



Lawsuit threat extends Howell's group housing moratorium through February

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Threatened with a lawsuit, Howell has extended its group housing moratorium yet again, this time until late February.

Attorneys for a once-proposed sober living home for women argue that there are only three sober living homes in Howell, all of them for men, and the city's proposed new rules too strictly restrict potential new group homes.

The City Council voted unanimously Monday to extend the moratorium until Feb. 24, 2020 due to concerns raised by the Fair Housing Center of Southeast and Mid-Michigan about ordinances initially approved by the council in September. The moratorium, instituted in July 2018, was originally supposed to end Friday.

[MORE: Howell introduces ordinances to regulate transitional housing.\(/story/news/local/community/howell/2019/09/26/transitional-housing-regulations-howell-sober-living/2439540001/\)](#)

"Just in general, there were concerns raised," said Tim Schmitt, Howell's community development director, on Tuesday. "If you change one, it has an effect on the other."

The concerns are very specific, according to letters sent to the city regarding the problems in the ordinances.

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As written, [the ordinances \(http://cms4.revize.com/revize/howell/20191028%20Council%20Packet%20opt.pdf\)](http://cms4.revize.com/revize/howell/20191028%20Council%20Packet%20opt.pdf) violate several federal discrimination laws, according to an Oct. 10 letter to Schmitt from Pam Kisch, executive director of the Fair Housing Center of Southeast and Mid-Michigan.

The city's proposed ordinances came about because of "disability-based community opposition," according to an Oct. 3 letter from Stephen Dane, of the Washington, D.C.-based law firm Relman, Dane and Colfax PLLC that represents the Fair Housing Center of Southeast and Mid-Michigan.

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Last year, an application for a sober living home for women – the nonprofit Amber Reineck House – was applied for by Courtney Atsalakis to be located at 304 S. Walnut Street, but was later withdrawn due to concerns from neighbors.

[MORE: Proposed addiction recovery house sets neighborhood on edge \(\(story/news/local/community/howell/2018/07/02/proposed-addiction-recovery-house-howell-sets-neighborhood-edge/742393002/\)\)](https://www.livingstondaily.com/story/news/local/community/howell/2018/07/02/proposed-addiction-recovery-house-howell-sets-neighborhood-edge/742393002/)

A spokesperson for the Amber Reineck House declined to comment.

The law firm said a government making a decision about whether or not to allow group homes based on community opposition can violate the federal Fair Housing Act.

"They identify and categorize housing that will serve people with disabilities for specific unjustified burdensome restrictions, impose different zoning standards based solely on disability, and directly impede congregate group homes for people with disabilities like the Amber Reineck House from operating," Dane wrote.

In addition, the ordinances appear to restrict or eliminate the establishment of group homes rather than serving as a way to protect people with disabilities and to create more group homes across Howell, Dane wrote.

Drug addiction, including an addiction to opioids, is a disability under Section 504 of the federal Rehabilitation Act, the Americans with Disabilities Act, and Section 1557 of the Affordable Care Act, when the drug addiction substantially limits a major life activity, [according to the U.S. Department of Health and Human Services' Office for Civil Rights \(https://www.hhs.gov/sites/default/files/drug-addiction-aand-federal-disability-rights-laws-fact-sheet.pdf\)](https://www.hhs.gov/sites/default/files/drug-addiction-aand-federal-disability-rights-laws-fact-sheet.pdf).

The law firm alleges there are only three sober living homes in Howell – all for men – and there are few areas in the city where other sober living homes could exist.

"My understanding of all of the transitional housing facilities in Howell are for men only, but given that we have little to no data on the houses, I can't tell you that for 100% certain," Schmitt said.

Schmitt said in September there were six "transitional housing" homes in the city.

The ordinance separates special housing accommodation uses and sober living homes into different categories, which the law firm says is discriminatory because there are only regulations for group homes for the handicapped, citing a 1995 federal case, [Larkin v. State of Michigan Department of Social Services \(http://landuselaw.wustl.edu/larkin.html\)](http://landuselaw.wustl.edu/larkin.html).

The law firm also says there are several instances of applications for sober living homes having to be subjected to more scrutiny than other homes.

It is also argued the proposed registry for sober living applicants is not legal and is discriminatory.

"None of the proposed requirements can be argued to protect health or safety of residents with disabilities; all seem extremely vague, or designed to burden the application process, or both," Duane said.

With the newest extension of the moratorium, a new public hearing will have to be held by the city Planning Commission.

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