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## Frequently Asked Questions:

### What is a Group Home?

Generally, the term Group Home refers to housing occupied by a group of unrelated persons with disabilities that are a protected class under the [Federal Fair Housing Act](#) (FFHA) and the [Americans with Disabilities Act](#) (ADA). Persons with disabilities include those with a condition that substantially limits major life activities, such as blindness, hearing and mobility impairment, developmental disabilities, mental illness and those recovering from substance abuse. These facilities provide housing, personal care and rehabilitation services, affording individuals with disabilities the same right to use and enjoy a home as individuals without disabilities. A group home typically functions as a single housekeeping unit, sharing kitchen, bathrooms and other facilities.

Group Homes, like all other property in the City, must also comply with the City's building, land use, and criminal codes, and any other applicable laws. The City will enforce against any violations of these laws but cannot do so in a disparate manner from any other residential property.

### Why are Group Homes allowed in Aurora neighborhoods?

The City is legally obligated under state and federal law to provide "reasonable accommodations" to any protected class. The FFHA and the ADA prohibit discrimination against individuals with disabilities and prohibits local governments from enacting zoning or land use decisions that discriminate against protected persons. If the home is operated for the care of elderly or the disabled, the home is licensed and regulated by the Colorado Department of Public Health and Environment. The list of licensed facilities can be found on the Department's website:

<https://www.colorado.gov/pacific/cdphe/find-and-compare-facilities>

### What is a Sober Living Facility?

A Sober Living Facility (sometimes referred to as "sober home" or "recovery residence") is a housing facility that helps those recovering from drug and/or alcohol addiction (diagnosed as "substance use disorders") transition back into the community after undergoing intensive inpatient treatment services. These homes promote independent living and the development of life skills and provide structured activities and recovery support services to those recovering from substance use disorders. The homes are free from alcohol and nonprescription or illicit drugs. Residents are required to go through rehabilitation prior to living in the home and continue to undergo treatment as a condition of living in the home. The number of residents living in each home varies, as do additional in-house rules. A Sober Living Facility is considered a type of Group Home.

### Why are Sober Living Facilities allowed in Aurora neighborhoods?

Under federal law, individuals recovering from drug and/or alcohol addiction are considered to have a disability, as drug addiction and alcoholism are physical impairments that can substantially limit

major life activities. Individuals with disabilities are a federally protected class of people; protected by both the FFHA and the ADA. Under these federal laws, cities are obligated to provide individuals with disabilities “reasonable accommodations” upon request in order to provide equal housing opportunities.

## How are Sober Living Facilities regulated?

[House Bill 19-1009](#), which went into effect in 2019, introduces new State legislation that provides oversight for Sober Living Facilities. After January 1, 2020, all Sober Living Facilities will have to obtain certification from a certifying body approved by the State Office of Behavioral Health. This certifying body is the Colorado Association of Recovery Residences (CARR). The certification is not required if the facility is chartered by Oxford House, or has operated as a recovery residence in Colorado for 30 or more years.

Sober Living Facilities, like all other property in the City, must also comply with the City’s building, land use, and criminal codes, and any other applicable laws. The City will enforce against any violations of these laws but cannot do so in a disparate manner from any other residential property.

Sober Living Facilities may be required to obtain a city business license as many are operated by business or non-profit entities. The license is required of anyone engaged in business in the city including home based businesses.

## What is "reasonable accommodation?"

The FFHA and the ADA prohibit discrimination by requiring local governments to make "reasonable accommodations" in their rules, policies, practices or services when necessary to give people with disabilities equal housing opportunities. Courts have consistently ruled that this requirement applies to zoning and other land use regulations.

In the context of Group Homes or Sober Living Facilities that house individuals with disabilities, in order to comply with federal law, cities must provide these residents with a reasonable accommodation upon request, which is generally done in the form of an adjustment to zoning regulations which includes considering all residents as a single family unit for purposes of limits on unrelated individuals living in the home. This ensures that the City is in compliance with federal regulations.

For more information on reasonable accommodations under the fair housing act, the U.S. Department of Justice and U.S. Department of Housing and Urban Development released a joint statement which is available on this site:

[https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint\\_statement\\_ra.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf)

## Do Group Homes or Sober Living Facilities require rezoning?

No, group homes and sober living facilities are allowed in all residential zone districts. There is no action required by the City Council. Noise and maintenance and other potential issues will still be governed by city zoning and ordinances as they are for any other residential home.

## Are there limits on the number of people in a group home?

A Group Home or Sober Living facility that receives “reasonable accommodation” is approved for the number of residents as limited by the city’s building code, which permits up to one person per 150 square feet of area within the residence. Courts have consistently held that limits on unrelated persons do not apply to these homes as they are considered a single-family unit.

## Are there limits on the number of people in homes not operated as a group home, sober living facility or other “reasonable accommodation”?

In addition to the limits specified by building code, the city prohibits more than 4 unrelated adults living in a single residential home. If the home has not requested reasonable accommodation as a group home or sober living facility, the city’s code enforcement will follow up to determine if the home is in compliance with the city’s zoning codes.