

RESOLUTION No. 49-10-09

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA URGING THE PALM BEACH COUNTY AND FLORIDA LEAGUE OF CITIES TO SUPPORT LEGISLATION TO REGULATE HALFWAY HOUSES ALSO KNOWN AS SOBER HOUSES AND TO REQUIRE THAT THESE FACILITIES BE LICENSED AS FORMAL REHABILITATION TREATMENT FACILITIES BY THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Constitution and Chapters 163 and 166, Florida Statutes confer broad home rule authority on municipalities to regulate the use of land in furtherance of the public's health, safety and general welfare; and

WHEREAS, most municipalities have adopted land development regulations, which typically provide for a variety of housing types, including single family homes; and

WHEREAS, single family home neighborhoods generally are of low density and consist of traditional family units; and

WHEREAS, the United States Supreme Court has recognized that reserving land for single family residences preserves the character of neighborhoods, securing "zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people." See *City of Edmonds v. Oxford House*, 514 U.S. 725, 733 (1995); and

WHEREAS, municipalities recognize the need to preserve the character and quality of life offered by single family home neighborhoods, as expressed by the United States Supreme Court against the goals and objectives of the State and Federal Fair Housing Acts and the Americans with Disabilities Act; and

WHEREAS, state legislation already exists which requires municipalities to provide adequate housing opportunities for residents of community residential homes, and substance

abuse treatment facilities, and which promote the goals of the state and federal fair housing acts and the American with Disabilities Acts, but do not result in adverse impacts to zoning schemes; and

WHEREAS, there has been a proliferation of halfway houses or sober houses in the single family residential neighborhoods of Lake Park and many other municipalities in Palm Beach County and throughout the state of Florida; and

WHEREAS, it is common for halfway houses or sober houses to accommodate two adults per bedroom in single family homes for a varying limited period of residency, typically a two to three month period; and

WHEREAS, the six to ten adults who may be residing in a halfway or sober house are typically required to work, attend school, or do volunteer work as part of their sober living arrangements with the operators of the facilities, which necessitates the use of a corresponding number of vehicles ; and

WHEREAS, typically a single family home can only accommodate as many vehicles as can be parked in the garage or driveway of the single family home; and

WHEREAS, it is not common for there to be a transition of families four to six times per year in single family home neighborhoods; and

WHEREAS, the characteristics of halfway or sober houses are more consistent with those of transient rental facilities than that of single family homes; and

WHEREAS, it is in the public interest and general welfare, and in keeping with the preservation of the quality of life and character of single family neighborhoods to allow municipalities to enact zoning regulations that regulate the location of halfway or sober houses as transient living facilities;

WHEREAS, it is in the public interest and general welfare, and in keeping with the preservation of the quality of life and character of single family neighborhoods to subject halfway or sober houses to separation requirements similar to those statutory requirements which already exist for community residential homes and:

WHEREAS, it is in the best interests of those individuals who are recovering from the ravages of alcohol and/or drug addiction to be protected by requiring that the operators of halfway or sober houses be licensed by the Department of Children and Families as is currently required for the operators of residential treatment facilities.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The Palm Beach County and Florida League of Cities are urged to vigorously pursue and promote legislation during the 2010 session of the Florida Legislature which specifically recognizes that municipalities may regulate the location of halfway or sober houses as transient rental facilities; and/or establishes separation requirements similar to those which apply to community residential requires the operators of halfway or sober houses to be licensed by the Department of Children and Families similar to the operators or Residential Treatment Programs.

Section 2. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Commissioner Rumsey, who moved its adoption. The motion was seconded by Commissioner Osterman and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	___
VICE-MAYOR JEFF CAREY	<u>/</u>	___
COMMISSIONER ED DALY	<u>/</u>	___
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	___
COMMISSIONER KENDALL RUMSEY	<u>/</u>	___

The Town Commission thereupon declared the foregoing Resolution NO. 49-10-09 duly passed and adopted this 7 day of October, 2009.

TOWN OF LAKE PARK, FLORIDA

BY: Desca Dubois
DESCA DUBOIS
MAYOR

ATTEST:

Vivian M. Lemley
VIVIAN M. LEMLEY
TOWN CLERK



Approved as to form and legal sufficiency:

BY: Thomas J. Baird
THOMAS J. BAIRD
TOWN ATTORNEY