

High court hears group-home case

By Susan Rosiek
staff writer

Whether or not cities have the right to restrict the placement of group homes for mentally retarded and other groups is an issue that was argued before the state Supreme Court Tuesday.

Livonia city attorney Harry Tatigian said the court's decision should resolve whether cities have the power to limit group homes.

Tatigian told the court the issue is really a zoning case not one involved with the right of the mentally handicapped or mentally ill.

Many Michigan communities have challenged the state's right to place homes in communities despite zoning or other restrictions. Michigan's lower courts generally and the state court of appeals without exception have upheld the state's right to place group homes, however.

The appeal which reached the supreme court Tuesday was made by Livonia and Southfield. The case is the first that the high court has agreed to review.

Most officials expect the ruling to decide the group home issue. Attorneys estimate it could take six months for the court to announce its decision.

"We're thankful we're here to finally get the issue resolved," Tatigian told the six Supreme Court Justices Tuesday. Justice Charles Levin was absent but it is expected he will listen to tapes of the proceedings and take part in the decision.

Attorneys for both sides presented brief oral arguments. The bulk of the arguments were in legal briefs which will be reviewed by the court.

The Livonia/Southfield appeal — consolidated at the request of the high court — involves four separate cases. Three were initiated by Livonia, the fourth by Southfield.

The Livonia cases concentrated on the issues of zoning violations, building deficiencies, deed restrictions and state licensing procedures. Each of the Livonia cases involved a request by the Department of Social Services (DSS) to license an existing home for use as an adult foster care small group home. The three homes, 28043 Stammoor, 14266 Ellen Drive and 29700 Pickford, are in areas zoned for single-family use.

The Southfield suit was filed by Greenfield Civic Association case and centered on the placement of mentally ill adults in group homes.

Tatigian asked the justices to consider that homeowner have a right to be heard.

He also said there was an unfairness to the administrative law judge procedure which has ruled in disputes with the state. The administrative law judge works for Department of Social Services, which is the licensing agency for group homes.

Livonia's attorney said the language in Public Act 218 — the law which allows adult foster care homes — is vague and unconstitutional because it doesn't contain standards for determining what is an "excessive concentration" of adult foster care facilities. Many communities have contended that they have an excessive concentration of group homes.

Tatigian said that "more affluent communities are being left with none (group homes)."

Arguing for the state Department of Social Services was William Basinger, assistant attorney general. Dolores Coulter of the Michigan Protective and Advocacy Services for the Developmentally Disabled represented group home residents and Jon Garrett represented the group home owners and operators.

Justices James Brickley questioned Basinger about how the state defines "excessive concentration."

Basinger explained that it depends on many demographic factors — availability of shopping, housing, transportation, schools, hospitals etc. and that "facts should be the ultimate determinant."

"It's like pornography — you know it when you see it," Basinger said. He indicated that Livonia did not have an excessive concentration and said that group home residents are less than 11

one-thousandths of one percent of Livonia's population.

Asked when "excessive concentration" might be recognized, Basinger claimed it is when normal residential surroundings tend to deteriorate. Justice William Ryan suggested that deterioration could be emotional as well as physical.

Garrett, representing group-home providers, argued that the term excessive concentration is a "two-edged sword".

He explained that the provision was meant to guard against establishing mental health ghettos.

Dolores Coulter argued that persons living in foster care homes have a right to live in normal residential surroundings. She argued that any reversal by the high court "would undermine public policy and turn back the clock."

William Poole, assistant city attorney in Southfield, emphasized the classification of people placed in group homes. Poole's arguments revolved around the definitions of "mentally ill" and "emotionally disturbed."

Poole argued that group-home enabling legislation lists four categories of adults eligible for placement in small group homes — aged, emotionally disturbed, developmentally disabled and physically handicapped "and not mentally ill" said Poole.

Although attorneys for either side declined to speculate on the outcome, Garrett noted that 11 decisions from the Michigan Courts of Appeals and 32 out of 36 circuit court cases have been in favor of group homes.

"We can't be that far off base," Garrett said.

Computer courses are scheduled

Several courses with an emphasis on computers have been scheduled by Madonna College, Livonia, this month.

Scheduled for 9 a.m. to 3 p.m. May 12 and 19 is "Computers For Non-Computer People." The two Saturday workshops will provide an introduction to computers, including terminology, basic operations and capabilities. The fee is \$10.

Two separate courses for the family are offered. "Computers For Moms," will be held from 9-11 a.m. Monday and Wednesday, May 14 and 16. Designed for the beginner, it will feature hands-on experience, computer games and exercises. The fee is \$20.

"Computer Camp For Kids" will consist of eight sessions from 6-8:30 p.m. beginning on Monday. Additional sessions are scheduled for June and July. The fee is \$65.

A Friday evening workshop, "Buying A Home Computer," will assist the first time purchaser in selecting a computer for use in the home or small business. It is scheduled 6-10 p.m. Friday, May 18. The fee is \$10 person or \$15 per couple.

A class, "Computers and Nursing," will address the role of computer systems in health care. Scheduled for Thursday, May 24, it will be held from 9 a.m. to 3 p.m. The fee is \$35.

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