



## *In Lieu of Directors Meeting*

Monday, August 29<sup>th</sup>, 2022

### **I. Directorial Advisories**

- i. Please note that there were no administrative approvals for August 16th to August 22nd, 2022 – Jennifer McDonald
- ii. BPC220824 – 2 PC Action Notice – Shelli Reid

### **II. Constituent Correspondence**

- i. 1923 B St. – Next Monday's meeting – Carmen Maurer
- ii. Home Visitation –Deanna McClintick
- iii. LPD,CPS,DHHS. LAWSUITS – Brian Baker
- iv. Oxford Opposition is in Good Faith – Raina Engelhard
- v. Important information before Monday's vote – Cathy Wilken
- vi. Oxford House-Lyoncrest (22R-298) – CCNA Board of Directors
- vii. I am sharing 'DC Lawyer' with you – Rob Schupbach
- viii. Code Violation Letter – Mark Brohman
- ix. Fw: [Omaha World-Herald] No licensing, little oversight: Omaha owner of homes for sex offenders faces his own charge – Mark Broham
- x. 22R-298 -Oxford Home at 1923 B St – Chelsea Egenberger
- xi. reasonable accommodation 1923 B street – Jason Ables
- xii. Coyote/Finke Redevelopment Plan and separation of residential use and alcohol sales – Andrew R. Willis
- xiii. Streets et al – Alice Miller

## PLANNING COMMISSION FINAL ACTION NOTIFICATION

**TO:** Mayor Leirion Gaylor Baird  
Lincoln City Council

**FROM:** Shelli Reid, Planning

**DATE:** August 24, 2022

**RE:** Notice of final action by Planning Commission: August 24, 2022

Please be advised that on August 24, 2022, the Lincoln City-Lancaster County Planning Commission adopted the following resolutions:

**Resolution PC-01818**, approving SPECIAL PERMIT 22024, to allow for a CUP (Community Unit Plan) with up to 26 dwelling units, with associated waivers, including an additional waiver to not install street improvements to Linwood Lane from the north edge of Lot 24, Block 1 to the north edge of Outlot A, on property legally described as Outlot B, Sunrise Estates 2nd Addition, located in the NE 1/4 of Section 23-10-7, Lincoln, Lancaster County, Nebraska, generally located at Linwood and Avon Lanes.

The Planning Commission action on these applications is final, unless appealed to the City Council by filing a notice of appeal with the Planning Department within 14 days of the action by the Planning Commission

The Planning Commission Resolution may be accessed on the internet at [www.lincoln.ne.gov](http://www.lincoln.ne.gov) (search for "PATs"). Click on "Planning Application Tracking Service (PATs)" at the top of the page, click "Selection Screen" under "PATs Tools" on the right side of the screen, type in the application number (i.e. SP22024), click on "Search", then "Select", and go to "Related Documents".

F:\devreview\final action notices\cc\2022\082422

**From:** [Carmen Maurer](#)  
**To:** [Council Packet](#)  
**Cc:** [Mayor](#)  
**Subject:** 1923 B St. — Next Monday's meeting  
**Date:** Thursday, August 18, 2022 9:21:06 AM

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Dear City Council Members:

I was pleased by your decision to delay your vote on the reasonable accommodation requested at 1923 B Street, in order that you might be able to thoughtfully consider the information presented to you with respect to this complex matter.

I hope you understand that those of us who object to this request do not object to reasonable accommodations granted to those in our community with disabilities, and in fact, we celebrate the greater good we all receive when disabled persons are fully incorporated into the fabric of our economy, our culture and our daily lives.

However, in this case, third parties have taken “reasonable” out of the definition of reasonable accommodation and prioritized their own economic interests over: (1) the interests of persons living in and around their rental businesses; and (2) the processes the rest of us adhere to in order to comply with the law.

Should you vote next Monday to grant Oxford House a reasonable accommodation, I hope it's based upon a reliable foundation of data, and not the economic interests of absentee property owners using the disabilities of others to skirt zoning law. Please consider, for purposes of reasonable accommodation, limiting the number of unrelated persons in a single family home to 6, which is twice the number otherwise allowed; address parking in ways meaningfully related to the actual number (not property owner guesses) of cars parked on our streets; and include a means of on-going compliance and enforcement, remembering that there are many similar facilities in Lincoln yet to undergo a reasonable accommodation evaluation. We hope a solid procedural precedent for effective and efficient legal compliance will emerge from this instance for application to other facilities.

Thank you for your careful consideration of my concerns.

Best, Carmen Maurer

**From:** [Jim & Deanna McClintick](#)  
**To:** [James M. Bowers](#)  
**Cc:** [Mayor](#); [Council Packet](#); [Richard W. Meginnis](#)  
**Subject:** Home Visitation  
**Date:** Friday, August 19, 2022 8:18:15 AM

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Hello, James,

Thank you for taking time to explain the Home Visitation program. I am assuming this is the same program that is in the budget to hire 8 new nurses? I am glad to see that these are voluntary visits as not all new mothers are depressed or lack friends/family support.

How do we know that we will need 8 new nurses with an eventual cost of over \$700,000? That is a lot of money. Are there other duties for which they are planning to use them if they are not always doing home visitations? Or are they planning to hire them as needed? Or who can answer these questions?

I do always appreciate your concerns and responsiveness.  
Thank you for taking your time.

Best regards,  
Deanna McClintick



**From:** [Brian Baker](#)  
**To:** [Council Packet](#)  
**Subject:** LPD,CPS,DHHS. LAWSUITS  
**Date:** Friday, August 19, 2022 8:43:28 AM

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About 17 months ago Heather Schmidts home was seized without a warrant and her kids(mj & maddison) were made a ward of the state under a removal by Lpd. Police were called to her residence after a call came into the child abuse hotline. The caller reported that Madison had been sexually assaulted by Heather Schmidts boyfriend. Upon arriving police gathered that the call was made by the grandmother of a teenage girl who had been at the Heather's home. The teenage girl was at Heather's residence the previous night at a party with thrown by Heather's niece who was paid to babysit for the weekend. Heather's niece had asked to babysit for the weekend and said that she didn't want to be at home because her father was drinking again and she did not want to be around him. So Heather said ok allowed her niece to babysit and paid her \$250 to babysit for the weekend. Heather was at her boyfriends 7 blocks away helping him paint and frequently went to check on the kids. Heather's niece was directed not to have anyone at her residence. On Saturday night after making dinner and making sure mj and maddison got to bed Heather and her boyfriend left Heather's and went to her boyfriends to work on painting. It was at this time that Heather's niece decided to have a group of teens over to drink and do drugs without Heather's permission. They locked the twins in their bedroom and proceeded to party throughout the night and into the next morning. Sunday morning Heather's boyfriend was taken to the hospital in the ambulance due to stomach pains and Heather went with him to the hospital while at the hospital she called the teens to inform them that she would be coming home early. The teens went and got the twins out of their rooms and upon doing so saw that they had trash that they had obviously been throwing toys and had been sitting in soiled diapers all night. The teens knowing they were going to be in trouble proceeded to make up a lie about how Maddie said she was touched and then have one of the teens grandma's report it to the hotline because the teens knew if they reported it that no one would believe them but if grandma reported it that no one would question grandma's honesty. The teens who admitted to drinking and handed over drugs along with paraphernalia were then let go. The police then called Heather and told her to come home and charged her for what the teens gave them. LPD proceed to lie in their reports which we then took directly to the police chief. The sergeant and leading officer were then fired from LPD by the chief. In court the cps worker testified under oath that she witnessed Madison walking down the hallway trying to drink out of a bong. The police reports state that the teens handed the bong over directly to the police. Hair police tests were done on both kids the only one which came back positive was Heather's daughter. The one the cps worker saw trying to drink out of a bong that was given directly to police before the cps worker saw her trying to drink out of it. (Major lawsuit)

The kids were taken to CAC where a 14 point assessment was done by medical professionals that showed no all negative and it was determined that there was in fact no abuse or even signs of abuse that the alleged sexual assault was really diaper rash from sitting in soiled diapers all night.

Heather after going through months of court and waiting on an appeal agreed to take a plea offer only because she was told it was the quickest way to end the case and get her kids home. So she plead to charges she was not guilty of just to get her kids home. That is not something an abusive mother would do. Over the past year and 6 months cps has impeded the reunification process in every way possible everything she would get to the mark to proceed to the next step in getting her kids back cps would fire her case worker or the worker would get changed one even quit her job because she wanted nothing to do with what was taking place.

Heather is now on her 9th case worker in fact there is not a single person still involved in the case that was there when the case started all the information that is being presented in court has been handed down through numerous people is not even accurate and is nothing more than hearsay which is inadmissible in court. There has now been two more sexual assault accusations made one again on Heather's boyfriend which medical reports again prove to not be true and now one against Heather saying she Lusted her own son. The allegedly took place during visits that are supervised by cps assigned workers and have been found by medical professionals to be not true. They are simply seeds being planted under the guidance of Holly Burns a therapist assigned by DHHS who was told not to have contact with the kids by their mother after she was advised by center point touchstone to have nothing to do with Holly Burns. There are several civil rights violations as well as defamation and slander for false accusations and information proven to be false being released to third parties or presented in court. I know my rights and have plenty of legal guidance being my mother worked for the state attorney for 17 years and my uncle was a federal Judge. Aside from that we also have 3 hired attorneys as legal council. We have all of the physical evidence we need to proceed with law suits against the state or the filing of commercial liens against private individuals who are employed by the state who knowingly caused damage to our lives under false pretence. I would ask that you please look into the matter and if you read the actual reports you will see how wrong this entire thing is. The two officers lpd let go were sergeant sands who knowingly let an officer under her command lie on official reports and officer Oliphant who lied on official reports.

Thank-you I hope you take the time and trust you will see the truth in all of this because it's morally wrong.

Brian Baker

**From:** [Raina Engelhard](#)  
**To:** [Council Packet](#); [James M. Bowers](#); [Tammy J. Ward](#); [Jane Raybould](#); [Sandra J. Washington](#); [Richard W. Meginnis](#)  
**Subject:** Oxford Opposition is in Good Faith  
**Date:** Sunday, August 21, 2022 2:17:25 AM  
**Attachments:** [image.png](#)

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Dear James Michael Bowers and Council,

Mr. Bowers, to answer your question about how this house is different from an actual family that large, 1923 B was built before the Nuclear Family and probably housed a family of *related* people and their grandparents/elders. These sewage pipes are now 100+ years old and cannot accommodate this definition of an adult family, especially if landlords do not consult the City for what their best options are and for inspections, etc.. It's worth noting that the sewer backed up at 2648 Washington because it used to house one man and now houses double digits and their use. People shower, use the bathroom, and use laundry, etc.

Families aren't just made up of men, they are co-ed. Families don't meet for the first time upon moving into a house. Families don't have hierarchies and presidents. Families don't have to arrange that many rides. Consider how Dean Cole next to the 2648 Washington home must potentially ask 14 rotating adult occupants and their rides not to use his driveway when theirs is behind the home on 27th Street.

The lovely Mental Health Association gal made me aware that she has a video of a bunk bed on fire in an Oxford House and someone recorded instead of getting help. This house doesn't have a fortified kitchen for 14 adults cooking.

It's bothersome that opposition demonized NSNA when we were only representing ourselves individually. They said our Board is made up of only homeowners when I am literally a renter. Many were allowed to be homeowners only because of Neighborworks' help, like my parents in NS. They are valid.

I'm disappointed in Civic Nebraska's approach to this. Just because people may be houseless if not accepting this as housing does not mean the City shouldn't ask for the oversight and upkeep that comes with deeming it a "group home." It doesn't mean these standards are acceptable.

I learned that to Civic Nebraska, affordable housing just means rentals and lining others' pockets and paying others' mortgage. As we know, Oxford takes away homeownership opportunities, aka access to building wealth and home equity, from those who can't outbid Oxford AND "we buy houses for cash" property mgmt companies and LLCs, an issue specifically ailing Near South. Oxford has many modest homes in their directory.

The Civic Nebraska gal mentioned blight, but not that the areas were declared blighted to prioritize owner occupied tax credits.

Again, there are going to be 10-14 men in 27th & Washington's new "Michael House." We're talking TWO bathrooms. It's not just one Oxford house. It's what you pave the way for. Neighbors report that Washington's Michael House residents currently sleep on the main floor and basement where there are no designated bedrooms as the second floor is too hot and has one supplemental AC. How can people call that supportive, safe, or affordable housing?

Dean Cole took a man to the other Michael House because he was dropped off at the wrong one with no ride. \$700 a month there for a bunk bed that's not guaranteed, not an apartment. Perhaps a bed in a hot sunroom. That's what the City may open the door for. The entire house I rent is \$775 a block from 1900 A Oxford on Washington. \$500 for a bed. A bed. at Oxford. Michael House lied to the Planning Commission about their model on June 22nd, saying they had transportation, a house manager, and no more than two to a bedroom. Planning approved the Walker House based on that and Michael House took it and expanded.

Mak Development LLC, the owner of 2648 Washington, hires residents for his construction company to bolster his employment rate claims. Employment is great, but not when he's choosing how much they pay in rent and how much goes back into his pocket.

Entities like this lie based on HIPAA (unproven) and say a small family will be coming in, so sellers cannot make informed decisions about how their house is passed on.

If AA is coming in the house, that is treatment. That fits the definition of a group home. Why are they against this definition and oversight?

Why can Oxford claim 80% of their residents stay sober? Cruz of the Planning Commission said it's unrealistic. As a counter to the DePaul study, a study in The Journal of Substance Abuse Treatment in Feb 2011 attributes Oxford's recovery rate to being in a 12 step program.

Consider Vish Reddi's point that apartment turnaround due to poor mgmt and proliferation of adult transitional living situations impacts public schools as there aren't kids in these "families" bolstering the public school system.

This article is very relevant:

[https://omaha.com/news/local/crime-and-courts/no-licensing-little-oversight-omaha-owner-of-homes-for-sex-offenders-faces-his-own-charge/article\\_24f2084c-1e6e-11ed-9206-6f312de4bffa.html?fbclid=IwAR3amtKpj0x-Tuxalt75-vnzYVn1QQlyBgQIL7Y\\_CAdUn4zDnT\\_6\\_hJDJuA](https://omaha.com/news/local/crime-and-courts/no-licensing-little-oversight-omaha-owner-of-homes-for-sex-offenders-faces-his-own-charge/article_24f2084c-1e6e-11ed-9206-6f312de4bffa.html?fbclid=IwAR3amtKpj0x-Tuxalt75-vnzYVn1QQlyBgQIL7Y_CAdUn4zDnT_6_hJDJuA)

"A meth user just out of prison locked himself in the bedroom of a Lincoln transitional house, convinced a motorcycle gang was coming to kill him. He tried to throw a brick through a window to get out, and when he couldn't, knifed himself in a suicide attempt.

Firefighters arrived to find the man had been in the blood-smeared room for at least four days, with no sign that anyone had been supervising the house.

In another Lincoln case, 14 men were packed into a sober-living house with 1½ bathrooms in south Lincoln, prompting concerns from neighbors. As many as five men piled into a bedroom in a separate Lincoln home, only to be joined by hundreds of visitors in the form of bedbugs.

Now, an Omaha man who oversees two Omaha halfway houses has been charged with a sex offense of his own, a development that uprooted nine parolees who must find new housing. Thomas 'Mike' Wiggins, 59, was charged this week with third-degree sexual assault of a pregnant woman.

Just last month, Nebraska prisons' inspector general, Doug Koebernick, and assistant inspector general Zach Pluhacek filed a report with the Nebraska Legislature's Judiciary Committee, detailing sordid cases and the lack of licensing and oversight of halfway houses." They couldn't even name how many houses there may be.

Thanks so very much!

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***Raina Engelhard***

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**From:** Raina Engelhard <raina@huskers.unl.edu>

**Sent:** Friday, August 12, 2022 3:13 PM

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](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!

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**Raina Engelhard**

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

**From:** [Cathy Wilken](#)  
**To:** [Council Packet](#)  
**Subject:** Important information before Monday's vote  
**Date:** Sunday, August 21, 2022 11:02:05 AM

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[https://omaha.com/news/local/crime-and-courts/no-licensing-little-oversight-omaha-owner-of-homes-for-sex-offenders-faces-his-own-charge/article\\_24f2084c-1e6e-11ed-9206-6f312de4bffa.html](https://omaha.com/news/local/crime-and-courts/no-licensing-little-oversight-omaha-owner-of-homes-for-sex-offenders-faces-his-own-charge/article_24f2084c-1e6e-11ed-9206-6f312de4bffa.html)

Thank you for taking the time to read this before you come to a final decision on Monday regarding 1923 B St. You are aware of the issues and this only highlights how very complex this issue is for our community, both for the residents in need and our neighborhoods. Again, sincere thanks for all you do. Yours is a difficult job indeed.

Cathy Wilken, NSNA Secretary  
1942 A St., Lincoln, NE  
402-730-5058  
[cathy.wilken@nearsouth.org](mailto:cathy.wilken@nearsouth.org)

**From:** [CCNA Info](#)  
**To:** [Council Packet](#)  
**Cc:** [Yohance L. Christie](#); [Mayor](#); [President@nearsouth.org](#); [CCNA Info](#)  
**Subject:** Oxford House-Lyoncrest (22R-298)  
**Date:** Sunday, August 21, 2022 8:26:21 PM  
**Attachments:** [CCNA Comments on Oxford House.pdf](#)

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Lincoln City Council Members,

The Country Club Neighborhood Association Board of Directors would like the attached comments considered as you discuss and vote on Oxford House's application to allow fourteen unrelated disabled people to live together as a "family" at 1923 B Street.

Thank you.  
Country Club Neighborhood Association Board of Directors





To: The Lincoln City Council

From: Country Club Neighborhood Association

Subject: Oxford House Lyoncrest (22R-298)

The Country Club Neighborhood Association requests that City Council Members vote to deny the Oxford House-Lyoncrest's application to allow fourteen unrelated disabled people to live together as a "family" at 1923 B Street. Approving the application would set a precedent that will harm Lincoln neighborhoods and risks taking advantage of a vulnerable population.

Lincoln's current ordinance of permitting up to three unrelated people to reside at the same address was established out of concern for Lincoln's neighborhoods and residents. The noise, traffic, and parking issues that can stem from a large number of people occupying a single-family home are still relevant.

Approving this request can impact the price of homes in Lincoln. Prospective Oxford House Landlords will have the ability to offer a higher price for single-family homes, knowing they'll be able to rent the property to a large number of people, and can play a part in driving home prices higher. This can make it even harder for prospective home owners to find affordable housing.

Zillow lists 1923 B Street as a five bedroom home. Under Lincoln's short-term rental requirements, no more than ten people could stay at the residence. Permitting fourteen tenants to occupy the property leaves the impression that Oxford House Landlords are exploiting the disabled population they claim needs to be protected.

For the sake of Lincoln's citizens and neighborhoods, please vote to deny the Oxford House-Lyoncrest's application.

Thank you.

The Country Club Neighborhood Association Board of Directors

**From:** [Rob Schupbach](#)  
**To:** [Council Packet](#)  
**Subject:** I am sharing "DC Lawyer" with you  
**Date:** Sunday, August 21, 2022 10:43:51 PM  
**Attachments:** [DC Lawyer.pdf](#)

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Re b street group home application to increase density.

Please be aware:

After reading the attached letter I have become concerned that the residents of the property are both jointly and severally responsible for the total rent. I think that this puts them in a pay or go back to jail position. It gives the landlord an unfair advantage.

3 unrelated people as residents of a single family home is enough.

VOTE no on this variance request.

Sent from my Verizon, Samsung Galaxy smartphone



**STEVEN G. POLIN, ESQ.**  
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May 19, 2022

**SENT VIA ELECTRONIC MEANS AND FIRST CLASS MAIL**

Sean Stewart  
Chief Housing Inspector  
City of Lincoln  
555 South 10<sup>th</sup> Street, Suite 203  
Lincoln, NE 68508

RE: Federal Fair Housing Act  
Oxford House-Lyoncrest  
1923 B Street  
CT220201

Dear Mr. Stewart:

I am General Counsel for Oxford House, Inc. I am responding to the inquiries you have made concerning the use of 1923 B Street as an Oxford House, a self run, self supported residence for persons in recovery from alcoholism and substance abuse that it is violation of the City of Lincoln's zoning code for having more than three (3) unrelated persons residing in it. As persons in recovery from alcoholism and substance, the residents of Oxford House-Lyoncrest are protected class under the Federal Fair Housing Act, 42 U.S.C. §3601, et seq. Therefore, on behalf of the Oxford House-Lyoncrest residents, Oxford House, Inc. and the owner of the property, I am making a reasonable accommodation request pursuant to the Federal Fair Housing Act, 42 U.S.C. § 3604(f)(3)(B), to the City of Lincoln by requesting the following: that the City treat the use of Oxford House as the functional equivalent of a family; that the City treat the use of Oxford House-Lyoncrest as a single family use; 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.

In order to assist the City in granting Oxford House, Inc.'s reasonable accommodation request, please consider the following explanation of the Oxford House concept, as well as the Federal Fair Housing Act as it applies to Oxford House and its residents.

Based on the information provided me, it is the position of the City that the City is classifying Oxford House-Lyoncrest as something other than a single family use. . The Courts have consistently treated the use of a single-family residence by Oxford House and its residents as the functional equivalent of a family.



Sean Stewart  
May 19, 2022

The Lincoln Municipal Code defines family as follows:

***"Family:***

***One or more persons immediately related by blood, marriage or adoption and living as a single housekeeping unit in a dwelling shall constitute a family. A family may include, in addition, not more than two (2) persons who are unrelated for the purpose of this title:***

***A person residing with a family for the purpose of adoption;***

***Not more than six (6) persons under 16 years of age, residing in a foster home licensed as such by the State of Nebraska;***

***Not more than four (4) persons 16 years of age or older residing with a family for the purpose of receiving foster care;***

***Any person who is living with a family at the direction of a court.***

**I. THE OXFORD HOUSE CONCEPT**

Oxford Houses provide an opportunity for recovering alcoholics and substances abusers to maintain their sobriety in a supportive living environment that does not require the provision of treatment or counseling services.

Oxford House-Lyoncrest provides safe and sober housing for persons in recovery from alcoholism and substance abuse. Oxford House-Lyoncrest will accommodate up to fourteen (14) residents. In this regard, Oxford House, Inc., the national organization, assists in establishing housing for recovering addicts and alcoholics that is financially self-supported, democratically run, and immediately expels anyone who uses drugs or alcohol, inside or outside the house. There is no paid staff, counseling, therapy, or house manager involved in the operation of the house. In Oxford House, the group behaves like any family and makes group decisions based on democratic procedures. Oxford House is nothing more than a single-family residence.

Oxford House residents are encouraged to rent single-family dwellings located in good neighborhoods. This means Oxford Houses are usually located in areas zoned for single-family dwellings.

Oxford Houses are not substance abuse centers, halfway houses, shelters nor community care facilities. There is no treatment, counseling, therapy, or any type of health care service provided.



Sean Stewart  
May 19, 2022

Oxford Houses are not licensed by the State of Nebraska, nor are they required to be licensed. In an Oxford House, as opposed to a halfway house, residents live there by choice. There is no house manager, paid staff or other type of institutional personnel involved in the supervision or management of the house. All decisions relating to the functioning of an Oxford House are made democratically. An Oxford House manages its own finances and has its own bank account. Oxford Houses are not halfway houses, nor are they a substitute for halfway houses.

Oxford Houses are neither rooming nor boarding houses. The residents of Oxford House rent the entire premises rather than a single room. All residents have access to the entire house and all of the household facilities, and live in the house as any other group of unrelated persons functioning as a single housekeeping unit. The residents of the house share all household responsibilities, including financial responsibility for the rent and utilities, which they pay out of a single household checking account. They also share in the cooking, shopping, cleaning and general care of the premises. The residents live together purposefully to create a "family" atmosphere, where the residents share all aspects of domestic life. There are no individual locks on the doors of the bedrooms. There is no staff, paid or otherwise, living in the house or overseeing the house, and no treatment or professional services provided at the premises. Oxford House, Inc. plays no role, whatsoever, in how the house functions.

Physically, the house is no different from any other single-family home in the neighborhood. It is simply a single-family dwelling that is being rented by a group of individuals. The lease is between the landlord and the residents of Oxford House-Lyoncrest. Oxford House-Lyoncrest is in effect, an unincorporated association composed of the residents who reside there. Thus, there is a direct landlord-tenant relationship between the actual residents of the premises and the landlord. As the lease clearly indicates, there are no other persons or organizations, other than the residents who are living in the house, responsible for paying the rent or utilities for this rental property.

More important, there is no third party making any decisions regarding the way these houses operate, who resides in the house or how the houses are to be run. On the contrary, the residents themselves make all of these decisions. Moreover, there is no owner or operator at the premises who makes decisions regarding who lives in the premises and how the premises would function. Further, all of the household expenses, including rent, utilities and basic household supplies, are paid for only by the residents. The payments are all equal, regardless of the size of the room, since each resident is leasing the entire house, not just a room. The landlord is paid one monthly check for rent, which reflects the rent for the entire house. Finally, if there is a vacancy, the residents decide whether to fill it, and if so, the identity of the new occupant.

Not only is there no "operator" making decisions regarding the running of the premises, but rather the owner has absolutely nothing to do with the identity of the new individuals residing at the house, or how long the individuals stay at the house (other than simply establishing the lease for the



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entire property). All of these decisions are made exclusively by the tenants who are renting the premises.

For the same reasons asserted, we submit that the use of Oxford House-Lyoncrest, (which is based on the same model of self-run, self-supported shared living as an intentional "family") is likewise not a community care center, rooming or boarding house, group home or halfway-house under any applicable definition. See *Oxford House - Evergreen v. City of Plainfield*, 769 F. Supp. 1329 (D. N.J. 1991)(Oxford House is not a halfway house. Residents share more than "household responsibilities" and meals. The residents make all house decisions in a democratic fashion. But even more important, the support they lend each other is therapeutic, in the same manner as that of a well-functioning family. The relationship is not analogous to that between residents of a boarding house).<sup>1</sup>

Oxford House residents are considered to be the "functional equivalent" of a family for several reasons. First, all the residents have access to the entire house. Second, all the residents participate equally in the housekeeping functions of the house, i.e. house chores and house finances. Each resident, however, is responsible for her own food and cooking. Third is the quality of the relationship among the residents. The emotional and mutual support and bonding given Oxford House residents in support of their recovery from drug addiction and alcoholism is the equivalent of the type of love and support received in a traditional family. Finally, the living arrangement is not

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<sup>1</sup>Also, See *Oxford House, Inc., et al. v. Township of Cherry Hill*, 799 F. Supp. 450 , 452 (D.N.J. 1992), wherein the Court stated:

Oxford Houses are not health care facilities, rehabilitation centers, or supervised halfway houses. They are simply residential dwellings rented by a group of individuals who are recovering from alcoholism and drug addiction . . . No professional treatment, therapy, or paid staff is provided. Unlike a boarding house, where a proprietor is responsible to run and operate the premises, at Oxford House, the residents are responsible for their own food and care as well as for running the home. Because the house must be self-supporting, each of the residents needs a source of income to pay his or her fair share of the expenses.

See, *United States v. Borough of Audubon*, 797 F. Supp 353, *aff'd* 968 F.2d 14 (3d Cir. 1992)(Oxford Houses are not health care facilities, rehabilitation centers, or supervised halfway houses. Unlike those facilities, no professional treatment or paid staff are provided. Instead, such houses are simply residential dwellings that are rented by a group of individuals who are recovering from alcoholism or drug addiction.). The Court also held that Oxford House residents are handicapped under the Federal Fair Housing Act, and that the residents drug and/or alcohol addictions did substantially impair one or more of their major life activities.



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based upon a profit motive. It has been found that individuals who decide to live in programs such as that offered by Oxford House-Lyoncrest are allowed to engage in the process of recovery from alcoholism and substance abuse at their own pace, which enhances their ability to advance and succeed in the recovery process. By living with other persons who are in recovery, the residents should never have to face an alcoholic's or addict's deadliest enemy: loneliness and isolation. It is necessary that 1923 B Street be able to have a maximum of fourteen (14) residents in order for the residents to ameliorate the effects of the diseases of alcohol and drug addiction. *Schwarz v. City of Treasure Island*, 544 F.3d 1201, 1227 (11th Cir. Fla. 2008).

In addition, residents live in an Oxford House-Lyoncrest by choice. The choice is usually motivated by the individual's desire not to relapse into drug and/or alcohol use again after that individual has "bottomed out," i.e., lost jobs, home or family. It is also motivated by the desire that one must change their lifestyle, the manner in which they conduct their affairs, and the need to become a responsible, productive member of society. The final factor in determining that Oxford House-Lyoncrest residents are the "functional equivalent" of a family is the fact that there is no limit as to how long a resident can stay in Oxford House-Lyoncrest. Conceivably, an individual can stay in Oxford House-Lyoncrest for a lifetime if he/she does not relapse. The Surgeon General of the United States has recognized the Oxford House model as a leading example of "Recovery Housing." *Facing Addiction in America: The Surgeon General's Report on Alcohol, Drugs, and Health*. 2016.; <https://addiction.surgeongeneral.gov/>. In order to assist the City in granting Oxford House, Inc.'s reasonable accommodation request, please consider the following explanation of the Oxford House concept, as well as the Federal Fair Housing Act as it applies to Oxford House and its residents.

The residents of Oxford House are considered "handicapped" under the 1988 amendments to the Federal Fair Housing Act (FFHA). See 42 U.S.C. 3600 et seq. Recovering addicts and alcoholics are specifically included within the definition of "handicapped individual." See, 42 U.S.C. 3602(h) and 24 C.F.R. 100.201(a)(2). See, also, *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725(1995). The Fair Housing Act was amended to include handicapped individuals within its parameters, and to guarantee the ability of these individuals to live in the residence of their choice within the community. *Tsombanidis v. City of West Haven*, 180 F.Supp. 2d 262, 282 (D. Conn. 2001), *aff'd in part, rev'd in part*, 352 F.3d 565 (2d Cir. 2003); *Oxford House - Evergreen v. City of Plainfield, supra*. (noting that residents of an Oxford House in Plainfield, New Jersey "are part of a nationally recognized program which, through peer pressure and strict conditions of abstinence, successfully maintains freedom from addiction and improves the lives and opportunities of its participants."); *Oxford House, Inc. v. Township of Cherry Hill*, 799 F. Supp. 450, 454 (D.N.J. 1992)("There is a shortage of adequate housing in New Jersey for recovering substance abusers and alcoholics. Interfering with the use of the aforementioned residences as Oxford Houses and forcing the residents to leave would be extremely detrimental to their recovery and would substantially increase the likelihood of relapse"). As recovering alcoholics and addicts who cannot presently live independently or with their natural families, Oxford House residents are individuals with handicaps within the meaning of the Fair Housing Act. *City of Plainfield*, at 1342.



## II. REASONABLE ACCOMMODATION REQUEST TO BE TREATED AS A FAMILY

Under the FFHA, it is a discriminatory housing practice to refuse to make "a reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford [a handicapped] person equal opportunity to use and enjoy a dwelling." 42 U.S.C. § 3604(f)(3)(B); *Groome Resources, Ltd. v. Parish of Jefferson*, 234 F.3d 192 (5th Cir. 2000) *Smith & Lee Assocs. v. City of Taylor*, 102 F.3d 781, 790 (6th Cir. 1996); *Wisconsin Correctional Serv. v. City of Milwaukee*, 173 F. Supp. 2d 842 (E.D. Wisc. 2001); *Oconomowoc Residential Programs, Inc. v. City of Milwaukee*, 300 F.3d 775, 787 (7th Cir. 2002); *ReMed Recovery Care Centers v. Township of Willistown*, 36 F. Supp. 2d 676, 683 (E.D. Pa. 1999); *Tsombanidis v. City of W. Haven*, 180 F. Supp. 2d 262, 283, *rev'd on other grounds*, 352 F.3d 565 (2nd Cir. 2003).

Under Fair Housing Amendments Act of 1988, the City may not act to prevent those with handicaps from living in recovery housing within its boundaries. A reasonable accommodation in this instance would be for the City to accept the residents of Oxford House as the functional equivalent of a family and waive the limitation on the number of unrelated persons who may reside together under the City's zoning code, and apply all code provisions in the same manner as it applies to single family dwellings for single family purposes. In other words, Oxford House is seeking to be treated as a family under the express terms of the City's definition of family. *See, Oxford House, Inc. v. City of Baton Rouge*, 932 F. Supp. 2d 683, 693 (M.D. La. 2013) (finding that the proposed use of the Oxford Houses is similar to the uses already permitted by the zoning, and that it is reasonable to treat the uses as a family).

The reasonable accommodation requirement of the Fair Housing Act draws no distinction between "rules," "policies," and "practices" that are embodied in zoning ordinances and those that emanate from other sources. All are subject to the "reasonable accommodation" requirement. Thus, when a municipality refuses to make a reasonable accommodation in its zoning "rules," "policies," or "practices," and such an accommodation may be necessary to afford handicapped persons an equal opportunity to use and enjoy a dwelling, it violates the reasonable accommodation provision of the act, 42 U.S.C. 3604(f)(3)(B). *See United States v. Village of Marshall*, 787 F. Supp. 872, 877 (W.D. Wis. 1991) (Congress in enacting the Fair Housing Amendments Act "anticipated that there were rules and regulations encompassing zoning regulations and governmental decisions about land use")

The Courts have interpreted reasonable accommodation in cases involving zoning ordinances to mean that a municipality must change, waive or modify a rule that is generally applicable to everyone so as to make its burden less onerous on the person with disabilities. *Township of Cherry Hill* at 465, n. 25. *See, Casa Marie, Inc. v. Superior Court of Puerto Rico for the District of Arecibo*, 752 F. Supp. 1152, 1169 (D.P.R. 1990), *rev'd on other grounds*, 988 F.2d 252 (1st Cir. 1993) (noting that a court hearing a reasonable accommodation claim under the Fair Housing Act may "adjudge whether compliance with the zoning ordinances may be 'waived'"); *Horizon House Development*



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*Services v. Township of Upper Southampton*, 804 F.Supp. 683, 699-700 (E.D. Pa. 1992), *aff'd mem.*, 995 F.2d 217 (3d Cir. 1993) ("affirmative steps are required to change rules or practices if they are necessary to allow a person with a disability to live in a community"). A request for a reasonable accommodation may even encompass as request for non enforcement of a zoning ordinance. *Proviso Association of Retarded Citizens v. Village of Westchester*, 914 F. Supp 1555, 1561-62 (N. D. Ill. 1996); *Tsombanidis, supra*.

One of the purposes of the reasonable accommodations provision is to address individual needs and respond to individual circumstances. In this regard, courts have held that municipalities that municipalities must change, waive, or make exception to their zoning rules to afford people with disabilities the same access to housing as those who are without disabilities. *Town of Babylon*, 819 F. Supp. at 1192; *Horizon House*, 804 F. Supp. at 699; *Township of Cherry Hill* 799 F. Supp. at 461-63; *Village of Marshall*, 787 F. Supp at 878; *Commonwealth of Puerto Rico*, 764 F. Supp. at 224; *Tsombanidis, supra*.

The Fair Housing Act places an affirmative duty on the municipality to accommodate the needs of persons with disabilities. The Act demands that local governments such as the City of Lincoln change the manner in which its zoning ordinances are applied to afford the disabled the same opportunity to housing as those who are not disabled. *City of Plainfield*, 769 F. Supp. at 1344 (accommodation reasonable where it "would not cause undue financial burden to the City").

Permitting Oxford House to exist would not significantly compromise the policies reflected in any of the land use ordinances that the City would apply or enforce. Nor is there any significant evidence that such an accommodation would significantly compromise the City's legitimate interests in the protecting the residential character of the surrounding neighborhood. The City of Lincoln is not being asked to build housing; rather, it is being requested to remove an obstacle to housing. *See, Town of Babylon, supra; Huntington Branch, NAACP v. Town of Huntington*, 844 F.2d 926, 936 (2d Cir), *aff'd* 488 U.S. 15 (1988).

If need be, Oxford House can demonstrate that the proposed accommodation is reasonable, for the Fair Housing Act requires a showing that the accommodation "may be necessary to afford [handicapped] person[s] equal opportunity to use and enjoy a dwelling." 42 U.S.C. 3604(f)(3)(B). *See, Parish of Jefferson v. Allied Health Care, Inc.*, 1992 U.S. Dist. Lexis 9124 (E.D. La.)(The proper inquiry on a request for a reasonable accommodation is the number of unrelated persons who can reside together is to reasonableness of the request.) If the City classifies Oxford House as something other than a single family use, it is actually enforcing its definition of family in its zoning ordinance by utilizing more stringent requirements on groups of unrelated disabled individuals wishing to live together in a rental property than on individuals related by blood or marriage. *Parish of Jefferson, supra* (zoning ordinance limiting the number of unrelated persons residing together as a family to four found to be in violation of the Fair Housing Act since it has the effect of discriminating against groups of handicapped persons by unnecessarily restricting their ability to live



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in residences of their choice in the community.) *Tsombanidis v. City of West Haven*, 180 F. Supp. 2d 262 (D.Conn. 2003) (stringent enforcement of the City's three person rule has a greater adverse impact on disabled persons than non-disabled persons). *Oxford House, Inc. v. City of Baton Rouge*, 932 F. Supp. 2d 683 at 691 (request to be treated as a family is reasonable.)

Reasonable accommodation requests are necessary to achieve an opportunity for the disabled residents of Oxford House to live in a residential area of the City of Lincoln. *Schwarz v. City of Treasure Island*, 544 F.3d 1201, 1226 (11th Cir. 2008)(Section 3604(f)(3)(B)(requires only accommodations necessary to ameliorate the effect of the plaintiff's disability so that the resident may compete equally with the non-disabled in the housing market.) Absent the group-home setting, the individual residents of the plaintiffs' programs would not be able to live in a supportive environment in a residential area, let alone a single-family residential area. *See also Oconomowoc Residential Prog.*, 300 F.3d at 784 ("When a zoning authority refuses to reasonably accommodate these small group living facilities, it denies disabled persons an equal opportunity to live in the community of their choice."); *Sharpvisions, Inc. v. Borough of Plum*, 475 F. Supp. 2d 514, 524-25 (W.D. Pa. 2007) (holding that request for accommodation to definition of "family" was necessary for a resident "to enjoy the housing of his or her choice"). *Groome Resources, Ltd. supra*; *Oxford House, Inc. v. City of Baton Rouge*, 932 F. Supp. 2d 683 at 693(residency in Oxford House has been shown to ameliorate the effects of alcoholism and drug addiction).. *See also, Oxford House, Inc. v. Browning*, 266 F. Supp. 3d 896, 915 (M.D. La. 2017)(The residents of Oxford House comport themselves like a family and does not require additional fire safety requirements).

The Oxford House residents are individuals who are handicapped by alcoholism or drug abuse. It can demonstrate that the ability of recovering alcoholics and drug addicts to live in a supportive drug free environment in a quiet residential area is critical to their recovery as enhances the recovery process.<sup>2</sup>

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<sup>2</sup>Other programs similar to Oxford House have successfully demonstrated the need of recovering individuals to reside in quiet residential areas in order to enhance the recovery process. *See Borough of Audubon*, 797 F. Supp at 360 ("Based on the testimony, we find that the OH-Vassar residents' addictions substantially limit their ability to live independently and to live with their families. Accordingly, we find that the residents are "handicapped" under the Act, and are entitled thereby to the protections of the Act. We do not think that the list of major life activities set forth in the regulation was meant to be all-inclusive. Even if it were, the residents would still satisfy the definition because their inability to live independently constitutes a substantial limitation on their ability to 'care for themselves.'"); *City of Plainfield*, 769 F. Supp at 1339-40. ("In addition to losing their residence, which may in itself be an irreparable injury, plaintiffs would also lose the benefit of their therapeutic and supportive living environment, and may relapse. . . . For a non-handicapped individual, the disintegration of a family unit is traumatic for recovering alcoholics and drug addicts, it may be devastating.")



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The residents of Oxford House are individuals who are handicapped by alcoholism or drug abuse and who cannot live independently without the risk of relapse. They cannot live with their families, friends or in the neighborhoods that contributed to their use of drugs and alcohol. Oxford House can demonstrate that the ability of recovering alcoholics and drug addicts to live in a supportive drug free environment in a quiet residential area is critical to their recovery since they are not able to live independently at this time without the fear of relapse. These individuals are more likely to need a living arrangement such as provided by Oxford House, wherein groups of unrelated individuals reside together in a residential neighborhood for mutual support during the recovery process so as to prevent the possibility of resumption of the use of drugs and/or alcohol. This type of living arrangement provides the tools to the residents to enable them at a future time to be a sober responsible, productive member of society. *Township of Cherry Hill*, 799 F. Supp. at 450. "When that home is also a therapeutic environment critical to maintaining continued recovery from alcohol or drug addiction, eviction is life threatening. Depriving such individuals of housing, or evicting them, would constitute irrational discrimination that may seriously jeopardize their continued recovery." *See City of Plainfield*, 769 F. Supp at 1345.

Each resident of Oxford House is a recovering alcoholic and/or substance abuser. The Oxford House residents' status as persons in recovery from alcoholism and/or substance abuse limits one or more major life activities as that term is defined under both the Fair Housing Act, 42 U.S.C. § 3602(h), and the Americans with Disabilities Act, 42 U.S.C. § 12102(2). Major life activities have been limited because they are unable to live independently without the fear of relapse; that they need to live in a structured sober living environment; their inability to reside with their families or significant others leads to the risk of relapse; their lack of knowledge and ability to live without the use of drugs and alcohol; the lack of a stable living environment; the possibility of becoming homeless or incarcerated; and, the need to be surrounded with other women who are learning to live productively without the use of drugs or alcohol. *See, Oxford House, Inc. v. City of Baton Rouge*, 932 F. Supp. 2d 683, 689 (M.D. La. 2013); *Reg'l Econ. Cmty. Action Program v. City of Middletown*, 294 F.3d 35, 47-48 (2d Cir. 2002); *McKivitz v. Twp. of Stowe*, 769 F. Supp. 2d 803, 821-822 (W.D. Pa. 2010).

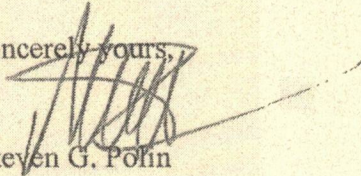


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It is our desire to work with the City to allow Oxford House to provide quality sober housing in the City. If, however, the City seek to interfere with the opening of the Oxford House, we will not hesitate to take appropriate legal action to insure that housing is not denied to a persons who need safe and sober housing.

Please do not hesitate to contact me at 202-390-0238 to discuss.

Sincerely yours,



Steven G. Polin

cc: Oxford House, Inc.



**From:** [Mark Brohman](#)  
**To:** [Council Packet](#)  
**Cc:** [Tammy J. Ward](#); [Tammy J. Ward](#); [Tom J. Beckius](#); [James M. Bowers](#); [James M. Bowers](#); [Richard W. Meginnis](#); [Richard W. Meginnis](#); [jraybould@lincoln.ne.ne.gov](mailto:jraybould@lincoln.ne.ne.gov); [jraybould@lincoln.ne.ne.gov](mailto:jraybould@lincoln.ne.ne.gov); [Bennie R. Shobe](#); [Sandra J. Washington](#)  
**Subject:** Code Violation Letter  
**Date:** Monday, August 22, 2022 8:50:01 AM  
**Attachments:** [CT220635 2648 WASHINGTON 2022 \(1\).pdf](#)

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Please review the attached letters. As you have seen (hopefully) from the article on the drug and alcohol rehabilitation facilities in Lincoln and Omaha over the weekend, the City of Lincoln needs to make sure clients placed in these facilities are safe. That they are not overcrowded, fire and safety codes are followed, and their wellbeing is monitored.

The attached letter is from a house (2637 Washington Street) purchased this summer by Michael's House out of Omaha. As you know, Michael's House purchased two other houses (N. 35th and Walker Ave.) and were over occupancy before they received "reasonable accommodations" by the City Council. The house at 2637 Washington had at least six if not more unrelated adult males living in it when they received the attached letter. As of this weekend, they have one working toilet in this four bedroom house. When I inquired with the parole officer Jordan Wall, why she was placing additional clients in this house when they were already over the code allowance of three unrelated occupants, she replied that the owner Michael C. told her he had talked to the City Council and he was going to get approved.

The City needs to take a stand and protect these clients' rights and not allow them to be taken advantage of, before a group like the ACLU steps in and claim the City is not providing safety to it's citizens as they transition back to normal life. The prison overcrowding situation is the State's obligation and the City needs to step up and not allow the State to overcrowd these facilities.

Today's vote on the Oxford House at 1923 B street is the beginning.

Mark Brohman  
2637 Washington Street  
Lincoln, NE 68502

August 09, 2022

MAK DEVELOPMENT LLC  
6607 MAPLE ST  
OMAHA, NE 68104

**RE:** 2648 WASHINGTON ST  
WOODS BROS AND KELLYS PARK ADDITION, BLOCK 1, Lot 16  
CT220635

**Dear** MAK DEVELOPMENT LLC,

An inspection was made by the Housing Code Section of the DEPARTMENT OF BUILDING & SAFETY, of your property at 2648 WASHINGTON ST on August 09, 2022. This inspection was made due to a complaint.

It was found that the following Property Maintenance Code or zoning violations exist and must be corrected in order to comply with Titles 21 and 27 of the Lincoln Municipal Code. The list of violations is attached.

Since these are violations of the Lincoln Municipal Code and are required to be corrected, we will reinspect on September 08, 2022, at which time the corrections must be completed. Appropriate permits may be required for these repairs in accordance with the applicable codes enforced by this office. Failure to complete the necessary repairs by the date specified will result in the City taking legal action against the property owner.

An inspection fee of \$75.00 will be charged to you if the violations in this notice are not corrected by the completion date outlined in this letter. The inspection fee is result of the adoption of amendments by the City Council to section 21.05.120 and 5.38.040 of the Lincoln Municipal Code.

The decision of the Code Official contained herein ordering the repair may be appealed to the Housing Advisory and Appeals Board by any person having record title or legal interest in the building, provided a \$100.00 fee is paid and a written appeal is filed in the DEPARTMENT OF BUILDING & SAFETY, 555 S 10th St, (County-City Building, Room 203), Lincoln NE 68508-2803, within twenty (20) days from the date of service of this notice and order. You may obtain an appeal form from the DEPARTMENT OF BUILDING & SAFETY office or you may call 402-441-7785 to request a form be mailed to you. Failure to so appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

Should you have any questions or to set up an inspection, please call me at (402) 441-6430 , 8:00 a.m. 4:30 p.m., Monday through Friday. If the repair work is inaccessible for re-inspection, it will be necessary for the owner or his/her agent to make an appointment for reinspection to confirm compliance.

Sincerely yours,

James Reinsch  
Housing Inspector

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## List of Deficiencies

1. 801 Violation: More than three unrelated persons living in a single family dwelling. LMC 27.02.070.  
Required Action: Reduce occupancy to no more than three unrelated people living in the single family dwelling.
2. A1. 401 Violation: Smoke alarms are missing or inoperative. IPMC Sec. 704.2 as amended by LMC Sec. 21.05.510.  
Required Action: Single or multiple-station smoke alarms shall be installed and maintained in all residential occupancies:
  1. On the ceiling or wall outside of each separate sleeping area.
  2. In each room used for sleeping purposes. Exception: In groups R-2 & R-3 dwellings, smoke alarms are not required in each room used for sleeping purposes unless said room is renovated, remodeled, repaired, improved or otherwise subject to construction for any reason requiring a building permit or requiring a correction order from the code official. In the event of conflict, IBC, IRC, and IFC shall control.
  3. In each story within a dwelling unit, including basements and cellars but not crawl spaces and uninhabitable attics. In split level units a smoke alarm on the upper level is adequate if there is not a door separating the two and the lower level is less than a full story below the upper level.

ENSURE ALL BED ROOMS HAVE WORKING SMOKE DETECTORS AND ONE LOCATED OUTSIDE BED ROOMS  
SMOKE DETECTOR IN BASEMENT  
CO2 DETECTORS IN BASEMENT AND ONE LOCATED ON FIRST LEVEL ABOVE GAS SOURCE
3. 504 Violation: Water heater installed without a permit. IPMC Sec. 505.4  
Required Action: Repair/replace. A plumbing permit must be applied for and received from this office.
4. 602 Violation: Light fixture is improperly wired or is not maintained in good condition. IPMC Sec. 604.3, 605.1.  
Required Action: Repair or replace lighting fixtures.  
  
BATHROOM LIGHT FIXTURE, REPAIR
5. 616 Violation: Every bathroom shall contain at least one receptacle. All bathroom receptacle (s) must be protected by a ground fault circuit interrupter (GFCI). IPMC Sec. 605.2 as amended by LMC 21.05.465  
A licensed electrician is required to add or change the existing receptacles to be GFCI protected. This must be done to all receptacles that are located in any bathroom.

**From:** [Mark Brohman](#)  
**To:** [Council Packet](#); [Tammy J. Ward](#); [Tom J. Beckius](#); [James M. Bowers](#); [Richard W. Meginnis](#); [Sandra J. Washington](#); [Bennie R. Shobe](#); [Jane Raybould](#)  
**Cc:** [Jane Raybould](#); [swashing1@aol.com](mailto:swashing1@aol.com)  
**Subject:** Fw: [Omaha World-Herald] No licensing, little oversight: Omaha owner of homes for sex offenders faces his own charge  
**Date:** Monday, August 22, 2022 9:50:39 AM

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City Council Members,

This article needs to be considered when the City Council votes on crowding too many clients in drug and alcohol rehab facilities in Lincoln today without “reasonable conditions”.

The well being of the clients should be the top priority.

Mark Brohman

2637 Washington Street

Lincoln NE 68502

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Monday, August 22, 2022, 9:37 AM, Mark Brohman <[mbrohman2004@yahoo.com](mailto:mbrohman2004@yahoo.com)> wrote:

[https://omaha.com/news/local/crime-and-courts/no-licensing-little-oversight-omaha-owner-of-homes-for-sex-offenders-faces-his-own-charge/article\\_24f2084c-1e6e-11ed-9206-6f312de4bffa.html?utm\\_medium=social&utm\\_source=email&utm\\_campaign=user-share](https://omaha.com/news/local/crime-and-courts/no-licensing-little-oversight-omaha-owner-of-homes-for-sex-offenders-faces-his-own-charge/article_24f2084c-1e6e-11ed-9206-6f312de4bffa.html?utm_medium=social&utm_source=email&utm_campaign=user-share)

Sent from [Mail](#) for Windows



**From:** [C Egenberger](#)  
**To:** [Council Packet](#)  
**Subject:** 22R-298 -Oxford Home at 1923 B St  
**Date:** Monday, August 22, 2022 11:54:58 AM

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Dear City Council members,

I understand that today you are voting on whether to approve the reasonable accommodation for the Oxtford home at 1923 B street (22R-298). As you may know, I twice testified in support of this reasonable accommodation when it was up for public comment in front of the council. As a neighbor and active community resident, I see no harm that this sober living house poses nor have I heard of complaints from my interactions with neighbors regarding existing sober-living homes in our neighborhood.

Since hearing the feedback from those in opposition last week, I wanted to reflect that it appears most concerns were related to the safety of the individuals living in the Oxford house. I think this presents an opportunity for reflection on what it is neighbors are expressing concerns over. If safety is truly the concern, I wonder how this reflects on other housing safety issues that exist in our neighborhood.

For example our neighborhood and city has experienced many fires that have caused personal trauma and health threats in addition to completely destroying the homes of our neighbors. Since fire safety was brought up as a concern at the Oxford home, I'm wondering what the city is doing to improve fire risk awareness and mitigation?

It appears that the Oxford home at 1923 B street has taken proper steps to ensure that the living situations meet fire code and have proper alarm systems in place. I don't see this as a reason to block this reasonable accommodation for individuals working on sobriety and wellness. However, I am encouraged that those who fear the presence of the Oxford home may be able to put their energy towards advancing the safe, accessible and affordable housing across our neighborhood as they too see the threat of unsafe housing has on all of us.

Please consider the true issues being presented and how the city can partner with residents in building a safer and more resilient community. I assure you that discrimination is not the answer.

Please support the Oxford home at 1923 B ST.

Your neighbor,  
Chelsea Egenberger  
1716 B ST #1

Past Testimony:

Dear City Council Members -

As a neighbor to the Oxford House and resident of this city, who knows the value of affordable, supportive living, I am asking you to approve this reasonable accommodation for 14 individuals to live in a sober community at 1923 B street.

I'm concerned by the rhetoric I hear from some in my neighborhood and around the city that boil down individuals living in Oxford homes to labels such as "felons" and "addicts". These individuals are complex and have many identities, just like the rest of us. Those identities include neighbors, family members, friends, acquaintances, co-workers, and they are members of our community. Above all else, these individuals are human beings and they are asking for your help in their recovery.

I ask that you not give in to fear. I ask that you see this as a step in transforming Lincoln into a more inclusive community. Lincoln is in a housing crisis. We can't just build our way out of it. We need creative, adaptable, and affordable housing solutions for all Lincoln residents. Basic, affordable housing is fundamentally necessary for any individual to achieve personal goals, and ultimately, to thrive. We need housing options that empower individuals in their recovery and we must welcome them as vital members in our community.

As a neighbor, the Oxford home poses no undue burden to me or to my neighborhood. If an issue does arise, I hope we as neighbors can handle it together through conversation, creativity and connection. We have so much to gain. By embracing wellness opportunities such as this Oxford home, we only lose our assumptions and our fear.

I believe another world is possible where everyone's basic needs are met and our wellness is prioritized. For that to become a reality, we need everyone to be part of it. As city council members, Please do your part in welcoming and empowering these individuals in our community by approving this reasonable accommodation for a sober living family at 1923 B street.

Please support healing for a stronger Lincoln, a Lincoln that prioritizes people over property. Thank you.

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Working the past 15 years in the field of social work has given me access to the housing options and current housing conditions that individuals with disabilities live with. I have also

seen the stark difference between options in Minnesota and Nebraska, where our state currently fails to provide quality, affordable, and accessible housing to our neighbors with disabilities. Individuals can't get well without housing. Individuals do get well when they are empowered to address their challenges while their basic needs are met. The Oxford home model does just that for individuals who live with alcohol dependence, which impacts them physically and mentally. We need more adaptable and holistic housing solutions. For me that includes option like the Oxford house at 1923 B st, just down the street from me. I know the squalor individuals who live in Bel Air Homes and Prescott Place have to pay their entire paychecks to reside there with only \$65 a month for their personal needs. Perhaps if their models empowered residents in forming a communal living situation around their wellness, those "group homes" could also provide support and care for individuals. However, it has been my experience that those forms of housing have not adequately supported individuals in the smallest ways, let alone on their pathway of recovery and wellness. Empower our fellow residents in Lincoln and support the Oxford home. As a neighbor, this is what I want to see for a stronger and more resilient community!

**From:** [Jason Ables](#)  
**To:** [Council Packet](#)  
**Subject:** reasonable accommodation 1923 B street  
**Date:** Monday, August 22, 2022 12:49:55 PM

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One last message before you vote today. As a near south resident I agree with city planning staff & attorneys & support this request for a reasonable accommodation at 1923 B St .

thanks  
jason ables  
1200 s 23rd st

**From:** [Andrew R. Willis](#)  
**To:** [Council Packet](#)  
**Subject:** Coyote/Finke Redevelopment Plan and separation of residential use and alcohol sales  
**Date:** Tuesday, August 23, 2022 11:03:31 AM  
**Attachments:** [image002.png](#)

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City Council members – I wanted to follow up on a question from the public hearings yesterday (8/22/22) on the Coyote/Finke Redevelopment Plan.

There was a question about the separation between the existing establishments selling liquor and the proposed residential use adjacent to the MoPac Trail as part of the proposed redevelopment project.

We asked Planning about this issue, and Brian Will provided the following information:

“Cosmic Eye Brewing was there first. It met all the location criteria for siting in the B-5 zoning district (LMC 27.62.100(j)) where the sale of alcohol is a conditional use and does not require a special permit. There is nothing then prohibiting a sensitive use (day care, residential zoning, church, park, etc.) from moving in closer than the required separation criteria. That is, there is nothing preventing a sensitive use from coming to the nuisance so to speak.

If some nonconformity is created by the nearby siting of a sensitive use (less that the required separation for example), the sale of alcohol can continue as before but any expansion of the alcohol sales may require a special permit for the expansion of a nonconforming use. So the siting of a sensitive use contrary to the conditional use provisions may create a nonconforming condition for the alcohol sales, but the only impact would be potentially on a future expansion of alcohol sales and no impact on the existing use. It could continue to operate as before.”

So, from a zoning perspective, the existence of the Brewery does not prohibit the residential development.

Additionally, it is important to note that the area where the residential units would be built is already zoned R-2, so the conditional permit for the brewery would have already taken into account the residential zoning district. Lincoln Municipal Code Section 27.62.110(b)(2) requires that the exterior door must be at least 150 feet from a residential district. Since the residential district already exists in this location, the distance calculation will not change if and when houses are built (distance to the residential district would have already been measured), so the development should not even create any nonconformity. Additionally, Deadmans Run as a barrier between the commercial and residential areas should further alleviate any concerns with this separation distance.



You will have the chance to raise this issue again when the PUD and/or Redevelopment Agreement is in front of the Council for approval, but hopefully this adequately addresses the concerns over separation of residential uses and alcohol sales. Please let me know if you have additional questions. Thank you.

**CLINE WILLIAMS**

**ANDREW R. WILLIS**

**CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER, L.L.P.**

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**From:** [Alice Miller](#)  
**To:** [Council Packet](#)  
**Subject:** Streets et al  
**Date:** Tuesday, August 23, 2022 7:35:04 PM

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Council Members,

I see no mention of a plan to address the terrible condition of our streets in Lincoln. I've written to the mayor at least twice when money was given to the city at the height of Covid and of course her response was double talk.....e.g. "that's a decision of the street department" !! I suggested she drive anywhere else in the city besides her path from home to south 10th street, e.g. 56th Street especially south from Normal/Gere library corner, Normal itself, and south 84th street ad infinitum. I remember a letter to the editor a few months ago from someone born and raised in Lincoln who now lives elsewhere but was mortified when he returned for a visit to find the condition of our streets.

Instead, she announces the hiring of a \$135,000 employee whose responsibility is to make sure that city employees are protected from any kind of discrimination in the work place!! As one example of how ridiculous that is, consider comparing these questions: how many city employees are there? how many citizens (and visitors) are there in the city of Lincoln? Does every employer have to hire such a position?? Hardly!! When did we elect social workers? We have elected all of you city leaders to lead, to protect, to not only maintain the status quo of life in Lincoln Nebraska but to improve it within your power.

What is your response? My group of friends and acquaintances love this city, want to support you as representatives of US! But do we think you listen, respond, pay attention?? None of us have seen much proof of that. For instance, I sent ALL of you my scenario of dealing with the city attorney's office last year after a devastating fall and hospitalization because of an erupted sidewalk. I included my doctor's statement, my hospital records, a description of the lousy PR from a woman in that office, a refusal by you and/or your requirements for speaking at a council meeting, and you know what - I heard from TWO of you, long after the fact, long after I could speak at a council meeting. You can bet my circle of friends and acquaintances have heard of my disappointing experience. I'm just a non-trouble maker citizen, long time resident, graduate degree from UNL, raised two children in the public schools and UNL (who btw are now a nurse practitioner and a neurosurgeon), self-employed full time. . . . a citizen who thinks we have a right to be represented by people who truly want to represent us. I must say, my experience and your absolute shunning of

my situation has left a very negative memory for me and for the people I continue to tell about it.

Alice Miller