

The Legal and Policy Reasons Underlying Oxford House Group Leases

In 1988, Congress established the requirements that every State in the country establish a revolving fund to help start houses based on the Oxford House model (P.L. 100-690). Since that time, Oxford House, Inc., has organized a national headquarters to help individuals throughout the United States open Oxford Houses. The purpose of this paper is to assist new groups, landlords, rental agents and local officials understand how Oxford House leases residential single family houses in good neighborhoods.

In 1975, Oxford House leases were pathfinders in the landlord-tenant arena. Today, they have become the norm for the thirty-nine states and two hundred-nineteen cities in which Oxford House operates. The leases are exactly the same as a lease to a single family but with certain important distinctions.

Who Signs the Lease

The signatory of the lease is the individual Oxford House; for example, Oxford House - Main Street. The effect of this commitment by the group to the landlord is important because of the nature of Oxford House and the application of local landlord-tenant laws.

Oxford House works because an individual resident who returns to using alcohol or drugs--in or outside of the house--must be immediately expelled from the house. If the individual is a signatory to the lease the immediate eviction becomes difficult, if not impossible, because of local landlord-tenant rights. In many jurisdictions it takes up to ninety days to evict a tenant even for non-payment of rent. Since no individual is a signatory to a Oxford House lease, the relapsing individual who is being evicted has no legal rights to delay his or her departure. There is no way to accomplish this result without the signature on the lease being in the name of the particular Oxford House group.

The landlord gets additional benefit from this type of agreement. The landlord deals with duly constituted officers of the group and can expect accountability for

all matters concerning the occupancy. Individuals come and go but officers will always be duly authorized to act for the group. Moreover, the landlord does not have to worry about the accountability of particular individuals. He or she is dealing with an established organization that, of necessity, takes pride in preservation of its good name and reputation.

Who is Responsible

The particular group house is responsible to the landlord. An important part of why Oxford House has been so successful is that accountability and responsibility is given to the recovering individuals themselves. As a group they behave responsibly and out of the "group responsibility" individuals develop a new responsible lifestyle free of alcohol and drug use.

Oxford House, Inc., plays an important part in making certain that individual groups behave responsibly through the use of the "Charter" mechanism. Each individual group is given an Oxford House Charter which makes it a part of the network of Oxford House recovery houses. That charter carries with it certain privileges; for example, the individual house is (1) brought under the tax exempt status of Oxford House, Inc. (2) given support and education about the operation of self-run, self-supported recovery houses, (3) provided assistance in filling vacancies and enforcing sobriety and financial responsibility and (4) monitored to assure quality control. It becomes important to every house that it keep its charter.

Oxford House, Inc., monitors the activities of each house in a number of ways. It has on-site support by dedicated members of Alcoholics Anonymous and Narcotics Anonymous. Individuals active in those programs have the Oxford House toll-free telephone number and call Oxford House headquarters if a particular house is not strictly carrying out its responsibilities under its charter. Getting sober and staying sober is serious business for these recovering

individuals and their dedication to helping others achieve sobriety is unsurpassed.

Oxford House, Inc., keeps in touch with the members of each house on a regular basis. This involves weekly reports, periodic phone calls and the maintenance of continuous contact to keep track of vacancies and assure financial responsibility. It also enforces the Oxford House system of operations.

Oxford House, Inc., does not guarantee payments of rent. That would defeat the whole principle of establishing a system that teaches recovering individuals themselves to be responsible. However, it does the next best thing by utilizing and enforcing its charter concept. Unlike the normal group house situation, for which there is no assurance of quality control, the Oxford House concept provides the landlord with the assurance of a dedicated partner in making certain that every Oxford House in the country is run in a responsible manner.

Zoning

Oxford Houses are considered single family residences for purposes of zoning. This has always been true in practice and since March 12, 1989, the effective date of the 1988 Amendments to the Federal Fair Housing Act, it has been a matter of law. Those amendments make it unlawful for any jurisdiction to discriminate against congregate living for the disabled. Recovering alcoholics and drug addicts are within the scope of the term "disabled". Therefore, Oxford Houses are not subject to zoning laws regulating the number of unrelated individuals who may live in a single family dwelling. An Oxford House is not a treatment facility. It is simply an alcohol and drug free living environment which provides and opportunity for recovering individuals to live as a family unit focused on the need to change their individual lifestyle to one absolutely free of alcohol and drug use.

There is no need to seek prior approval for leasing to an Oxford House. Oxford House, Inc., will legally defend any claim of zoning violation made by localities

still unfamiliar with the new federal law.

For more information

[The Fair Amendments Act of 1988 and Group Homes for the Handicapped](#)
[Judicial Enforcement of Fair Housing Amendments](#)

The City of Edmonds Case: Federal Override of Traditional Single-Family Zoning?

Suppose you live in a town that has enacted zoning regulations so only a single family or group of up to five unrelated individuals may occupy houses in certain neighborhoods.

Hard to imagine? Probably not. Zoning ordinances - which limit the number of unrelated persons who may reside together, but place no similar restriction on related persons (we call this a "typical single-family zoning ordinance," and it is) - are found in the majority of American communities.

Suppose now that someone proposes a group home for 12 recovering alcoholics and drug addicts in your single-family neighborhood, in apparent violation of the zoning ordinance. The group home operators contend that they are protected by the Fair Housing Amendments Act of 1988 (FHAA). A dispute arises and ends up in court.

Still hard to imagine? The above situation summarizes the facts of *City of Edmonds v. Oxford House, Inc.*, in which the United States Supreme Court ruled that the FHAA prevents communities from excluding group homes for the handicapped from single-family residential zones.