

With group homes, neighbors say anywhere but my block

They are loving and beautiful people. But don't put them in my neighborhood because it hurts property values.

That is the general response when it comes to group homes.

Last month, I wrote a column on how St. Peters prevented a homeowner from renting to Community Living Inc. The organization wanted to use the house as a home for four developmentally disabled women.

I'm writing this column on Monday, Dec. 5. At 7 p.m. tomorrow the St. Charles City Council will host a public hearing on an Emmaus Home request for a group home. Emmaus operates group homes throughout the St. Louis area.

Emmaus wants four developmentally disabled men to live in a four-bedroom house at 3345 Town and Country Lane in St. Charles. In fact, the men have lived there since August.

I've twice watched the Nov. 21 videotape of the public hearing before the St. Charles Planning and Zoning Commission. I also watched the proceedings in St. Peters.

The overarching issue is this: How do you protect property rights and the rights of the developmentally disabled without transforming traditional single-family neighborhoods into multi-family neighborhoods filled with rental homes?

I've noted three things:

First, residents who oppose group homes are quick to say they would never discriminate against the mentally ill or developmentally disabled. But that's exactly what they seek to do.

They focus their opposition on extra cars in the driveway or argue that any non-owner-occupied, single-family home is, by their definition, a business enterprise that does not belong in a residential neighborhood.

Hmm? Would it be illegal for any homeowner to rent his home? Do the non-developmentally disabled ever have too many cars?

Second, there is a lot of confusion about group

homes. In St. Charles, for example, Emmaus, which has a 100-year history in the city, moved the men in without knowing it first needed a conditional use permit.

In fact, this application, which is likely to be voted on Dec. 6, has revealed that Emmaus has operated six other homes in the city for years without permits.

Last month, I wrote that the city of O'Fallon has a one-mile density requirement for group homes. One mile!

Barbara Griffith, CEO and president of Community Living, told me her organization more than likely already has group homes in O'Fallon in violation of that requirement. Does O'Fallon know where group homes are? St. Peters doesn't.

Thirdly, in my view, it's fine if executives at Emmaus and Community Living want to play nice with city governments that impose density requirements and/or require conditional use permits. Griffith said she was not going to "fight city hall."

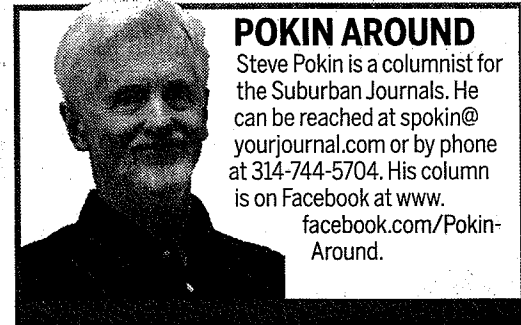
David Kramer, chief operating officer at Emmaus, on Nov. 21 apologized profusely to the city's planners for not being in compliance with the permit requirement.

What I want to add is that St. Peters City Attorney Randy Weber cautioned elected officials there to not require permits because it could be considered discriminatory. Weber believes municipalities have only one legal tool in regulating group homes: density.

At one point in July, St. Peters Alderman Jerry Hollingsworth said, "Is there a permit required to operate a group home? There is not. To me it would be, if you required that — Randy (Weber) is saying it is discriminatory."

In other words, St. Charles is addressing the issue in a way St. Peters finds discriminatory.

Griffith and Kramer represent respected, long-standing community institutions. I understand they need to work with elected officials. But if you don't have a good lawyer get one. Find one who



POKIN AROUND

Steve Pokin is a columnist for the Suburban Journals. He can be reached at spokin@yourjournal.com or by phone at 314-744-5704. His column is on Facebook at www.facebook.com/Pokin-Around.

doesn't have to be chummy with politicians. One who can work privately to zealously ensure the rights of those who are mentally impaired, those unable to vote for local politicians in local elections those who don't show up at public hearings.

John Hessel is city attorney for Kirkwood and Florissant. Both cities require a conditional-use permit Hessel said Monday that in his view municipalities can legally require a permit, spelling out conditions of operation, as well as set a density requirement.

In St. Charles, eight residents spoke against the permit on Nov. 21. Three favored it.

Opponents hammered away at the fact Emmaus had moved the men into the house "through the back door" by not following the process. There also was concern about extra cars from caregivers. (The four residents do not drive and there is space on the driveway and in front of the house for parking.)

One man called the group home "kind of a little hospital." Another said it didn't fit the area because some neighbors have "beautiful homes with pools." Another doesn't like the looks of a handicap ramp constructed at the front door.

City staff recommended approval. The commission agreed on a 5-1 vote. The St. Charles City Council has final say Dec. 6.

If the men in the house — Ron, Steve, William and Cameron — lose their home, they don't need moral support. They don't need leaders to work with City Hall. They need a good lawyer.