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FOR IMMEDIATE RELEASE:

A Statement on the Village of Poland's Proposed Group Home Ordinance

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The Council of the Village of Poland may consider a zoning ordinance to “avoid an excessive concentration” of facilities generally referred to as Group Homes. This proposed ordinance has brought forth strong opinions both for and against the proposal. Additionally, the proposed ordinance has garnered attention in the local media and on social media. In certain limited instances, the information conveyed to the public has been slanted or inaccurate and, as a result, the Village of Poland is issuing this statement to clarify its position.

What is a Group Home?

There is no set definition as to what constitutes a Group Home. Many other jurisdictions around Ohio that have enacted their own ordinances define them in different ways. The Village of Poland proposes to define a Group Home as any premises “in which three or more unrelated individuals are living together in a residential setting and who receive short-term or long-term residential care, treatment, or assistance and which residential setting is established by the laws of the state of Ohio and/or the United States and licensed, regulated, or inspected by federal or state authorities.”

Are there different types of Group Homes?

Yes. Most group home settings assist adults with developmental disabilities who require varying levels of care and assistance. Other group homes assist those with issues related to mental health. Some group homes are aimed at assisting juveniles while others, commonly referred to as “sober houses,” are aimed towards individuals attempting to recover from the ravages of drug or alcohol abuse.

Has the Village of Poland enacted a Group Home Ordinance?

No. At this point, no member of Council has introduced the ordinance for consideration. If it is introduced, the ordinance will require readings at three separate council meetings with a majority vote each time before it were to become law.

It is important to emphasize that Council can only take official action following a majority vote. While individual members of Council have spoken publicly to the media and through social media, no one member speaks for Council as a whole or any other

member of Council. The statements or opinions expressed are those of that individual member.

Can a local government such as the Village of Poland prohibit Group Homes in its neighborhoods?

No. Facilities such as these are established and licensed under the laws of the state of Ohio and afforded additional protection under federal law, specifically the Fair Housing Act, Fair Housing Act Amendments, and the Americans with Disabilities Act. The Ohio Attorney General has stated that “a municipal corporation is not empowered to adopt licensing requirements or other regulations that alter, impair, or limit the operation of [facilities] licensed by the state.”

What can a local government such as the Village of Poland enact in terms of Group Homes in its neighborhoods?

The short answer is very little to nothing. A local government can apply general housing and zoning codes to such facilities that are equally applicable to all other structures in the community, such as exterior maintenance, repair, and appearance regulations. The local government cannot single out Group Homes for enforcement as such action would be discriminatory.

Can a local government such as the Village of Poland enact an ordinance to “avoid an excessive concentration” of Group Homes?

Yes. Statutes in the Ohio Revised Code, which contain the laws of the state of Ohio, allow “a political subdivision...[to] limit [an] excessive concentration” of adult family homes, adult group homes, and licensed residential facilities. Such enactments must be fair and reasonable and the enactment must be balanced against the federal protections afforded to residents of Group Homes.

The proposed ordinance here sets a five hundred foot (500’) buffer between existing Group Homes and newly established Group Homes. A federal court in the Northern District of Ohio found that a 500’ buffer did not violate federal law.

If enacted, will the ordinance affect existing Group Homes?

No. Since the Group Homes in the Village of Poland existed prior to the possible enactment of the proposed ordinance, they would not be affected. The term most often used in a situation like this is “grandfathered.” That means that the existing Group Homes would not be subject to the 500’ buffer requirement as long as they continually operate.

Regrettably, one local media outlet reported that if the ordinance passed, “it could cause people to leave the comforts of their own home.” That is simply not true and passage of