

Group Home Fact and Fiction (Volume II)

December 29, 2008

Did you receive an e-mail like the below recently? Did you believe it?

It included some incorrect or misleading things about Newport Beach's Group Residential Uses ordinance (read the Ordinance at the City's website, then click on "Group Homes"). The **fiction** the e-mail presented is shown in **black** below. The **facts** are shown in blue.

FICTION #1: *EVEN ALBUQUEQUE (sic), NM is REGULATING REHABS SERVING ADDICTS/FELONS-- WHY ISN'T NEWPORT BEACH? Guess the city of Albuquerque (sic) in New Mexico is shutting down a REHAB connected with one of ours in Newport-- Narconon and the one is (sic) Albuquerque (sic) are both based on beliefs of Scientology and 'allegedly' run by Scientology, too. FELONS, criminals in 'alternative sentencing programs', parolees.. Yep-- that rehabs (sic) in Newport! Why do Newport officials continue to 'protect' these rehab houses, when other cities have exposed they are just 'residential facilities' for the CA Dept of Corrections (prisons)!*

– e-mail from Linda Orozco, dated December 26, 2008.

FACT: Federal law (the Fair Housing Act. as amended in 1988 - <http://www.usdoj.gov/crt/housing/title8.php>) protects persons with disabilities (including persons in recovery) from discriminatory housing practices and applies to all cities in the US. There is nothing to lead anyone to believe that the City of Albuquerque, New Mexico is "regulating rehab" facilities any differently than Newport Beach, California is regulating recovery facilities.

Further, cities in the state of New Mexico (obviously) do not have to follow California law, which many believe to be protective of recovery homes. Nor do cities in New Mexico have to follow court decisions that apply only to the US Court of Appeals, 9th Circuit. New Mexico is in the 10th Circuit, and California is in the 9th Circuit.

But more importantly and more relevant than the above, a closer review of the Albuquerque incident cited in the e-mail from Ms. Orozco shows that, in fact:

- The Albuquerque city government actually leased its old jail to the "Second Chance" recovery facility. So not only may Albuquerque not be regulating recovery facilities differently from Newport Beach, but Albuquerque is using its own city property to house recovery facilities.
- The City of Albuquerque decided that Second Chance had violated the terms of its lease, and asked Second Chance to leave at the end of January, 2009. But nothing about the eviction requires Second Chance to leave Albuquerque – Second Chance must just leave the building. According to Pete Dinelli, Albuquerque's chief public safety officer, the lease termination is strictly a "landlord-tenant issue." The city is not involved in the company's operations and cannot prohibit it from finding another home, Dinelli said.

The above is from the *Albuquerque Journal* (12-27-08) – see the below for the actual article.

FICTION #2: *(there are no) rehabs in Irvine, Solana Beach, Del Mar Not ONE bed.*

– e-mail from Linda Orozco, December 12, 2008.

FACT: Not so. Check it out for yourself. A simple look at Google, Craig's List, or the Sober Living Network will tell you otherwise. You'll find:

- *Us in Recovery* (a five bedroom, co-ed sober living environment in **Del Mar**);
- *Casa Palmera* (a 37,000 sf inpatient licensed facility in **Del Mar**);
- *Casa Pacifica* (a four bedroom, women's sober living home in **Solana Beach**); and
- *Seven Oaks Recovery* (a 3,500 sf home at Quail Hill in **Irvine**)

... and others, depending upon how long you want to look for them.

ALBUQUERQUE JOURNAL

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Mayor Evicts Second Chance

By Dan McKay And Jeff Proctor

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Journal Staff Writers

It's official.

Mayor Martin Chávez on Friday sent a notice to the Second Chance rehabilitation program, ordering it out of the old West Side jail by Jan. 31.

The city contends that Second Chance violated its lease agreement by housing violent offenders and making unauthorized changes to the building.

Chávez said he was particularly concerned that Second Chance, in his view, had recently moved some of its residents to "avoid our oversight, our scrutiny."

"It's very evident to me that they were attempting to avoid oversight by taxpayers," the mayor said Friday in an interview. "This is not going to be tolerated."

The Journal could not reach Second Chance President Joy Westrum on Friday. In an interview earlier this week, she said that, if the city accused the center of lease violations, Second Chance would be entitled to 30 days to fix them.

The city disagrees, saying Second Chance is on a month-to-month lease.

"If she wants to try to litigate this, she can," said Pete Dinelli, city chief public safety officer. "But if they're not out by the 31st (of January), we will initiate a civil lawsuit."

The Second Chance Center uses saunas, massage and other methods as part of a drug rehabilitation program. Some of its training manuals are based on research by L. Ron Hubbard, founder of the Church of Scientology.

But supporters say the program is not based on Scientology. Westrum has said that she is a

Scientologist but that employees are prohibited from proselytizing any religion.

City Hall doesn't provide funding for Second Chance but has allowed it to use the old West Side jail in exchange for completing improvements to the facility. The center has received federal and state money in the past and is now funded with private donations.

The city has concerns about that, too. Dinelli said a sauna was installed, but no city permits were issued for modifying the building.

The lease termination, he said, is strictly a "landlord-tenant issue." The city is not involved in the company's operations and cannot prohibit it from finding another home, Dinelli said.

The lease called for Second Chance to house only inmates who would be classified as minimum or medium security, Dinelli said. He believes the center violated that provision by housing people charged with violent crimes.

The termination notice also accuses Second Chance of using the place primarily as a jail rather than as a substance-abuse and transition center.

Westrum has said that everyone sent to Second Chance was sentenced there by a judge. The judges, she said, decide who fits the center's criteria.

Judges and law-enforcement leaders in Bernalillo County have been skeptical of Second Chance, but authorities elsewhere have been more supportive. The Journal reported last week that the center was housing overflow inmates from Sierra County. Grant and Socorro counties have also sent inmates to the center.

The city launched an investigation into whether the inmates met the program's guidelines. At one point, city officials say, eight inmates were loaded into a van and taken elsewhere.

The city negotiated the Second Chance lease in 2006. What happens next to the old jail is unclear. It was originally built as a temporary detention center to help relieve overcrowding at the main Downtown jail. Besides housing Second Chance, it has served as an emergency shelter for the homeless during winter months.

Dinelli said there are 40 to 50 residents of Second Chance.

The state Corrections Department would help relocate those inmates, but does not believe Second Chance operations are under its purview, Corrections spokeswoman Tia Bland said.

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