



## ALEXANDRIA COMMUNITY SERVICES BOARD

*Promoting Respect, Recovery, Hope*



Mary Riley, Chair

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Mr. Mayor and Council Members,

First, let me take this opportunity to say “thank you” on behalf of the CSB for your unanimous support for the Safe Haven facility at 115 N. Patrick Street. It was a long, difficult process for all involved and we truly appreciated Council’s continuing support. During the Safe Haven proceedings, some Council members voiced concerns about the process the CSB followed to permit public input into the Safe Haven decision.

In light of these concerns, our Board created an ad hoc committee to study our housing policy and notification process. This committee:

- reviewed the history (development, revisions) of the CSB’s housing policy, State statutes and local ordinances affecting the placement of homes for special needs populations, and the CSB’s experience over the years in establishing its residential sites.
- conducted a survey of the other 39 CSBs in the State to determine their policies with respect to siting and notification for their residential programs;
- reviewed research on the impact of notification on neighborhood opposition; and
- considered the impact of Fair Housing legislation designed to protect the rights and privacy of citizens with disabilities when placing residential facilities.

Examining Alexandria CSB’s 25-year history of siting residential facilities for people with disabilities, the committee found that neither timing nor extent of community notification has had any bearing on the degree of community opposition. That is, it has not mattered how early, how widely or how openly the Board has communicated its siting plans for a given facility, nor the type of facility, the location, or the population to be served: there has always been vigorous opposition from the prospective neighbors. With every housing placement, this opposition has subsided and there is acceptance once the property has been occupied and the program has been operational for a period of time.

We found that Alexandria CSB is the only CSB in the State with a policy requiring notification of neighbors and/or the community when siting facilities for special needs populations.

Research on the placement of special needs housing has found that, understandably, notification is the most significant predictor of initial neighborhood opposition. The research indicates that residential providers who initiated “post-siting social activities with neighbors were significantly more likely to report ‘very accepting’ attitudes.”

Based on the above-referenced research and findings, we have revised our housing policy (approved by our Board at its June 2007 meeting) to eliminate any reference to prior community notification.<sup>1</sup> Rather, we simply state that the CSB will “comply with all City, State, and Federal requirements and zoning ordinances related to notification and siting of all residences.” (See Attachment A, “Board Policy #13, page 3, “Community Notification.”)

We believe that our revised policy is congruent with fair housing legislation in that it does not place any requirements on us that would not be placed on other housing developers and treats CSB consumers in the same manner as any non-disabled residents would be treated. In the Board’s opinion, any notification beyond what is legally required gives credence to the mistaken belief that people with disabilities are inherently dangerous, and that communities need to impose special requirements in order to promote “public safety.” (See Attachment B for excerpts of published research concerning community notification.)

In the case of Safe Haven, when we were operating under the “by-right” zoning designation, our Board went well beyond the legal notification requirements. In the future, we intend simply to comply with the notification requirements stipulated in the City’s zoning ordinances for other by-right uses. Our Board has several concerns about the current ordinances and would like to request a review of any ordinances that may impact the future placement of CSB properties in light of Fair Housing legislation. This review should consider SUP and public notification requirements, as well as the inclusion of CSB Policy #13 in the zoning code, which we believe should be eliminated from the code.

It is a concern to us that an apartment building for 12 non-disabled individuals would fall into the multi-family zoning designation with no public hearing requirement, while the Safe Haven falls into a category presumably used only for citizens falling within a protected class, simply because there are a small number of people on-site providing “supervision.” This zoning distinction seems inherently flawed, if the result is that residences for persons with disabilities require a public hearing, while those residences for persons without disabilities do not. It is our understanding that the “congregate” housing designation used for Safe Haven has only been used twice before, both times for projects housing protected classes -- elderly and disabled. (Neither of those projects came to fruition.)

As you are aware, the *Partnership for a Healthier Alexandria’s Anti-Stigma (aka Mental Health HOPE) Campaign* is conducting several activities in the community to increase

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<sup>1</sup> We understand, based on communication from the City Attorney, that City Council may wish to require public notification and hearings in cases involving City-owned properties and City funds. However, we would hope that such notification would adhere to fair housing principles and could be accomplished without impinging on the rights of citizens with disabilities.

acceptance of persons with mental illness and substance use disorders. As part of this effort, we would like to request that the City initiate an education process about the Fair Housing Act for any staff or public officials involved with the placement of housing for disabled individuals. (Fairfax County, under the auspices of its Office of Human Rights, has developed a DVD for similar purposes.) At the Safe Haven BAR hearing in October 2005, we experienced what we considered to be flagrant violations of fair housing principles, which could have put the City in jeopardy had the BAR's decision been upheld.<sup>2</sup>

Finally, we look forward to working with you to ensure that Alexandria will be in the forefront with respect to creating an inclusive, welcoming community for all citizens. We believe that the above policy changes and action steps will lead us in that direction.

Thank you.

Sincerely,

/s/

Mary Riley  
Chair

cc: Jim Hartmann, City Manager  
Michele Evans, Deputy City Manager  
Ignacio Pessoa, City Attorney  
Dr. Michael Gilmore, Executive Director, CSB  
Faroll Hamer, Director, Planning & Zoning  
Jean Niebauer, Director, Human Rights  
Chair and Members of the Human Rights Commission

Attachment A: CSB Board Policy 13  
Attachment B: Quotes from Professional Journals Concerning Community Notification  
When Placing Special Needs Residences

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<sup>2</sup> In addition to requiring community notification beyond that required for a non-disabled population, the BAR allowed extensive comments from neighbors of the facility concerning the mental health disabilities of the potential Safe Haven residents, then voted to deny the application.

**ALEXANDRIA COMMUNITY SERVICES BOARD**

**BOARD POLICY #13**

- I. **SUBJECT:** Alexandria Community Services Board Residential Services Development Policy
- II. **PURPOSE:** To provide direction and guidelines for the development of residential services for individuals with a mental illness, intellectual disability or who are recovering from substance abuse and to ensure the protection of the rights and privacy of citizens with disabilities.
- III. **STATEMENT OF POLICY:** The Alexandria Community Services Board seeks to provide supported housing opportunities for its residents with a mental illness, intellectual disability and those who are recovering from substance abuse in order that they may live successfully in the community and share in the benefits of the community. The Board seeks to obtain and offer a variety of forms of supported housing that utilize best practice models that enhance each person's ability to function effectively in the community. The policy seeks to balance the value of openness and public awareness of Board actions with the protection of the rights of persons with disabilities to live and work without discrimination. Board owned or controlled housing should be located throughout the City so as to maximize housing choices.

**IV. PROCEDURES:**

**A. Ongoing Activities**

**1. Housing Plan:**

- a. The Board shall periodically develop a Housing Plan that identifies the highest priority supported housing needs and offers a proposed means by which these housing needs can be met. This plan shall identify the type of housing and preferred general locations in a manner consistent with the intent and requirements of the Fair Housing Act. The Board's Housing Plan will identify supported housing needs and gaps in services using available data including the annual Continuum of Care Housing Inventory and Point In Time count of sheltered and unsheltered homeless individuals. The Board Housing Plan will be coordinated with the City's Five Year Consolidated Plan for Housing and Community Development, Consolidated Annual Performance and Evaluation Report and Annual Action Plans.

- b. The Board's Housing Plan shall be approved by City Council. Prior to the presentation of the Housing Plan to City Council, the Board shall circulate the Housing Plan to the major civic associations within the City and provide an opportunity to receive input to the Housing Plan.
- c. The Board will seek funding and commence direct planning for supported housing upon approval of the Housing Plan by City Council.
- d. The Council-approved Housing Plan shall be part of the Board's annual plan of services. (The Board solicits input into its plan of services through its annual public hearing.)
- e. The Board shall distribute the Council-approved plan of services, including its Housing Plan, annually to civic associations, City libraries and other interested parties. When the Board circulates its plan of services to the major civic associations within the City, it will offer to conduct a presentation on Board programs and services, as well as the Housing Plan, to any civic group making such a request. Representatives of the Board, as well as Department staff, will be available to respond to any civic group or interested party making a request for a presentation.

2. **Community Education Plan:** The Board shall educate the general community about persons with disabilities and foster community acceptance of its programs through ongoing community outreach and public information activities.

B. **Siting Policy:** The Board's Siting Policy includes two aspects of the siting process: (1) financial and physical criteria that must be met by the intended housing, and (2) the basis for location of the housing within the City.

1. **Financial and Physical Criteria for Board Housing:**

Housing to be owned by or controlled by the Board shall meet the following criteria:

- a. Affordability
- b. Reasonably convenient to transportation, employment, food, pharmacy, shopping and recreation
- c. Suitable size for intended use
- d. Adequate ceiling heights, windows, room sizes to meet regulatory requirements and normal standards of comfort
- e. Reasonably modified for handicapped accessibility where required
- f. Permits practical installation for sprinklers (for group homes only)
- g. Purchase price shall be confirmed by independent appraisal
- h. Readily conforms to applicable building codes

- i. Resultant building changes improve or do not detract from community appearance
- j. Location reasonably safe or does not present exceptional risk
- k. Best “fit” of properties currently available.

2. **Basis for Locating Board Housing:** Supported housing to be owned or controlled by the Board must be located in accordance with the following:

- a. The Board uses eight Board Housing Planning Areas which are based on a combination of the Small Area Plans used by the City’s Department of Planning and Community Development.
- b. Board policy requires that Board owned and operated housing be located throughout the City so as to maximize housing choice. Every attempt is made to place new Board owned and operated housing in Areas with the lowest proportion of existing special needs housing.
- c. If appropriate housing is not available in an Area that is designated as having the lowest proportion of special needs housing, the Board may search other Areas, beginning with the Area having the next lowest proportion of special needs housing and so on.
- d. If affordable housing is not available in an Area with the lowest proportion of special needs housing, the Board may either: (i) request additional funds from City Council to purchase or lease appropriate housing in that area, or (ii) seek housing in the Area with the next lowest proportion of special needs housing.

C. **Community Notification:** The Board shall comply with all City, State, and Federal requirements and zoning ordinances related to notification and siting of all residences. When requested, the Board will respond to questions relating to the project in an open way. Information which may relate to pending negotiations, legal matters, client identities and other related matters shall not be disclosed.

D. **Compliance with Policy #13 Requests from Private Providers:** From time to time, the City of Alexandria Planning and Zoning Office may receive requests from private providers to certify that they are in compliance with Board Policy #13. City Zoning Code requires those groups identified in Code of Virginia or like groups licensed by the Virginia Department of Social Services which otherwise meet the criteria of Code of Virginia 15.2-2291 (A) to comply with Policy #13 if they are to be considered under the definition of “family.” ACSB compliance review applies only to providers of residential services for individuals with a mental illness, intellectual disability or who are recovering from substance abuse. The Planning and Zoning Office will refer requests to the Director of the Department of Mental Health, Mental Retardation and Substance Abuse for review and recommendations. Any provider will be deemed in compliance with Policy #13 if the provider demonstrates, in writing, efforts to place a proposed facility in a location that offers maximum housing choice for the target population. The Department’s recommendation for compliance will be forwarded to the Director of Planning and Zoning for final review.

Adopted: 11/7/96  
Revised: 09/10/98  
04/06/00  
09/14/00  
11/06/03  
3/3/05  
9/7/06  
6/7/07

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Mary Riley, Chair

## **Quotes from Professional Journals Concerning Community Notification When Placing Special Needs Residences**

The following quote is from “Psychiatric Residences: Notification, NIMBY, and Neighborhood Relations,” by Zippay, Allison L., Ph.D. *Psychiatric Services*. Jan. 2007. Vol. 58. No. 1, page 112.

“The ethics and efficacy of notifying neighbors in advance of the establishment of group housing for the chronically mentally ill has generated much controversy, and recent federal anti-discrimination legislation has supported its discontinuation.”

The following quotes are from “The Fair Housing Act is a Critical Tool in Expanding Housing Opportunities for People with Disabilities,” by Allen, Michael. November 1998. Bazelton Center for Mental Health Law.

“People with disabilities still face prejudice, bias and rights violations on a daily basis. They need more, not less, protection from the kind of exclusionary restrictions found in too many communities across the country. Why . . . should local officials or neighbors be entitled to prior notification that people with disabilities will be living in the neighborhood? . . . As a nation, we would not dream of imposing such requirements on any other protected class. What is it about people with disabilities that makes their civil rights subject to compromise?”

“Rather than talking about the benefits of full community integration of people with disabilities, the dialogue in many communities remains stuck on the effect of group homes on property values, public safety and the "character" of the neighborhood. Despite well over 100 studies finding no causal link, neighbors from coast to coast continue to raise these arguments in pitched battles to "protect" their neighborhoods from people with disabilities. Why do we legitimize stereotypes of people with disabilities, and assume that they will only detract from residential neighborhoods? Would we stand for such stereotypes being applied on the basis of race, national origin or religion? . . . Please ask yourself whether you would feel comfortable with these exclusionary zoning and land use provisions being applied to any other class protected under the Fair Housing Act.”