



Directors Meeting

Monday, August 22nd, 2022
555 S 10th Street, Luxford Studio

- I. **Approval of Directors Minutes from August 15th, 2022**
- II. **City Council Agenda & City Clerk Advisories**
- III. **Mayoral Advisories**
- IV. **Directorial Advisories**
 - i. BPC220810 – 1 PC Action – Shelli Reid
 - ii. BP220815 – 1 Weekly Approvals City – Jennifer McDonald
- V. **Boards, Committees, and Commission Reports**
 - i. Welcoming Week & Beyond – Lincoln Commission on Human Rights & City Clerks Office
- VI. **Constituent Correspondence**
 - i. Oxford House – Dave Dinsmore
 - ii. FW: RE: Budget-nurses – Deanna McClintick
 - iii. Re: Information for August 15 Council Meeting: 1923 B St. – Carmen Maurer
 - iv. Oxford Opposition is Not Bigoted – Raina Engelhard
 - v. Michael House Misleading – Raina Engelhard
 - vi. Pending Oxford House- 1923 B Street – Ann Kozak
 - vii. Letter offering solution to special accommodation request – Vish Reddi
 - viii. Regarding the Oxford House – Paul Burd
 - ix. Re: Reasonable Accommodations for Oxford House – Izzy Burd
 - x. Fwd: 1923 B Street – Heather Westra
 - xi. Problem of group housing – Marge Schlitt
 - xii. Tree by creek being taken out – Corbin Buchanan
 - xiii. Re: Oxford Opposition is Not Bigoted – Raina Engelhard
 - xiv. Oxford House 1923 B St. – Deb Cosgrove
- VII. **Adjournment**

****ACTION BY PLANNING COMMISSION****

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, August 10, 2022, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

****PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of *FINAL ACTION*. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

MASKS ARE STRONGLY ENCOURAGED FOR OUR PUBLIC MEETINGS IN THIS BUILDING

The Planning Commission will be allowing testimony on agenda items by videoconferencing. For those who wish to testify by video, you must register with the Planning Department Office to participate by calling 402-441-7491 or emailing Plan@lincoln.ne.gov by 10:00 a.m. the day of the meeting. You will be asked to provide your name, address, phone number and the agenda item(s) you wish to speak on, and your position on this item. On the day of the hearing, you will receive a link via email, which will be needed to join the hearing to provide your testimony.

AGENDA

WEDNESDAY, August 10, 2022

[Commissioners Ball and Rodenburg absent]

Approval of minutes of the regular meeting held July 13, 2022. ****APPROVED: 7-0 (Ball and Rodenburg absent)****

Approval of minutes of the regular meeting held July 27, 2022. ****APPROVED: 7-0 (Ball and Rodenburg absent)****

1. CONSENT AGENDA (Public Hearing and Administrative Action)

STREET AND ALLEY VACATION:

- 1.1 STREET & ALLEY VACATION 22006, to vacate the east-west alley from the east line of Showers Street to the west line of Lincoln Street in Block 8, Cheney, Lancaster County Nebraska.

Staff recommendation: Conforms to the Comprehensive Plan

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

Planning Commission recommendation: FINDING OF CONFORMANCE: 7-0 (Ball and Rodenburg absent). Public hearing before the City Council is tentatively scheduled for August 29, 2022, at 5:30 p.m.

2. REQUESTS FOR DEFERRAL: None.
3. ITEMS REMOVED FROM CONSENT AGENDA: None.
4. PUBLIC HEARING AND ADMINISTRATIVE ACTION

CHANGE OF ZONE:

- 4.1 CHANGE OF ZONE 22022, from H-3 (Highway Commercial District) to I-1 (Industrial District), on property legally generally located at 1555 Yolande Avenue.
Staff recommendation: Approval
Staff Planner: Emma Martin, 402-441-6369, emartin@lincoln.ne.gov
Planning Commission recommendation: APPROVAL: 7-0 (Ball and Rodenburg absent). Public hearing before the City Council is tentatively scheduled for August 29, 2022, at 5:30 p.m.

5. **CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION**

CHANGE OF ZONE AND RELATED ITEMS:

- 5.1a CHANGE OF ZONE 22021, from AGR (Agricultural Residential District) to R-3 (Residential District), on property generally located at Linwood Lane and Avon Lane.
Staff recommendation: Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov
Planning Commission granted staff's recommendation to delay continued public hearing and action on this application for two weeks to August 24, 2022, Planning Commission hearing.
- 5.1b SPECIAL PERMIT 22024, for the Sunrise Villas CUP (Community Unit Plan) with up to 26 dwelling units, with associated waivers, on property generally located at Linwood Lane and Avon Lane. *** FINAL ACTION ***
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov
Planning Commission granted staff's recommendation to delay continued public hearing and action on this application for two weeks to August 24, 2022, Planning Commission hearing.

* * * * *

AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM
NOT ON THE AGENDA, MAY DO SO.

* * * * *

Adjournment: 2:03 p.m.

Memorandum

Date: August 16, 2022
To: City Clerk
From: Alexis Longstreet, Planning Dept.
Re: Administrative Approvals
cc: Shelli Reid, Planning Dept.

This is a list of City administrative approvals by the Planning Director from August 9, 2022, through August 15, 2022:

Administrative Approval 22050 to Special Permit #876C American Historical Society of Germans from Russia was approved on August 10, 2022, to show a proposed accessory structure on property generally located at South 6th Street and D Street.

From: [Soulinnee Phan](#)
To: [JaMel E. Ways](#); [Council Packet](#)
Cc: [Francisca L. Beltran](#); [Soulinnee Phan](#)
Subject: Welcoming Week & Beyond
Date: Wednesday, August 17, 2022 4:21:27 PM
Attachments: [Why Lincoln \(1\).pdf](#)
[Welcoming Week & Beyond.docx](#)
Importance: High

Hello – We would like to share this with Council to introduce our first Welcoming Week events!!
We will love to share more of this during directors & open mic on August 22, 2022.

Submitted by: Lincoln Commission on Human Rights & City Clerk's Office

Soulinnee Phan
City Clerk | City of Lincoln
Pronouns: she/her/hers

Office of the City Clerk
555 S. 10th Street Suite 103
Lincoln, Ne 68508
W: (402) 441-7437 | F: (402) 441-8325 | sphan@lincoln.ne.gov



Lincoln Welcoming Week & Beyond

Welcoming Week is an annual national initiative when cities, organizations, and communities plan events bringing neighbors from all backgrounds to come together, get to know one another, and celebrate what unites us as a community. This year, Welcoming Week is September 9-18. A local group of governmental and nonprofit folks and community members are planning a city-wide Welcoming Week map to showcase what makes our community welcoming!

The theme for Welcoming Week this year is “Where We Belong.” By focusing on the places and spaces that foster belonging (ie. cities, workplaces, neighborhoods, etc.), we can go deeper and spark individual reflection on how and why belonging occurs, and ways we can break barriers so that places can foster belonging for all community members, including immigrants and refugees. This aligns well with Lincoln/Lancaster County’s new Welcoming and Belonging Strategic Plan, as well as the mayor’s One Lincoln initiative.

We are planning a series of activities around the city, partnering with local businesses and organizations, to highlight and amplify stories from the Lincoln community! Individuals from a wide range of backgrounds will share their stories around the theme “Where We Belong: Why Lincoln.” We will hear from community members about the experiences and journey that brought them and their families to Lincoln, and what made them want to put down roots in this community.

We will be sharing a map and schedule of activities with you all, and invite you to visit the local establishments, listen to community members’ stories, and connect with neighbors on what unites us. Please follow the Lincoln Welcoming Week Map page on Facebook for updates!

Communities are stronger and more vibrant when everyone feels seen, heard, and valued in their fullness - when everyone feels they belong. The Lincoln Welcoming Week Map is a step towards creating belonging for all in our city, in tandem with the Welcoming and Belonging Strategic Plan and One Lincoln!





**WELCOMING
WEEK**



WHERE WE BELONG

Why Lincoln: A city-wide storytelling series showcasing what makes Lincoln welcoming, and what draws people from around the world to put roots down here.

Coming this September!

Follow @LincolnWelcomingWeekMap on Facebook



From: [Dave Dinsmore](#)
To: [Council Packet](#)
Subject: Oxford House
Date: Thursday, August 11, 2022 7:59:57 AM

Dear city council

I am a current resident of 1921 C st. I have lived there 23 years in our beautiful historic 113 year old home and have lived in the near south over 34 years. We currently have 1923 B st Oxford just behind us and the other Oxford at 19th and A an additional fifty feet further.

What I really notice about 1923 B street in my walks, is that it is a house with all the shades always drawn and a noticeable increase in cars parked in the area. Being in the densest part of the city, it is not hard to see the crowding that is occurring in our area.

It has also been brought to my attention that another Oxford has opened at 2648 Washington with 13-14 more people living there under no supervision other than peers. This makes a total of 7 Oxford Houses (That we know of) in the near south. It would not surprise me if there are more, because the absentee landlords who purchase these homes make NO attempt to ask for zoning, reasonable accommodation etc. or meet with neighbors. I view the landlords as a commercial enterprise that can make a higher profit in renting to Oxford than any traditional single family that would like to live in our neighborhood. The absentee landlords can afford to outbid traditional families for a home they might purchase, and the more individuals a landlord can cram into a home, the more profit they make.

I am familiar with the legal logic that Oxford House uses to be considered "a family". My question to the council is this. What is a "reasonable accommodation" for a neighborhood?! As of now it appears that Oxford House believes it has the legal right to buy as many homes as it wishes carte blanche in any neighborhood in the city it wants too, and their issues do not come up to planning commission or council until a complaint is filed.

I strongly support help for individuals with substance abuse problems. Two excellent services, Centerpointe and House of Hope, go out of their way to communicate and work with people in neighborhoods to educate, listen, and inform what they are doing. They also have professional help available in their recovery houses. Oxford has none for a group of peers who understandably are in a fragile state of recovery.

We welcome the group homes, the diversity of people and families of all ethnicity and genders in our neighborhood of the near south. Please work with us in finding some compromise and balance for our precious Near South.

Everytime my wife and I see a sold home in our neighborhood we have trepidation that it will be another Oxford House yet again.

Thankyou for reading my email. Please help us.

Sincerely
Dave Dinsmore
1921 C St

Sent from my iPhone

From: [Jim & Deanna McClintick](#)
To: [Mayor](#); [Council Packet](#)
Subject: FW: RE: Budget-nurses
Date: Thursday, August 11, 2022 2:50:16 PM

Hello,

I am still wondering why we need at least 7 new nurses to visit new moms--all moms. Can anyone answer that? It comes at a very high cost down the road. Are these nurses also doing other things? What is their job description? I needed no help with my babies.

Thank you.
Deanna McClintick

From: "Margaret Reist"
To: "Jim & Deanna McClintick"
Cc:
Sent: Thursday August 11 2022 3:36:58PM
Subject: RE: Budget

Hi Deanna – They will be adding nurses (I think 8 is the last number I heard) to expand a home visitation program for new moms. They'll be using registered nurses. I'm not sure what the hiring schedule might be – they say it won't cost anything the first budget year, which may mean they've got enough nurses to start, or that they've got money to pay to hire some of them.

The program exists now, but it's targeted at low-income residents. This would expand the program to include all new moms.

Hope that helps. You could call the health department to find out more. I'm hoping to do another story on this program, and might have some more details once I do that.

Thanks for reading -- Margaret

Margaret Reist

Local Government Reporter | Lincoln Journal Star

402.473.7226

402.432.3267

mreist@journalstar.com



Print ☐ Digital ☐ Social ☐ Mobile

From: Jim & Deanna McClintick [mailto:jdmcc@neb.rr.com]

Sent: Thursday, August 11, 2022 9:22 AM

To: Margaret Reist <MReist@journalstar.com>

Subject: Budget

This Message Is From an External Sender

This message came from outside your organization.

Hi, Margaret,

Thank you for the budget article.

I assume they are still hiring the new nurses--was it 7?

And do you know for what purpose--or job description?

Thank you.

Deanna McClintick

From: [Carmen Maurer](#)
To: [Council Packet](#)
Subject: Re: Information for August 15 Council Meeting: 1923 B St.
Date: Friday, August 12, 2022 11:57:32 AM
Attachments: [image001.png](#)
[Letter from Maurer August 15, 2022.docx](#)

Dear JaMel—Thank you so much for letting me know. I'd usually say it's my own lack of tech skill, but that's the second time it happened last night. So I'm wondering if I have a computer issue. Please confirm that you've received this attachment. Best, Carmen

From: Council Packet <CouncilPacket@lincoln.ne.gov>
Date: Friday, August 12, 2022 at 8:44 AM
To: Carmen Maurer <ckm7968@gmail.com>
Subject: RE: Information for August 15 Council Meeting: 1923 B St.

Dear Carmen,

Thank you for writing the City Council. I don't show an attachment to include so if you would, please resend the information.

Regards,

JaMel Ways

She/Her/Hers

Assistant to the City Council

555 S. 10th Street Suite 111
Lincoln, NE 68508
W: (402) 441-7515



From: Carmen Maurer <ckm7968@gmail.com>
Sent: Thursday, August 11, 2022 11:37 PM
To: Council Packet <CouncilPacket@lincoln.ne.gov>
Cc: Mayor <mayor@lincoln.ne.gov>
Subject: Information for August 15 Council Meeting: 1923 B St.

Please accept the attached for inclusion in the City Council's packet for the August 15, 2022, meeting.

Thank you, Carmen Maurer

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Lincoln City Council
555 S. 10th St. #111
Lincoln, NE 68502

August 11, 2022

Re: 1923 B Street/Request for Zoning Change

Dear Members of the Lincoln City Council:

I will not be able to attend the public hearing scheduled for August 15, 2022, with respect to the above matter. Please accept and consider the information in this letter as you deliberate. Here is a timeline of events, to the best of my knowledge, concerning the Hahn House at 1923 B St.:

2019: I greeted a man working outside at 1900 "A", who told me he was returning the property to a single-family residence. I welcomed him to the neighborhood. I subsequently learned the property was an Oxford House. At present, I do not believe that it has complied with any group home regulation or requested a reasonable accommodation. Website information states that it has an occupancy of 12 men; in June, an Oxford representative told the Planning Commission that the number was 14.

January 2022: I was contacted by a neighbor. Construction workers in her alley said a new sober living facility was being established at 1923 B St., a mere 60' away from the group home at 1900 A. We were surprised, given recent collaborative efforts on the part of our neighborhood to implement a reasonable land use plan for group homes in residential areas. This new facility was clearly non-compliant for spacing. 14 occupants moved into the facility without any inquiry made to the City with respect to zoning or reasonable accommodation. An increase in parked cars and traffic was evident.

February 14, 2022: Planning Department and Building & Safety officials attended a neighborhood meeting to explain. They shared that there is no enforcement mechanism absent a neighbor's complaint. Information was provided to the effect that Oxford House is not governed by group home ordinances, because there is no treatment or counselor on site, i.e. the group is an unsupervised, self-governed group of renters. We asked the City to regularly report back to us on the matter. (A neighbor had filed a complaint against 1923 B on February 2, 2022.)

March 14, 2022: Director of Planning Blahak wrote the neighborhood association a letter, which was shared and reviewed at the meeting held that evening. Mr. Blahak explained that 1923 B might be in violation of the City's rules concerning the number of unrelated occupants living in a house. However, he also stated in his letter that the facility had the right to request a reasonable accommodation to waive that rule, but that no request had yet been made. In addition to his letter, he included the process for evaluation of a reasonable accommodation request.

April 11, 2022: Director Blahak sent an e-mail to the neighborhood association secretary, informing the association that 1923 B was in violation and had been notified as such. Oxford House had until the end of the month to take corrective action.

May 11, 2022: Director Blahak sent an e-mail to the neighborhood association secretary to the effect that the enforcement process continued. A second visit from a City inspector indicated little had changed since the initial inspection.

June 13, 2022: The City Attorney attended a neighborhood meeting, sharing a power point on the accommodation request process. The presentation included costs to defend cases ostensibly relevant to the 1923 B matter. He expressed a lack of optimism for the success of the neighborhood's position.

June 22, 2022: The Planning Commission held a public hearing on Oxford House's request to waive the unrelated occupants rule. Oxford House argued that the 14 unsupervised male renters were equivalent to a "family" with the same rights and obligations of traditionally defined "families." The Commission denied the request on a 4-2 vote, thus requiring a second vote at the Commission's July 13th meeting. At that second meeting, the application was approved 5-3 and sent on to the City Council.

July 25, 2022: Oxford House's request to be treated as a 14 member, all-male, family was included on the City Council's agenda. That morning, the Planning Department informed the neighborhood association secretary that Oxford House had pulled the item from the agenda, and that there would be no need for the neighborhood opponents to attend. The matter was rescheduled with a continued public hearing for August 15, 2022. Proponents of the request to waive the rule were present and were heard by the Council at the July 25 meeting.

August 8, 2022: Neighbors originally planning to comment at the July 25 meeting, who were unable to adjust schedules to the rescheduled August 15, 2022 hearing, prepared to present public comment at the Council's open microphone session, but were informed their comments on the topic of Oxford House, according to Council rules, would not be allowed.

Those of us in opposition to the Oxford request are motivated by a number of factors. That said, I don't think those factors include objections to group homes in our neighborhood. There are many group homes in the Near South, and many of those make valuable contributions to our neighborhood and community. However, I do think that many of us in the Near South do an awful lot for the Near South which benefits greater Lincoln, which supports those who reside in the Near South, keeping it safe and working hard to sustain the livability and the history of all Lincoln. It often feels like a very lonely battle, but in any case, it's a battle where we abide by the law; we work within the established infrastructure of rules; we are honest and transparent; we talk to those who would oppose us; and we compromise. It's that lack of fair play on the part of Oxford House that's particularly exasperating for us, and we'd suggest for you, as well.

I moved into the lovely W. Hamilton and A. Bertha Hewit House 15 years ago. My move to the Near South was strategic and purposeful. I could have stayed in my cozy Indian Village cottage, but I moved solely to support Lincoln's core neighborhood. The house east of me was a bit scruffy and over the next 5 years, its absentee owner, allowed it to decline. Twice, Lincoln police officers approached me, while working in my yard and asked if I ever saw drug dealers next door. Following

a number of disturbances and damage to our own properties, good neighbors to my west led the way, purchasing the declining rental property and investing tons of labor, converting the house back to a single-family home. While their efforts resulted in a financial loss, they did sell the home to a great couple, who now host our annual Independence Day cookout, and the police no longer ask me for intel about my neighbors.

Last year, it was time to do my part. When the home across the street of a much beloved 90+ year old couple came up for sale, I purchased it, pledging my retirement savings to secure the loan. The Leet-Hager House, built in 1905, was the first show home in Mount Emerald, but its future was bleak. While it had great bones, it was too much for the elderly couple to maintain. My improvements included (in part) new kitchen and baths, termite repair, removing a five-foot beehive, and lots and lots of bat guano, while saving some of the original plants from the overgrown lawn. It sold to a family, keen on the location, because they wanted their children to attend nearby Prescott, Irving and Lincoln High.

In both improvement projects, neighbors donated funds and/or labor: lifting, cleaning, pulling out carpet, watering salvaged plants and landscaping. No one made any money from these projects, but we, our neighborhood, and the City of Lincoln were generously paid back in the resulting stability of property ownership, increased safety, and improved property values. Four more homes near 1923 B: one next door, one across the street, one behind, and another a block away are now engaged in major restoration, renovation, and improvement projects—all started prior to the acquisition of 1923 B as an Oxford facility. A year ago, it felt like the neighborhood had turned a new page, that momentum was on our side, and that the personal investments of individual neighbors were making a real difference. But in instances like this, we have to ask whether our reliance on the zoning laws that supported that momentum and our hope was misplaced.

I know this is not an easy case, and your decision will impact whether local land use plans have any viability in the future. So here's my City Council "to-do" list:

1. Because of the precedent you set for the whole City, delay your decision, and confer with your counterparts in other cities, where reasonable approaches to the Oxford model have emerged.
2. Delay your decision until you've had a chance to consider how this process can be conducted pre-occupancy, instead of simply granting Oxford House, and its like, the ability to craft its own zoning law. Base the process upon evidence supporting the best interests of the disabled residents, the community, and the land use plans you've approved, and not on the size of the property and potential owner/operator revenue.
3. Delay your decision until you've conducted a careful and strategic assessment of the City's definition of "family" and of "group home." Consider the factors that define people so close, they are "like family to me." Is a 7-9 month shared rental arrangement equivalent to family? Let the term "reasonable" have meaning when used in the law.
4. We've discovered this summer that state and local governments, not federal governments, are authorized, define how, and for whom, a family is created. The implications of this new ruling are far-reaching. It would seem you now have much greater authority to define "family" than you did mere months ago. Please consider this and take advantage of your newly granted power.

5. Delay your decision until you've assured yourself that the process the City used to determine reasonable accommodation is: (1) legally sound; and (2) was followed. While your established process requires evidentiary documentation to support these kinds of accommodation determinations, when we've inquired, we're unable to confirm the necessary documentation was obtained by the City. For example, if you grant a 25-pound lifting limit to an employee, you assure yourself that the individual indeed has a back injury disability, and the employee's doctor says 25 pounds is the appropriate limit. These same rules apply to mental health matters like addiction. Clearly, specific health inquiries are confidential, but we've received no assurances that the City sought any information supporting the nature of the residents' disabilities, or if the requested waiver addressed the needs and best interests of the disabilities. Further, how is the necessary documentation and accommodation secured as the Oxford renters continually join and leave the group?
6. Delay your decision until you've incorporated reasonable steps to ensure the Oxford residents present no danger to themselves, the other residents of the facility, and the neighborhood.
7. Evaluate and incorporate measures to address the impact of any zoning waiver on neighborhood parking and infrastructure. We estimate that over 30% of the residents in the relevant block live in the two nearly adjacent Oxford Houses.
8. Create and store accurate data related to group homes and Oxford House-type facilities. It's been a struggle for neighbors to collect information, taking many hours away from work and family. Valuable neighborhood initiatives have gone on the back burner, as time has been diverted to this matter. Our sense is that adequate and reliable data necessary to support legal compliance and enforcement does not exist.

Let me say that many of us in the Near South are weary. We formed our association 50 years ago to address population density, impact on infrastructure, and diminished quality of the housing stock. We're prompted to ask whether any progress has been made; whether we have any champion?

I recently served 7 years on a local non-profit board that provides affordable housing. Many of our residents were disabled, and a considerable number of those residents were in transition from substance abuse treatment. My organization provided high quality living space, private bathrooms, and renter start-up kits for those who literally came to us with nothing. There was friendship and support from those around them, including from our board members. We didn't violate, skirt, or ignore zoning law. Instead, we cooperated and sought support of local government, for a service of which I'm rather proud. I know Lincoln can do better than the model Oxford House proposes, because I've seen it.

Thank you for your attention and careful consideration of this matter.

s/Carmen K. Maurer

Carmen Maurer
1929 C Street
Lincoln, Nebraska 68502

From: [Raina Engelhard](#)
To: [Council Packet](#); [Jane Raybould](#); [Tom J. Beckius](#); [Tammy J. Ward](#)
Subject: Oxford Opposition is Not Bigoted
Date: Friday, August 12, 2022 3:14:04 PM
Attachments: [image.png](#)

Hello esteemed City Council,

I know you're busy with the budget. I just want to remind you that despite the newspaper article, no one called Lincoln "Skid Row." No one said there was an uptick in crime from Oxford. Already existing crime that sometimes contradicts the need for a "quiet neighborhood for sobriety" was pointed out.

1. Are Oxford houses profiting off of the Section 8 waiting list and people's ineligibility for Section 8 due to history? This is NOT the solution to affordable housing the City is allowing it to be, all while taking away homeownership opportunities (wealth/equity access) from others who can't outbid Oxford AND "we buy houses for cash" property mgmt companies. Oxford has many modest homes in their directory.
2. ***Hemisphere Bldg. Co. v. Village of Richton Park*** observed that the FHA bars discrimination against "handicapped people by reason of their handicap, rather than by what they have in common with other people, such as a limited money to spend on housing." Anyone would benefit from rent split 15 ways.
3. **Oxford House, Inc. v. City of Wilmington:** "Oxford House's attorney avoided questions and deflected citizens' comments concerning their understanding of Oxford House residents' costs in light of otherwise very modest property values in the neighborhoods." A ***Fourth Circuit case (Oxford v. Wilmington)*** regarding Oxford showed that Oxford could not provide specific evidence that 9 residents was more necessary or therapeutically beneficial than 8 residents beyond it benefitting the landlord. https://scholar.google.com/scholar_case?case=15671288193019688887&hl=en&as_sdt=6&as_vis=1&oi=scholar
4. Disabled people trying to recover themselves are tasked with looking after the compliance and recovery of others. Families aren't arranged in hierarchies with presidents, etc.. Families are coed. Property owners leasing Oxfords don't need qualifications, licensing, or experience.
5. With Nebraska's nation leading correctional overcrowding, how are 15 people in a house not overcrowded? 13 men on 27th & Washington. We're talking about two bathrooms because now they know it's a business they can have. How can people support this as affordable housing?
6. If there are no drug tests, how do they know when someone loses their ADA eligibility due to use? If they use drugs, some cases say they must be off drugs for 7 weeks to satisfy ADA requirements of long term abstinence.
7. No Zoom telehealth or AA is allowed in house as that would make it a treatment group home and Oxford wouldn't be able to proliferate and profit.
8. Why are 15 people "therapeutically necessary," but they're able to say they're not a treatment model, which would make them a group home?
9. Does Oxford operate first and ask later because they know if they asked every time it would burden the City? Do they reapply when a group is cycled through?
10. How can the City claim they're not burdened when UPLNK rarely gets addressed? Not Smokers Corner adding more boarded windows with posters over them, not the house that was barely spared next to the house that burned on 20th and Sumner. Not dead trees and widow maker branches.

11. When does “proliferation of communal dwellings” come into play?
12. Why was the “No Oxford” vandalism blamed on NSNA preservationists by the Oxford lawyer and not a possible disgruntled former resident? As there are Seven Oxford’s in Near South. Half of the city’s total.
13. Why can Oxford claim 80% of their residents stay sober? That’s unrealistic.
14. Why is Oxford House, Inc. unapproachable? What do we do if we have an issue? The City is somewhat unresponsive too, as with UPLNK.
15. When will the city step in to further prioritize owner occupied? What was the point of Goodhue tax credits?
16. Why wasn’t the homeowner told by Oxford what was happening with planning? Why was someone who never visited the home sent to address something that is supposed to be specific?
17. Why does 1923 B have commercial liability insurance and an LLC but not a paved driveway as commercial properties should?
18. “Oxford House's attorney avoided questions and deflected citizens' comments concerning their understanding of Oxford House residents' costs in light of otherwise very modest property values in the neighborhoods.” in Oxford House, Inc. v. City of Wilmington. The only thing preventing people from benefiting from modest prices is being outbid by other property mgmt companies and LLCs like Oxford.
19. If you’re allowing more density what are you doing about trash as a City?

Thank you!



Raina Engelhard

Psychology, Community & Regional Planning,
Criminology & Criminal Justice
Class of Spring 2022, University of Nebraska-Lincoln

From: [Raina Engelhard](#)
To: [Planning](#); [Steve S. Henrichsen](#); [Council Packet](#); [Jane Raybould](#); [Tammy J. Ward](#); [Tom J. Beckius](#)
Subject: Michael House Misleading
Date: Friday, August 12, 2022 3:20:24 PM
Attachments: [image.png](#)

Hello Planning Commission and all,

I'm concerned that Michael House that now owns 2648 Washington somewhat misled the Planning Commission about their model on June 22. They made it sound like they provided food, oversight, and transport/carpooling. This does not align with what neighbors have said about their newest home on Washington St.. Neighbors next-door and across the street report them using the wrong driveway to be picked up or to park. Their actual driveway is behind the house on 27th St.. The house has one supplemental air conditioner, and they must sleep on the main floor or in the basement because it is too hot. No one is there to check on them, seeing as the next-door neighbor had to take a guy to the other Michael House because he was dropped off at the wrong one with no one to help him. Another couldn't get in because no one was home to let him in. There's no house manager that they described making up an extra person that's "there all day." Instead the neighbors have had to communicate with probation/parole officers. Again, we're talking 9-14 people (according to the owner) with just two bathrooms.

<https://youtu.be/4nt8ST13f8U?t=12081>

How they describe their "experiment" can be listened to here.

They describe "point persons and administration" that doesn't seem to exist here.

The 80/90% employment comes from them being employed at Mak Development's Construction company. Employment is great, but maybe not if he also chooses how much their rent is and how much of the money he pays them is going back to him.

At 3:27:00 he says they provide carpooling services and transportation. None to be seen on Washington as a man was left to find his own ride to the other house.

"2 to a bedroom, no more than that" 3:31:37. This house will have up to 14 people with 4 bedrooms. Some are too hot to occupy, and a sunroom will have temperatures that are too extreme to be a bedroom.

And again, they didn't tell neighbors what was going on and told the realtor it would be parents and a son. An issue they said they'd remedy with the Planning Commission.

It may also be worth bringing up the testimony in opposition on June 22 that mentioned symptoms of lack of oversight as well. It may not all be from the house, like the hit and runs, drunken wandering on cameras, and drug use behind the other "group home" like house. She did report instances of catcalling as she walked with her 9-year-old daughter that came from the Michael House though.

How can we revisit this? How are they kept accountable? This is kind of cruel for \$700 a month just for "accountability in numbers." The entire house I rent is \$775.

Thank you!



Raina Engelhard

Psychology, Community & Regional Planning,
Criminology & Criminal Justice
Class of Spring 2022 Grad, University of Nebraska-Lincoln

From: [Ann Kozak](#)
To: [Council Packet](#)
Subject: Pending Oxford House- 1923 B Street
Date: Sunday, August 14, 2022 9:38:07 PM

Dear City Council and Office of the Mayor-

By now you have received many letters from Near South residents concerning the opening of The Oxford House located at 1923 B Street. We share all of these voiced concerns as Near South homeowners at 1935 C Street.

Beyond all the concerns for the current neighborhood residents- we also hope the Council considers the downside of this location for those in recovery.

14 unsupervised strangers without on-site therapists- battling addiction is not a good idea- especially in a neighborhood already dealing with a multitude of drug/alcohol related police activity. Within a mile of 1923 B - according to [Crimepapping.com](https://www.crimemapping.com) (link below) - there have been 209 drug/alcohol-related police calls since March 2022- averaging 40 per month.

We are currently have several of these facilities in close proximity- and another Oxford House is just a few feet away from 1923 B- at 1900 A Street.

<https://www.crimemapping.com/Share/cfda532cd21b4c6abad59797373d87bd>

We support and understand the need for these facilities-however too many in one location is challenging for residents, our city police- and those hoping to recover.

We appreciate the consideration of the Council-

Ann Kozak / Tim Burke
1935 C Street
Lincoln. NE 68502

From: [Vish Reddi](#)
To: [Council Packet](#)
Subject: Letter offering solution to special accommodation request
Date: Monday, August 15, 2022 3:57:34 AM

Lincoln City Council
555 S. 10th St. #111
Lincoln, NE 68502

August 15, 2022

Re: 1923 B Street/Request for special accommodation from Zoning Laws

Dear Esteemed Members of the Lincoln City Council:

I understand that there is a request in front of you and before you pick a side, I humbly request that you read on with an open mind.

I truly believe that group homes, sober living homes, apartments, multi family homes, single family homes, parks, libraries, public pools and schools are all required to establish a thriving neighborhood that can support the life cycle of a modern day individual.

We have been working with you for 50 years now and I firmly feel that it has been a great partnership. We, the neighborhood, continue to watch out for our beloved city and would hope that you do the same for us.

The primary goal of our zoning efforts, approximately 20 years ago, recognized these infrastructural issues and promoted de-zoning certain parts of the neighborhood to allow for balance. We understand that there is a request for a single family home to be considered for heavy intense use. This house is located on the same alleyway from another one that is merely 50 feet away.

When there is a concentration of these kinds of intense uses in one location, less than 0.5 mile radius from each other (which is the municipal ordinance), and in homes and infrastructure not originally designed for these purposes, there is a long-term negative impact. When an area that is zoned for R1/R2 suddenly has 14-20 people living in a single-family dwelling, this impacts the sewer, roads, traffic, and safety of all on that block.

We have some awesome group homes in the neighborhood that do a great service for their residents and adhere to city zoning laws regarding group homes. There are some, however, that choose to not follow the laws and operate with no oversight or regulation. They operate without informing anyone and continue to operate while their applications are being processed, expecting the City of Lincoln to adopt the use they have already implemented, instead of complying with the regulations our city has in place for the benefit of both the group homes and the neighborhoods where they operate. I believe this behavior should not be ignored, let alone rewarded by approving this usage.

The owners of these properties claim altruistic purposes; that they operate these facilities out of the nobility of their character. Upon researching the matter, I discovered that these owners have no such interests in their own neighborhoods. They target our neighborhood with one simple goal: making money at our expense. This begs the question: Why not create these environments in the blocks that they live in? I think it would be much easier to manage when you are in proximity. The answer: they don't want it in their backyard, they want it in ours.

Infrastructure and politics aside, this creates a real issue for the fabric of our neighborhood. Our neighborhood, just like other neighborhoods in the heart of Lincoln, takes pride in our schools, our libraries, and our public pools parks — we as individuals take pride in the care of our own properties, providing a foundation for all residents to enjoy a high quality of life. When new families wanting to move into these single-family homes are outbid by commercial enterprises that disguise themselves as “a noble cause,” affordable housing for new families takes an enormous hit. Given time, this will have a ripple effect of fewer students going to the schools in this neighborhood, fewer young people visiting libraries and parks, and diminishing investment by homeowners in a neighborhood that is intended, according to the City's own land use plans, to support and encourage stable, high-quality life for families.

The purpose of the reasonable accommodation is to circumvent zoning laws and be considered as a single family. There is no medical reason that 14 people are required. The only reason is that this would be the maximum number allowed by building safety code. This is a business/commercial enterprise that chooses to masquerade as a noble cause in order to bypass our zoning laws.

We have sent you evidence on 5 other such locations in the neighborhood and are aware of more being started in a similar way with complete dis-regard to laws and to neighbors. We believe that the administrative load placed on the city is significant and would warrant refusal of any special accommodation so we can adhere to existing law and keep things fair and equitable for all.

Please make no mistake that this is not just a Near South issue. Your decisions on this issue will have implications for all of the zoning laws you have worked to implement throughout the city. This will certainly undermine your authority going forward.

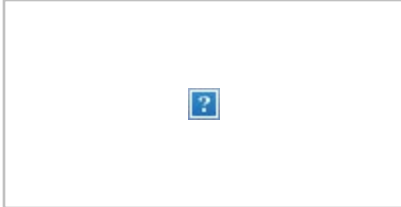
As I mentioned earlier in the letter, we have been good partners for the last 50 years. If you are under the impression that you have no alternative but to grant a reasonable accommodation, then please make sure it is reasonable. Granting one for a maximum of 6 people would still be more than any able person can have. In fact, it would be double what an able person is allowed to have. This also gives you a more reasonable precedent when the other locations are brought in front of you in the near future.

We wish you all the best as you consider making your decision on this matter.

Regards,
Vish Reddi

President
NSNA

--



www.nearsouth.org

From: [Paul Burd](#)
To: [Council Packet](#)
Subject: Regarding the Oxford House
Date: Monday, August 15, 2022 10:02:21 AM

Hello,

My name is Paul Jacob Mayfield Burd,
I live near the Oxford House and I wanted to say I stand firmly in support of allowing the 14 unrelated residents.

I've seen lots of criticisms, many of which are "it changes the tenor of the community" or "the people there are not neighborly."

Let me tell you something about my experience in Lincoln. Lincoln is a college town. There are lots of houses owned by parents that 3-5 different unrelated individual college students live in. They're loud, they don't "introduce themselves to their neighbors" because they're busy trying to live their lives. Let me tell you, the people living at Oxford House are more neighborly than many of the college students that live in rented homes in Lincoln.

As well, it's comedic to argue that one must be "neighborly" to deserve a safe place to live as one transitions back into a healthy, happy life. I own my own home, but I have numerous health problems, so I haven't introduced myself to the neighborhood; that doesn't mean I don't have a right to live in my own home. That does not mean I should be kicked out, because I am unwilling to do the song and dance asked for some of the people making the objections.

People have been living next to neighbors they aren't the happiest with ages; part of the human condition is dealing with the reality of people who are different from us, have different goals than us, living in the same spaces as us. The people of the Oxford House are, again, nowhere near as disruptive as the many college students that live in this neighborhood and others; they deserve that same level of safety, dignity, and respect that the college students do.

Lincoln has always been a city founded on compassion, kindness, and welcoming of refugees. These people are refugees from the ravages of life. Any one of us can end up in a bad place and need help. Every single one of us is closer to being like someone in the Oxford House, than we are to being a millionaire.

We need to look out for each other. To do anything other than that is astoundingly Un-Christian and un-Lincoln.

I ask that the council approve the accommodations asked for to allow 14 unrelated individuals to live in the Oxford House.

Warm regards,

~Paul JM Burd.

From: [Izzy Burd](#)
To: [Council Packet](#)
Subject: Re: Reasonable Accommodations for Oxford House
Date: Monday, August 15, 2022 10:07:55 AM

Greetings! My name is Izzy Burd of 2219 C St, and I would like to voice my support for allowing the Oxford House reasonable accommodations to house 14 unrelated individuals at the 1923 B St location.

As someone with several relatives and friends who have struggled with substance abuse of all kinds, getting them the support they need is the first step to recovery, but it can also be a struggle to find the right accommodations. The Oxford House has a reputation for being just the kind of supportive environment needed for recovery, and providing the reasonable accommodations requested will give them the space to help many more of our neighbors, family, and friends who require their assistance.

The house in question is large, so I feel the requested increase to 14 residents should not outstrip the space. The closeness of such a community is the source of its success, letting members hold each other accountable for their recovery, so the more residents the better, to my mind.

I don't feel the neighborhood would suffer their presence either. From speaking with neighbors and listening to others with more personal experience with other branches of the group, Oxford Houses sound like wonderful, supportive places for both the residents and their community. I would love to have just such a community of men looking to better themselves living right in my backyard, so I hope the council will vote in favor of the requested accommodations.

Thank you!
Izzy Burd

From: [Heather Westra](#)
To: [Council Packet](#)
Subject: Fwd: 1923 B Street
Date: Monday, August 15, 2022 10:14:33 AM
Attachments: [WestraREOxfordHouse.docx](#)

Please accept this letter for the record regarding the reasonable accommodation request for 1923 B Street. I am unable to attend tonight.

Heather Westra
1106 S. 20th Street

Heather J. Westra
1106 S. 20th Street
Lincoln, NE 68502
heatherjwestra@gmail.com

August 15, 2022

Lincoln City Council
555 S. 10th St.
Lincoln, NE 68508

RE: 22R-298 Application of Oxford House Lyoncrest for Request for Reasonable Accommodation, 1923 B Street, Lincoln, NE

City Council members:

I am writing to you in strong opposition to the request for “Reasonable Accommodation,” under the Fair Housing Act, submitted by Mr. Steven Polin, on behalf of Oxford House-Lyoncrest, 1923 B Street, Lincoln, NE. I am unable to attend the public meeting due to work travel.

As of June 15, 2022, there were 60 Oxford Houses in Nebraska, 14 in Lincoln and six in the Near South, in addition to numerous other group homes and registered sex offenders. The Near South Neighborhood has more than any other area in Lincoln.

In his letter to Mr. Sean Stewart, Chief Housing Inspector, requesting reasonable accommodation for up to 14 males to be considered a family, for purposes of the Fair Housing Act, Mr. Polin cites case law to support the request for Oxford House, but fails to provide any supporting documentation and fails to note that individuals were already residing at the 1923 B Street property.

For your information, below is a time-line of events relating to Oxford House-Lyoncrest:

Property sold on December 15, 2021

January 20, 2022—three-year lease agreement executed between JDB Properties (owner of property) and Oxford House.

As early as February 2022, residents moved into property.

May 19, 2022 Steven Polin, representing Oxford House, submitted letter to City of Lincoln, Housing Department, applying for reasonable accommodation (three months after residents moved in):

1. That the City treat the use of Oxford House as a functional equivalent of a family;
2. That the City treat the use of Oxford House-Lyoncrest as a single family;
3. And that the City grant a waiver on the limitations of the maximum number of unrelated persons who can reside together as a family under the City's definition of family.

I bring this time-line to your attention because it is not stated in the letter of application or any of the City's documents. The Fair Housing Act requires applicant to apply for reasonable accommodation, not assume it. In January of this year Oxford House signed a three-year lease with the property owner, clearly planning to open an Oxford House within a month, but failing to apply for accommodation. It is my understanding that Oxford House has a history of not applying for reasonable accommodation until after residents are living in the house and neighbors (or others) complain.

To me, the process for requesting and approving reasonable accommodation is vague and has not been transparent. Immediate neighbors were not informed. It's the manner in which Oxford House has gone about this request--didn't apply for reasonable accommodation, just assumed it—that is troublesome. When the zoning violation was reported, the attorney for Oxford House threatens legal action if they don't get their way.

The City's Municipal Code (1.28.030) requires the following information for reasonable accommodation:

- a. Application. Requests for reasonable accommodation shall be submitted on an application form provided by the City Clerk, or in the form of a letter to the City Clerk, and shall contain the following information:
 1. The applicant's name, address and telephone number. **Letter submitted May 19, 2022**
 2. The street address and legal description or Assessor's Parcel Number of the property for which the request is being made.
 3. The current actual use of the property. **Single family.**
 4. The law, provision, regulation or policy from which reasonable accommodation is being requested.
- b. Additional Information. The following information shall be (emphasis added) submitted with the application:
 1. A statement from the applicant describing the basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities or handicaps) is considered disabled or handicapped under the Acts. **Letter of May 19.**
 2. A statement as to why the requested accommodation is financially, therapeutically, or otherwise necessary to afford a handicapped or disabled person equal opportunity to use and enjoy a dwelling and/or to otherwise receive services or participate in programs provided by the City. **No information or documentation has been provided. No information regarding why or how cramming 14 people into a 5 bedroom home is a suitable model for recovery.**
 3. Documentation supporting the financial, therapeutic, or other necessity for the accommodation.

No documentation has been provided regarding the necessity of having 14 individuals in one home, whether these individuals are, in fact, alcoholics, or whether this model results in positive changes for these individuals, or how eligibility for subsequent tenants will be determined.

How do we know that these individuals have this disability? If Oxford House asking for this accommodation, based on a disability (that is not outwardly apparent), shouldn't they be required to provide necessary documentation? Why should we trust Oxford House when they open a house and THEN apply for accommodation after complaints are lodged? When they threaten to take the City to court if they don't get their way? Doesn't seem very respectful to our community, the Near South.

What is the City's test for reasonableness?

On June 15, 2022 the Lincoln/Lancaster Country Planning Commission issued its Staff Report and recommending that the request be granted, with conditions:

Per the Fair Housing Act, the City agrees to permit Oxford House- Lyoncrest to have fourteen unrelated persons to reside as a single family provided that all residents have a disability and operate as Oxford House-Lyoncrest. The Oxford House-Lyoncrest approval is subject to the following conditions:

- a. Applicant shall notify Planning Director if dwelling ceases to be used as sober-living home where, at all times, all residents are in recovery from alcohol or other substance abuse.
- b. Reasonable accommodation is granted only to 1923 B Street, and only to "Oxford House-Lyoncrest." Reasonable accommodation is granted only as to this address and this operator for the purposes of sober living is not transferable, and does not run with the land.

Since the City appears to be granting this accommodation and deeming these individuals eligible to be treated as a family, what is the City's responsibility when someone leaves? How are subsequent tenants deemed eligible for this accommodation? Is the City set-up to make individual eligibility determinations, going forward? It seems as though these decisions are made on an ad hoc basis. In the few weeks since the June 22 Planning Commission meeting, a "Michaels House" has been established on Washington Avenue and 27th Street. No process, no notice, no application; just assume its okay and just open the doors. Where is the fairness and respect to the immediate neighbors?

The City's review process does not seem to consider proximity to other Oxford Houses (such as the one located at A and 19th streets), other group homes? What about impacts on immediate neighbors? Other families? How does a family of 14 adult men fit into a family neighborhood? Impacts on parking?

This City does not appear to consider how or whether this action will have a negative impact on home values in the immediate vicinity. The average home in Lincoln is approximately \$270,000. The value on homes on B Street, from 19th to 20th is likely \$500,000 to \$900,000.

Why do neighborhoods have zoning? Why does the City have a zoning scheme? We rely on the enforcement of zoning to protect our investments.

We have owned our home since 2018. We sought out the Near South neighborhood because its beautiful and varied homes, sidewalks, trees, parks, friendly and welcoming neighbors,

proximity to amenities. Our one-family home was built in 1904 and spent several decades as five separate apartments. We are investing considerable sums returning our home to its former glory. We are concerned about the precedent this will set for future applications. Does the City have a limit of the number of reasonable accommodation requests it grants within a defined area? How many on a block is reasonable? How many within a neighborhood? Our neighbors could lease their property to Oxford House; we could do the same and impact them. Who protects our Near South investment?

I ask that the City pause this application, and the others that are soon to follow, until a better and clearer process can be developed, neighbors can be informed and that the Oxford House provide information or documentation supporting their request for reasonable accommodation.

Such a process should consider:

Setting—is the proposed “house” located on a block of single-family homes or on a block of predominately apartments? While the Near South may have a fair share of multi-family dwellings, not all blocks can be characterized as such.

Are there similar homes near-by (group, half-way or otherwise)? How many should be allowed within one block?

Both Mount Emerald and Franklin Heights have a large percentage of single-family homes. In the past decade or so many homeowners have spent considerable resources “de-converting” multi-family homes back to single family.

Reasonableness—how many people will be residing in a home meant for a family? Is it reasonable to place 14 men in one home? Why 14 (in the case of Oxford House)? Can it be less, say no more than 8? The applicant should provide justification as to why 14 people is the right number.

Eligibility—after Oxford House or Michael’s House receives this accommodation, how are subsequent residents deemed eligible to move in? How is their particular disability documented?

Application process—it seems that the process is to buy a property, call it an Oxford House or Michael’s House, install people and then apply for reasonable accommodation once the neighbors start asking questions. Permits and approvals apply to all of us, not just some of us.

On a final note, it’s in the best interests of the operators and residents of these homes to get acquainted with their neighbors. That way, neighbors know each other (which I would think would contribute to successful sober living) and any problems can be addressed quickly.

Thank you for your consideration.

Best regards,

Heather Westra

Heather Westra

From: [Marge Schlitt](#)
To: [Council Packet](#)
Subject: Problem of group housing
Date: Monday, August 15, 2022 10:24:09 AM

Dear Friends,

I am very concerned about the reoccurring problem of group housing. In the old days, most of the group homes for returning citizens, mentally ill, or other special needs folks, ended up in the part of town with large houses and little support from the city, namely the near south area.

The Near South Neighborhood Ass'n got active and persuaded the City Council to make some reasonable regulations on spacing of houses, number of residents, etc. The people of the Near South welcome all kinds of people, as we are of all kinds ourselves. That isn't the problem. The problem is in the interpretation of the rules and how flexible everyone can be to achieve the goal of good housing for everyone.

I hope the City Council will not discriminate against people who have been in prison but will give everyone a second chance for a good place to live.

Thanks!

Marge Schlitt

--

Marge Schlitt
Lincoln Nebraska
margeschlitt@2600c.com

From: [Corbin Buchanan](#)
To: [Council Packet](#)
Subject: Tree by creek being taken out
Date: Monday, August 15, 2022 10:30:13 AM

I live in maple wood court 7656 I don't like that you are taking out some trees out if there still good trees like one tree was a beam tree and the other were good ones two so if you will please contact me I will tell you the reasons not to mess with them or any other trees or plants by the creek I live by that's been there's since I was born I f not I will strike

Sent from my iPhone

From: Raina Engelhard
To: Sandra J. Washington <SWashington@lincoln.ne.gov>
Subject: Re: Oxford Opposition is Not Bigoted
Date: Monday, August 15, 2022 12:28:31 PM
Attachments: [image.png](#)
[image.png?context=menu&ui=en&ei=5A5M4P4C9E9Y&as=0&as_vis=1&oi=scholarrr](#)

Hello again,
My aunt, a retired federal court lawyer recently assured me that Oxford's potential overtaking of a neighborhood alone, especially if given this further green light, is likely enough to deny them, as proliferation and neighborhood character is an entirely different issue than ADA. Oxford knows what they're doing by framing it so they can say you just denied them reasonable accommodations despite the council having a larger reason but only being asked about ADA.

Thanks so much!

Raina Engelhard

From: Sandra J. Washington <SWashington@lincoln.ne.gov>
Sent: Sunday, August 14, 2022 11:01:50 PM
To: Raina Engelhard <raina@huskers.unl.edu>
Subject: RE: Oxford Opposition is Not Bigoted

Non-NU Email

Ms. Engelhard: You raise a number of good questions. I will ask a few of them tomorrow of the Oxford House representative.
--Sandra Washington

Sent from [Mail](#) for Windows

From: [Council Packet](#)
Sent: Friday, August 12, 2022 3:14 PM
To: [Bernie R. Shober](#); [James M. Bowers](#); [Jane Raybould](#); [rmeeginnis@NAIFMA.com](#); [Sandra J. Washington](#); [Tammy J. Ward](#); [Tom J. Beckius](#)
Subject: FW: Oxford Opposition is Not Bigoted

From: Raina Engelhard <raina@huskers.unl.edu>
Sent: Friday, August 12, 2022 3:13:50 PM (UTC-06:00) Central Time (US & Canada)
To: Council Packet; <CouncilPacket@lincoln.ne.gov>; Jane Raybould <JRaybould@lincoln.ne.gov>; Tom J. Beckius <TJBeckius@lincoln.ne.gov>; Tammy J. Ward <TJWard@lincoln.ne.gov>
Subject: Oxford Opposition is Not Bigoted

Hello esteemed City Council,
I know you're busy with the budget. I just want to remind you that despite the newspaper article, no one called Lincoln "Skid Row." No one said there was an uptick in crime from Oxford. Already existing crime that sometimes contradicts the need for a "quiet neighborhood for sobriety" was pointed out.

1. Are Oxford houses profiting off of the Section 8 waiting list and people's ineligibility for Section 8 due to history? This is NOT the solution to affordable housing the City is allowing it to be, all while taking away homeownership opportunities (wealth/equity access) from others who can't outbid Oxford AND "we buy houses for cash" property mgmt companies. Oxford has many modest homes in their directory.
2. **Hemisphere Bldg. Co. v. Village of Richton Park** observed that the FHA bars discrimination against "handicapped people by reason of their handicap, rather than by what they have in common with other people, such as a limited money to spend on housing." Anyone would benefit from rent split 15 ways.
3. **Oxford House, Inc. v. City of Wilmington:** "Oxford House's attorney avoided questions and deflected citizens' comments concerning their understanding of Oxford House residents' costs in light of otherwise very modest property values in the neighborhoods." A **Fourth Circuit case (Oxford v. Wilmington)** regarding Oxford showed that Oxford could not provide specific evidence that 9 residents was more necessary or therapeutically beneficial than 8 residents beyond it benefitting the landlord. https://scholar.google.com/scholar_case?case=15671288193019688887&hl=en&as_sdt=6&as_vis=1&oi=scholarrr
4. Disabled people trying to recover themselves are tasked with looking after the compliance and recovery of others. Families aren't arranged in hierarchies with presidents, etc.. Families are coed. Property owners leasing Oxfords don't need qualifications, licensing, or experience.
5. With Nebraska's nation leading correctional overcrowding, how are 15 people in a house not overcrowded? 13 men on 27th & Washington. We're talking about two bathrooms because now they know it's a business they can have. How can people support this as affordable housing?
6. If there are no drug tests, how do they know when someone loses their ADA eligibility due to use? If they use drugs, some cases say they must be off drugs for 7 weeks to satisfy ADA requirements of long term abstinence.
7. No Zoom telehealth or AA is allowed in house as that would make it a treatment group home and Oxford wouldn't be able to proliferate and profit.
8. Why are 15 people "therapeutically necessary," but they're able to say they're not a treatment model, which would make them a group home?
9. Does Oxford operate first and ask later because they know if they asked every time it would burden the City? Do they reapply when a group is cycled through?
10. How can the City claim they're not burdened when UPLNK rarely gets addressed? Not Smokers Corner adding more boarded windows with posters over them, not the house that was barely spared next to the house that burned on 20th and Sumner. Not dead trees and widow maker branches.
11. When does "proliferation of communal dwellings" come into play?
12. Why was the "No Oxford" vandalism blamed on NSNA preservationists by the Oxford lawyer and not a possible disgruntled former resident? As there are Seven Oxford's in Near South. Half of the city's total.
13. Why can Oxford claim 80% of their residents stay sober? That's unrealistic.
14. Why is Oxford House, Inc. unapproachable? What do we do if we have an issue? The City is somewhat unresponsive too, as with UPLNK.
15. When will the city step in to further prioritize owner occupied? What was the point of Goodhue tax credits?
16. Why wasn't the homeowner told by Oxford what was happening with planning? Why was someone who never visited the home sent to address something that is supposed to be specific?
17. Why does 1923 B have commercial liability insurance and an LLC but not a paved driveway as commercial properties should?
18. "Oxford House's attorney avoided questions and deflected citizens' comments concerning their understanding of Oxford House residents' costs in light of otherwise very modest property values in the neighborhoods." In Oxford House, Inc. v. City of Wilmington. The only thing preventing people from benefiting from modest prices is being outbid by other property mgmt companies and LLCs like Oxford.
19. If you're allowing more density what are you doing about trash as a City?

Thank you!



Raina Engelhard
Psychology, Community &
Regional Planning,

Criminology &
Criminal Justice

Class of Spring
2022, University of Nebraska-
Lincoln

From: [Deb Cosgrove](#)
To: [Council Packet](#); [Mayor](#)
Subject: Oxford House 1923 B St.
Date: Tuesday, August 16, 2022 10:25:45 PM
Attachments: [Oxford House letter to City Council and Mayor.pdf](#)

I have attached a letter in opposition to the request for reasonable accommodation for the Oxford House at 1923 B St. I appreciate the thought and diligence with which you are considering this matter. Your decision is precedent setting and very important to the future of older and historic neighborhoods.

Thank you for your time and consideration.

Deb Cosgrove
1900 C St.
Lincoln, NE 68502
402-202-5797
dcosgrove2@gmail.com

August 16, 2022

Hello Council Members,

I encourage the Council vote NO to the reasonable accommodation request for the Oxford House at 1923 B Street. I absolutely agree that every human deserves affordable and decent housing, but the Oxford House organization is intentionally designed to evade all zoning regulations and group home requirements that were enacted to protect all citizens as they search for affordable and decent housing.

Oxford Houses (and now Michael's Houses) have argued the residents are a family and thereby exempt from the restrictions applied to other types of transitional living homes. The argument for why they are a family, even though they are not related by blood or marriage or adoption, and in fact may not have met each other before they begin to cohabit a home, is that it is imperative that recovering addicts live together for mutual support and rehabilitation. Is that not what a group home or halfway house or transitional living facility provides? The pamphlet titled Introduction to Oxford House, available at their website, calls the houses "recovery houses." Does changing the name change the nature and purpose?

Why is Oxford House so opposed to group home or halfway house status? Even their lawyer, Mr. Scott Moore, referenced them as a group home during his testimony to the Council on August 15, 2022. After considerable thought and thorough review of the Oxford House website, it seems to me that the only benefit of not calling themselves a group home or halfway house is to evade zoning ordinances and regulations applicable to group homes. Contrary to Mr. Moore's argument before the Council on August 15th, whether residents choose to live in the house or are mandated to live in the house by a court seems to have no bearing on the question of the nature of the house.

I believe a close look at the Oxford House website (see shaded text "Zoning" below) provides insight into the operating philosophy and intention (or lack thereof) to abide by local regulations and zoning restrictions. Although Oxford House appears to understand they need to request reasonable accommodation from zoning requirements, they do not routinely make such requests. In fact, their attorney Mr. Scott Moore testified to the Council on August 15th that Oxford House only applies for accommodation "when the neighbors demand it." That may not be an exact quote from Mr. Moore, but is absolutely the sentiment he expressed. Why should law-abiding neighbors have to police and report on an organization that calls itself transparent?

Zoning

Oxford Houses are considered single family residences for purposes of zoning. This has always been true in practice, and since March 12, 1989, the effective date of the 1988

Amendments to the Federal Fair Housing Act, it has been true as a matter of law. Those Amendments make it unlawful for any jurisdiction to discriminate against congregate living for the disabled. Recovering alcoholics and drug addicts are within the scope of the term "disabled." Therefore, Oxford Houses are not subject to zoning laws regulating the number of unrelated individuals who may live in a single-family dwelling unless the same restrictions apply to families. There is no need to seek prior approval for leasing to an Oxford House, and Oxford House, Inc. will legally defend any claim of zoning violation made by localities still unfamiliar with the federal law.

Following is a list of single-family homes currently identified as Oxford Houses on their website. The first Oxford House was established in December 2015, and it is my understanding that no one has as yet requested reasonable accommodation for the property. Of the fourteen existing Oxford Houses, it is notable that six are within the one square mile designated as the Near South. There are also thirty-five Oxford Houses in Omaha.

2328 Garfield St., established 12/2015, owned by TR14 Properties and Investments LLC

1035 S. 12th St., established 6/2016, owned by Lincoln 1035 LLC

645 N 30th St., established 7/2017, owned by ADL Properties LLC

2009 S. 16th St., established 3/2018, owned by Dickinson LLC

2035 Jefferson Ave, established 1/2019, owned by TR14 Properties and Investments LLC

1900 A St., established 9/2019, owned by Summit Management Group LLC

3080 S St., established 6/2019, owned by Simple Life LLC

4245 W St., established 12/2019, owned by Timothy and Emily Peterson

2223 B St., established 9/2020, owned by Acorn Properties LLC

2418 Y St., established 2/2020, owned by Hi Def Holdings LLC Ryan and Amanda Knapp

2444 B St., established 11/2020, owned by Summit Management Group LLC

3621 Lowell Ave, established 3/2022, owned by Acorn Properties LLC

1923 B St., established 2/2022, owned by JDB Properties LLC

6010 S. 81st St., established 5/2022, owned by Micah Madlock

Of the fourteen Oxford Houses disclosed on their website (there could be more not yet added on the website), three were started in the first five months of 2022, and three were established in 2020. I am also aware of three Michael's Houses located in Lincoln (one in the Near South), which operate with very similar structure to Oxford Houses. The Oxford House website also

states "Once a cluster of houses is developed in an area, it becomes easier to expand because of help from existing Oxford Houses."

I believe a close look at the Oxford House website (see shaded text below) also provides insight into the operating philosophy and intention (or lack thereof) to be 'good neighbors.' Oxford House did not provide information to neighbors to let us get to know them. In fact we were purposely (in my opinion) misled to believe the home was once again going to be a single-family home. Neighbors had no chance to learn more since we had no advance notice of intent. Furthermore, I consider good neighbors to be law abiding, at a minimum.

"By renting good houses in good neighborhoods, we have demonstrated that we can be good neighbors all over the country."

"All our materials are included at our web site and neighbors can understand how Oxford House™ works by downloading and reading any of the material. This is important for two reasons: [1] we want neighbors to know us and [2] neighbors want to know us..."

At the City Council meeting on August 15th there were several questions about whether these homes represent commercial enterprises. The answer, however obscured by their attorney, is yes. Twelve of the fourteen homes in Lincoln are owned by LLCs. These are corporations with limited liability for the owners, which rent houses but are not subject to regulations as would be any other landlord.

The local attorney for Oxford House, Mr. Scott Moore, implied before the City Council that reasonable accommodation means allowing Oxford House to set up and charter new homes without restrictions. That argument, to me, sounds like a request for waiver of all restrictions, rather than an accommodation. Although I hope you will decide in favor of maintaining zoning restrictions on spacing and density that are already in place, I propose the following restrictions would meet the criteria for 'reasonable accommodation' that Oxford House has requested, however belatedly.

First, I suggest limiting occupancy to two persons per legal bedroom. HUD, via the Keating memorandum, states "Specifically, the Department believes that an occupancy policy of two persons in a bedroom, as a general rule, is reasonable under the Fair Housing Act." You can find the Keating Memo at [https://www.hud.gov › documents › doc_7780](https://www.hud.gov/documents/doc_7780). The planned Oxford House at 1923 B Street intends to house fourteen men in a five bedroom home. The owner of the house testified at the Council meeting on August 15, 2022 that the house has five legal bedrooms (although one is an attic I believe) with four nonconforming bedrooms in the basement. Following the two-per-bedroom restriction means this house should accommodate ten persons maximum.

When Council members directly asked Mr. Moore how the number of occupants is determined for each house, his basic answer was the number is determined by how many will fit based on the size of the house. Mr. Moore's answer gave no indication that fourteen is more therapeutic than ten, or that more is better in terms of sobriety outcomes. He did not indicate that the number of bedrooms or bathrooms determines recommended occupancy. The house at 1923 B Street is 3,202 square feet, which rounds up to 229 square feet of living space per person.

The second accommodation I propose would be retaining the existing geographic spacing requirements for all similar transitional living homes. I cannot think of a reason why Oxford House residents cannot obtain affordable and decent housing in a therapeutic environment simply because it is several blocks distanced from other similar houses.

The Omaha attorney for Oxford House at 1923 B Street testified that the house has been operating since February 2022 without complaints or calls to the Lincoln Police Department. I have not verified that information, but encourage you to do so. I urge you not to fall victim to faulty logic. Simply because the house at 1923 B Street has been operating illegally (as have all the other Oxford Houses) does not mean it should be allowed to continue to operate illegally. The nature of that argument is the crux of Oxford House's argument in the Wilmington court case, which my friend and neighbor Carmen Maurer provided to the Council. I encourage each of you to read the case if you haven't already done so.

An argument made by the attorney Scott Moore at the Council meeting on August 15th was that Oxford Houses cannot apply for reasonable accommodations before moving residents in and beginning operations is because the recovering addicts need help immediately and cannot wait. That argument fails, however, when considering demand for affordable and decent housing has regularly and traditionally outpaced supply. That fact holds true not just for recovering addicts. I'm confounded as to why the Oxford House regional outreach workers cannot locate satisfactory houses that meet zoning ordinances intended for group homes, apply for the reasonable accommodation, then begin accepting applications from potential residents. In fact, the process outlined on the Oxford House website identifies that order of operations, with the notable exception of applying for reasonable accommodations or checking local zoning ordinances. The Oxford House Chapter Manual says:

"Chapter actions to take to open a new Oxford House include:

- Finding a suitable rental house.
- Touring the house and determining its acceptability.
- Negotiating a lease for the group.
- Helping the group apply for a start-up loan (when available).
- Making and distributing flyers to attract new members.
- Furnishing the house; getting donated furniture."

The precedent you are setting with your vote cannot be more important. The fabric and sustainability of neighborhoods, especially historic and older neighborhoods, is at stake. The older, larger, historic homes are most at-risk for conversion to Oxford (or Michael's) Houses due to their size and relative affordability.

Again, please vote NO on the proposed Oxford House at 1923 B St. for all the reasons identified above. Furthermore, I urge you to consider the other thirteen Oxford houses in Lincoln and apply reasonable restrictions to those properties as well.

Thank you,

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