

When Sober Houses Become Part of the Neighborhood

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The New York Times
nytimes.com

March 17, 2002

Frequently, when a group of people in recovery from alcohol or other drug addiction move into a neighborhood, surrounding residents fear the worst.

Time after time in Connecticut, people living in so-called sober housing have been told they are in violation of local zoning ordinances, which prohibit more than a few unrelated people from living together in areas zoned for single family housing.

However, people in recovery are protected from discrimination under the federal Americans with Disabilities Act and federal fair housing statutes, and are entitled to "reasonable accommodation" of their disability. So, often they win their cases, but not before a lot of expense, effort and trauma on both sides.

A case in West Haven that dragged on for more than four years highlighted the problems with the process. There are at least 40 sober houses in Connecticut (an exact count is impossible because many exist in obscurity). Some are sponsored by religious institutions, some are independent, but more than half are affiliated with Oxford House Inc., a national organization that promotes recovery through mutual support among residents of sober houses and abstention from the temptations that got them in trouble in the first place, hence the preference for single family houses outside of urban areas.

Each unsupervised house is democratically run and self-supporting, with residents paying rent and doing all maintenance on their homes.

A federal judge ruled in January that the city of West Haven had discriminated against an Oxford House in the Jones Hill section when the city's Zoning Board of Appeals refused to grant the owner a reasonable accommodation to its zoning regulations so that seven men in recovery could live there. United States District Judge Gerald L. Goettel's ruling also stretched the definition of "family" to include those who are unrelated but who share common space and emotional support. And he ruled that all the fears the neighbors had first expressed in 1997 were unwarranted.

"In fact," he wrote about the Jones Hill house, "in the years that O.H.-J.H. has been operating, not a single resident has been charged with a crime. There was no evidence that allowing O.H.-J.H. to operate in this single-family district would jeopardize the public health, safety, or welfare of the neighbors, or that it would substantially impair or diminish property values in the neighborhood."

Judge Goettel also ruled that West Haven must pay all expenses and court costs, a total of \$336,000.

The city has appealed the decision and is hoping to lower or reverse its financial liability in the case. West Haven's corporation lawyer, Michael Farrell, denied the city had "discriminatory intent" toward the Jones Hill Oxford House.

"There's no question Oxford House is protected," he said, adding that all the original complainants from the neighborhood had long since dropped their objections. "We never tried to shut them down."

In his ruling Judge Goettel wrote that city officials took "relentless" and "unprecedented" enforcement action against the house. No complaints about the Oxford House had ever been filed by neighbors to the West Haven police.

"The courts have imposed an alcoholic affirmative action program on municipalities, requiring cities to not only unilaterally accommodate drunks and addicts but to grant them relief from regulations everyone else must respect," Mr. Farrell said.

The issue (argued in another case based in the state of Washington) went to the United States Supreme Court in 1995, which ruled that municipal zoning regulations are subject to the reasonable accommodation language of the federal Fair Housing Act. Still, according to Oxford House's lawyers, since then more than 100 cases have been filed around the country by municipalities trying to keep out Oxford sober houses.

In 1999, town officials in North Haven served the owner of a sober house on Middletown Avenue with a cease-and-desist order for being out of compliance with the town's zoning ordinance, since he had 13 men in recovery living there. This was not an Oxford House; rather it was staffed by the homeowner, Bobby Hargrove, a man in recovery himself. He bought a former nursing home and opened it to men in recovery who were required to abide by strict rules similar to those of Oxford House.

"It started within a month of opening," Mr. Hargrove said of the attention from town authorities. "The zoning enforcement officer came to see me. He asked me what I was doing, and I told him exactly what I was doing, which was a good thing because it allowed us to file for relief under the Americans with Disabilities Act."

Ed Mattison, a lawyer, helped with that case. Mr. Mattison is a long-time legal aid lawyer and the executive director of the South Central Behavioral Health Network, which coordinates services to people with addictions and mental health problems. "The most common accommodation to a disability is that people often need to live together in groups," Mr. Mattison said. "Certainly, for people with drug and alcohol problems, sober housing has been found to be the best way to maintain sobriety. They have a mutual goal of keeping each other sober."

Robert Ciulla, the North Haven town lawyer, said Mr. Hargrove at first declined to ask for a zoning variance to operate the house, but made the request once a federal judge ordered him to do so. Mr. Ciulla added that, even though recovering addicts are a protected class, that doesn't mean any number of unrelated people can live together without violating a town's zoning ordinances.

Bob Fleece is a resident of the North Haven house on Middletown Avenue. He arrived last October after his second trip through treatment. After the first time he moved in with relatives and did not attend 12-step meetings for those in addiction recovery, and he relapsed. "I didn't want to make the same mistakes," Mr. Fleece said. He now attends five or six meetings a week of Alcoholics Anonymous, Narcotics Anonymous or Gamblers Anonymous.

The squat, drab, gray cinder-block building looks utilitarian on the outside, but it's cozy on the inside. The men are responsible for cleaning their own rooms, as well as a part of the common area. There's a large room in the basement, where residents of this house and another one Mr. Hargrove owns attend required 12-step meetings. No one who has stayed in the house has had any trouble with the law since living there, the North Haven police said.

"Since we opened," Mr. Hargrove said, "14 people have stayed here at least one year, and 13 of them are still sober one year later. Of course," he adds, "a lot of people come in and don't make it a month."

Cathryn Polin, executive director of Oxford House Inc., in Silver Spring, Md., citing numbers from an Oxford House study that involved a majority of the organization's 853 homes that began in 1991, said residents who have lived 13 months in one of the homes have a 75 percent chance of staying clean and sober five years out. People who leave recovery and go back to their old situations have a much lower rate: Ms. Polin said they have a 20 percent chance of staying clean and sober after 6 months out.

A neighbor who lives across the street, whose family lodged the original complaint in 1999 said she had no problems with the residents. "Not yet, and I hope we never do," said the neighbor who would not give her name. "We have nothing against the men." She said her family had been upset because they hadn't known what to expect. "Don't you think they should have told us?" she asked.

Not necessarily, Mr. Mattison said. "The whole goal is to get people to reconnect to ordinary life, not to act like patients, or like they have a disability, but just to live, like a family. A family doesn't ask permission before moving into a neighborhood."

Philip Tegeler, legal director of the Connecticut Civil Liberties Union, said in the past year sober houses have won victories in West Haven and North Haven, all based on their residents being entitled to reasonable accommodation of their disabilities. But he points out, "There's kind of a Catch-22, in which local zoning boards often deny such a request because they don't have a specific procedure for granting it, even though they have the power, under federal law, to grant it."

Mr. Mattison testified before the State Legislature in mid-February, on behalf of the Civil Liberties Union, on a bill that would have clarified local zoning boards' responsibilities under the law, but the bill has since died in committee.

"It's dead for the time being," said Mr. Tegeler. "It looks like people will have to keep requesting reasonable accommodation from towns, get turned down, and keep litigating, even though the law is very clear. It creates a lot of stress for people who don't know if they're going to be able to keep living where they're living."