

Driven by Circumstances

A residential community for men in recovery from addiction

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December 24, 2015

Mr. Richard Lewis
Director of Planning and Zoning
City of Franklin, New Hampshire
Planning and Zoning Department
316 Central Street
Franklin, NH 03235

Re: Administrative Determination of November 30, 2015 and request for assistance with administrative procedure/60 Depot Street; tax map/lot 099-050-00

Dear Mr. Lewis,

We received the City's administrative determination of November 30. Our request for an appeal of that decision will arrive under separate cover.

Since all points in the City's administrative determination of November 30 are dependent upon the de-classification of our residency as single household/single family and its re-classification as a disallowed rooming house, we ask that the City hold the Cease and Desist and action upon life and safety codes in abeyance until hearing our appeal.

Respectfully, we decline the option to apply for a variance to operate as a rooming house because such an application would:

- falsely represent our current use of the structure
- contradict our position that we are not in current violation of local zoning ordinances
- discredit our protected status under the ADA and FHAA
- deemphasize the great importance of group home living as a disability aid for recovering persons who need such support
- concede to the City's characterization that we be relegated to the isolation of individual rooms rather than enjoy the warmth and support of a cooperative home

We would like to emphasize again our desire to work with the City of Franklin. In that context, we respectfully request procedural assistance and direction. The Department of Housing and Urban Development and the Department of Justice stress that:

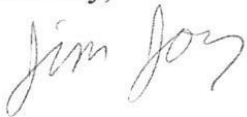
As a general rule, The Fair Housing Act makes it unlawful to refuse to make "reasonable accommodations" (modifications or exceptions) to rules, policies, practices or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling....*Local governments are encouraged to provide mechanisms for requesting reasonable accommodations that operate promptly and efficiently, without imposing significant costs or delays.* The local government should also make efforts to insure that the availability of such mechanisms is well known within the community.

It has occurred to us that we are naïve to assume our October 8 letter serves as a procedurally sufficient request for reasonable accommodation. In addition to requesting a reconsideration of the rooming house classification, it was our intention with that letter to alert the City to the disabilities – as defined in 42 U.S.C 3604(f)(3) – that challenge residents of 60 Depot Street, to *alert the City to our protected status under the ADA and FHAA, and to alert the City that an accommodation based on disability (single family dwelling classification) may be necessary to afford the residents of 60 Depot Street an equal opportunity to use and enjoy the dwelling.* We view this request for accommodation as reasonable in that, to our knowledge, it imposes no undue hardship, expense or substantial burden upon the City, nor would it seem to create a fundamental alteration in the zoning scheme of Franklin.

We cannot find any procedure or mechanism specific to requesting reasonable accommodation based on disability within the City's published Charter and Codes. Our confusion might be a *simple matter of vocabulary, but we would like to avoid any failure to follow or meet the requirements of lawful procedure.* Our rejection of the suggested application for variance to operate as a rooming house is based solely on concerns of false representation rather than on any disregard of or disrespect toward the City's processes.

We would be grateful if you would outline and define for us exactly what procedure(s) meet the City's requirements for requesting a reasonable accommodation based on disability. Clarification or direction in this regard would be much appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Jim Joy".

Jim Joy, Director