

REQUEST FOR ACCOMMODATION

<input type="checkbox"/> Failed <input checked="" type="checkbox"/> Conditionally Approved <input type="checkbox"/> Approved <input type="checkbox"/> Not Conditionally Approved
Study Title: _____ Date: _____

Date	January 29, 2025
Petitioners	Brightest Light Senior Living, LLC, and Intouch Care Management, LLC, for Liviu Pop and Olimpia Pop, senior citizens in need of an accommodations request under fair housing and ADAW laws
Address	5415 West Saint John Road, Glendale, Arizona 85308
Description of accommodation requested:	A bed increased from 5 beds to 10 beds to allow Brightest Living to accommodate more seniors with disabilities, including Mr. and Mrs. Pop.

A. Disability Accommodation (Reasonable Accommodation) – Request for Group Care Facility (6-10 residents)

1. The requesting party or occupants of the housing for which the request is made are protected under the Fair Housing Act and/or the Americans with Disabilities Act. Explain if the Residents of the proposed housing are individuals with disabilities, as defined per Glendale ordinances Chapter 34 Sec 34- Definitions.

This facility is currently licensed by AZDHS as an assisted living home to care for 5 seniors with disabilities. A manager’s license approved by the NCIA Board is posted conspicuously. This request includes a request for accommodation on behalf of Liviu Pop and Olimpia pop, a 74-year and 73-year-couple who need to move into assisted living to help with activities of daily living, household chores, and medication management. Mr. Pop is a diabetic who has hypertension, impaired mobility, and anxiety. His wife is unable to meet his current needs at home, but they want to continue residing together. They have known the owners of Brightest Light for over 20 years and have been waiting for over a year for the facility to have room to accommodate them. They want to both move in and be cared for by people they know and trust.

2. Explain how the proposed disability accommodation being sought are reasonable and necessary to afford the subject individual(s) with disabilities an equal opportunity to use and enjoy the housing that is subject of this request

The FHA requires that government entities make reasonable accommodation in land use and zoning policies / procedures if the accommodation is necessary to give people with disabilities an equal opportunity to use and enjoy housing. Therefore, even though a zoning ordinance imposes the same restrictions on group homes as it imposes on other groups of unrelated people, the government entity may be required to grant reasonable accommodation to a group home for people with disabilities. Residential & group care facilities have become the main provider to seniors with disabilities for treatment and recovery. Four years ago, Arizona had over 1800+ assisted living facilities. Despite facilities popping up all over Arizona since then, the numbers have decreased significantly to 1710 assisted living homes. In that same time frame, assisted living centers, behavioral homes, and nurse supported group homes have all increased insignificantly. As treatment models have evolved, through the opioid epidemic, and the Covid-19 pandemic, residential facilities have gained an advantage as a preferred place for seniors to live with disabilities and individuals due to higher staffing ratios and one on one care.

The perception of some is that the seniors citizens are outsiders coming into their community to spread crime and drugs, create cluster, or bring annoyances. The hard truth is that crime and addiction tend to affect those not living in assisted living facilities at a much higher rate than those in assisted living. In assisted living, all medications (even over the counter medications like Tylenol) are kept under lock and key, heavily controlled and regulated, and given out only as dosing is ordered by a doctor.

Glendale is the 6th most populated city in Arizona with a population of 255,490, a 2.63% increase since 2020. The poverty rate is 17.2% (way above the national average of 11.5%). There are 185,362 adults in Glendale, out of which 31,782 are seniors with an old age dependency ratio of 20.7%. This means there are currently 6,578 seniors needing care or assistance with their care. There are 12 Assisted Living Centers and 123 Assisted Living Homes in Glendale with a total capacity of 896 beds available. There are 6 Long Term Care Facilities (Skilled Nursing) with a capacity of 970 beds. Additionally, there are 12,058 veterans, 5,174 of whom are over 65. Glendale has committed to a "Dementia Friendly Glendale", and we believe that assisted living facilities play a big part in offering housing to the members in our city.

Fair Housing Laws are put in place to protect aging adults from being institutionalized, and there is a growing need for care in our senior citizens. Larger communities are evicting many seniors due to catheters, wound care, mental changes, and due to the caregiver crisis. Residential Care Homes have taken most of the aging adults with complexities and high levels of care who don't qualify for skilled nursing but aren't welcome at the larger communities. Moreover, our aging seniors want places close to their loved ones where they can maintain vital connections to friends and family. They don't want to move to facilities in another city where family and friends will have difficulty visiting.

This request does not impose an undue burden or expense on the local government. Granting an exception or waiver to the assisted living facility in this circumstance does not invalidate the ordinance. The Department of Justice and HUD take the position, and most courts that have addressed the issue agree, that density restrictions are generally inconsistent with the Fair Housing Act.

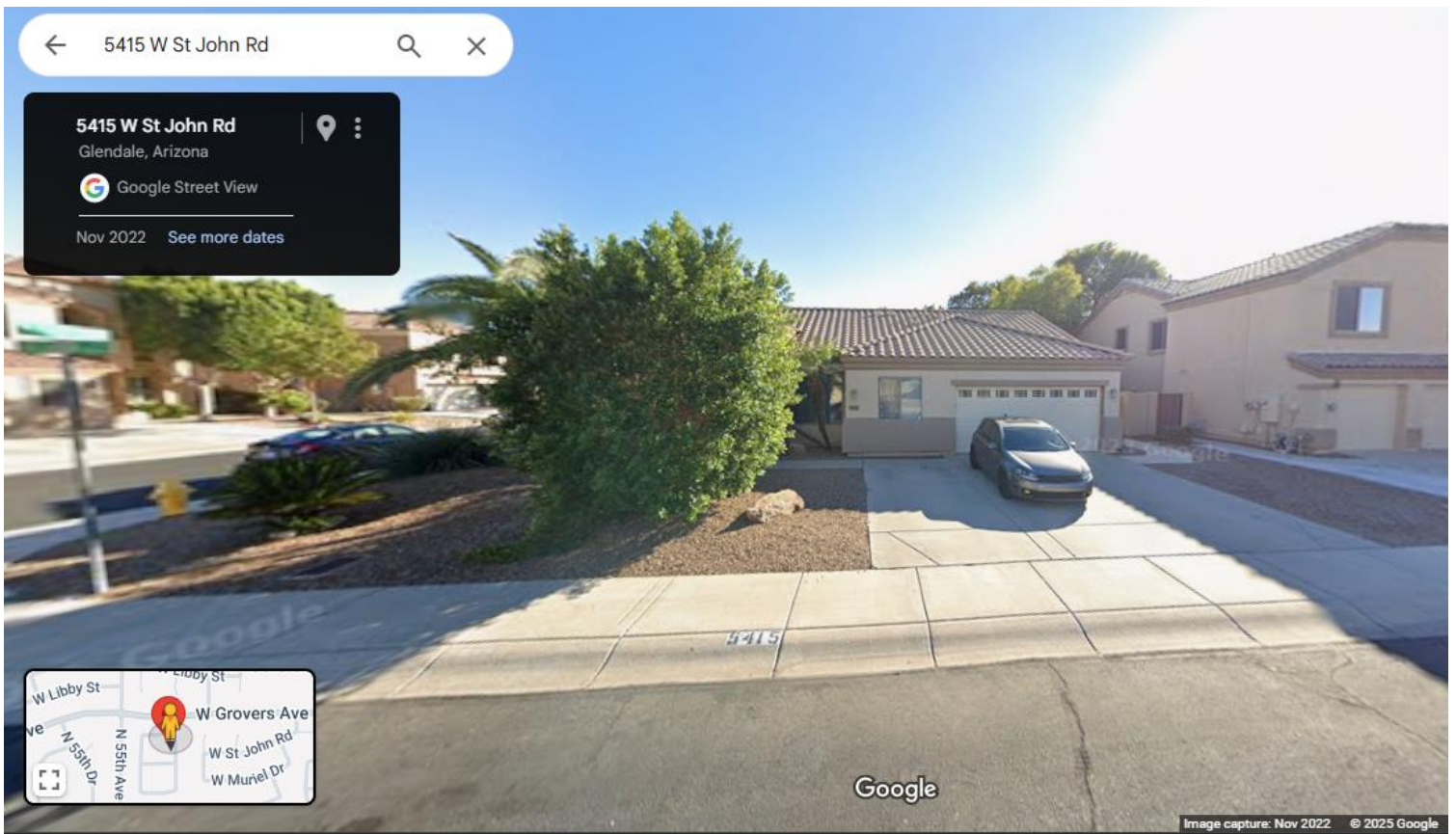
Nearby facilities are at 94% capacity (Report completed on 1/28/25 by Intouch Care Management):

- 5184 West Saint John Road Glendale, AZ 85308 (0 rooms available) 0.4 miles, 10 beds (100% full)
- 19918 N 65th Ave Glendale, Arizona 85308 (0 available) 2.7 miles, 5 beds (100% full)
- 17818 N 54th lane Glendale, Arizona 85308 (1 room available) distance 0.3 miles, 10 beds (90% full)
- 5330 W Tonto Rd Glendale, Arizona 85308 (2 rooms available) 2.0 miles, 10 beds (80% full)
- 6204 West Julie Drive Glendale, Arizona 85308 (0 available) 1.8 miles, 10 beds (100% full)

3. Explain how the requested number of residents in the proposed home will not interfere with the normalization and community integration of the occupants of any exhibiting community residence home, and how the home will maintain a residential character.

Due to the historical background of this property, it has been licensed as a assisted living facility since 2004 and has not interfered with the normalization of the community. The facility has been AZDHS inspections deficiency free since at least 2020 and has never received any AZDHS enforcements. Further, this property has never received any penalties from HOA.

There are 5 parking spaces that do not use street access. The proposed location does not create clustering and is a corner lot. No exterior change which would alter its residential character is proposed as part of this request.



4. How many Group Care Facilities are within ½ mile from the proposed Group Care Facility and what are the addresses? 3

1. Miramonte 18120 N 53rd Lane, Glendale AZ 85308
2. Progress 5184 West Saint John Road Glendale, AZ 85308
3. Golden Crown 17818 N 54th lane Glendale, AZ 85308

5. How many Residential Care Homes (6-10) are within ½ mile from the proposed Group Care Facility and what are the address? 2

1. Miramonte 18120 N 53rd Lane, Glendale AZ 85308
2. Golden Crown 17818 N 54th lane Glendale, AZ 85308

6. Are there any natural or man-made barriers within a half mile from any Group Care Facility within ½ mile, and if so, what are the features?

Man made Streets

7. How many Group Care Facilities are within a half mile from the proposed Group Care Facility, excluding those separated by either a natural or man-made barriers and what are the addresses?

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Previously Approved Assisted Living Home “Request for accommodations”.

-Property located at 4350 E Saint John Road Phoenix AZ 85032 (was a R3 1-5 bed and approved as a 10 bed while another 10 bed was a few doors down with no separations (4302 E Saint John Road Phoenix, Arizona 85032) the distance between these facilities is 0.1 mile 0.000694444 sq ft (a request for accommodation was approved) (see attached)

-Property located at 2412 West Fetlock Trail Phoenix, Arizona 85085 had 5 Assisted Living Homes within 1/2 a mile. A request for accommodation was approved as a new R# 1-5 bed Assisted Living Home. -Property located at 1465 North Robin Lane Mesa, Arizona 85213 is a R3 1-5 bed and has recently been approved as an R4 6-10 Assisted Living Home.

-Property located at 18120 N 53rd Ave, Glendale, Arizona 85308 was approved from an R3 to R4 in 2023

-Property located at 17818 N 54th Lane Glendale, Arizona 85308 was approved to expand from an R3 to an R4

Intouch Care Management believes because of need of Senior Beds in Arizona, it's imperative to expand the current existing facilities first to accommodate seniors with disabilities.

Since the federal Fair Housing Act ("the Act") was amended by Congress in 1988 to add protections for persons with disabilities and families with children, there has been a great deal of litigation concerning the Act's effect on the ability of local governments to exercise control over group living arrangements, particularly for persons with disabilities. The Department of Justice has taken an active part in much of this litigation, often following referral of a matter by the Department of Housing and Urban Development ("HUD"). This joint statement provides an overview of the Fair Housing Act's requirements in this area. Specific topics are addressed in more depth in the attached Questions and Answers.

The Fair Housing Act prohibits a broad range of practices that discriminate against individuals on the basis of race, color, religion, sex, national origin, familial status, and disability.⁽¹⁾ The Act does not pre-empt local zoning laws. However, the Act applies to municipalities and other local government entities and prohibits them from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons, including individuals with disabilities.

The Fair Housing Act makes it unlawful --

- To take action against, or deny a permit, for a home because of the disability of individuals who live or would live there. An example would be denying a building permit for a home because it was intended to provide housing for persons with mental retardation.
- To refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.
- What constitutes reasonable accommodation is a case-by-case determination.

Q. Does the Fair Housing Act pre-empt local zoning laws?

No. "Pre-emption" is a legal term meaning that one level of government has taken over a field and left no room for government at any other level to pass laws or exercise authority in that area. The Fair Housing Act is not a land use or zoning statute; it does not pre-empt local land use and zoning laws. This is an area where state law typically gives local governments primary power. However, if that power is exercised in a specific instance in a way that is inconsistent with federal law such as the Fair Housing Act, the federal law will control. Long before the 1988 amendments, the courts had held that the Fair Housing Act prohibited local governments from exercising their land use and zoning powers in a discriminatory way.

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