

The Public Ought To Know

March 31, 2017

By Corey Bearak

Stop Pitting Neighbor Against Neighbor

Monday night (March 27, 2017), my community board meeting included a difficult discussion involving the siting of a group home. Community Board 13 covers diverse populations; most residents live in one-family homes that a myriad of agencies find attractive as “community residences” for special needs populations. Throughout my community board service or representing an elected at community meetings, I observed how Section 41.34 of the State Mental Hygiene Law governing the siting of community residences, needlessly exacerbates community tensions. While the current process included a public hearing, it denies any real opportunity for community members to get their concerns addressed.

Existing state law gives local community boards very little ability to say yes or no. Presently, a community board can either approve the site recommended by the agency sponsoring, suggest one or more alternate sites, or object (1) based on the over-saturation of the community board [not the community within the board] with community residences or facilities or (2) based on the over-saturation of the same kind of group homes in the area in proximity to the proposed facility. More often than not community members raise objections about a concentration of community residences. While the concentration exists, the state definition of over-saturation rarely applies. This current process needlessly exacerbates tensions.

Why not reform the state law to require the state agency which licenses the proposed community residence:

- 1) notify affected community members;
- 2) hold a public hearing in the community near the proposed facility;
- 3) provide a 60 day comment period following the public hearing;
- 4) provide residents the opportunity, presently afforded community boards under existing law, to propose alternate sites; and
- 5) mandate that the community be able to present arguments of over-saturation but, unlike the current law, consider the existence of all types of community facilities which may impact a neighborhood.

why this makes sense and legislators ought to adopt the reform

The five-point plan outlined above can stop the practice that pits neighbor against neighbor when it comes to approving a group home, or community residence. The existing procedure unintentionally puts neighborhood residents who serve on a community board in the position of approving a group home near many of their neighbors.

My more sensible approach affords a facility's sponsoring agency ample time to schedule meetings and informal gatherings with community leaders, concerned residents and local officials. This allows ample time to address community concerns, perhaps in a series of smaller groupings. Agencies could reach out to communities in an atmosphere less threatening to the community. Contrast that with the large turnouts and accompanying outcry against community residences at heated community board hearings under the current state law. Too often, this engenders so much distrust that

the community and the sponsoring agency start even farther apart once a facility is established.

Unlike the lengthy reviews mandated under the City's Uniform Land Use Review Procedure [ULURP], State law allots but 40 day for a community board to 1) schedule a hearing with adequate mail and newspaper notices, 2) look at any alternate sites, and 3) make its decision.

ULURP gives a community board 60 days to hold a hearing and pass its decision on to the City Planning Commission and the City Council. The Borough President can also hold a hearing and make a recommendation to the Commission and the Council.

My proposal introduces a fair opportunity for community review and facilitates dialogue among the parties. The licensing state agency commissioner's designee would review the site based on the testimony presented, including presentations on saturation and alternate sites, and make a presentation to the commissioner. It brings change to a process where tensions may run high and offers a meaningful process for considering state-licensed facilities proposed for our neighborhoods in residential areas.

If you agree this makes sense, please share this with your State Senator and Member of the Assembly.

****Corey Bearak can be reached at StrategicPublicPolicy.com. Find his ebook, *The Public Ought To Know*, at [Kindle](#), [Nook](#) and [Apple iBooks](#).***