

In true Montana spirit, the Chuckwagon . . . the newsletter to fill your fair housing appetite.



Montana Fair Housing is a private, non-profit, civil rights organization providing education, outreach, and enforcement activities throughout the state of Montana and elsewhere. MFH does not have an attorney on staff. Information contained in this newsletter should not be construed as legal advice and does not provide a legal opinion.

Tales Roun' the Campfire

A synopsis and/or update of cases filed with the Montana Human Rights Bureau (HRB), the Department of Housing and Urban Development (HUD), and/or federal or district court. This summary is not all inclusive . . .

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<http://www.noambramson.org/2014/07/child-home-neighborhood-community-conscience/>

Child, Home, Neighborhood, Community & Conscience - July 9, 2014

Let me tell you a little about Matthew. Next fall, Matthew will enter fourth grade. His favorite food is pizza. He's always happy to jump on his trampoline or go for a swim. He can't wait to return to Disney World. And he loves riding horses.

As the school year was wrapping up, Matthew and I, along with his classmates, had lunch together. Their teacher had made the winning bid on "lunch with the mayor" at a Special Education PTA auction. I could not have asked for a warmer, friendlier greeting from the kids, although — let's be honest — the McDonald's happy meals that I brought with me may have accounted for just a bit of the excitement.

The students in this small class of five have a range of serious developmental disabilities, including [autism](#), Down syndrome, and others. All need intensive supervision. Some might require support throughout their lives.

Over lunch, we chatted, smiled, joked, took photos. Sometimes a little gentle coaxing was needed to elicit a response or encourage eye contact. A few of the kids communicated more easily with an iPad than through speech. They all presented me with personal artwork and a welcome poster.

And then I said good-bye, walked to my car, slumped into the driver's seat, and let out a long breath. These great

children and their amazingly dedicated teachers and therapists had overwhelmed me, and that was after just 45 minutes.

Every prior experience I've had with children who have developmental disabilities has stirred similar feelings, so I have always been in awe of the parents of kids with profound special needs. The day-to-day challenges are enormous, life-altering, and nearly incomprehensible to those of us whose families face no unusual obstacles. The parents I've known would all say — to a person — that they receive far more from their children than they give. And perhaps a greater depth of humanity is the gift of such relationships, but it is a hard-earned gift.

Then consider the emotional strength required to envision and plan for the future — to contemplate the day when many support services will end, when mom and dad can no longer provide care or companionship, and when an uncertain adulthood begins to take shape.

That brings me to the real purpose of my writing today. By sheer coincidence, around the same time of my visit to Matthew's class, a controversy was erupting over a proposed group home in a residential area here in New Rochelle.

Some background. Group homes (or "community residences") are intended to provide a supportive, neighborhood-based living arrangement to adults with disabilities or other challenges. Unlike institutionalization, they allow the disabled to be part of a community and to achieve as much independence as their individual circumstances and abilities permit. Typically, a not-for-profit social service agency will purchase a single-family home, make modest renovations as appropriate, and then provide staff and supervision. There are roughly twenty group homes in New Rochelle today, scattered fairly evenly across the city.

Group homes are strongly promoted by State law, which pretty much sweeps away the zoning authority that would ordinarily enable municipalities to prevent group homes from being created. In order to block a group home, a municipality must demonstrate that there is already an over-concentration of similar group homes in the proposed area, or the municipality must present a specific alternative location, within the same community,

UPCOMING EVENTS:

Approved for 4 mandatory credits by the BORR:

September 3 - **Billings** - 8 a.m. to Noon

September 4 - **Sidney** - 9 a.m. to 1 p.m.

September 9 - **Bozeman** - 10 a.m. to 2 p.m.

September 11 - **Butte** - 1 p.m. to 5 p.m.

September 18 - **Missoula** - 9 a.m. to 1 p.m.

September 19 - **Kalispell** - 9 a.m. to 1 p.m.

September 24 - **Great Falls** - 1 p.m. to 5 p.m.

September 25 - **Helena** - 1 p.m. to 5 p.m.

Approved for 2 mandatory credits by the BORR:

September 4 - **Sidney** - 2 p.m. to 4 p.m.

Registration information is available
on our website at

www.montanafairhousing.org

or contact Montana Fair Housing at:

(406) 782-2573 / Relay: 711

inquiry@montanafairhousing.org

Discrimination in housing occurs when a housing provider makes a decision about a consumer's eligibility for services based on the consumer's protected class status.

A housing provider cannot deny a household services nor place different terms and conditions on that household **BECAUSE OF** membership in a protected class.

Federal protected classes include: Race, Color, National Origin, Religion, Sex (including sexual harassment), Familial Status (presence of children under the age of 18 or pregnancy), and/or Disability (Mental or Physical, including requests for reasonable accommodations and reasonable modifications). Fair Housing laws require owners, developers, architects, and contractors to design and construct multi-family housing of four or more units to be adaptable and accessible for persons using a wheelchair for mobility, if constructed for first occupancy after March of 1991.

In the state of Montana, in addition to the federally protected classes, it is a violation of the state's Human Rights Act to discriminate in housing related transactions based on marital status, age, and/or creed. In the cities of Butte, Missoula and Helena, a housing provider cannot discriminate against a household because of gender identity or sexual orientation.

For More Information about Discrimination in Housing, or to File a Complaint, contact:

Montana Fair Housing

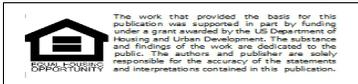
519 East Front Street * Butte, MT 59701

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that has the same characteristics as the property that was proposed. (If you want to know more, Google the Padavan Law.)

There's lots of variation among group homes, but just about all of them have two things in common: (1) they almost *always* generate serious concern and opposition when they are proposed; and (2) they almost *never* create any serious problems when they are actually up and running.

In the case at issue now, an agency called [Cardinal McCloskey Community Services](#) is proposing to purchase a property in a pleasant, close-knit, middle-class neighborhood. It will serve as a home for four young men with autism.

The neighborhood is opposed – strongly, passionately, and just about universally. At a meeting at City Hall a couple of weeks ago, residents turned out in big numbers to voice their objections in polite, but very forceful terms.

With public opinion overwhelmingly against the group home, the City Administration then acted on the neighborhood's request and filed a formal objection with the New York State Office of Mental Health, citing the over-concentration argument noted above. This objection will be adjudicated in the weeks ahead.

Now here's where I make an admission that will get me in trouble: *I disagreed with the City's decision to file an objection, and I recommended against submitting it.*

Before I get into my reasons, please understand something. I have known many of the residents of this neighborhood for twenty years, and they are *good* people — generous with friends, kind to strangers, trustworthy in their personal relationships, deeply loyal to their community. They are volunteers, church-goers, givers to charity. Some have children or grandchildren with severe disabilities. They are reacting as most neighborhoods react, so I am not singling them out.

I simply believe that the objections are wrong. Profoundly wrong. And that the objections should not be validated by the City or its leadership.

My thoughts about all this crystallized as I listened to the comments at the meeting . . .

Much was made of the property's location on a cul de sac, presently used by many children as a play area. The group home, speakers argued, would take away a safe haven that is vital to families. That sounds like a fair point, until you start reflecting on it. Why exactly couldn't children just continue playing on the cul de sac?

Another speaker asked rhetorically whether the group home operators could "guarantee" that the young men would not pose a safety risk. Again, that seems like a reasonable question, until you think it through. I can't guarantee that my next door neighbor is not a drug dealer, or that the couple moving in across the street aren't spying for the Russians. The question ought to be whether there is any rational basis for fearing such things.

There was a suggestion during a prior meeting that these four young men should instead be given a suite of rooms at the hospital — essentially rejecting the entire concept of community-based

living for the disabled.

One, and only one, speaker contended that the young men with autism presented a threat of sexually predatory behavior. This claim (which lacks any solid evidence) is highly inflammatory, to say the least. I was glad that it wasn't repeated explicitly by others, but I hoped the room would respond with stony silence. Instead, everyone applauded, blurring the line between those who were fair-minded and those who were not.

There was more. Speakers said the proposed home was too close to other houses, that the neighborhood would be permanently and irreparably harmed, that traffic would overwhelm a small street, that property values would collapse.

Many took pains to say that they had nothing against the disabled, but surely an alternative site could be found that made more sense for all involved. (If anyone stated the case for why another neighborhood would be happier to welcome a group home, I missed it.)

I have no doubt that all the speakers really *believed* what they were saying, and truly felt their positions to be based on logic and reason. But, as I listened, I couldn't shake the feeling that the conclusion – "No!" – had come first, with the arguments following afterwards as a kind of back-engineered rationalization. (In fact, for almost all of us, that's how decision-making tends to work.)

It was not about NIMBYism, they said, and so they believed. But of course it was exactly about NIMBYism. It was *only* about NIMBYism.

One more factor: even for the most virtuous and self-confident individuals, the dynamic of a group seized by emotion can exert a powerful influence. The crowd ends up being less than the sum of its parts. Often a lot less. I suspect that a few of the neighbors who spoke or applauded will look back in a couple of years and have second thoughts or regrets.

But those regrets will pale in comparison to what I felt when the meeting concluded: *shame*. I was ashamed of *myself*, because I simply sat there quietly without saying a word. And I can't imagine a worse display of cowardice.

Continued silence would certainly be the politically wise approach. The City's formal objection to the site has no chance whatsoever of succeeding. (In fact, I am told that no such objection has *ever* succeeded in New York, because the threshold established by State law is simply too high.) That means the process will run its course to the inevitable conclusion, the group home will go to the proposed site, and the empty gesture of a City objection will have taken care of the politics. By contrast, this statement of mine will probably anger many people. So why not do the sensible thing and keep my mouth shut?

Because there's a cost to all this – to this cycle of too many politicians pretending to fight for people, while really

serving only themselves, elevating expediency over conscience, issuing nice-sounding assurances in exchange for applause, until eventually reality overtakes the empty pledges, and then faith in public leadership slips just a little lower into the basement. After two decades in public life, I am neither naive nor pure, but there comes a point when someone has to say *enough* to all that, and I guess this is my moment. Silence is complicity.

Our community, which has always been defined by its welcoming spirit, is better than the objections raised at the meeting. *The people who made those objections are better by far than their comments*, and they will eventually come to realize it. Indeed, I have no doubt whatsoever that these four young men will be greeted with courtesy and warmth, even by those who were most concerned about their arrival.

How would Catie and I react if a group home was proposed next door to our house? We have asked ourselves this question. Would we raise a host of seemingly fair arguments in opposition? *Pinebrook Boulevard is too heavily trafficked . . . bus service and stores are too far away . . . there's already a group home down the street on Beechmont, and another up the street on Sussex*. Would we band together with our neighbors, reinforcing each others' sense of certainty? Would we have the self-awareness to perceive our own inner, and perhaps less-than-worthy, motivations? It is impossible to know, and I don't pretend to be any more noble than the next person.

But I want very much to believe that we would not fight, that we would make the best of it, that we would offer whatever good will we could to our new neighbors, and that we would try to set an example for our own two boys by showing them that every person has worth.

At one point or another in our lives, each of us will be expected to step outside our comfort zone or bear some burden for a larger purpose. It can be as simple and broad as the taxes we pay for ADA curb cuts and special ed classes, or as complex and specific as this issue of group home placement. The costs are not always fairly distributed. What we get in return is the chance to live in a decent society.

Matthew is nine years old. That means in about a dozen more years, he will age out of the services that support youngsters, and a new chapter of his life will begin. I hope it is a wonderful life, and that when he is older, his neighbors and community will welcome him and take joy in his humanity.

STATE EMPLOYEE CHARITABLE GIVING CAMPAIGN - This year the SECGC runs from September 29th through November 7th. If you are a state employee, please consider supporting Montana Fair Housing's work, and encouraging others to as well! Our giving campaign organization number is **5258**.

THANKS TO ALL WHO CURRENTLY GIVE TO MFH!