



1           WHEREAS, zoning ordinances and land-use regulations seek to protect property  
2 values, regulate the socioeconomic environment of a community, and operate as an effective  
3 mechanism for social control of the character of a neighborhood; and

4           WHEREAS, the traditional purpose of zoning ordinances is to preserve certain areas  
5 as residential family communities; and

6           WHEREAS, land use restrictions designate districts in which only compatible land-  
7 uses are allowed and incompatible land-uses are excluded; and

8           WHEREAS, the enforcement of zoning ordinances and land-use regulations is a civic  
9 responsibility and represents participatory democracy at the local level giving direct control  
10 over neighborhoods to the residents who live in them; and

11           WHEREAS, by applying zoning ordinances and land-use regulations that restrict the  
12 definition of the family and limit access to single-family residential neighborhoods,  
13 municipalities exercise legitimate local control over the face of their communities; and

14           WHEREAS, this local control is achieved through the election or appointment of  
15 local board members, the dividing of municipalities into distinct land-use categories, the  
16 establishment of procedural rules regarding the determination of appropriate and  
17 unacceptable land-uses, and the public hearing and notice process; and

18           WHEREAS, designating recovering substance abusers as "disabled" in the Fair  
19 Housing Act undermines local control over acceptable land-use in residential neighborhoods  
20 and prohibits local officials from weighing a municipality's right to control land-use through  
21 regulation against the rights of recovering substance abusers who could pose a direct threat  
22 to the health or safety of the community including neighborhood schools, parks, and  
23 playgrounds; and

24           WHEREAS, federal law should not restrict the authority of local elected officials to  
25 protect their constituents' families, homes, businesses, and property values; and

26           WHEREAS, local zoning ordinances and land-use regulations are in place to  
27 guarantee that only land-uses compatible with the residential character of a community are  
28 allowed in a particular zone; and

1           WHEREAS, one method to achieve compatible residential land use is to limit the  
2 number of occupants permitted to live in a dwelling to protect health and safety by  
3 preventing overcrowding of dwellings, streets, and schools; and

4           WHEREAS, pursuant to the Fair Housing Act, courts have prevented the enforcement  
5 of occupancy limits to allow the establishment of group homes for recovering substance  
6 abusers in single-family residential neighborhoods.

7           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
8 memorialize the United States Congress to take such actions as are necessary to amend the  
9 Fair Housing Act to allow for the application of local zoning ordinances, land-use  
10 regulations, and permitting standards to group homes for recovering substance abusers in  
11 residential neighborhoods.

12           BE IT FURTHER RESOLVED that all agencies of this state shall refrain from  
13 entering or renewing any contracts with entities that operate group homes for recovering  
14 substance abusers who do not agree to comply with local zoning ordinances, land-use  
15 regulations, and occupancy limitations.

16           BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to  
17 the presiding officers of the Senate and the House of Representatives of the Congress of  
18 the United States of America, each member of the Louisiana congressional delegation,  
19 and the secretaries of the Louisiana Department of Health and Hospitals and the  
20 Louisiana Department of Social Services.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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Scalise

HCR No. 353

Memorializes congress to amend the FHA to allow local regulation of group homes for recovering substance abusers in residential neighborhoods.