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Zoning Laws for Addiction Treatment

TREATMENT CENTERS AND THE NIMBY WAR CRY

If you are planning to open a treatment center or are interested in adding another site to your already successful rehab facility, you've probably run into issues with local zoning laws. The Not in My Backyard (NIMBY) phenomena is a serious problem in some communities.

Zoning laws affect all property types including residential, commercial, industrial, agricultural, and recreational buildings. Zoning regulations vary depending on the type of business you plan on opening and these laws decide where in the city you are allowed to place your business.

The NIMBY phenomena occurs when residents in areas with existing or proposed rehab centers make a variety of claims against the proposed facility. Concerned homeowners voice their complaints with their local government when they hear of plans for new facilities, which can stall the approval of your business.

JUSTIFICATION FOR NIMBY

Homeowners and other local business owners state many reasons why they don't want a rehab facility in their neighborhood. Some people even go as far to say that their community doesn't have a drug or alcohol addiction problem, so there is no need for halfway houses in their town.

Complaints against rehab facilities include:

- Decreased property values
- Increased crime
- Increased traffic
- Increased noise pollution
- Inhabitants in the halfway house are a bad influence on our children and family
- Concerns over possible health hazards arising from discarded needles and/or broken liquor bottles

Dictating who can and can't start a business in the community is against the law if the decision goes against local zoning ordinances or discriminates against anyone with a disability.

AMERICANS WITH DISABILITY ACT (ADA)

The Americans with Disabilities Act and the Fair Housing Act states that: *“No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”*

The ADA's definition of a person with a disability is inclusive of anyone with a mental or physical impairment including alcoholism and drug addiction. A big problem with NIMBY opposition arises when the siting of the proposed drug and alcohol treatment facility occurs in a residential zone.

ADA DISCRIMINATION

There are many cases of local municipalities changing their zoning laws to eliminate current or planned treatment centers. The United States District Court for the Southern District of Florida heard a case involving the United States of America (plaintiff) vs City of Boca Raton (defendant). This case came about after the city made amendments to their existing zoning laws.

In 2002, the Boca Raton City Council held a public hearing to regulate locating substance abuse treatment facilities within the city. Local residents appeared at the hearing for the proposed legislation change to voice their opposition to Boca House for Men and Awakenings for Women, two facilities that rent rooms and apartments to people in recovery.

The new ordinance not only put sanctions on where substance abuse treatment facilities (SATF) could be located it also required that existing SATFs must stop operations in residential areas within 18 months of the ordinance. This change to the zoning code resulted in discriminatory zoning policies, which violated the Fair Housing Act.

Steve Manko, CEO and Founder of Treatment Alternatives, affiliated with Boca House and Awakenings, used his own money to win this landmark case. The case took over 5 years and many millions of dollars to reach an outcome. Steve's biography mentions that “As a result of his commitment to stay the fight and with the support of ACLU and the Department of Justice, Federal law now protects the rights of recovering men and women against discrimination in and where they live.” [Retrieved from About the Treatment Alternatives Staff.](#)

GET HELP WITH NIMBY

TreatmentAttorneys.com is an award-winning team offering legal services to treatment centers all over the United States. Our practice areas include zoning laws, real estate, accreditation, licensing, litigation, regulatory compliance, business structure, tax law, and mergers and acquisitions.

There are rules and guidelines to owning and operating a drug and alcohol rehab so it's important to have a lawyer by your side who can help guide you through the process. When you're working with a lawyer on the zoning of your new alcohol and drug treatment center, they will walk you through the different types of zoning laws and explain to you the differences if you have any questions. Let TreatmentAttorneys.com help you with all your zoning and real estate needs.

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