

RESOLUTION NO. 77-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF, DERAY 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.

WHEREAS, Senate Bill 954 and House Bill 1163 provide for preemption regarding regulation of recovery residences; and

WHEREAS, Senate Bill 954 and House Bill 1163 provide that a certified recovery residence is to be deemed a nontransient residential use and local laws, ordinances, or regulations may not prohibit certified recovery residences or regulate the duration or frequency of a certified recovery residence in a multifamily structure regardless of zoning district; and

WHEREAS, Senate Bill 954 and House Bill 1163 provide that a municipality or county shall allow the establishment of a certified recovery residence in existing structures, allowing up to two residents per bedroom without any modifications or zoning or land use changes, variances, special exceptions, conditional uses, or comprehensive plan amendments; and

WHEREAS, Level IV certified recovery residences, which are the highest, most intense of the certified recovery residence levels under the Florida Association of Recovery Residences (FARR) must be permitted as of right unless it is adjacent to a single-family development with at least 25 contiguous single-family homes. The residents of Level IV homes typically stay in the residence for less than 60 days, which is by definition transient; and

WHEREAS, Senate Bill 954 and House Bill 1163 are intended to apply retroactively to certified residence providers that were voluntarily certified by FARR on or before July 1, 2025; and

WHEREAS, Senate Bill 954 and House Bill 1163 contradict the findings and recommendations of the State of Florida's own comprehensive 2024 study, *State and Local Zoning for Community Residences for People With Disabilities and for Recovery Communities*, which was funded by the Legislature last year; and

WHEREAS, disrupting the character of neighborhoods by permitting additional residents than are typically permitted by the local definition of family and permitting the clustering of these residences in all zoning districts undermines zoning and defeats the purpose of what a recovery residence is intended to do in the first place – to help the patient get reacquainted to society before returning home.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1: That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution.

Section 2: That the City Commission hereby directs the City Manager or designee to transmit this resolution to all of the municipalities in Palm Beach County, the Palm Beach County Commission, Florida Governor Ron DeSantis, every Senator and Representative currently serving in the State of Florida Legislature, every member of the Palm Beach County Legislative Delegation, the Palm Beach County League Cities, and the Florida League of Cities to help mobilize opposition against the proposed legislation on recovery residences, Florida Senate Bill 954 and its companion Florida House Bill 1163.

Section 3: That if any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this resolution.

Section 4: That this resolution shall be in full force and effect immediately upon its adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2025.

ATTEST:

Alexis Giving, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney