Group Home 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 in healthy residential settings are more beneficial for treatment and integration into society than placing individuals in institutional settings.

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 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?

Group homes are required under state and federal law to be treated as any other home and as a residential use for zoning purposes. State law, 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 the elderly or the disabled (assisted living), the home is licensed and regulated by the Colorado Department of Public Health and Environment (CDPHE).

If the home is an inpatient substance abuse treatment facility, then it is regulated by the Colorado Behavioral Health Administration.

If the home is a host home for the intellectually disabled, then it is regulated by CDPHE licensed Program Approved Service Agencies (PASA). The list of CDPHE licensed facilities can be found on the Department’s website; however, PASA certified host homes are not publicly disclosed:

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

Residential facilities licensed by the Colorado Behavior Health Administration:

https://socgov06.my.salesforce-sites.com/LADDERS/OBH_PSS_Search?
What is a Recovery Residence (Sober Living) Facility?

A Recovery Residence Facility (sometimes referred to as “sober living home”) 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.

Why are Recovery Residences 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 Recovery Residences regulated?

Under state law many recovery residences must be certified by the Colorado Agency for 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. Residences certified by CARR can be found on their website:

https://carrcolorado.org/certified-recovery-residences-search/

Recovery residences, 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 any violations of these laws but cannot do so in a disparate manner from any other residential property. Therefore, violations must be enforced equitably throughout the surrounding neighborhood and not unfairly target the recovery residence.

Recovery residences 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. The City cannot arbitrarily deny the license based solely on neighborhood desire to not have the facility.

Colorado Revised Statutes 30-28-115 states that it is the policy of the state to assist persons in recovery in residential neighborhoods and that recovery residences are a residential use of property for zoning purposes and subject only to regulations of like dwellings.
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 some cases, accommodations may need to be made – such as the addition of a ramp to the exterior of the property. If such a modification is in opposition to a design standard, that standard may not apply in order to provide reasonable accommodation.

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:


Do Group Homes or Recovery Residences require rezoning?

No, group homes and recovery residences 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. For purposes of zoning, they are considered residential land use even though they may be owned by a for profit business entity.

What if I don't feel safe with the facility in my neighborhood?

Speculative fears cannot be justification for enforcement action or to prohibit the facilities. Many cities have lost lawsuits for discriminating against group homes. Most group homes are indistinguishable from the rest of the neighborhood. The residents of a home are not incarcerated and may or may not have a criminal history, just like any other resident of any other home.

The homes do have oversight as part of their programs; as a result, some studies have found that residents of group homes commit less crime than the residents of the surrounding neighborhood. If individuals in a recovery residence are found using prohibited substances, they can lose the ability to continue in the program and reside in the home.

What about impacts to my property value?

Speculative concerns regarding degrading of neighborhood property values cannot be used to prohibit group homes. The homes are required to blend into the neighborhood and follow like regulations for any other home. Additionally, studies have shown that group homes do not have an impact on degrading property values.

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

All residential properties must follow the city’s health and housing code, which permits up to one person per 150 square feet of area within the residence according to Aurora City Code 22-637.
Can we limit the number of these homes in our neighborhood or require spacing?

Not based on speculative concerns about impacts to the neighborhood as they are a residential use like any other home in the neighborhood.

Can we require a public hearing or neighborhood notification?

No, they are required to be treated like any other home, and they are a use by right as a residential land use.