



PUBLIC INTEREST LAW CENTER OF PHILADELPHIA

AFFILIATED WITH THE LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW

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STAFF

Jennifer R. Clarke
Executive Director

Michael Churchill
Of Counsel

Adam H. Cutler
*Director, Public Health and
Environmental Justice Clinic*

James Eiseman, Jr.
Senior Attorney

Sonja D. Kerr
Director, Disabilities Rights Project

Edwin D. Wolf
*Executive Director
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Statement of the Public Interest Law Center of Philadelphia to the Philadelphia City Council Concerning Proposed Zoning Changes

The Public Interest Law Center of Philadelphia submits its opposition to any zoning proposal that would prohibit or impose additional burdens on facilities which serve persons with disabilities from neighborhoods where similar facilities would otherwise be allowed. Any provisions which single out for discrimination facilities serving persons with disabilities, such as our most vulnerable citizens, who have autism, cerebral palsy, down syndrome, and etc., making it harder for them to find places to reside equally in this city or to receive the medical treatment necessary for some of them violates federal law.

In particular, the Law Center notes that banning group homes, which allow persons with disabilities to live in the community, frequently near family and friends, instead of being confined in institutions, is directly contrary to federal and state law. In the *Clebourne* case, the United States Supreme Court held municipalities violate the Constitution if they subject residences for persons with disabilities to different zoning standards than for other persons. And many courts have repeatedly recognized that under the fair housing acts, small group homes (albeit for unrelated persons) are equivalent to family residences for persons with disabilities and may not be excluded from a residential neighborhood. Labeling those homes as “noxious” is particularly offensive to the many individuals who pose no threat to their neighbors and whose homes usually cannot be even identified by anyone walking by, unless told beforehand.

Attempts by Pennsylvania communities to exclude methadone clinics, which medically treat persons recovering from addictions, differently than other medical facilities have been struck down by the courts. Just three years ago, the federal courts overturned the effort of both the Pennsylvania General Assembly and the City of Reading to require methadone clinics to go through more burdensome procedures for approval than other medical clinics. (*New Directions Treatment Services v. City of Reading*.) Philadelphia is facing certain suit and unnecessary expense if it proceeds with a provision banning methadone clinics where it permits other medical facilities merely because of the population who uses the clinic.