

ORDINANCE O-25-33

AN ORDINANCE AMENDING CHAPTER 188 "LAND USE" OF THE HOWELL TOWNSHIP ADMINISTRATIVE CODE TO SUPPLEMENT WITH REGULATIONS REGARDING COOPERATIVE SOBER LIVING RESIDENCES

WHEREAS, the Township is concerned that recovery homes known as Cooperative Sober Living Residences (CLSRs) have become more numerous and clustered in the Township; and

WHEREAS, N.J.S.A. 40:55D-66.1 permits certain community residences in all residential districts of a municipality stating the requirements thereof shall be the same as for a single-family dwelling unit located within such districts; and

WHEREAS, the Township of Howell recognizes that the Fair Housing Act as amended (42 U.S.C. § 3601) provides protections for persons with disabilities; and

WHEREAS, the Fair Housing Act does not preempt local zoning laws or preclude the adoption, amendment or enforcement of zoning regulations by the Township of Howell pursuant to its local police powers as long as the zoning regulations are consistent with state and federal law, including the Fair Housing Act as amended; and

WHEREAS, the legislative history of the Fair Housing Amendments Act of 1988 cautions that local zoning regulations that result "from false or overprotective assumptions about the needs of handicapped people, as well as unfounded fears of difficulties about the problems that their tenancies may pose" are prohibited. H.R. Rep. No. 711, 100th Cong. 2D Session, reprinted in 1988 U.S.C.C.A.N. 2173, 2192 (1988); and

WHEREAS, clustering of community residences on a block or in a neighborhood undermines the ability of community residences to achieve normalization and community integration for their residents, which is one of the essential purposes of a community residence for people with disabilities; and

WHEREAS, the Township of Howell is hereby amending its Zoning Ordinances to give prospective operators of community residences for people with disabilities clarity and certainty on where such homes may locate via conditional use permits; and

WHEREAS, because transitional recovery homes for people with disabilities are more akin in terms of function and performance to a rooming or boarding house than single-family residences, the heightened scrutiny of a conditional use permit is warranted for such transitional community residences in single-family zoning districts; and

WHEREAS, this ordinance specifies standards narrowly tailored to assure that the proposed recovery homes will not interfere with normalization or community integration of the occupants of any nearby existing recovery homes nor contribute to creating a de facto social service district that thwarts the purpose and successful functioning of recovery homes and results in segregation of people with disabilities; and

WHEREAS, a recovery home that does not meet the definition of a single housekeeping unit that has been denied a "F" license would not be permitted due to the state's own requirements for licensing as a cooperative sober living residence.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Township Council of the Township of Howell, County of Monmouth, and State of New Jersey that Chapter 188 "Land Use" of the Revised General Ordinances of the Township of Howell, is hereby amended and supplemented and shall read as follows:

NOTE: Sections of Chapter 188 of the Administrative Code of the Township of Howell are to be amended as set forth below. All additions are shown in *bold italics with underlines*. All deletions are shown in *bold italics with strikeouts*. All sections that are unchanged remain in regular typeface.

SECTION 1, Article I, "Title; Purpose; Definitions", Chapter 188-4 "Definitions and rules of general applicability" is amended as follows:

COOPERATIVE SOBER LIVING RESIDENCE, (CSLR): *A recovery home that is a rooming or boarding house that has been issued a "F" License by the New Jersey Department of Community Affairs pursuant to N.J.A.C. 5:27-1.1 et seq. It does not operate as a single housekeeping unit. The New Jersey Administrative Code defines a CSLR as " a residential setting that serves solely as a home for individuals who are recovering from drug or alcohol addiction and is intended to provide an environment where the residents can support each other's sobriety and recovery." In addition to the other requirements specified in the regulations, a cooperative sober living residence must satisfy the following criteria:*

- a. Management by an entity or organization that provides an operator who shall reside in the residence and exercise some level of control over the operation of the residence and establishes the residence's rules;
- b. Occupancy shall not exceed 10 individuals, exclusive of the operator;
- c. The requirement of the maintenance of an alcohol and drug free environment;
- d. No provision of on-site counseling therapy, clinical treatment, or alcohol and/or drug treatment by the licensee;
- e. No provision of food, laundry, financial, or other personal services by the licensee;
- f. Ability of licensee, at its discretion, to provide non clinical recovery and support services. The licensee may also elect to mandate or encourage residents to attend self-help recovery programs, participate in activities related to maintaining sobriety and continuing recovery, or receive off-site services deemed desirable or necessary to maintain sobriety; and
- g. Ability of licensee, at its discretion, to require drug or alcohol testing of residents.

SECTION 2. Article XXVII, "Supplemental Zoning Requirements" Chapter 188-234 "Cooperative Sober Living Residence" is created as follows:

Chapter 188-234 Cooperative Sober Living Residence

A. A building operating as a Cooperative Sober Living Residence as defined in Chapter 188-4 is a conditional use permitted in all residential zones as a reasonable accommodation for persons with disabilities, only if it meets the following specified conditions.

- 1. The owner obtains a Class F license to operate a cooperative sober living residence from the New Jersey Department of Community Affairs pursuant to N.J.A.C. 5:27-1.1 et seq; and**
- 2. Requires a minimum separation distance from any other existing or proposed CSLR facility in accordance with the following:**
 - a. 600 feet along the frontage of any avenue or terrace;**
 - b. 300 feet along the frontage of any street;**
 - c. 300 feet from any intersection which is 300 feet of another facility; and**
- 3. Requires a minimum separation of 1000 feet from any school, in accordance with the most recent Drug Free School Zone Map.**

B. All other buildings purporting to satisfy state criteria for CSLR's which are not licensed CSLR's are prohibited in all residential zones of the Township.

SECTION 3. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 4. INCONSISTENT ORDINANCES

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 5. SEVERABILITY

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

SECTION 7.

After introduction of this ordinance, the Township Clerk shall send a copy of this ordinance to the Township Planning Board for its review and comment. The Township shall send a copy of the ordinance to the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.

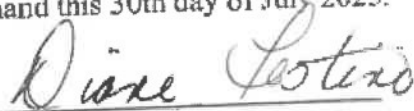
NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on **July 29, 2025** and will be further considered for final passage and adoption at the Township Municipal Building on 4567 Route 9 North, Howell, New Jersey on **August 12, 2025 at 7:00 p.m.** or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk's Office in the Township of Howell Municipal Building to the members of the general public who shall request same.

Introduction:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Fischer</i>		X	X			X
<i>Councilman Nadel</i>						
<i>Councilwoman O'Donnell</i>	X		X			
<i>Mayor Leggio</i>			X			

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held July 29, 2025. WITNESS my hand this 30th day of July 2025.

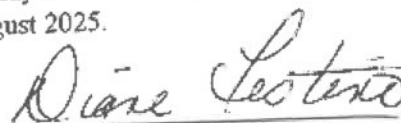

DIANE FESTINO, RMC

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held on August 12, 2025.

Adoption:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Nadel</i>	X		X			
<i>Councilwoman O'Donnell</i>			X			
<i>Councilman Wrubel</i>			X			
<i>Deputy Mayor Fischer</i>		X	X			
<i>Mayor Leggio</i>			X			

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held August 12, 2025. WITNESS my hand this 13th day of August 2025.



DIANE FESTINO, RMC
Municipal Clerk
Township of Howell

EXPLANATORY STATEMENT: An Ordinance amending chapter 188 "land use" of the Howell Township administrative code to supplement with regulations regarding cooperative sober living residences.