physical impairment which substantially limits one or more life activities*”
- Addiction to drugs or alcohol is considered a “disability”
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8

Objectives

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- Craft ordinance that complies with Federal and State Law
- Integrate care homes into residential areas while preventing “saturation” of single-family neighborhoods
- Increase accountability of operators; additional oversight, i.e. proof of State license
- Clarify definition of “family”

9

Summary of Amendment

Greater separation and more oversight

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- Increase separation requirement from 500/750 to 1,200 feet
- Additional oversight; proof of license from the State
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10

Summary of Amendment

- “Family”: *One (1) to six (6) adults and related dependent children*
- Homes with up to 6 adults (and related children) *with no* supervision or care are not subject to care home criteria
- Homes with up to 10 adults (and residential 2 staff) *with* supervision or care are subject to care home criteria
- Homes with more than 6 adults *with no* supervision or care are “group homes” and must be located in multi-family districts

11

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- Number of staff is insufficient (Maximum of two currently proposed). Proposed ordinance does not limit “transient” staff; only residential staff (living in home)

12

Schedule

- 8/30/16: Initiation (by City Council)
- 9/27/17: PC Study Session
- 10/11/17: PC hearing (non-action)
- 10/25/17: PC Hearing (action; recommendation of approval with a vote of 5-1)
- 12/5/17: CC Hearing

Smith, Erica

From: Webmaster
Sent: Tuesday, December 05, 2017 10:43 AM
To: Smith, Erica
Subject: Comment on 12-05-2017 Agenda Item (response #1)

Comment on 12-05-2017 Agenda Item (response #1)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Comment on 12-05-2017 Agenda Item
URL:	http://www.scottsdaleaz.gov/council/meeting-information/agenda-comments/12-05-2017
Submission Time/Date:	12/5/2017 10:42:09 AM

Survey Response

AGENDA ITEM	
Which agenda item are you commenting on?	27 Care Homes (Particularly Sober Living)
COMMENT	
Comment:	<p>My wife and I live at 7609 E Via Del Reposo, Scottsdale, Az 85258. The house next door, 7613 E Via Del Reposo is on a Zero Lot line with our house, and is over 4000 sq ft, on a lot measuring 6,600 Sq ft. It has been run as a Sober Living Home for the past six years at least, and contravenes the 35% building floor area to land area. We also understand that no Permit, or business License exists for this type of occupation, The occupancy has been consistently as many as ten recovering patients, plus carers. Parking is always a problem as they park on the street overnight, and noise is a major problem with early morning shouting and laughter, and late into the night. We have our house for sale and can't find a buyer who is prepared to accept this activity next door. It has obviously depreciated our home value by a considerable amount, if we can find a buyer. This type of arrangement should not be allowed in</p>

a residential neighbourhood, it destroys the integrity of the subdivision in McCormick Ranch, and in this case has excessive use for zero Lot Line Lots, and such a large house on a relatively small lot, We wish to have Code Enforcement close this facility as it does not comply with the criteria for Care Homes, and as they are recovered Addicts, do not qualify under the Fair Housing Rules. Thank you, John Hacche

Comments are limited to 8,000 characters and may be cut and pasted from another source.

NAME

Name: John and Rita Hacche

CONTACT INFORMATION

Please provide the following information so someone may follow up with you if they have questions about your comment (optional).

Email: jehacche@cox.net

Phone: (602) 739-2537

Address: 7609 E VIA DEL REPOSO, Scottsdale, Az 85258

Example: 3939 N. Drinkwater Blvd. Scottsdale 85251

Smith, Erica

From: Webmaster
Sent: Tuesday, December 05, 2017 3:46 PM
To: Smith, Erica
Subject: Comment on 12-05-2017 Agenda Item (response #2)

Comment on 12-05-2017 Agenda Item (response #2)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Comment on 12-05-2017 Agenda Item
URL:	http://www.scottsdaleaz.gov/council/meeting-information/agenda-comments/12-05-2017
Submission Time/Date:	12/5/2017 3:45:48 PM

Survey Response

AGENDA ITEM	
Which agenda item are you commenting on?	Proposed Care HOMes Ordinance 2-TA-2017
COMMENT	
Comment:	<p>Arizona Center for Disability Law is a non-profit law firm that assists Arizonans with disabilities to promote and protect their legal rights to independence, justice, and equality. ACDL offers the following comments about the City of Scottsdale's proposed Care Home Ordinance. The FHA makes it unlawful "[t]o discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap[.]" 42 U.S.C. § 3604(f)(1) (2017). Group homes are "dwellings." 42 U.S.C. § 3602(b) (2017). Zoning ordinances, practices and decisions that discriminate against individuals with disabilities violate 42 U.S.C. § 3604 if they contribute to making housing unavailable or denying housing to them. H.R. Rep. No. 100-711, at 24 (1988), 1988 U.S.C.C.A.N. 2173, 2185. The FHA expressly preempts local laws requiring or permitting violations of § 3604 or § 3617. 42</p>

U.S.C. § 3615 (2017); see also Nevada Fair Hous. Ctr., Inc., 565 F. Supp. 2d at 1183 (concluding that the FHAA preempted Nevada's facially discriminatory group home statute). A zoning ordinance or decision that "facially single[s] out the handicapped and appl[ies] different rules to them" violates the FHA under a disparate treatment theory. *Bangerter v. Orem City Corp.*, 46 F.3d 1491, 1500 (10th Cir. 1995). A determination of facial discrimination does not depend upon "a showing of malice or discriminatory animus of a defendant." *Id.* at 1501 Although a benign legislative intent does not convert a facially discriminatory law into a neutral law, zoning officials may justify a facially discriminatory law by showing "(1) that the restriction benefits the protected class or (2) that [the restriction] responds to legitimate safety concerns raised by the individuals affected, rather than being based on stereotypes." *Cnty. House, Inc. v. City of Boise*, 490 F.3d 1041, 1049–50 (9th Cir. 2007); see also *Mont. Fair Hous., Inc. v. City of Bozeman*, 854 F. Supp. 2d 832, 839 (D. Mont. 2012) (City failed to show that its discriminatory policy was objectively legitimate because the preservation of a neighborhood's residential character neither benefits the disabled nor responds to a legitimate, non-stereotypical safety concern); *Nev. Fair Hous. Ctr., Inc.*, 565 F. Supp. 2d at 1186 (FHA preempted Nevada's facially discriminatory zoning policy because it did not address "handicap-specific benefits or handicap-specific safety concerns"). Many of the City's Ordinance Provisions are facially discriminatory or will have a discriminatory effect based on disability or a consequence of disability. Here is a brief summary of concerns:

- Vague and Confusing Definitions. The Ordinance's definitions of critical terms, such as Care Home, Group Home, Minimal Residential Health Care Facility, Residential Health Care Facility, and Specialized Health Care Facility are vague and confusing. The City of Scottsdale (City) has not defined key terms, such as health care institution, that appear in the text of definitions. While state laws include definitions of terms, such as health care institution, the City did not incorporate the statutory definitions. The City included several terms, such as Minimal Residential Health Care Facility and Specialized Residential Health Care Facility in the definitions, but those types of facilities do not otherwise appear in the ordinance text as a permitted or conditional land use. Vague and confusing definitions in zoning ordinances make it impossible for citizens to comply with the zoning

requirements. Equally important, vague and confusing definitions lead to inconsistent and discriminatory code enforcement, which can make state, county and city governments subject to liability for discrimination claim under the Fair Housing Act and Title II of the Americans with Disabilities Act as well as other civil rights violations.

- Discriminatory Impact on Specific Disabilities. The City's zoning ordinance will likely have a discriminatory impact upon specific disabilities, such as alcoholism, where individuals would otherwise satisfy the Care Home definition, except for the absence of a license. The State of Arizona Department of Health Services licenses many residential facilities, such as group homes for people living with developmental disabilities, behavioral health residential homes, therapeutic care homes, assisted living facilities, and nursing homes, but they do not currently license sober homes. If a dwelling does not fit into the Care Home definition, the only other option is to seek a conditional use permit in one zoning district while other groups of unrelated persons do not face the same restrictions. The FHA recognizes disparate impact claims.
- Limited Permitted Uses of Care Homes. The City provides for Care Homes—residences for people with disabilities—to be a permitted land use only in the City's two single-family residential zoning districts, in contrast to Group Homes—residences of any group of unrelated persons—to be a permitted land use in other zoning districts. Nor does the City does list Care Homes as a conditional use in any other zoning district. Zoning regulations that deny people with disabilities in group living arrangements an equal opportunity to live in the housing of their choice when compared to their non-disabled citizens violates the ADA and Title II of the Americans with Disabilities Act.
- Discriminatory Treatment . The City subjects Care Homes to additional criteria that do not apply to other groups of unrelated persons. The City imposes criteria related to (1) the Floor area ratio, 2) maximum number of residents, including supervisors and staff, 3) location and density requirements, and 5) compatibility that families and other groups of unrelated persons are not subject to. Zoning regulations that subject groups of people with disabilities less favorably than families or other groups of unrelated persons are discriminatory. This zoning ordinance facially singles out people with disabilities and applies different rules to them and is not objectively legitimate to serve the stated purposes of the statute. In particular, spacing requirements have

been struck down by numerous courts as facially discriminatory treatment. • Reasonable Accommodation Standards. The City takes the position that to grant a reasonable accommodation from a development standard or a separation requirement, the Board of Supervisors must find sufficient evidence of eight criteria. First, only one of the criteria addressing the necessity of the reasonable accommodation is lawful. The FHA does require an individual seeking a reasonable accommodation to show that they need the accommodation for an equal opportunity to use and enjoy the housing of their choice. However, the FHA does not impose a requirement that the individual show that they cannot find or would be unduly restricted from finding other housing in the City without the accommodation. These “unduly restricts housing” standard does not comport with the “equal opportunity for choice” standard and is impractical to prove. Second, under the FHA, the City must consider whether its actions generally make housing unavailable to people with disabilities who require group living arrangements to the extent that it becomes financially infeasible for service providers to locate in Scottsdale. Third, the City states that the reasonable accommodation must comply with all applicable building and fire codes. Numerous across-the-board rules applying to fire safety, rather than individualized determinations about fire safety based on the residents abilities and needs and state licensing requirements, have been struck down as unlawful where they make housing unavailable due to the expense. Thank you for the opportunity to comment. ACDL is willing to meet with the City and disability community stakeholders to discuss non-discriminatory zoning provisions.

Comments are limited to 8,000 characters and may be cut and pasted from another source.

NAME

Name:

Rose Daly-Rooney, ACDL Legal Director

CONTACT INFORMATION

Please provide the following information so someone may follow up with you if they have questions about your comment (optional).

Email:

rdalyrooney@azdisabilitylaw.org

Phone:

(520) 327-9547

Address:

177 N. Church, Ste 800, Tucson 85701

Example: 3939 N. Drinkwater Blvd, Scottsdale 85251