

POSITION STATEMENT

Parents Planning Programs (PPP) for the Developmentally Disabled of Florida, Inc.

ISSUE: Ch. 419.001 F.S. and the Thousand Foot Rule as it applies to single family group homes of six residents or less.

PPP upholds the intent of the Fair Housing Act to allow all individuals, regardless of their race, color, religion, sex, handicap, familial status or national origin, equal opportunity of choice in housing. PPP represents CHOICE and refutes any partisan statement of a position which denies choice.

What does the Fair Housing Act mean?

The Fair Housing Act makes it unlawful to make, print or publish any statement that indicates any limitation or discrimination based on a handicap, etc.

The Fair Housing Act makes it unlawful to refuse to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

The Fair Housing Act makes it unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of any right granted or protected by section 803, 804, 805, or 806 of the Act.

FDDC/PPP POSITIONS

The FACT SHEET published by the Florida Developmental Disabilities council (FDDC), makes several statements that we feel are based on bias, generalizations, assumptions and inaccuracies. PPP proposes alternate views:

The Language of the Law (Thousand Foot Rule) –

FDDC: “This language was established as a compromise . . . to achieve a balance between the delivery of appropriate and quality services and community inclusion.”

PPP: In our view, the 1000 foot rule was established as a compromise between the state government and local zoning boards to appease public outcries of NIMBY (Not In My Back Yard).

Additionally, concerns are frequently cited by supporters of the 1000 ft. rule that group home operators would establish clusters of homes that would set inferior standards or develop slum neighborhoods.

We support the zoning ordinances that require conformity to the standards of single family residential use. Additionally, we recognize that standards of excellence in the home itself should be upheld by state agencies and local advocacy groups that are created expressly for that purpose. It is also PPP’s agenda to encourage parents and families to take an active interest in their family member’s residential situation. Isolated community group homes do not necessarily come with a guarantee for “quality services.”

Labeling –

FDDC: Posts warning of “vigilance” against adopting rules that will promote and facilitate mini segregated communities or “institution-like settings.”

PPP: Individual need determines the kind of choices we should have. Generalizations that categorically label all residential initiatives and alternatives as “segregated communities” and “institutions” are propaganda.

Inclusion and Integration –

FDDC: Enforcing the separation of group homes and imposing limitations of boundaries (1000 feet), will assure integration.

PPP: Separation does not guarantee integration nor does it assure any kind of neighborhood inclusion. It denies choice of equal opportunity to enjoy the benefits that may derive from freedom to live in a location of choice, or in a planned community: security, proximity to peers and support systems, special services and amenities, transportation, social and recreational opportunities, etc. Restriction in the placement of a community home is a kind of reverse isolation.

Use of Funding --

FDDC: “The Waiver monies are barred from use in institution-like settings. . . . waiver funds should be used to best promote true inclusion in one’s community.”

PPP: The 1000 ft. restriction should not be used to punish individuals by denying funding if they choose to live in planned communities. Waiver dollars should be available to all consumers living in the community of their choice as a guarantee of self-determination.

Discrimination –

FDDC: “. . . the statute does not strictly preclude community residential homes from being less than 1000 feet from one another. It does require approval from a local government . . . This requirement is not overly burdensome or egregious. . . .”

PPP: The law re: the 1000 ft. rule is incorporated into all local zoning ordinances. Zoning boards also require licensing from the state. To get relief from the law, a variance based on a hearing and approval by neighbors is required. This is often a futile and costly procedure making it burdensome and egregious. Moreover, the appeal for relief posits a class distinction, and is demeaning in requiring that individuals get *permission* to enjoy the same opportunities that all other Americans enjoy automatically. It is discriminatory in setting forth limitations that target exclusively this class of fragile citizens.

Seniors –

FDDC: “. . . senior citizen communities are often privately owned and funded, so restriction with federal money would not apply.”

PPP: We are not presuming that the federal government does or should provide the funding for the establishment of housing for people with developmental disabilities. In our research we have found that planned residential communities are the result of grass roots organizations whose aim is to provide the very best in opportunities for diversity and opportunity that involvement in a typical community neighborhood would bring. What is an intolerable situation is the movement to rule out categorically the same opportunities that other members of society are free to enjoy.