



Ohio **Recovery** Housing



# BEST PRACTICES GUIDE FOR ADDRESSING N.I.M.B.Y.

NOT IN MY BACKYARD

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## Introduction

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The Ohio Recovery Housing *Best Practices Guide for Addressing NIMBY* was developed in coordination with many organizations and individuals who want to provide a helpful resource to recovery housing operators. This toolkit serves to provide you with helpful information and resources as you address the challenges you may face if a community is not supportive of recovery housing. While this toolkit is not comprehensive of all the research done on each of these topics, we aim to continuously update it with new and relevant content.

While Ohio Recovery Housing hopes you consider the information listed in the following toolkit, please recognize that the advice given is not legal advice. If you are concerned about legal matters, please contact a legal aid office. You may also feel free to contact ORH at any time for information, short-term technical assistance or support. We know that stigma and discrimination cannot be eliminated overnight – the tools, strategies and best practices in this guide are designed to help you as you address these issues over time. This work is part of the long haul and Ohio Recovery Housing is here to provide assistance in any way that we are able.

## Part One: Recovery Housing

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### Defining Recovery Housing

According to [Ohio Revised Code Section 340.01 \(A\) \(3\)](#), “Recovery Housing” means housing for individuals recovering from drug addiction that provides an alcohol and drug-free living environment, peer support, assistance with obtaining drug addiction services, and other drug addiction recovery assistance.

#### Recovery Housing is for:

- Individuals who are actively seeking recovery
- Individuals who desire a safe and structured living environment with others who share the same goal of sobriety
- Individuals who desire to participate in supportive services or treatment services to further their sobriety
- Individuals at risk of homelessness because they are exiting treatment, incarceration, military duty, or are living in an environment that puts them at risk for using substances<sup>i</sup>

### Ohio Recovery Housing

Ohio Recovery Housing (ORH) is a state affiliate for the National Alliance of Recovery Residences (NARR). ORH certifies recovery houses across the state of Ohio that meet the quality standards set by NARR. The purpose of the ORH standards is to ensure integrity and quality of recovery housing programs, services and environments for people recovering from substance use. ORH Board, Staff, and Associates recognize that recovery takes time and that residential support has many facets, ranging from residential treatment models to long-term recovery housing. ORH affirms the necessity of a continuum of care to adequately address the total needs of people recovering from addiction.

### About Ohio Recovery Housing

If a house is ORH certified, and thus an ORH associate, they have met the quality standards found here:

### NARR Quality Standards

**Contact Ohio Recovery Housing**  
**(614) 453-5133**  
**[info@ohiorecoveryhousing.org](mailto:info@ohiorecoveryhousing.org)**

## Part Two: Laws & How they Apply to You

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As a recovery housing operator, it is vital for you to understand and follow the law. Operating in an ethical fashion demonstrates to your community and your residents that you are an ethical operator. People in recovery have rights and these rights are outlined through the laws listed below. If you have questions or concerns on any legal matters, please contact an attorney or your local legal aid office

### The Fair Housing Act of 1968

The Fair Housing Act serves to address two primary goals:

- To end housing discrimination
- To end housing segregation

The Fair Housing Act prohibits discrimination in housing based on:

- Race or color
- National Origin
- Religion
- Sex
- Familial status
- Disability

### Why the Fair Housing Act is important to recovery housing operators:

The Fair Housing Act protects recovery housing operators from discrimination. The Fair Housing Act protects persons with disabilities, which includes the impairments associated with alcoholism and substance misuse but does not include any one currently participating in illegal substance use.

Communities may not prohibit a recovery house from operating in their community *simply because recovery housing is for people in recovery*. However, recovery housing must follow all other non-discriminatory laws and regulations in the local community.

### The Americans with Disabilities Act (ADA)

The Americans with Disabilities Act prohibits discrimination against people with disabilities in all areas of public life. The purpose of the ADA is to ensure that people with disabilities have the same rights and opportunities as others when they visit public places. Typically, recovery housing is considered housing and not a place of public accommodation. *However, if your organization operates other programs or services, or it is in anyway open to the public, the ADA may apply to your organization.* An office, on site or off, however, would be considered a place of public accommodation.

**If someone asks about how the ADA applies to recovery housing, you can tell them**  
“Recovery housing is housing. It is not a place of public accommodation”

## **Zoning and Land Use Discrimination**

Increasingly, zoning and land use discrimination have become a problem for recovery housing providers. The Fair Housing Act cannot prevent local zoning ordinances that:

- create single-family districts
- preserve open space
- prevent overcrowding
- promote adequate access to public utilities
- ensure adequate parking
- prevent congestion and mitigate the effects of automobile and other traffic
- enforce health and safety regulations and other non-discriminatory laws designed to protect health and safety
- retain historic character and attributes of the community and housing stock<sup>ii</sup>

Most land-use plans separate distinct zones so that incompatible uses are separated geographically (think residential zones v. industrial zones). Local communities may place pressure on zoning and planning staff to impose more stringent obligations on recovery housing operators seeking variances or other zoning relief.

If an operator is being treated in this manner because the housing is intended to be for people with disabilities (substance-use disorders), it violates the Fair Housing Act and may be invalidated

### **Strategies for Addressing Zoning or Land Use Discrimination**

- Know how your municipality views you and what you do— this could mean inviting city officials into homes to learn about recovery housing
- Don’t have a lot of signage in front of your recovery homes
- Do research and know the difference between zoning codes and building codes

### **Housing and Building Code**

In conjunction with the Ohio Recovery Housing certification process, it is required for recovery housing operators to follow your local housing code, if there is one. To find out the policies in your housing code, contact your local government or search your town’s website for more information. If your locality does not have any housing code, refer to the state building code found in [ORC Chapter 4101](#).

### Reasonable Accommodation

Reasonable accommodation is when a person submits a request that a rule, policy, practice, or service be changed or modified to afford people with disabilities an equal opportunity within their housing. People living with disabilities can request reasonable accommodation, as can a non-disabled person on the behalf of a person with disabilities who resides with them or is associated with the person submitting the request, like a housing provider or a house manager.

### Requesting Reasonable Accommodation

You may request reasonable accommodation from your local government. Reasonable accommodation can be requested orally, but it is best practice to submit a written request. The person submitting the request should sign and date the request as well as keep a copy of the request.

What is Reasonable?

- Does not cause an undue financial or administrative burden to the housing provider;
- Does not cause a basic change in the nature of the housing programs available;
- Will not cause harm or damage to others; and
- Is technologically possible

To make a reasonable accommodation request, you must first know what policy, rule or ordinance you would like a reasonable accommodation for and who has the authority to grant this request. Who you make a reasonable accommodation request to will depend on whose policy or rule it is.

Steps to making a reasonable accommodation request:

- Figure out which policy, rule, or ordinance you wish to request a reasonable accommodation for
- Find out who has the authority over this policy
- Submit in writing (a letter, an email, etc.) to the appropriate office or department to request reasonable accommodation

Remember, it is best practice to submit a written reasonable accommodation request. Keep all documents relating to each reasonable accommodation request you make.

Sample information to include in a reasonable accommodation request letter

- A clear statement of request for reasonable accommodation
- Who you are requesting reasonable accommodation for and why
- The specific policy, rule, or ordinance you would like reasonable accommodation for
- Give a clear reasonable timeline for when you would like to hear back

### Additional Guidance

- Follow up with your reasonable accommodation request.
  - Make sure your written request was received
  - Follow up after your deadline
- Keep copies of all communication regarding your reasonable accommodation request

### Considering Reasonable Accommodations from Residents

As a housing provider, it is important to note that you are required to consider requests for reasonable accommodations from residents who request them. Best practice guidance regarding reasonable accommodation requests from individual residents is beyond the scope of this guide. Please refer to the Reasonable Accommodation Guide below for more information and resources.

### [Reasonable Accommodation Guide](#)

### Other Laws that Impact Recovery Housing

As a recovery housing operator, it is vital for you to understand the laws that impact recovery housing and how they impact your operations.

#### Landlord—Tenant Law

Recovery Housing is not exempt from Ohio Landlord—Tenant Law and as such, should follow the outlined rules appropriately. As a landlord, it is best practice to establish a written rental agreement that serves to protect you and your tenants. Written rental agreements are a requirement of the NARR standards for ORH associates. Within this rental agreement (or lease) you have the opportunity to include a process by which the resident and landlord can terminate the lease early by *mutual agreement*.

Having this language in your organization's policies and procedures will help you if you encounter a situation where a resident needs to leave the recovery house for the safety of the other residents, but you want to provide an option other than a formal evictions. Terminating the resident agreement by a mutual agreement will provide the landlord and tenant with the opportunity to avoid eviction court, which will save landlords time and money while enabling the tenant to have an eviction-free record. This mutual agreement and mutual agreement process for eviction must be outlined in your policies and procedures. Any such agreement must be truly voluntary by the tenant and not done coercively. If you have not outlined a mutual agreement and a mutual agreement process in your policies and procedures, you must go through the eviction process which does include eviction court. As part of Ohio Recovery Housing certification, operators are required to make referrals to leaving tenants regardless of their reason for leaving. Both landlord and tenants are protected under the rights and obligations of Landlord-Tenant Law in the Ohio Revised code, which can be found below.

**Chapter 5321: LANDLORDS AND TENANTS**

**Tenant/Landlord Rights & Obligations**

**Chapter 1923: Forcible Entry and Detainer  
Eviction Law**

**Continuum of Care Planning**

All Alcohol, Drug, and Mental Health County Boards in the State of Ohio are required to, to the extent resources are available, establish a community-based continuum of care that includes a variety of housing options, including recovery housing ([ORC 340.032](#)). This law highlights how recovery housing is a critical component of the continuum of care for people with substance use disorders, and that county mental health boards have a responsibility to consider recovery housing in their plans for addressing the needs of people with substance use disorders.

As you may already know, many communities are not welcoming of new recovery residences. People may recognize that recovery services do good work and are necessary in ending a substance use disorder epidemic, but they do not want to see these recovery services next door to their home, on their street, in their neighborhood, or possibly, in their community at all.

| MYTH                       | FACT |
|----------------------------|------|
|                            |      |
| 10   Ohio Recovery Housing |      |

|                                                                                    |                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Recovery Housing will lower property values                                        | While there is no direct research on recovery housing, data analysis concerning affordable housing found no relationship between affordable housing and property values <sup>iii</sup>                                                               |
| Crime rates will increase                                                          | Peer reviewed researcher found no difference in crime rates in neighborhoods surrounding recovery houses vs. neighborhoods with no recovery houses <sup>iv</sup>                                                                                     |
| Children will be exposed to drugs and drug use                                     | The addiction crisis has brought drug addiction into all our communities. Researchers found that people who live in recovery homes have lower incidents of drug use than people who return to communities after usual care <sup>v</sup>              |
| The house will look bad, making the neighborhood look bad                          | While there is no research on the appearance of recovery homes, you can remind community members that the recovery house will be subject to the same laws as all neighborhoods in the community and your commitment to have well-maintained policies |
| Strangers will loiter in the neighborhood or there will be drug deals in the house | Recovery housing, by definition, is an environment free of alcohol and illicit drug use. You can share your organization's specific policies and procedures concerning how you will ensure that you will maintain this environment                   |

## Part Four: Developing a Community Outreach Plan

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One of the most effective ways to build support for your recovery housing is to connect with the gatekeepers of your community. These are the people that will support you and your efforts in the future. Below, we have outlined the vital community groups that we advise you build relationships with, although this list is certainly not inclusive of the many groups that exist in various communities across the state.

When connecting with people in your community, remember they may not know much about addiction or recovery. You may be asked repetitive and detailed questions concerning your organization and recovery housing more generally. It is advised to give community members the benefit of the doubt. The questions that they are asking may be offensive or promote the stigma you are working to eliminate, and sometimes these questions come from a place of complete misunderstanding. Remember that stigma is not eliminated in one day, this is just the beginning for many people.

Lastly, it is vital to create an outreach plan prior to contacting the community groups listed below. Ask yourself:

- What are my organization's community-related goals?
- What does my organization need from my community?
- How does my organization benefit my community?
- What groups can help me achieve my organization's goals?
- In what order should I contact these groups?
- What are my talking points for each conversation?
- What questions should I be able to answer?

### Develop a relationship with local leaders

One of the first steps in gaining good faith within your community is to develop relationships with your local leaders. This step involves knowing who your local and county level leadership are and setting times to meet with them or their staff. This is a time for you to explain addiction, recovery, recovery housing, and your specific organization. If you're unsure where to start, contact Ohio Recovery Housing as we can connect you with operators who have done this work with their own local leaders.

When meeting with local leaders, arrive with a plan. Bring with you the fact sheets outlined in Part Three of this toolkit. If you collect outcomes data, bring it with you and know how to explain it to the people you're meeting with. Bring photos of your house and stories from residents. These things can all contribute to a better understanding of recovery housing and its place in your community.

Before arriving at the meeting be sure you know

- Who am I meeting with?
- Why is it important that I meet with the person?
- What is the goal of this meeting?

Often when you are meeting with community leaders, you may only have a short amount of time. Be sure you are able to use this time effectively and are efficient in communicating your goals.

### Partner with Other Community Organizations

Many times, a vital piece to gaining community support involves collaborating with organizations in your community who have similar missions or interests. As a collaborative, you can work to educate the community and eliminate the stigma of the groups your organizations represent. In some cases, these collaborative groups already exist—call around and ask to join!

When thinking about who to develop partnerships with, consider the goals you identified with your organization's leadership. Using that information, identify the following:

- What groups can help me achieve my organization's goals?
- In what order should I contact these groups?
- What are my talking points for each conversation?
- What questions should I be able to answer?

Suggested groups to partner with:

- Disability Groups
- Low-income Housing Groups
- Fair Housing Coalitions
- Recovery Groups
- Treatment Centers
- Groups Homes
- Other Recovery Housing Operators

### Door-to-door Communications

In certain situations, door-to-door communications works as a valuable option in gaining community support. Some providers have noted that meeting their neighborhood residents in person and in their own homes has helped humanize addiction and gain support for their work. However, door-to-door communications can be a double-edged sword. In many situations, door-to-door communications can harm the work you are doing as a recovery housing operator.

Ohio Recovery Housing recommends that this strategy only be used in circumstances where canvassers are trained to discuss detailed and complicated issues in recovery housing. Feel free

to reach out to Ohio Recovery Housing or your other community partners to determine if door-to-door communications is the correct strategy for you.

### **Questions to consider before going door-to-door**

- What are my goals in canvassing in my community?
- Is canvassing the best option for achieving said goals?
- What other options do I have for achieving said goals?
- How many doors am I planning to visit?
- Which doors will I knock on?
- Am I prepared to answer repetitive or detailed questions concerning my organization and my house?
- Am I prepared to answer potentially offensive questions?
- Am I prepared to react appropriately to people who do not want my house in the community?

### **How to speak to reporters**

Sometimes communicating with reporters concerning your recovery housing is inevitable. While this may feel daunting, Ohio Recovery Housing wants to empower recovery housing operators to speak confidently about their recovery houses.

### **What to consider when communicating with reporters**

- Do not say or write anything you do not want printed in the paper or online.
- Be sure to respect resident privacy—do not use names or stories you do not have permission to use.
- Prepare a written statement and talking points in advance. If you are uncomfortable having a detailed conversation, let the reporter know you would rather send a written statement.
- Do not be afraid to say you don't know the answer to a question. Let the reporter know you will follow up with them with accurate information. It is better to take more time than to have to correct yourself in the future.
- Supplement your statement or interview with fact sheets and a link to your website
- Give them the contact information and web address for Ohio Recovery Housing if they have general questions about recovery housing in Ohio, or the national quality standards

### **Scripted Answers to common questions regarding recovery housing**

The following are written scripts that you may utilize when speaking with concerned community members or decision makers.

**If someone asks you how the Fair Housing Act applies to recovery housing—you can tell them:**

“The Fair Housing Act was created to address housing discrimination and housing segregation. It serves to prohibit discrimination in housing based on race or color, national origin, religion, sex, familial status, and disability. As of 1998, people with substance use disorders fall under the ‘disability’ category, thus people living in recovery residences are protected from housing discrimination through the Fair Housing Act”

**If someone asks about gender discrimination in recovery housing and fair housing, you can tell them:**

“In general, the Fair Housing Act prohibits housing providers from limiting access to their housing program based upon sex. However, housing may be limited to one sex where, because of the physical limitations or configuration of the housing facility, considerations of personal privacy or personal safety would make it inappropriate for the facility to be made available to members of both sexes”<sup>vi</sup>

**Contact Ohio Recovery Housing**  
**(614) 453-5133**  
[info@ohiorecoveryhousing.org](mailto:info@ohiorecoveryhousing.org)

## Part Five: Strategies for Public Meetings

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**Be prepared for a request for a public hearing**—Neighborhood groups or community members may attend any public meetings concerning your recovery house.

### Is a Public Meeting Appropriate?

**Ensure that a public hearing is appropriate**—A prevalent tactic in blocking Recovery Housing is to take providers to public hearings and require them to advocate for their house in front of the community before zoning or funding is approved. Ensure that the public hearing is required for all types of housing and variances. If the hearing is only being required because you are operating housing that serves people in recovery (people with disabilities), this is a violation of the Fair Housing Act.

### Request an Alternative to a Public Meeting

**Request an alternative to a public hearing**—There are alternatives to large public meetings where opponents can come in large groups and advocate against a house.

- Request to meet with elected officials and the leadership of neighborhood organizations to respond to community concerns in a controlled atmosphere
- Request that a city agency be designated to conduct mediation between operators and concerned citizens to seek common ground
- Consider door-to-door communications with neighbors, where you visit each neighbor to introduce yourself and your program. \*Please refer to page 13: Door-to-Door Communications

### Prepare for a Public Meeting

**Prepare for a public hearing**—in some cases, a public hearing is required or cannot be avoided. It is best to ensure that you are prepared for a public hearing.

- **Contact Ohio Recovery Housing**—Ohio Recovery Housing is able to educate and inform local communities about recovery housing and provide information and resources for communities. Even if you are not a current Associate, ORH can attend a public hearing and provide general information about recovery housing including information on laws pertaining to recovery housing, research on recovery housing and its impact, and answer questions relating to recovery housing. Do not hesitate to reach out to us and ask us for support.
- **Prepare testimony for hearing**—
  - Be sure to address the appropriate persons at the hearing

- Include who you are and why you are seeking to start a recovery house
- Include sample language above regarding fair housing and discrimination
- **Determine if it is appropriate to have people in recovery provide testimony—**
  - If appropriate, you can ask people in recovery in your community to provide testimony in support of your efforts. This testimony can help demonstrate that real people in the community need access to recovery housing

Below is some sample language for potential inclusion in testimony, or to help you or people in recovery when they are deciding what to include in their testimony.

*I am a person in long-term recovery which means from a federal fair housing standpoint, I meet the definition of “disabled,” a protected class that has the right to fair housing choice and to community integration*

*The family-like relationships that I forged while living in recovery residence gave me the type of recovery support that I needed to live an alcohol and drug-free life, excel at my job and become a better mother and daughter*

*I speak out today to ensure the 20.6 million people (8% of the population), like me, who struggled with alcohol and drug use have access to the resources they need, such as recovery residences, to start and sustain long-term recovery<sup>vii</sup>*

## Conclusion

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Ohio Recovery Housing hopes this toolkit serves as a useful resource to recovery housing operators who are faced with NIMBY concerns in their communities. As always, please call Ohio Recovery Housing with questions concerning NIMBY and your community. You can refer to the resource guide and reference pages for more information. For continued information on NIMBY and for updated versions of this toolkit, please sign up for the ORH newsletter by visiting our homepage at [ohiorecoveryhousing.org](http://ohiorecoveryhousing.org)

## Resource Guide

- *Ohio Recovery Housing*  
<https://www.ohiorecoveryhousing.org/>
- *National Alliance of Recovery Residences*  
<http://narronline.org/>
- *How to File a Housing Discrimination Charge*  
<https://civ.ohio.gov/how-to-file-a-charge/types-of-charges/2-housing-discrimination>
- *Coalition on Homelessness and Housing in Ohio (COHHIO)*  
<https://cohhio.org/housing-information/fair-housing/>
- *Find Your Local Legal Aid Office*  
<http://ohiolegalhelp.org/>
- *Faces and Voices of Recovery*  
<https://facesandvoicesofrecovery.org/>
- *Ohio Citizen Advocates for Addiction Recovery*  
<https://www.oaar.org/>
- *Ohio Revised Code, Recovery Housing*  
<http://codes.ohio.gov/orc/340.01>
- *SAMHSA National Hotline*  
*1-800-662-HELP (4357)*

**Contact Ohio Recovery Housing**  
**(614) 453-5133**  
[info@ohiorecoveryhousing.org](mailto:info@ohiorecoveryhousing.org)

## References

### References:

- <sup>i</sup> Ohio Department of Mental Health and Addiction Services, Recovery Housing.  
<https://mha.ohio.gov/Supports/Housing/Recovery-Housing>
- <sup>ii</sup> *Addressing Community Opposition to Affordable Housing Development: A Fair Housing Toolkit*, The Housing Alliance of Pennsylvania, 2004
- <sup>iii</sup> Young, C., (2016). "There Doesn't Go the Neighborhood: Low-Income Housing Has No Impact on Nearby Home Values." <https://www.trulia.com/research/low-income-housing/> ; NIMBY Assessment: Concern About Property Values. HUD Exchange. <https://www.hudexchange.info/resources/nimbyassessment/?nimbyassessmentaction=sitecontrol.viewnimbysitecontrolconcernresponses>
- <sup>iv</sup> Deaner, J., Jason, L.A., Aase, D.M., & Mueller, D.G., (2009). *The Relationship Between Neighborhood Criminal Behavior and Oxford Houses*. Ther Communities, 30(1): 89-94.
- <sup>v</sup> Polcin, D. L., Korcha, R., Bond, J., & Galloway, G., (2010). *What Did We Learn from Our Study on Sober Living Houses and Where Do We Go from Here?*. J. Psychoactive Drugs, 42(4): 425-433.
- <sup>vi</sup> Ohio Development Services Agency, (2013). *Fair Housing and Civil Rights Laws*. 5. <https://development.ohio.gov/files/cs/Civil%20Rights%20Training%20for%20Supportive%20Housing%20Grantees.pdf>
- <sup>vii</sup> Developed by Jason Howell, NARR Board Member; RecoveryPeople Executive Director

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