NIMBY and New Land-Use Restrictions: What Are the Implications for Treatment Centers, and How Can They Fight Back?

Join addiction treatment and behavioral healthcare professionals of all types working together to Take Recovery to New Heights at the 2016 National Conference on Addiction Disorders, August 18-21, 2016, in Downtown Denver.

Only NCAD provides the most extensive educational experience for professionals working in addiction prevention, treatment, aftercare, and management, with dedicated topics for clinicians, executives, and marketers.

Earn CE and ethics credits, network with your peers, and take valuable and actionable education back to your office by attending NCAD 2016 in beautiful downtown Denver.

Topic: Leadership and Management
B08 – NIMBY and New Land-Use Restrictions: What Are the Implications for Treatment Centers, and How Can They Fight Back?

Friday, August 19 | 3:45 pm – 5:15 pm
Zachary Rothenberg, Partner, Nelson Hardiman

For over 25 years, the federal Fair Housing Act and Americans with Disabilities Act have protected small at least six or fewer resident's residential addiction treatment programs and sober living facilities housing clients in outpatient programs from local land use oversight. These legal protections have been recognized by federal and state governments and courts as essential to preventing NIMBY-based discrimination against recovering addicts and providing needed access to care. Yet in recent years, there has been an increasingly serious backlash, advocating that addiction treatment programs have proliferated and become a nuisance requiring greater state regulation, the empowerment of local zoning authorities, and more limitation on multisite operators. The "pendulum swing" is highly concerning to many in the industry based on the anticipated constraints and restrictions on growth in a time of insufficient access to meet the need for addiction treatment. It is also destabilizing to operators, investors, and prospective acquirers uncertain about how industry land use regulation is likely to evolve. In this session attendees will learn what regulatory and legal efforts to restrict programs are on the horizon or, in some places, already here. Attendees will examine the prospects for constitutional and legal challenges to these new laws, as well as the implications for owners, operators, and investors.

Upon completion of this session, attendees will be able to:

- Understand recent legislative trends and legal protections for small residential treatment, sober living, and transitional living facilities
- Review the constitutionality and legal challenges of legislative land use restrictions including precedents and recent legal battles
- Assess the implications of these trends for field owners, operators, and investors

NELSON HARDIMAN
HEALTHCARE LAWYERS