Sailboat Bend Sober Living, LLC v. City of Fort Lauderdale, No. 19-60007-CIV-ALTMAN/Hunt, 2020 WL 4736211 (S.D. Fla. Aug. 14, 2020):

Southern District of Florida Rules That City's Code Enforcement Actions and Ordinances Applying to For-Profit Recovery Home Were Not in Violation of the Americans with Disabilities Act or the Fair Housing Act

Sailboat Bend Sober Living ("Plaintiff") purchased property in 2008 to operate a for-profit recovery home in the City of Fort Lauderdale (the "City"). The purpose of the recovery home was to provide housing for adults recovering from alcohol and drug addictions, and the Plaintiff worked closely with a nearby Salvation Army rehabilitation program that provided "a steady stream of tenants."

In 2012, and again in 2016, the City issued several building code and fire code violations against the Plaintiff, stating that the property was out of compliance with the Lodging or Rooming House ("Rooming House") use allowed under the National Fire Protection Association's Life Safety Code. The Rooming House use allows up to 16 unrelated individuals and requires significant fire code improvements whereas the One- or Two Family Dwelling ("Family Dwelling") only allows up to three unrelated renting tenants and requires less improvements. The Plaintiff hoped to be categorized as a Family Dwelling to avoid installing an automatic sprinkler system, which is required for the Rooming House use, but the City determined it was a Rooming House. The City found that the property had undergone several unpermitted renovations—including the installation of an unapproved central AC unit—and was not in compliance with the fire code, which required an approved automatic sprinkler system be installed. In 2012, the Plaintiff obtained multiple after-the-fact permits, but because there was no permit that could bring the central AC unit into compliance, the Plaintiff removed the entire central AC system. The Plaintiff did not install an automatic sprinkler system, and the City failed to re-inspect the property to confirm compliance with the fire code.

In 2016, after similar code violations were issued—as well as additional violations due to more unpermitted work done on the property—the City held a Code Enforcement Board proceeding and required that the Plaintiff remedy all code violations within thirty days. In response, the Plaintiff sent a "reasonable accommodation request" letter, asking the City to (1) waive the three-person limit in the Family Dwelling use, and (2) provide an exception to the fire code requirements for a Rooming House because the residents of the property could respond to a "fire emergency in the same manner as families" in a single-family home. The City did not allow either of the requests, and eventually the Plaintiff reduced the number of tenants in the home to three in order to come into compliance with the Family Dwelling use and avoid the strict requirements of the Rooming House use.

In 2018, the City enacted a new Zoning Ordinance ("Ordinance") that defined "family" as either a group of related persons, regardless of the number, or a group of three or less unrelated persons. The Ordinance provided an exception for groups of tenants who are disabled, allowing three or more unrelated, disabled individuals to live together in residentially zoned areas.

Following the Code Enforcement Hearing and the enactment of the new Ordinance, the Plaintiff brought suit against the City, claiming violations under both the Americans with Disabilities Act ("ADA") and the Fair Housing Act ("FHA"). Specifically, the Plaintiff argued that the City's Ordinance facially discriminated against the disabled, that the City failed to address the reasonable accommodation letter, and that the City intentionally discriminated against the Plaintiff by enforcing its fire code based on the tenant's "status as non-related disabled individuals."

The Court rejected the Plaintiff's claims under both the ADA and FHA. First, the Court reasoned that the City ordinances were not facially discriminatory because the ordinance actually favored disabled individuals by carving out an exception for unrelated disabled individuals that lived in the same home. Second, the Court found that the Plaintiff had failed to show that the accommodation requested was necessary in order to afford the disabled individuals the opportunity to use the home. Lastly, the Court ruled that the Plaintiff had failed to prove that the City's conduct rose to the level of intentional discrimination because the Plaintiff did not show that the City "actually intended or was improperly motivated in its decision to discriminate." Thus, the Court granted the motion for summary judgment in favor of the City.