

AND ALL NECESSARY SERVANTS...

Family. "Family" means an:

Individual; or

Two or more persons related by blood, marriage, or legal adoption; or

A group of not more than five persons, excluding servants, who are not related by blood, marriage or legal adoption. Living together as a single nonprofit house-keeping unit in a dwelling unit as distinguished from a hotel, club, fraternity or sorority house, dormitory or boardinghouse. A "FAMILY" INCLUDES ALL NECESSARY SERVANTS.

(From a county ordinance in California)

DO YOU KNOW HOW YOUR COMMUNITY DEFINES FAMILY?

I've talked to people who in high school or college were asked to define 'family' for a sociology class. They wrote for pages and pages. Defining family is both complex and simple, at the same time!

The problem with, the danger in, any community defining 'family' is that that definition can be (and often is) used to exclude people who don't meet the definition as interpreted in the moment. (The definition can change as it is interpreted by different people over time.) This potential exclusion denies people the right to live in the manner and with whom they choose (unless they happen to be able to afford servants.)

RIGHT TO PRIVACY

The California Supreme Court in City of Santa Barbara v. Adamson (1980) 27 Cal. 3d 123, held that a city ordinance limiting the number of unrelated residents who could live in a dwelling in a single-family zone violated the State constitutional right to privacy. Since then, ordinances defining "family" which address the Adamson decision include wording such as:

Any person, or two or more persons, occupying premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel, a rooming or boarding house, or club. (And may include wording such as: A "family", as defined herein, shall be deemed to include domestic employees and temporary non-paying guests.)

(Language from a proposed ordinance from a city in California)

INCLUDING SERVANTS

While most cities do not regulate 'servants' (actually there may be no city or county which regulates servants) many attempt to regulate the services that are provided to people with disabilities. Services that they need in order to fully use and enjoy (or to have access to) their homes.

So gardeners, pool cleaners, housekeepers, tutors, au pairs, (girl scout troops, bible study) etc. are all included as a part of a "family".

Servants are 'OK'. Support services are not. GO FIGURE!

There is no objective, factual basis to concerns/beliefs that housing for people with disabilities creates more traffic or more of a nuisance than, say, my family with its four teenagers (count them, 4), 3 adults and 7 cars. Or say, than 'crack houses' which become established in neighborhoods without fanfare and use permit hearings.

LEGAL PROTECTION

The American's with Disabilities Act and the Fair Housing Amendments Act protect people with disabilities from discrimination in employment, public accommodations, public services and practices and housing. They were passed in recognition that discrimination against people with disabilities is an overwhelmingly common occurrence and that people have a civil right to be protected from being treated differently and excluded from their community merely because of their membership in what is now a protected class: people with disabilities.

They also recognize that people with disabilities must be allowed reasonable accommodations and modifications in housing practices policies, procedures and the actual building to create a 'level playing field'. Not to give special privileges but to provide equal access.

Without a ramp, special communication device, job coach, and/or peer support a person with a disability may not be able to fully participate in the community. But with a ramp, special communication device, job coach, and/or peer support a person with a disability will have the opportunity to fully participate in the community, be gainfully employed and housed.

BUSINESS ENTERPRISES

Some cities attempt to define group housing or housing with support services attached (either onsite or offsite) as businesses. As with much of the efforts to hold out housing for people with disabilities separately than housing for anyone else, this argument rings false.

Housing in which services are provided, such as housekeeping, catering, tutoring, etc., is not considered a business, even though the individuals providing these services are self-employed or hired by a business. Yet housing in which critical services necessary to allow people with disabilities to fully participate in the community are provided (as opposed to merely making life easier) is considered a business. GO FIGURE!

In the same vein, housing that is rented to people with disabilities is often considered a business enterprise even though other housing, rented out to the general population is not.

Something doesn't quite seem fair about this. Does it?