



Cover Memorandum/Staff Report

File #: 25-458

Agenda Date: 4/8/2025

Item #: 6.H.

TO: Mayor and Commissioners
FROM: Jeffrey L. Oris, CEcD, Assistant City Manager
THROUGH: Terrence R. Moore, ICMA-CM
DATE: April 8, 2025

RESOLUTION NO. 77-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, TO OPPOSE PROPOSED STATE LEGISLATION CONTAINED IN SENATE BILL 954 AND HOUSE BILL 1163 REGARDING PREEMPTION OF REGULATIONS FOR RECOVERY RESIDENCES THAT SEEK, IN ALL RESPECTS, TO PREEMPT LOCAL ZONING OF RECOVERY RESIDENCES; PROVIDING FOR DISTRIBUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action:

Consider adoption of Resolution 77-25 opposing proposed state legislation contained in Senate Bill 954 and House Bill 1163 regarding preemption of regulations regarding recovery residences.

Background:

In response to the high number of recovery residences in the City during the opioid crisis, the City engaged a consultant to prepare a study as to how best to regulate community residences for persons with disabilities within the city limits. As a result, the City adopted Ordinance 25-17 which put certain limitations on such residences as to their proximity to one another, the potential locations for those at various licensing levels and other such regulations that ensured such residences did not overwhelm a neighborhood to the point that they are too large to emulate a family nor can they achieve normalization and community integration of their residents, a key goal of such facilities. This ordinance has made a major impact on the City significantly reducing conditions that made it difficult for recovery residences to achieve their purpose and also limited the negative effect of such uses upon quality of life for residents as well as property values.

There is currently a bill in the legislature, SB 954 and its companion bill in the House, HB 1163, that would preempt the City's ability to regulate recovery residences in multi-family zoning districts as well as in other areas. It would also limit the city's ability to regulate other key factors related to such residences. This could return us to conditions that were found in the past where these residences can overwhelm a neighborhood and it opens the door to unscrupulous operators of such facilities that are more concerned about their profits than the well-being of their patient/residents.

City staff is working closely with our State Lobbyists, Ballard Partners, and their lead lobbyist for the City, Mat Forrest, to defeat these bills or to significantly amend them so that they will not allow a return of what the City experienced in the past due.

City Attorney Review:

City Attorney approved the resolution as to form and legal sufficiency.

Funding Source/Financial Impact:

There is no cost to adoption of this resolution

Timing of Request:

These bills are moving quickly through the State Legislature and the sooner we can show our opposition, the more opportunity there will be to influence the direction it takes.