



## **RISE RECOVERY LLC**

CONSIDERATION OF THE RISE RECOVERY LLC PROPOSED SITE PLAN/CONDITIONAL USE PERMIT FOR A RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY – SOBER LIVING, LOCATED AT 1330 WEST 3100 NORTH

APPLICANT: Rise Recovery LLC

June 4, 2026

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## **REQUEST SUMMARY**

Rise Recovery, LLC has applied for a conditional use permit along with a Reasonable Accommodation request to operate a 14-bed residential support facility for individuals with disabilities recovering from substance use disorders and other qualifying mental health conditions at 1330 West 3100 North in Pleasant View.

The request is made pursuant to the federal and state Fair Housing Acts and Utah land use law, which require municipalities to provide reasonable accommodations necessary to afford persons with disabilities equal housing opportunity. Under the current Pleasant View City Code, only five unrelated disabled individuals may reside together without additional approval; therefore, Rise Recovery has requested accommodation from the City's occupancy limitations.

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## **BACKGROUND**

The applicant submitted an ADA Reasonable Accommodation Request concurrently with a business license application for the proposed residential facility at 1330 West 3100 North. As part of the request, the applicant sought waiver of the City's conditional use permit process applicable to residential facilities for persons with disabilities housing more than five unrelated individuals. The City consulted with legal counsel regarding the request, and

counsel advised that the matter should be reviewed by an independent third-party hearing/appeal officer. The City's legal counsel subsequently retained Christopher Crockett, a land use attorney, to review the accommodation request and supporting materials submitted by both the applicant and the City and to render a decision. Following his review, Mr. Crockett determined there was insufficient evidence to support waiving the conditional use permit process. Mr. Crockett also issued additional findings and conclusions, which are further discussed in the accompanying Memorandum of Decision.

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## ANALYSIS

In the Memorandum Decision and Order, the independent hearing officer, Christopher K. Crockett, determined that the applicant provided sufficient evidence demonstrating that the proposed residential support program qualifies as a residential facility for persons with disabilities under applicable federal and state law.

The decision notes:

- ✓ That the proposed use is residential in nature, will operate within an existing residential structure, and is not intended to function as an institutional or inpatient treatment facility.
  - ✓ The applicant represented the facility would maintain the residential character of the neighborhood and would not create impacts beyond those typically associated with residential occupancy
  - ✓ The applicant provided adequate documentation supporting the necessity and reasonableness of the requested accommodation to allow up to fourteen unrelated residents at the property (PVC code allows up to 5).
  - ✓ The conditional use review must be limited in scope. Specifically, the conditional use process is not intended to reconsider whether the use is permitted, whether the residents qualify as persons with disabilities, or whether the number of residents should be reduced. The purpose of the conditional use process is limited to evaluating whether reasonably anticipated land use impacts can be mitigated through objective and reasonable conditions consistent with City code and Utah law.
  - ✓ Examples of conditions that may be considered during the conditional use review, including parking management, compliance with health and safety standards, maintaining residential character, obtaining and maintaining required state licensing, and ensuring the facility operates consistent with representations made in the application materials.
  - ✓ The conditional use permit should be approved if reasonably anticipated impacts can be mitigated through appropriate conditions supported by substantial evidence in the record.
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## ORDER

- The City must recognize the proposed use as a residential facility for persons with disabilities under applicable federal and state law.
- The City must allow Rise Recovery to operate at the property with up to fourteen (14) residents as a reasonable accommodation.
- The City must treat the use as residential in nature and evaluate it in the same manner as other similarly situated residential uses.
- The City may not reconsider during the conditional use process whether:
  - the use is allowed,
  - the residents qualify as persons with disabilities, or
  - the number of residents should be reduced.
- The City must conduct the conditional use permit review consistent with the standards outlined in the Decision and Order and in compliance with federal and state law.
- **The City must limit the scope of the public hearing and decision-making process to objective land use impacts and whether those impacts can be mitigated through reasonable conditions.**
- **The City may not base its decision on generalized public opposition, speculation, stigma, or discriminatory concerns regarding the residents.**
- The City must approve the conditional use permit if reasonably anticipated impacts can be mitigated through reasonable conditions supported by substantial evidence in the record.
- Any conditions imposed by the City must:
  - be directly tied to specific City Code provisions,
  - be supported by substantial evidence in the record, and
  - include a factual basis explaining the need for the condition.
- The City may impose reasonable conditions related to items such as parking, maintaining residential character, compliance with health and safety standards, licensing requirements, noise, lighting, and consistency with the submitted application materials.

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## PUBLIC NOTICE

Public notice of the proposed General Plan amendment was published in accordance with Utah State Code requirements, including:

- Posting on the Utah Public Notice Website

- Posting on the Pleasant View City website
  - Posting at City Hall
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## STAFF RECOMMENDATION

Staff recommends Planning Commission grant approval of the conditional use permit allowing fourteen residents if they can determine the reasonably anticipated impacts can be mitigated through appropriate conditions.

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## STAFF CONTACT

Andrea Z. Steiniger, MBA – City Administrator  
[asteiniger@pleasantviewut.gov](mailto:asteiniger@pleasantviewut.gov)  
801.782.8529

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## ATTACHMENTS

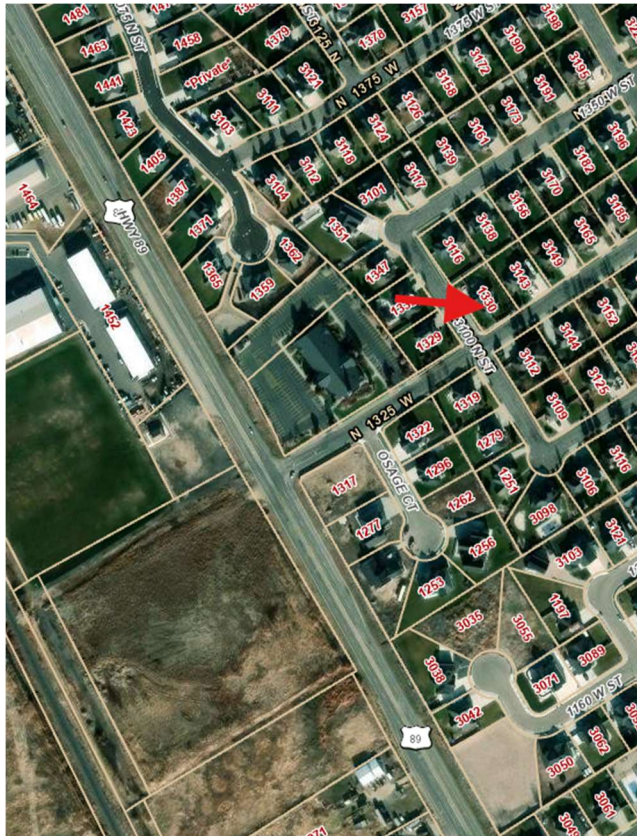
- Attachment A – Property & Vicinity Map
- Attachment B – Memorandum Decision and Order on Reasonable Accommodation Request

# ATTACHMENT A

Property:



Vicinity Map:



ATTACHMENT B

**PLEASANT VIEW CITY, STATE OF UTAH**

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**IN THE MATTER OF AN APPLICATION  
FOR REASONABLE  
ACCOMMODATION – RISE  
RECOVERY LLC (1330 W 3100 N,  
PLEASANT VIEW, UT 84414)**

**MEMORANDUM DECISION AND  
ORDER ON REASONABLE  
ACCOMMODATION REQUEST**

**DECISION MAKER:  
CHRISTOPHER K. CROCKETT**

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**I. INTRODUCTION**

This matter involves a request by Rise Recovery LLC (“Rise”) for a reasonable accommodation under the Fair Housing Act to operate a residential support program at 1330 West 3100 North in Pleasant View, Utah (the “City”). Rise seeks to house up to fourteen adult men who qualify as persons with disabilities under the law and asks the City to treat the use as residential. Rise also asks the City to modify certain land use requirements that would otherwise limit occupancy and require a public hearing for a conditional use permit. For the reasons discussed below, the requested accommodation is granted in part and denied in part.

**II. BACKGROUND**

Rise submitted a written request for reasonable accommodation, together with supporting declarations and exhibits describing the proposed use and the necessity of the requested occupancy on February 24, 2026. In its application, Rise seeks multiple accommodations under federal and state law. First, Rise requests relief from the City’s occupancy limitations to allow up to fourteen unrelated individuals with disabilities to reside together in a single residential household, rather than the five-person limit otherwise applicable under City code. Second, Rise requests modification of the City’s procedural requirements by seeking waiver of the conditional

use permit process, including the public hearing requirement, as applied to this use. Third, Rise requests that the City interpret and apply its definition of “disability” consistent with federal and state law, or, to the extent necessary, grant an accommodation from any narrower interpretation that would exclude the proposed residents from protection.

The City and the applicant have stipulated that the undersigned would act as the decision authority for purposes of deciding the reasonable accommodation request and that the matter be resolved based upon the written record submitted. The City has not presented additional evidence either in support or opposition to the proposal. As a result, the matter is being decided solely based upon the materials provided by Rise. The City and Rise also stipulated that the public hearing ordinarily required as part of the conditional use permit process be waived.

### **III. FINDINGS**

The subject property is located in the RE 15 zone, which is intended for single-family residential use. Within that zone, a residential facility for persons with a disability is permitted through issuance of a conditional use permit. PLEASANT VIEW CITY CODE § 18.09.030.

The record establishes that Rise’s proposed use is to establish a residential support program (commonly referred to as “sober living”) where residents live together in a shared dwelling environment with peer support and supervision. The program is voluntary, does not involve court-ordered placement, and does not function as an institutional or inpatient treatment facility. Decl. of Brock Howick ¶¶ 8–9. The property itself will remain a residential structure, and Rise does not propose exterior or structural changes that would alter its residential appearance or character of the surrounding neighborhood. Application at 2; Decl. of Brock Howick at ¶ 17. Rise also states that the use will not materially increase traffic, parking demand, noise, or lighting beyond levels typically associated with residential occupancy. *Id.* at ¶¶ 15–18.

Rise has also submitted a business license application and an application to the Utah Department of Health and Human Services for a license to operate. Business License Application at 1–12. Rise represents that all required licensing from the State of Utah will be obtained and maintained as a condition of operation, and certifies that all residents qualify as persons with disabilities under applicable law. Decl. for Business License at ¶ 4. Finally, Rise has submitted a substantial amount of secondary material in support of its request. Taken together, the undersigned finds that the record sufficiently demonstrates the proposed use will function as a residential household and is consistent with the character of the surrounding neighborhood.

#### IV. LEGAL ANALYSIS

The Fair Housing Act (“Act”) requires municipalities to make reasonable accommodations when necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B). The governing standard requires that the accommodation be both reasonable and necessary, with necessity meaning that the accommodation is essential rather than merely helpful. See *Bangerter v. Orem City Corp.*, 46 F.3d 1491, 1502 (10th Cir. 1995); *Cinnamon Hills Youth Crisis Center, Inc. v. Saint George City*, 685 F.3d 917, 923 (10th Cir. 2012).<sup>1</sup>

The Act does not displace local zoning authority, and state and local governments may continue to implement and enforce neutral land use procedures. The United States Department of Justice and the United States Department of Housing and Urban Development have jointly recognized that group homes for persons with disabilities remain subject to state and local land use regulations, provided that such regulations are applied in a manner consistent with the Fair Housing Act and include reasonable accommodations where necessary. See HUD Joint

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<sup>1</sup> Rise has provided a thorough and comprehensive legal analysis of reasonable accommodation requests under the Fair Housing Act.

Statement – State and Local Land Use Laws and Practices and the Application of the Fair Housing Act, Exhibit KK. In short, while the Act preserves local zoning authority and permits the use of neutral procedures, it prohibits the application of those regulations in a manner that discriminates against protected individuals or treats them differently than similarly situated families.

Utah’s Land Use, Development, and Management Act (“LUDMA”) governs the process for reviewing land use applications. Under UTAH CODE ANN. § 10-20-506 and the corresponding provisions of the Pleasant View City Code, a conditional use permit shall be approved if reasonably anticipated detrimental effects can be mitigated through reasonable conditions. *See* Pleasant View City Code § 18.54.020. Utah’s courts have also made clear that municipalities must comply with their own ordinances and may not disregard procedural requirements absent lawful authority. *Springville Citizens for a Better Community v. City of Springville*, 1999 UT 25, ¶ 29.

Two distinct legal inquiries are presented here as a result. First, the reasonable accommodation analysis determines whether the use must be allowed and how it is classified. Second, the conditional use process determines whether any site-specific impacts associated with that use can be mitigated through reasonable conditions. The determination that a use is residential in nature does not mean that it is free from impacts. Even residential uses may give rise to considerations such as parking, traffic, or similar issues, which are properly addressed through the conditional use process.

The record more than adequately establishes that the requested accommodation is necessary and reasonable, that the requested occupancy level is supported by the evidence as essential to the functioning of the program and to providing meaningful housing opportunity, and

that any impacts associated with the use can be mitigated through reasonable conditions imposed through the conditional use process based on objective land use standards that are applicable to residential uses in general.

#### **A. Request to Waive Public Hearing**

Rise has requested that the City waive the public hearing ordinarily required as part of the conditional use permit process. The reasons identified include concerns regarding presumed stigma and embarrassment, potential public opposition, and delay. While those concerns are understandable, the governing legal standard requires a showing that waiver is necessary to afford equal housing opportunity. The evidence does not demonstrate that a public hearing cannot occur; rather, it reflects concern regarding the nature of potential public comment. That concern can be addressed through a more narrowly tailored approach. By clearly defining the scope of the hearing and limiting the decision to objective land use considerations supported by substantial evidence, the City can ensure compliance with federal law without eliminating the hearing entirely. Public clamor or generalized opposition cannot form the basis for a land use decision, and the decision maker must rely only on substantial evidence contained in the record. It is not reasonable to assume that every public hearing, by virtue of accepting comment, will result in discriminatory decision making. The land use authority is capable of receiving public input, considering relevant and credible evidence, and disregarding comments that are speculative, unsupported, or based on improper considerations. This conclusion is reinforced by the structure of Utah land use law and the City's ordinances, which mandate that conditional uses shall be approved when impacts can be mitigated through neutral and objective conditions. Rendering a decision based on public clamor would be arbitrary and capricious and grounds for reversal under state law as well.

The public hearing is a procedural component of that approval process, not a barrier to it. Although the LUDMA does not independently require a public hearing in all cases, the City has adopted such a requirement by ordinance.<sup>2</sup> Once adopted, that requirement must be followed. The City may not waive it absent authority within the ordinance or a showing that waiver is necessary under federal law. Neither is present here. For these reasons, the request to waive the public hearing is denied.

### **B. Scope of Hearing and Decision Framework**

The conditional use permit proceeding must be conducted in a manner that reflects the determinations made in this Order and complies with federal and state law. At the outset of the hearing, the decision maker should clearly explain the scope and purpose of the proceeding so that all participants understand the issues. By way of example, a public hearing may be opened with an introductory statement, such as:

This matter is under consideration for a conditional use permit. The City has already determined that the proposed use is residential in nature and that occupancy of up to fourteen residents is permitted as a reasonable accommodation under the Fair Housing Act.

This hearing is thus limited in scope. The decision maker is not reconsidering whether the use is allowed, whether the residents qualify as persons with disabilities, or whether the number of residents should be reduced. Those issues have already been decided and are not before us.

Instead, the purpose of this hearing is to determine whether any reasonably anticipated land use impacts associated with the proposed use can be mitigated through reasonable conditions consistent with the City's ordinances. Public comment will be accepted; however, the decision must be based on substantial evidence in the record. Comments based on generalized concerns, speculation, or opposition to the nature of the residents do not constitute substantial evidence and cannot be relied upon in making this decision.

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<sup>2</sup> It has been represented that Pleasant View City intends to remove residential treatment facilities as generally permitted uses in the future. As of the date of the business license and conditional use applications, however, they are still listed as a conditional use under the City's Land Use Code.

The decision maker shall ensure that the hearing remains focused on those issues and shall not rely on generalized public opposition or speculation. The decision maker may also implement appropriate time, place, and manner restrictions on the conduct of the hearing, including reasonable limits on the duration of individual comments or the overall length of the hearing. Such restrictions are constitutionally permissible within a limited public forum and ensure that the hearing is conducted in an orderly, fair, and efficient manner while preserving the rights of all participants.

### **C. Conditions and Approval Standard**

The record supports the conclusion that reasonably anticipated impacts associated with the proposed use can be mitigated through reasonable conditions. Under Utah law and City code, the conditional use permit shall be approved if such mitigation is achieved. In doing so, the use must be evaluated and regulated in the same manner as any other similarly situated residential use. The accommodation requires that the proposed use be treated as a residential use for purposes of applying land use regulations, and it may not be subjected to different or more burdensome standards based on the status of its residents.

Conditions imposed as part of the conditional use approval must be directly tied to specific provisions of City code and must be supported by substantial evidence in the record. Each condition shall be accompanied by a clear statement of the factual basis supporting the condition and the corresponding code provision that justifies its inclusion. This requirement ensures that the final decision is supported by substantial evidence on the record and is not arbitrary or capricious, consistent with Utah law governing judicial review of land use decisions. *See* UTAH CODE ANN. § 10-20-1109.

Appropriate conditions may include requirements addressing parking, including the development of a parking plan agreed upon by the City and the applicant, as well as requirements ensuring that the use is operated in a manner that maintains the residential character of the surrounding neighborhood. Additional conditions may require that no commercial signage be installed, that the facility comply with all generally applicable public health and safety standards, including applicable noise and lighting ordinances, and that the applicant obtain all required licensing from the State of Utah prior to commencing operation and maintain such licensing in good standing. Conditions may also require that the facility operate in a manner consistent with the representations made in the application and supporting materials. Any material change to the nature of the use, including any increase in the number of residents or alteration in operational characteristics, shall require approval under the applicable provisions of City code. These requirements ensure that the conditional use process complies with both federal and state law and that the accommodation granted is implemented in a manner that is consistent, lawful, and supported by the record.

## **V. DECISION AND ORDER**

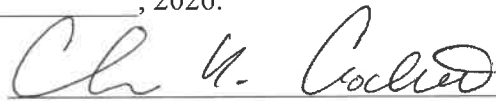
Rise has presented sufficient evidence demonstrating that the requested accommodation is necessary and reasonable, and there is no evidence submitted to the contrary. The record further supports the conclusion that the proposed residents qualify as persons with disabilities protected under the Act and applicable state law. The proposed use is residential in nature, and the requested occupancy level of up to fourteen unrelated individuals is supported by the record. The request for reasonable accommodation to that extent is therefore granted. Rise is permitted to operate a residential facility for persons with a disability at the subject property with up to

fourteen residents, and the use shall be treated as residential in nature and evaluated in the same manner as any other similarly situated residential use.

The request to waive the conditional use permit process and the public hearing required by City ordinance is denied, and the conditional use permit process shall proceed in accordance with this Order. The decision maker, whether the undersigned if so designated by the City Council or the Planning Commission, shall apply the standards set forth herein and shall approve the conditional use permit if reasonable conditions can mitigate any identified impacts.

This Decision and Order ensures compliance with federal and state law, preserves the integrity of the City's land use framework, and provides a clear and legally defensible path forward to final decision.

DATED this 21<sup>st</sup> day of April, 2026.



Christopher K. Crockett  
Reasonable Accommodation Decision Maker



## HUMAN SERVICES APPLICATION

Allow up to two weeks in processing time for this application.  
You will receive an email to let you know the status of this application.  
Submitting this application does not guarantee approval.

### PURPOSE

This is a formal request to process a new Human Services Application.

- This is a new application
- This is a change of ownership
- This is a change of location
- This is an addition of a new license category
- This is a change of population served

### GENERAL INFORMATION

Facility Name:

Rise Recovery Pleasant View

Website:

http://example.com

Facility Email:

riserecoveryutah@gmail.com

Phone Number:

(801) 819-9415

Fax Number:

( ) \_\_\_ - \_\_\_

**Facility Address:**

1330 West 3100 North

Apt #, Suite #, etc...

Pleasant View

UT

84414

Validate Address

**Mailing Address:**

Same as address above

4088 South Emma Circle

Apt #, Suite #, etc...

Salt Lake City

UT

84124

Validate Address

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**PERSONNEL INFORMATION**

**Facility Contact Person:**

Jared Fredrickson

**Email Address:**

riserecoveryutah@gmail.com

**Phone Number:**

(801) 819-9415

**Administrative Contact Person:**

Jared Fredrickson

**Administrative Contact Email:**

Phone Number:

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES CONTRACTS

List all contracts with the Department of Health and Human Services that apply to this facility:

- None
- Division of Child and Family Services
- Division of Juvenile Justice Services
- Division of Services for People with Disabilities
- Other

List DHHS Contract Number(s):

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## LICENSE TYPE

Mark all license types for services offered at this facility

- Adult Day Care
- Child Placing Adoption
- Child Placing Foster
- Day Treatment
- Outdoor Youth Program
- Outpatient Treatment
- Recovery Residence
- Residential Support
  - Capacity:
- Residential Treatment
- Social Detoxification
- Therapeutic Schools

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## POPULATIONS SERVED

Mark all that apply

- Adult
- Youth
- Children
- Family
- Other

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## OWNERSHIP INFORMATION

Ownership Type:

Ownership Name:

Ownership Email:

Phone Number:

Address:

Is this program owned or governed by any entity other than that listed in the ownership information above?

- Yes  No

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## DACS SCREENING AGENT

Identify no more than two DACS "screening agents" from your organization to be responsible for training in our DACS system and maintaining background clearances for your organization. Each screening agent must provide their name and a unique email address in order to be set up in DACS.

Primary Screening Agent Name:

Jared Fredrickson

Primary Screening Agent Email Address:

riserecoveryutah@gmail.com

Primary Screening Agent Phone Number:

(801) 819-9415

Secondary Screening Agent Name:

Jared Fredrickson

Secondary Screening Agent Email Address:

riserecoveryutah@gmail.com

Secondary Screening Agent Phone Number:

(801) 819-9415

- Upon receipt of this application, screening agents will be given a user account in DACS. After their own background screenings have cleared and online training material has been reviewed, screening agents will enter applications for the remaining employees of your organization.
  - Training materials and information on DACS can be found at [dlbc.utah.gov](https://dlbc.utah.gov).
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## DOCUMENTS REQUESTED

You can upload a copy of any document by clicking the "Choose File" button. Uploaded documents will be submitted with this application.

Only documents in PDF format are accepted.

- Provide the name and contact information for each responsible decision-maker, including any owner or program or facility director

Choose File No file chosen

- Local Health Department Inspection

Choose File No file chosen

- Fire Clearance

Choose File No file chosen

- Business License

Choose File No file chosen

- General Liability Insurance

Choose File No file chosen

- Professional Liability Insurance (If applicable for services being offered.)

Choose File No file chosen

- Fire Insurance

Choose File No file chosen

- Additional Insurance to Cover Program Activities

Choose File No file chosen

- Vehicle Insurance (if transporting clients)

Choose File No file chosen

- Outline of the organizational structure of the agency (lines of authority, position titles, job descriptions etc.)

Choose File No file chosen

- Non-discrimination Policy

Choose File No file chosen

- Floor plan outlining and labeling designated space and measurements for capacity determination (Required for the following license types: Day Treatment, Residential

Treatment, Residential Support, Recovery Residence, Adult Daycare, Social Detoxification, Therapeutic Schools)

Choose File No file chosen

- Notice of intent and proof of service submitted to the city where the licensed facility will operate (Required only for Residential Treatment)

Choose File No file chosen

- Youth Education Coordinating Form approved and signed by the school board or superintendent (Required only for Residential Treatment programs serving education entitled children)

Choose File No file chosen

- Suicide prevention policy (Required only for Congregate Care programs)

Choose File No file chosen

- Behavioral management policy including policies regarding the use of restraint and seclusion (Required only for Congregate Care programs)

Choose File No file chosen

- Proof of educational accreditation (Required only if offering school on-site)

Choose File No file chosen

- DUI Education Provider Agency certificate (if offering DUI education)

Choose File No file chosen

- Controlled substances dispensing licenses and registrations (Required for any program that prescribes, stores, administers, distributes or dispenses controlled substances. This form can be found at [dlbc.utah.gov](https://dlbc.utah.gov).)

Choose File No file chosen

You can submit required documentation at any time. However, your application will not be complete until the Office of Licensing has received all required documents. You have 6 months from the date of your application to submit all required documents or your application will be denied.

## CONFLICT OF INTEREST

Is there a conflict of interest with any owner, decision maker or provider associated with this license request?

(Conflict of Interest means a situation where a person is in a position to derive personal benefit from actions or decisions made in their official capacity.)

Yes  No

Has this program (or any associated individuals) applied for and been denied DHHS licensure within the 3 months prior to the date of this application?

Yes  No

Have any of the individuals associated with this program been a licensee of a program that has had its license revoked within the past 5 years?

Yes  No

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## ATTESTATION

You must check the box to certify your understanding and agreement of the conditions below.

I attest to the following:

- I am an authorized representative of this program.
- I have reviewed and understand the licensing rules applicable to this site.
- The information provided within this application is thorough, accurate and true.
- I have thoroughly identified all individuals responsible for this site.
- I understand that this application may be denied (or a penalty assessed, once licensed) for providing misleading or false information to the Office of Licensing, program clients, prospective clients or the public.

I do hereby state that I understand the statements above and that the information provided on this application is true and correct to the best of my knowledge.

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## CERTIFICATE OF UNDERSTANDING

You must check the box to certify your understanding and agreement of the conditions below.

I understand this is a formal request upon which a licensing decision will be based. I agree to abide by the rules promulgated by the State of Utah for this category of human service facility and do hereby state that the information provided on this application is true to the best of my knowledge and belief.

I further understand that I am responsible for admitting and retaining only those persons who qualify as defined in the applicable rules and facility policies and procedures. I agree to allow authorized representatives of the Department of Health and Human Services, upon presentation of proper identification, to enter the facility at any reasonable time without warrant and to review facility records and documents as necessary to ascertain compliance with State licensing laws and rules.

**An application is considered complete when all required documents and fees are received by the Office of Licensing.**

# Rise Recovery pleasant view property

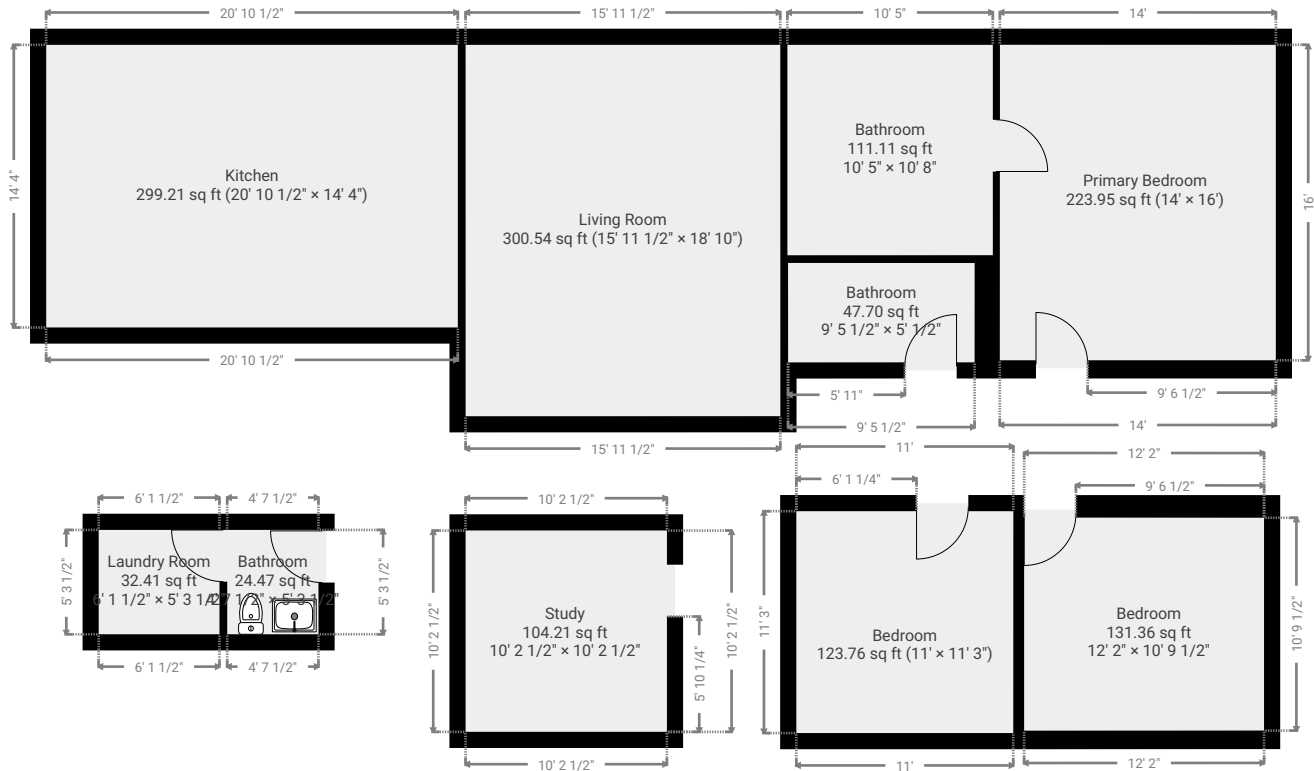
1330 West 3100 North, 84414 Pleasant View, Utah, US

TOTAL AREA: 3654.39 sq ft • LIVING AREA: 3654.39 sq ft • FLOORS: 3 • ROOMS: 17



## ▼ Ground Floor

TOTAL AREA: 1693.83 sq ft • LIVING AREA: 1693.83 sq ft • ROOMS: 10



## ▼ 2nd Floor

TOTAL AREA: 315.18 sq ft • LIVING AREA: 315.18 sq ft • ROOMS: 1



# Rise Recovery pleasant view property

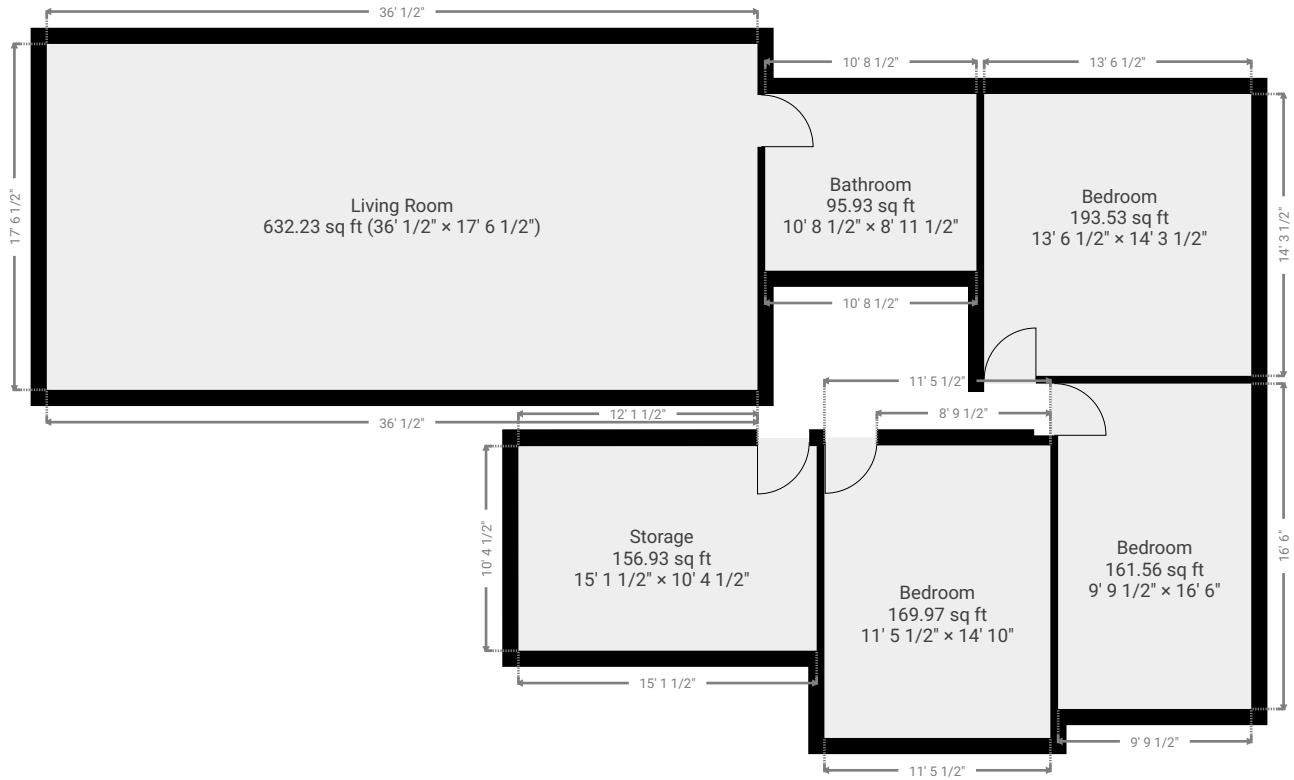
1330 West 3100 North, 84414 Pleasant View, Utah, US

TOTAL AREA: 3654.39 sq ft • LIVING AREA: 3654.39 sq ft • FLOORS: 3 • ROOMS: 17



## ▼ Basement • Level 1

TOTAL AREA: 1645.38 sq ft • LIVING AREA: 1645.38 sq ft • ROOMS: 6















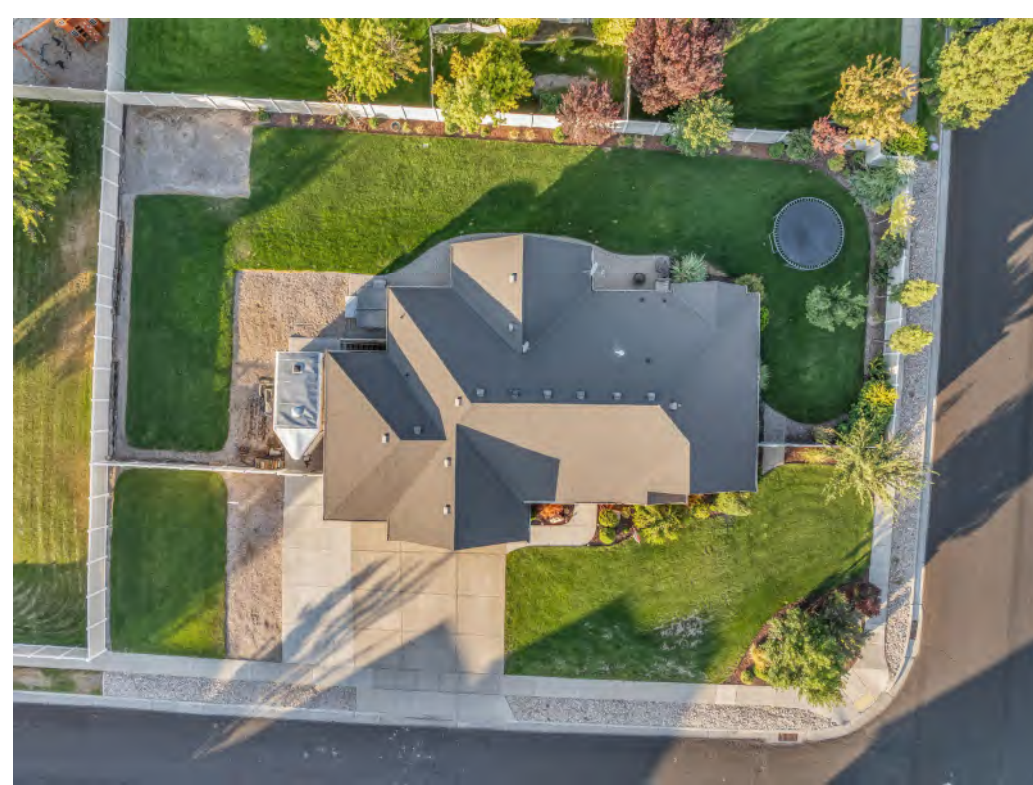














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**IN PLEASANT VIEW CITY, STATE OF UTAH**

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In the Matter of an Application for Business License– Rise Recovery LLC

(1330 W 3100 N, Pleasant View, UT 84414)

**BUSINESS LICENSE  
DECLARATION FOR  
RISE RECOVERY LLC**


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I, Jared Fredrickson, do hereby affirm and state as follows:

1. I am the owner of Rise Recovery LLC.
2. I make this declaration in support of the business license application to be submitted by Rise Recovery LLC to operate a Residential Facility for Persons with a Disability within Pleasant View City.
3. I affirm and state that no person will be placed or remain in the facility whose prior or current behavior, actions and/or criminal incidents or convictions, have demonstrated that such person is or may be a substantial risk or direct threat to the health or safety of other individuals, or whose said behavior, actions and/or incidents or convictions have resulted in or may result in substantial physical damage to the property of others.
4. I further affirm and state that all current residents/clients qualify and that all future residents/clients will qualify prior to admission to the facility as persons with a disability as defined within the Americans with Disabilities Act.

I certify under penalty of perjury pursuant to the law of the State of Utah that the foregoing is true and correct to the best of my knowledge, belief, and understanding.

DATED: 2/24/2026 | 7:09 PM MST

Signed by:  
  
C4F34710E26E4A9  
JARED FREDRICKSON

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**IN PLEASANT VIEW CITY, STATE OF UTAH**

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In the Matter of an Application for  
Reasonable Accommodation – Rise  
Recovery LLC

(1330 W 3100 N, Pleasant View, UT  
84414)

**DECLARATION  
OF  
BROCK HOWICK**

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I, Brock Howick, hereby declare and state as follows:

1. I am over the age of eighteen (18), am competent to testify, and have personal knowledge of the matters stated herein.
2. I am a Licensed Clinical Social Worker (“LCSW”) in the State of Utah. I hold a Bachelor of Science and a Master of Social Work from The University of Utah with emphases in Forensics. A true and correct copy of my curriculum vitae is attached as **Exhibit A**.
3. I serve as the Clinical Director for Rise Recovery LLC (“Rise Recovery”). In this role, I am responsible for clinical oversight, program design, and ensuring that Rise Recovery’s recovery-oriented housing and support services are consistent with evidence-based practices for individuals recovering from substance use disorders and co-occurring mental health disabilities.
4. Based on my education, licensure, and professional experience, I am familiar with clinically accepted standards and best practices applicable to residential support programs, including relapse-prevention principles, peer-support models, supervision standards, and disability-related accommodations necessary to afford individuals with disabilities an equal opportunity to use and enjoy a dwelling.

5. I submit this declaration in support of Rise Recovery's Application for Reasonable Accommodation to Pleasant View regarding Rise Recovery's intended use of the real property located at 1330 W 3100 N, Pleasant View, UT 84414 (the "Property").

6. Rise Recovery currently seeks approval to operate the Property as a residential support program for up to fourteen (14) adult men with disabilities.

7. Rise Recovery operates residential support programs that provide safe, stable, and structured housing for individuals with disabilities recovering from substance use disorders and co-occurring mental health conditions, including post-traumatic stress disorder (PTSD), anxiety, and depression.

8. The Property will function as a residential support program commonly referred to as a "sober living"—not as an inpatient or residential treatment facility. Residents live at the Property in a substance-free environment that emphasizes peer support, accountability, routine, and a community-based group therapy environment.

9. Admission to the program is strictly voluntary. Rise Recovery does not accept residents in lieu of incarceration, as part of any court-ordered confinement or correctional program, or from a correctional treatment unit. Individuals who pose a direct threat to the health or safety of others or to property are not admitted.

10. The program serves adults only and will operate as a men-only residence. Typical length of stay ranges from approximately six (6) months to one (1) year, though actual duration varies based on each resident's recovery needs.

11. All residents who live at the Property are individuals with disabilities within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(h), and the Americans with Disabilities Act,

42 U.S.C. § 12102. Residents are clinically diagnosed with substance use disorders and often experience co-occurring mental health disabilities.

12. Due to the nature of these disabilities, it is necessary for them to live in an environment that minimizes isolation, reduces relapse risk, and provides consistent peer support and supervision.

13. The Property will be supervised 24 hours per day, 7 days per week, 365 days per year by professionally trained staff members.

14. Typical staff-to-resident ratios are approximately 1:7 during normal business hours and approximately 1:14 during evenings, graveyards, and weekends. There may be up to three (3) staff members present during peak daytime hours, with fewer staff present during evenings and weekends.

15. Residents generally do not maintain personal vehicles. Historically, approximately one (1) out of every six (6) residents owns a vehicle. When transportation is required, residents are typically shuttled to appointments, meetings, and other limited off-site locations using Rise Recovery passenger vans.

16. Parking demand at the Property is therefore minimal and primarily attributable to staff vehicles. Overnight parking demand is expected to be limited—approximately one (1) to two (2) vehicles.

17. The proposed use of the Property will remain residential in nature. Rise Recovery does not propose structural alterations that would alter the residential character of the neighborhood.

18. The program is not expected to increase traffic, noise, lighting, or parking beyond levels typical of a single-family residential use.

19. Based on my training and professional experience, a minimum census of fourteen (14) residents is necessary at the Property for the effective operation of a residential support program serving individuals with substance use and co-occurring mental health disabilities.

20. Recovery from substance use disorders is highly vulnerable to isolation. Group living in a sober, supportive environment is clinically necessary to reduce relapse risk, reinforce accountability, and foster emotional stability.

21. A fourteen-resident census at this Property as it currently sits provides sufficient peer interaction to prevent residents from being left isolated in the home or in portions of the home at any given time, while avoiding the need for intrusive monitoring that would undermine the residential nature of the program.

22. The program requires residents in early recovery to share bedrooms, typically with two (2) to four (4) residents per room when space allows. Shared bedrooms reduce isolation, discourage secrecy, and promote healthy peer relationships. A larger census is necessary to allow compatible roommate pairings and adjustments while accounting for trauma histories, interpersonal dynamics, and contraindications.

23. Census size is also essential to maintaining program stability in light of predictable attrition. Residents may temporarily or permanently leave the home due to relapse, family obligations, employment opportunities, or other personal circumstances. A fourteen-resident census ensures that the supportive peer environment remains intact despite these routine fluctuations.

24. A larger household at the Property also allows for natural peer mentorship between newer residents and those further along in recovery. This peer modeling is a core component of recovery-oriented housing and significantly improves outcomes.

25. Smaller household sizes are more vulnerable to disruption when a single resident experiences a crisis or setback, which can destabilize the entire home. A fourteen-resident census, as the home currently sits, provides resilience and emotional balance that is necessary for individuals in early recovery.

26. These principles align with the Stable Environment Model (“SEM”), a recognized social-model recovery framework commonly applied to residential support programs. SEM emphasizes daily, face-to-face peer interaction, mutual aid, consistent routines, and shared responsibility within a stable household environment.

a. Under SEM, recovery-supportive housing functions as an integrated social network in which residents practice sober living skills together, provide prosocial accountability, and reconstruct self-identity as persons in recovery. Peer bonds formed through shared routines, chores, meals, and communal living foster supportive “alternative family” or “fictive kin” relationships that are particularly important for individuals with substance-use and co-occurring mental health disabilities who are vulnerable to isolation.

b. SEM increases recovery capital by providing continuous social interaction, peer encouragement, and informal monitoring that reduces relapse risk without institutionalizing the living environment. These benefits arise from the density and continuity of peer relationships, which require a sufficient household size.

c. A household census of at least fourteen (14) residents at the Property as it currently sits is necessary to achieve the interaction frequency, relationship diversity, and resilience required for SEM to function effectively. Smaller household sizes undermine SEM by limiting peer matching, reducing mentorship opportunities, and increasing the destabilizing impact of routine admissions, discharges, or individual crises.

d. Within the SEM framework, residents naturally organize into overlapping support, sympathy, and mentorship groupings, which provide emotional safety, social investment, and sustained accountability. These dynamics cannot reliably develop or persist in a smaller residential setting.

27. Research in social psychology and anthropology demonstrates that human social support systems organize into predictable layers, including a small core support clique (approximately four to five individuals) and a larger “sympathy group” (generally ranging from approximately twelve to fifteen individuals) in which meaningful, non-familial emotional support and mutual aid are formed. See, e.g., R.I.M. Dunbar & M. Spoor, *Social Networks, Support Cliques, and Kinship*, 6 *Human Nature* 273–290 (1995); A. Sutcliffe et al., *Relationships and the Social Brain*, 102 *British Journal of Psychology* 1 (2011).

28. For individuals recovering from substance use disorders and co-occurring mental health disabilities, access to a functional peer network approximating a sympathy group is critically important. These individuals frequently experience social isolation, fractured family relationships, and diminished recovery capital as a direct result of their disabilities.

29. A residential support program must therefore be large enough to support frequent peer interaction, relationship diversity, and continuity of support. In smaller households, the departure, relapse, or crisis of even one resident can significantly destabilize the social environment, increasing isolation and relapse risk for remaining residents.

30. A census of up to fourteen (14) residents represents the minimum practical size at which a residential support program can approximate a functional sympathy-group dynamic in a housing context, allowing residents to form meaningful peer bonds while maintaining a residential, non-institutional environment.

31. Shared living arrangements, including shared bedrooms, further mitigate isolation and promote accountability and emotional regulation. Research and clinical experience consistently demonstrate that isolation exacerbates relapse risk, negative self-talk, and co-occurring symptoms of depression, anxiety, and trauma.

32. Rise Recovery's residential support program operates on a staggered-admission basis, commonly referred to in social-model recovery literature as a "revolving membership group," meaning that residents begin and conclude their residence at the Property at different times rather than as a fixed cohort. As a result, census size must account for predictable attrition inherent in recovery-supportive housing, including voluntary departures, temporary removals following relapse, and exits related to employment or family obligations. A maximum census of fourteen (14) residents is necessary to ensure that, despite these routine and foreseeable fluctuations, the household retains sufficient peer presence to preserve continuity of support, mentorship relationships, accountability, and overall household stability.

33. The requested accommodation allowing a maximum census of fourteen (14) residents represents the minimum necessary to afford individuals with disabilities an equal opportunity to use and enjoy the Property as it currently sits. Because the functional limitations associated with substance use disorders and co-occurring mental health disabilities include heightened vulnerability to isolation, relapse, emotional dysregulation, and inability to live independently, housing that lacks sufficient peer presence and stability is effectively inaccessible to this population. Operating the Property at a lower census would materially undermine the peer-support structure, continuity, and household functioning that mitigate these disability-related barriers, thereby denying residents meaningful access to housing on terms comparable to non-disabled individuals. The requested census is therefore not optional, excessive, or

preferential, but is required to make the housing usable for the intended residents consistent with the Fair Housing Act and the Americans with Disabilities Act.

34. The requested reasonable accommodation is necessary, not merely convenient or helpful, to afford individuals with disabilities an equal opportunity to use and enjoy a dwelling within the meaning of the Fair Housing Act and the Americans with Disabilities Act. Individuals recovering from substance use disorders and co-occurring mental health disabilities are uniquely impacted by isolation, instability, and lack of peer support—conditions that do not affect non-disabled individuals in the same manner.

35. Without a residential support program of sufficient size to provide continuous peer interaction, accountability, and mutual aid, residents with these disabilities are effectively denied meaningful access to housing. Smaller household sizes materially increase isolation, relapse risk, and program instability, rendering the housing functionally unusable for this disabled population despite being physically available.

36. The residential support program at the Property operates as the functional equivalent of a single housekeeping unit or family. Residents share bedrooms, common spaces, meals, chores, household responsibilities, schedules, and informal leadership and mentorship roles. They rely on one another for day-to-day support, accountability, and encouragement, forming an integrated family-like household rather than a collection of unrelated individuals.

37. This functional family structure is essential to mitigating the effects of the residents' disabilities. Peer presence and shared responsibility reduce loneliness, discourage secrecy, reinforce recovery-oriented norms, and allow residents to practice independent living skills in a supported, residential environment.

38. Operating the Property at a smaller number of residents would fundamentally undermine the residential support program's ability to function as intended and would deprive residents of the very accommodation required to address the disability-related barriers they face in traditional housing.

39. Based on my professional judgment, the requested reasonable accommodation allowing up to fourteen (14) residents at the Property as it currently sits is necessary to afford individuals with disabilities an equal opportunity to use and enjoy a dwelling, consistent with the Fair Housing Act and the Americans with Disabilities Act.

40. The requested accommodation is reasonable, does not alter the residential character of the neighborhood, and is consistent with clinically accepted best practices for recovery-oriented residential support programs.

I declare under penalty of perjury pursuant to the laws of the State of Utah that the foregoing is true and correct to the best of my knowledge, belief, and understanding.

DATED February 24, 2026.

*Brock Howick*  
Brock Howick

# **EXHIBIT A**

## **BROCK HOWICK**

791 N. 2300 W.  
Tremonton, Utah 84337

Phone: (801) 910-9412  
[bhowick2019@gmail.com](mailto:bhowick2019@gmail.com)

### **EDUCATION/LICENSURE**

- Masters Degree in Social Work with an emphasis in Forensics from the University of Utah
- Bachelors Degree in Social Work from the University of Utah
- Licensed Clinical Social Worker in the State of Utah.

### **HIGHLIGHTS OF QUALIFICATION**

- Formal training and extensive experience with ASAM evaluation techniques with assessing, diagnosing, treatment planning and treating individuals who suffer from mental health and substance use disorders.
- Over 10 years experience of conducting individual, family, couples, and group sessions.
- Previous liaison: Salt Lake County Felony Drug Court program, Salt Lake legal Defenders Association, Family Dependency Drug Court, and Adult Probation and Parole Drug Offender Act Program (DORA).

### **RELEVANT SKILLS AND EXPERIENCE**

- Utilize a wide range of therapeutic modalities: Dialectical Behavioral Therapy, Cognitive Behavioral Therapy, Motivational Interviewing, Acceptance and Commitment Therapy, Strengths-based and Solution Focused Brief Therapy, along with other evidence-based practices.
- Formal training in comprehensive treatment planning; preparing written assessments, relating client background, medical, legal, and familial history, and presenting findings in oral review staffing and appropriate recommendations.
- Personal experience with liberal cross-section of various ethnic, religious, economic, and cultural groups, including those with learning and/or other disabilities, as well as formal educational back-ground, and personal appreciation for cultural diversity.
- Experience working in high stress environments, demanding strong assessment and quick problem solving skills.
- Well-developed organizational, technical, and interpersonal skills. Detail oriented and resourceful in completing projects; ability to multitask effectively and work independently.
- Keen ability for empathy. Able to relate to and understand others perspectives and accommodate their feelings.

### **EMPLOYMENT HISTORY**

#### **Intermountain Health, Bear River Family Medicine**

Behavioral Health Therapist     2/2/25 - Current

- MHI - Integrated Mental Health Services
- Conduct comprehensive mental health assessments
- Develop and implement individualized treatment plans
- Provide evidence-based therapeutic interventions
- Collaborate with a multidisciplinary team

### **Renaissance Ranch of Logan**

Program Clinical Director 4/2022 - 6/2025

- Responsible for all clinical aspects of the agency
- Conduct ASAM Assessments, Treatment Plans, Utilization Reviews, and Discharge Summaries.
- Facilitate weekly group, family, couples, and individual therapy sessions.
- Supervision of office staff and recovery coaches
- Conduct weekly staff meetings
- Provide monthly clinical staff trainings
- Community outreach and advertising

### **Bonneville Mental Health**

Clinical Director 6/2013 – 3/2015

- Program creation and development
- Creation of agency Policy and Procedures
- Supervision of program staff
- Billing
- ASAM assessment, treatment plans, utilization reviews, and discharge summaries.
- Conduce clinical therapy sessions.
- Outreach and advertising

### **House of Hope Salt Lake City, UT**

Admissions Coordinator 5/2003 - 4/2012

- Supervisor of the admissions department (residential, day treatment, and out-patient programs)
- Training and orientation of new admission department employees.
- Participated in group, family, and individual therapy sessions and conducted addiction education and life-skill groups.
- Responsible for program advertising and out-reach.
- Conducted presentations for other agencies and at conferences.
- Worked proficiently in multiple database systems and oversaw database management for the Admissions Department.
- Responsible for securing funding details, waiting lists, and proper utilization of incoming funds.

### **Odyssey House of Utah Salt Lake City, UT**

Admissions Personnel 4/2001 – 5/2003

- Collaborated with various agencies for referrals and funding.
- Monitored and maintained waiting list
- Liaison with referring agencies
- Responsible for client Intakes
- Conducted weekly department meetings
- Client and family program orientation
- Client Interviews

### **Every Nook & Cranny Housekeeping, LLC**

Salt Lake County through Southern Idaho

Owner 2016 – December 2025

- Responsible for all business operations
- Supervise and train employees

- Outreach and advertising

**Domestic Goddess Housekeeping, LLC**

Salt Lake City, UT

Co-owner 2007- 2016

- Manage all financial aspects of company
- Supervise employees
- Conduct trainings
- Liaison with commercial accounts

February 24, 2026

**VIA EMAIL**

Tammy Eveson  
Pleasant View City Planner  
520 W Elberta Drive  
Pleasant View, Utah 84414  
teveson@pleasantviewut.gov

**Re: Reasonable Accommodation Request Under the Federal Fair Housing Act (42 U.S.C.A. § 3604(f)(3)(B)), Title II of the ADA (42 U.S.C. § 12132), Rehabilitation Act (29 U.S.C. § 794), and the Utah Fair Housing Act (Utah Code Ann. § 57-21-5(4)(b))**

**Applicant: Rise Recovery LLC  
Property: 1330 West 3100 North, Pleasant View, UT 84414**

To Whom it May Concern,

This firm has been engaged to assist Rise Recovery, LLC (“Rise Recovery”) in submitting this Application for Reasonable Accommodation to Pleasant View regarding Rise Recovery’s intended use of real property located at 1330 West 3100 North, Pleasant View, Utah (the “Property”). This Application is submitted pursuant to the Fair Housing Act, 42 U.S.C. § 3601 et seq., including 42 U.S.C. § 3604(f)(3)(B), the Utah Fair Housing Act, Utah Code § 57-21-1 et seq., and Utah Code § 10-9a-104, which requires municipal land use regulations to comply with federal law.

At the Property, Rise Recovery seeks to operate a “residential facility for persons with a disability,” as that term is used in the Codification of the Ordinances of Pleasant View, Utah (the “City Code”) § 18.04.465 and as defined in Utah Code § 10-9a-103(66). Specifically, Rise Recovery intends to provide a residential support program (sometimes referred to as “sober living”) to individuals with disabilities recovering from debilitating substance use disorders and other qualifying disabilities, including PTSD, anxiety disorders, and major depressive disorder. See Utah Admin. Code r. R501-18-3(3). These individuals are persons with disabilities as defined under 42 U.S.C. § 3602(h). They require stable, structured residential environments in order to heal from trauma and receive services necessary to accommodate their disabilities. Rise Recovery provides those services.

Rise Recovery seeks to use the Property as a fourteen (14)-bed residential facility for persons with disabilities. Under Pleasant View's current zoning framework, up to five (5) unrelated disabled individuals may reside together at the Property without special approval. See City Code §§ 18.04.200 (defining "Dwelling"), 18.04.230 (defining "Dwelling – Single Family"), 18.04.250 (defining "Dwelling Unit"), and 18.04.260 (defining "Family"). Because Rise Recovery intends to house fourteen (14) disabled residents, it hereby submits this Application for Reasonable Accommodation pursuant to 42 U.S.C. § 3604(f)(3)(B), which requires municipalities to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling.

In addition to requesting relief from the City's five-person occupancy limitation as applied to disabled residents, Rise Recovery also seeks a reasonable accommodation from the City's typical procedural requirements governing residential facilities for persons with disabilities. Specifically, under City Code § 18.09, and more specifically under City Code §§ 18.09.020 and 18.09.030, a conditional use permit is required for a residential facility for persons with disabilities with more than 5 unrelated individuals. The conditional use permit process includes additional regulatory burdens, including at least one public hearing. When applied to housing for persons with disabilities, such additional procedural barriers may not be imposed where they are unnecessary and where they have the effect of denying equal housing opportunity. Accordingly, Rise Recovery respectfully requests that these procedural requirements be waived as part of this Application, consistent with the Fair Housing Act's mandate and Utah Code § 10-9a-104, which requires municipal land use decisions to conform to federal law.

Rise Recovery also requests relief from the City's definition of "Disability," as stated in City Code § 18.04.200 to the extent it conflicts with controlling state and federal law. Pleasant View's definition must be interpreted consistently with the broad remedial purposes of the Fair Housing Act and federal case law expansively construing what constitutes disability. To the extent the City construes its definition of disability more narrowly than federal law, such interpretation would conflict with and be preempted by the Fair Housing Act and Utah Code § 10-9a-104.

## **I. Relevant Material Facts**

The principal and affiliates of Rise Recovery have been effectively treating individuals recovering from disabilities attributed to mental health and substance abuse diagnoses for over a decade. The purpose of the requested use is residential and is consistent with that of the character of the surrounding neighborhood. Any ancillary clinical treatment would be provided to the Property residents upon request and offsite. Rise Recovery's program serves adults only, and this location will serve adult men only. Its target demographic age is 18-70 years of age. Length of stay typically ranges from 6 months to one year but can be longer depending on the individual's

needs. Rise Recovery does not admit clients that are a direct threat to themselves, others, or to property. Admission to Rise Recovery's program is strictly voluntary. Rise Recovery does not accept residents in lieu of confinement or as part of a court-ordered treatment program, or rehabilitation or treatment in a correctional facility. Rise Recovery's residents will have 24/7/365 supervision by professionally trained staff members.

Parking needs are minimal and primarily for staff. Staff-to-resident ratios are generally 1:7 during normal business hours and 1:14 on evenings/graveyards and weekends. There may be as many as 3 staff members present during peak daylight hours.<sup>1</sup> Fewer staff members are present during the evening/graveyards and on weekends. Although clients are allowed to have personal vehicles, the vast majority do not. Historically, about 1 out of every 6 residents owns a personal vehicle. The Property has ample parking, including a three-car garage and a driveway wide enough to park 5 additional vehicles, totaling at least 8 off-street parking spaces. The Property is also located on a street corner with access to abundant street parking, although street parking is anticipated to be minimal—1 to 3 cars at most during peak daylight hours and less during evenings/graveyards and on weekends. Overnight parking demand is expected to be limited with approximately only 1 to 2 vehicles.

The requested accommodation is for 14 disabled individuals to reside at the Property. The 14 disabled residents include one or two disabled live-in staff. These are disabled individuals with longer periods of sobriety and reside there to support/hold the other residents accountable in their respective recoveries.

Utah Administrative Code R501-18 requires recovery residences to meet standards for safety, staffing, and operations. These homes provide primarily non-clinical, supportive housing for adults in recovery but offer ancillary clinical treatment services upon request. They must maintain safe facilities, trained staff, secure medication storage, and basic health screenings, while supporting residents through structure and peer accountability. *See generally* Utah Admin. Code R501-18. Rise Recovery intends to comply with these rules, along with all laws applicable to the operation of its Pleasant View residential facility for persons with a disability.

Rise Recovery does not presently have any plans to make structural alterations to the existing building or landscaping that would change the structure's residential character or impose adverse impacts on the surrounding neighborhood. Rise Recovery's facility will not be fundamentally different from existing uses at the Property and will not create any additional parking, traffic, noise, lighting, etc. than is already present.

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<sup>1</sup> One or two of the fourteen disabled residents requested to live at the Property will be disabled live-in staff members. These are disabled individuals who have longer periods of sobriety and support/hold the other residents accountable in their respective recoveries. This Reasonable Accommodation Application states that "there may be as many as two staff members present during peak daylight hours." This statement is intended to acknowledge that other staff members occasionally visit the Property during the day.

All individuals that would occupy the Property are those considered “disabled” or “handicapped” under the Fair Housing Act (“FHA” or “FHAA”), the Utah Fair Housing Act (“UFHA”), and the Americans with Disabilities Act (“ADA”), as all residents will be diagnosed with mental health disorders, including alcoholism and general substance abuse disorders prior to being admitted.

### I. Reasonable Accommodation Analysis

Under the FHA, it is unlawful “[t]o discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of ... (A) that buyer or renter, (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or (C) any person associated with that buyer or renter.” 42 U.S.C. § 3604(f)(1). The Utah Fair Housing Act mirrors this prohibition. *See* Utah Code Ann. § 57-21-5(1). Similarly, Title II of the ADA provides “[n]o otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance ....” 29 U.S.C. § 794(a). *See also* 42 U.S.C. § 12132 (“no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity”).

The FHA and Title II of the ADA provide that discrimination against the handicapped or disabled includes “a refusal to make *reasonable* accommodations ... when such accommodations may be *necessary* to afford such person equal opportunity to use and enjoy a dwelling.” 42 U.S.C.A. § 3604(f)(3)(B) (emphasis added). *See also* *Olmstead v. L.C.*, 527 U.S. 581, 592 (1999) (Title II of the ADA “requires public entities to ‘make reasonable modifications’ to avoid ‘discrimination on the basis of disability,’ unless those modifications would entail a ‘fundamenta[1] alter[ation]’[.]”) (quoting 28 C.F.R. § 35.130(b)(7)(i)). The Utah Fair Housing Act has similar requirements. *See* Utah Code Ann. § 57-21-5(4)(b).

As the Tenth Circuit explained in *Bangerter v. Orem City Corp.*, 46 F.3d 1491, 1502 (10<sup>th</sup> Cir. 1995), “the thrust of a reasonable accommodation claim is that a defendant must make an affirmative change in an otherwise valid law or policy.” By definition, “a ‘reasonable accommodation’ involves ‘changing some rule that is generally applicable so as to make its burden less onerous on the handicapped individual.’” *Id.* at 1502. Waiving otherwise enforceable code provisions is precisely what a reasonable accommodation contemplates. *Cinnamon Hills Youth Crisis Center, Inc. v. Saint George City*, 685 F.3d 917, 923 (10<sup>th</sup> Cir. 2012) (“And that is precisely the point of the reasonable accommodation mandate: to require changes in otherwise neutral policies that preclude the disabled from obtaining ‘the same ... opportunities that those without disabilities automatically enjoy.’”).

The FHA’s “‘reasonable accommodations’ provision prohibits the enforcement of

‘zoning ordinances and local housing policies in a manner that denies people with disabilities access to housing on par with that of those who are not disabled.’” *Hovsons, Inc. v. Township of Brick*, 89 F.3d 1096, 1104 (3d Cir. 1996) (quoting Laurie C. Malkin, *Troubles at the Doorstep: The Fair Housing Amendments Act of 1988 and Group Homes for Recovering Substance Abusers*, 144 U. Pa. L.Rev. 757, 804 (1995)).

If a local government’s laws, ordinances or practices would otherwise prohibit the type of housing proposed, then the FHA and ADA<sup>2</sup> impose “‘an affirmative duty’ to make reasonable accommodations on behalf of handicapped persons.” *Id.* Hence, courts interpreting the reasonable accommodation provisions of the FHA and ADA have ruled that municipalities “must change, waive, or make exceptions in their zoning rules to afford people with disabilities the same opportunity to housing as those who are without disabilities.” *Horizon House Developmental Servs., Inc. v. Township of Upper Southampton*, 804 F. Supp. 683, 699-700 (E.D. Pa. 1992).

An accommodation here is necessary to meet the City’s growing needs for residential support programs, to ensure economically feasible operations, to safeguard the privacy of the disabled individuals, and to harbor therapeutic benefits vital to the individuals’ recovery. This request is also reasonable, as it does not fundamentally alter the City’s zoning scheme and aligns with the City’s goals and objectives in several respects.

**a. The accommodation to increase the number of permissible residents living at the residential facility for persons with a disability is necessary.**

Participating in a recovery residence program is a necessary asset in supporting an individual on their journey of recovery. By definition, a “recovery residence” is “a home, residence, or facility that meets at least two of the following requirements:

- (i) provides a supervised living environment for individuals recovering from a substance use disorder;
- (ii) provides a living environment in which more than half of the individuals in the residence are recovering from a substance use disorder;

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<sup>2</sup> The FHA and the ADA have such similar origins, contain such similar wording, and are so interrelated, that they are, for the most part, interpreted in the same way by the courts. Indeed, the United States Court of Appeals for the Tenth Circuit, which is the federal circuit with jurisdiction over federal cases arising in Utah, interprets the two statutes the same way. *See Courage to Change Ranches Holding Co. v. El Paso Cnty.*, 73 F.4<sup>th</sup> 1175, 1187 (10<sup>th</sup> Cir. 2023) (“The legal frameworks for intentional discrimination and reasonable accommodation are identical under the FHAA, ADA, and RA.”); *Cinnamon Hills*, 685 F.3d at 919 & n.1, 924 at n.4.

- (iii) provides or arranges for residents to receive services related to the resident's recovery from a substance use disorder, either on or off site;
- (iv) is held out as a living environment in which individuals recovering from substance abuse disorders live together to encourage continued sobriety; or
- (v) (A) receives public funding; or  
(B) is run as a business venture, either for-profit or not-for-profit

Utah Code Ann. § 26B-2-101(47).

A growing body of research supports the necessity of recovery residences as a critical component in the continuum of care for individuals recovering from substance use disorders. Studies have consistently shown that recovery housing improves abstinence outcomes, promotes treatment retention, and supports psychosocial stability. Studies have concluded that recovery housing leads to improved abstinence, employment, and mental health outcomes, while noting its cost-effectiveness compared to institutional treatment settings. (Reif et al., 2014;<sup>3</sup> Vilsaint et al., 2025;<sup>4</sup> Rinker, 2019<sup>5</sup>).

Additional publications demonstrate that residents of recovery homes during outpatient treatment engage longer in services and report greater odds of satisfactory discharge, due in part to the accountability, structure, and peer support these residences provide. (Mericle et al., 2022<sup>6</sup>). Other studies underscore the importance of physical environment and design in supporting long-term recovery, finding that sober living residences serve not just as housing, but as therapeutic spaces that promote stability and autonomy. (Wittman et al., 2014).<sup>7</sup> Despite concerns sometimes raised by communities, empirical research indicates that recovery residences do not increase

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<sup>3</sup> Reif, S., George, P., Braude, L., Dougherty, R. H., Daniels, A. S., Ghose, S. S., & Delphin-Rittmon, M. E. (2014). *Recovery Housing: Assessing the Evidence*. *Psychiatric services* (Washington, D.C.), 65(3), 295–300. <https://doi.org/10.1176/appi.ps.201300243>. Attached hereto as Exhibit A.

<sup>4</sup> Vilsaint, C. L., Tansey, A. G., Hennessy, E. A., Eddie, D., Hoffman, L. A., & Kelly, J. F. (2025). *Recovery Housing for Substance Use Disorder: A Systematic Review*. *Frontiers in Public Health*, 13, 1506412. <https://doi.org/10.3389/fpubh.2025.1506412>. Attached hereto as Exhibit B.

<sup>5</sup> Rinker B. (2019). *Recovery Residences Combat Addiction in Rural Communities*. *Health Affairs* (Project Hope), 38(12), 1968–1970. <https://doi.org/10.1377/hlthaff.2019.01489>. Attached hereto as Exhibit C.

<sup>6</sup> Mericle, A. A., Slaymaker, V., Gliske, K., Ngo, Q., & Subbaraman, M. S. (2022). *The Role of Recovery Housing During Outpatient Substance Use Treatment*. *Journal of substance abuse treatment*, 133, 108638. <https://doi.org/10.1016/j.jsat.2021.108638>. Attached hereto as Exhibit D.

<sup>7</sup> Wittman, F., Jee, B., Polcin, D. L., & Henderson, D. (2014). *The Setting is the Service: How the Architecture of Sober Living Residences Supports Community Based Recovery*. *International Journal of Self Help & Self Care*, 8(2), 189–225. <https://doi.org/10.2190/SH.8.2.d>. Attached hereto as Exhibit E.

crime or pose safety risks, and instead offer public health benefits while reducing strain on emergency, housing, and justice systems. (Polcin et al., 2010;<sup>8</sup> Polcin et al., 2012;<sup>9</sup> Jason et al., 2006<sup>10</sup>).

Residential substance use treatment services generally, including those implemented in recovery residences, are associated with a variety of positive outcomes for residents, including decreased substance use, reduced likelihood of return to use, lower rates of incarceration, higher income, increased employment, and improved family relationships. (De Andrade et al., 2019;<sup>11</sup> Jason et al.<sup>12</sup>; Whitten et al.<sup>13</sup>).

For example, a 12-year study conducted by Drug Abuse Reporting Program (DARP), which followed 4,107 patients, showed significant improvements in abstinence. (Princeton University).<sup>14</sup> Of the random sample selected for follow-up at the 12-year mark, daily use had fallen by 76%. Ample evidence exists showing that recovery residences are a necessary modality to help provide a foundation for clean and sober living and long-term recovery.

Community-based residential treatment and recovery services have particularly been shown to be necessary in obtaining long-term abstinence because it leads to relationship building, increased trust, and a supportive recovery community. (Pettersen et al.;<sup>15</sup> Mutschler et

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<sup>8</sup> Polcin, D. L., Korcha, R., Bond, J., & Galloway, G. (2010). *Eighteen Month Outcomes for Clients Receiving Combined Outpatient Treatment and Sober Living Houses*. *Journal of Substance Use*, 15(5), 352–366. <https://doi.org/10.3109/14659890903531279>. Attached hereto as Exhibit F.

<sup>9</sup> Polcin, D. L., Henderson, D. M., Korcha, R., Evans, K., Wittman, F., & Trocki, K. (2012). *Perceptions Of Sober Living Houses Among Addiction Counselors and Mental Health Therapists: Knowledge, Views and Perceived Barriers*. *Journal of Psychoactive Drugs*, 44(3), 224–236. <https://doi.org/10.1080/02791072.2012.703103>. Attached hereto as Exhibit G.

<sup>10</sup> Jason, L. A., Olson, B. D., Ferrari, J. R., & Lo Sasso, A. T. (2006). *Communal Housing Settings Enhance Substance Abuse Recovery*. *American Journal of Public Health*, 96(10), 1727–1729. <https://doi.org/10.2105/AJPH.2005.070839>. Attached hereto as Exhibit H.

<sup>11</sup> Dominique de Andrade, Rachel A Elphinston, Catherine Quinn, Julaine Allan, & Leanne Hides (2019). *The Effectiveness of Residential Treatment Services for Individuals with Substance Use Disorders: A Systematic Review*. *Drug and Alcohol Dependence*, 201, 227-235. <https://doi.org/10.1016/j.drugalcdep.2019.03.031>. Attached hereto as Exhibit I.

<sup>12</sup> Jason, L. A., Olson, B. D., Ferrari, J. R., & Lo Sasso, A. T. (2006). *Communal Housing Settings Enhance Substance Abuse Recovery*. *American Journal of Public Health*, 96(10), 1727–1729. <https://doi.org/10.2105/AJPH.2005.070839>. Attached hereto as Exhibit H.

<sup>13</sup> Tyson Whitten, Jesse Cale, Sally Nathan, Megan Williams, Eileen Baldry, Mark Ferry, & Andrew Hayen (2023). *Influence Of a Residential Drug and Alcohol Program on Young People's Criminal Conviction Trajectories*. *Journal of Criminal Justice*, 84, 102026. <https://doi.org/10.1016/j.jcrimjus.2022.102026>. Attached hereto as Exhibit J (Overview only).

<sup>14</sup> Princeton University (1990). *The Effectiveness of Treatment for Drug Abuse*. <https://www.princeton.edu/~ota/disk2/1990/9041/904106.PDF>. Attached hereto as Exhibit K.

<sup>15</sup> Pettersen, H., Landheim, A., Skeie, I., Biong, S., Brodahl, M., Oute, J., & Davidson, L. (2019). *How Social Relationships Influence Substance Use Disorder Recovery: A Collaborative Narrative Study*. *Substance Abuse: Research and Treatment*, 13. <https://doi.org/10.1177/1178221819833379>. Attached hereto as Exhibit L.

al.<sup>16</sup>). As one scholarly study recognized when researching into the effects of group living on recovery:

Research continues to document the important role of social factors in recovery outcome (Polcin, Korcha, Bond, Galloway & Lapp, in press). For example, in a study of problem and dependent drinkers Beattie and Longabaugh (1999) found that social support was associated with drinking outcome. Not surprising, the best outcomes were predicted by ... social support that discouraged drinking. Similarly, Zywiak, Longabaugh and Wirtz (2002) found that clients who had social networks with a higher number of abstainers and recovering alcoholics had better outcome 3 years after treatment completion.<sup>17</sup>

“A critically important aspect of one’s social network is their living environment.” *Id.* at p. 2. “Lack of a stable, alcohol and drug free living environment can be a serious obstacle to sustained abstinence.” *Id.* at p. 1. “Destructive living environments can derail recovery for even highly motivated individuals.” *Id.* “An important component of relapse appears to be immediate re-exposure to risks associated with one’s ongoing living situation (e.g., high substance availability, family and peers non-supportive of recovery, interpersonal conflict, poorly structured time). Drug-free housing that supports recovery, risk avoidance, and employment ... heighten one’s chances of recovery (Jason, Olson, Ferrari, & Davis, 2004).”<sup>18</sup> “Individuals recovering from addiction should be surrounded by a community in which they feel they belong and are able to obtain sobriety goals (Jason & Kobayashi, 1995).”<sup>19</sup> Studies have shown that a sufficient number of residents is “a necessary component in the effectiveness [of the treatment model] through the mechanism of social support.” *Id.*

Taken together, these studies affirm that recovery residences are not merely helpful but necessary in maintaining recovery, reducing relapse and recidivism, and promoting meaningful reintegration into society—particularly when recovery is rightly understood as a long-term, chronic care process. (Rinker, 2019: “Safe and secure housing is increasingly recognized as an essential component of successful recovery, since residential drug treatment programs—live-in facilities that offer patients education, support groups, therapy, and sometimes clinical services—last typically only twenty-eight to ninety days.”). And, more specifically, the requested census size is necessary because, “Larger homes ... offer more opportunities to exchange positive social

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<sup>16</sup> Mutschler, C., Junaid, S., Tellez, C., Franco, G., Gryspeerdt, C., & Bushe, J. (2022). *Community-Based Residential Treatment for Alcohol and Substance Use Problems: A Realist Review*. Health & Social Care in the Community, 30, e287–e304. <https://doi.org/10.1111/hsc.13511>. Attached hereto as Exhibit M.

<sup>17</sup> *What Did We Learn From Our Study on Sober Living Houses and Where Do We Go From Here?*, J. Psychoactive Drugs, at p. 1 (Polcin et al., 2010). Attached hereto as Exhibit N.

<sup>18</sup> *The Need for Substance Abuse After-Care: Longitudinal Analysis of Oxford House*, Addictive Behaviors 32 at p. 804 (2007). Attached hereto as Exhibit O.

<sup>19</sup> *Counteracting “Not in My Backyard”*: *The Positive Effects of Greater Occupancy with Mutual-help Recovery Homes*, J. Community Psychol., Jason, Groh et al. at p.3 (September 1, 2008). Attached hereto as Exhibit P.

support ....” *Id.* Studies indicate that “larger Houses will promote recovery through their ability to promote larger (Zywiak, Longabaugh, & Wirtz, 2002), more supportive social networks (MacDonald, 1987), that include sober others in recovery (Hawkins & Fraser, 1987, Zywiak et al.), constructs linked to sober living.” *Id.* at p. 3.

“[L]arger social networks” are correlated with “stronger improvement on abstinence.”<sup>20</sup> “Given the widespread finding that social contact and social support facilitates health and well-being,” the experts urge that “recovery home service providers ... consider ways to increase social support for socially isolated residents through structured recreational and social activities within the home” among other things. *Id.* at pp. 9-10. *See also Social Networks Among Residents in Recovery Homes*, Adv. Psychol. Study at p. 8 (Jason et al., 2012) (“studies suggest a strong relationship between an individual’s social connection ... and their own likelihood of remaining abstinent” and that “the overall size of the important person network was materially significant”),<sup>21</sup> *see also Benefits of Peer Support Groups in the Treatment of Addiction, Substance Abuse and Rehabilitation* at p. 145 (Tracy & Wallace, 2016).<sup>22</sup>

Studies suggest that larger group sizes are necessary in addressing the disabled individuals’ disadvantages and special needs and allowing all members to effectively participate. (Velasquez et al.;<sup>23</sup> Sobel et al.<sup>24</sup>). Even the federal agency, Substance Abuse and Mental Health Services Administration (“SAMHSA”) recognizes that larger groups are necessary in these settings.<sup>25</sup> Given the essential advantages associated with group treatment, and given its available services on request (i.e., Cognitive Behavioral Therapy, Dialectical Behavioral Therapy, Motivational Interviewing, and a significant focus on education such as psychoeducational multifamily group sessions<sup>26</sup>) that rely on group engagement for success, Rise Recovery’s request for an accommodation of 14 individuals is necessary.

Additionally, the 14-resident limit requested is necessary because there is a normal attrition that occurs in any therapeutic context. For example, speaking of psychotherapeutic groups, one of the foremost and pioneering scholars in this area, Irvin D. Yalom, writes, “Since it is likely that one or possibly two clients will drop out of the group in the course of the initial

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<sup>20</sup> *Interaction of Motivation and Social Support on Abstinence among Recovery Home Residents*, J. Drug Issues at 9 (Korcha, Polcin & Bond, 2016). Attached hereto as Exhibit Q.

<sup>21</sup> Attached hereto as Exhibit R.

<sup>22</sup> Attached hereto as Exhibit S.

<sup>23</sup> Velasquez, M., Crouch, C., Stephens, N. S., & DiClemente, C. C. (2016). *Group Treatment for Substance Abuse: A Stages-Of-Change Therapy Manual* (2nd ed.). Guilford.

<sup>24</sup> Sobell, L. C., & Sobell, M. B. (2011). *Group Therapy for Substance Use Disorders: A Motivational Cognitive-Behavioral Approach*. Guilford.

<sup>25</sup> Substance Abuse and Mental Health Services Administration. (2021). *Group Therapy in Substance Use Treatment*. Advisory. Attached hereto as Exhibit T.

<sup>26</sup> Wendt, D. C., & Gone, J. P. (2018). *Group Psychotherapy in Specialty Clinics for Substance Use Disorder Treatment: The Challenge of Ethn racially Diverse Clients*. *International Journal of Group Psychotherapy*, 68(4), 608–628, attached hereto as Exhibit U.

meetings, it is advisable to start with a group slightly larger than the preferred size; thus, to obtain a group of seven or eight members, many therapists start a new group with eight or nine.”<sup>27</sup> The approval of a census of 14 is also essential to maintain the therapeutic community size at all times due to resident absences caused by conflicting schedules, appointments, and admissions schedules and cycles. *See id.* Also, in the context of group therapy, SAMHSA also states that “Revolving membership groups,” such as Rise Recovery’s, “can be larger than fixed membership groups” and indicates that such groups can contain up to 20 individuals and that, ideally, groups should consist of “around 15 or fewer” individuals.<sup>28</sup>

The “residential” aspect of the living arrangement is also necessary to the patients’ treatment. Being in a home-like setting provides essential benefits not offered by more formal, institutional treatment. While residents are allowed to leave the property, they generally remain on-site and nonetheless engage with the surrounding community in subtle ways. Just living in a residential area by itself acts as an important steppingstone of reintegration back into society at large. The lifestyle exposes the patients to observations of communal interactions and healthy living and allows them to engage in some of the activities they observe (i.e., things as simple as taking the trash out, shoveling snow, mowing the lawn, weeding the garden, and greeting a neighbor). It also provides a more private, quieter, less chaotic atmosphere than the cold, “institutional” feel offered at commercial facilities. Studies show that community-based residential programs are more effective than institutionalized facilities at staving readmission rates for similar reasons. (R. H. Moos et al.<sup>29</sup>). And courts around the country have found accommodation necessary when living in the dwelling serves a therapeutic purpose for its inhabitants that enhances the residents’ recovery from alcohol and drug addiction. *See e.g., Harmony Haus Westlake, L.L.C. v. Parkstone Prop. Owners Ass’n*, 851 F. App’x 461, 466 (5th Cir. 2021); *One Love House, LLC v. City of Anoka, Minnesota*, 93 F.4th 424, 435 (8th Cir. 2024); *Yates Real Est., Inc. v. Plainfield Zoning Bd. of Adjustment*, 404 F. Supp. 3d 889, 919 (D.N.J. 2019).

To further ease patients’ transition into society, it is important to reduce the risk of isolation by residing in a group home with a shared bedroom. Those receiving treatment from substance abuse are “significantly more likely to relapse” when socially isolated. (Johnson et al., 2018).<sup>30</sup> Making things more difficult is that “people with substance use problems are vulnerable

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<sup>27</sup> *The Theory and Practice of Group Psychotherapy*, Irvin D. Yalom (5th ed. 2005), at p. 292. Exhibit V.

<sup>28</sup> Center for Substance Abuse Treatment. *Substance Abuse Treatment: Group Therapy*. Treatment Improvement Protocol (TIP) Series, No. 41. HHS Publication No. (SMA) 15-3991. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2005, p. 60. Attached hereto as Exhibit W.

<sup>29</sup> Moos RH, King MJ, Patterson MA. *Outcomes Of Residential Treatment of Substance Abuse in Hospital- And Community-Based Programs*. Psychiatr Serv. 1996 Jan;47(1):68-74. doi: 10.1176/ps.47.1.68. PMID: 8925349. Attached hereto as Exhibit X (Overview only).

<sup>30</sup> Johnson, B., Pagano, M., Lee, M., & Post, S., *Alone on the Inside: The Impact of Social Isolation and Helping Others on AOD Use and Criminal Activity*. Youth & Soc’y. 2018 50(4):529–550, 541. doi: 10.1177/0044118X15617400. Attached hereto as Exhibit Y.

to experiencing loneliness that arises from stigma and social isolation.” (Ingram et al., 2020).<sup>31</sup> “Because people with dependencies usually are isolated from healthy social groups, the [recovery] group helps to acculturate clients into a culture of recovery.”<sup>32</sup> In addition to the therapeutic advantages of group treatment, SAMHSA has found that it “provides potential benefits in promoting social support, reducing isolation and stigma, developing effective communication and interpersonal skills, and practicing recovery-oriented coping strategies with group members.”<sup>33</sup> Rise Recovery actively works to create an enriching environment where these social benefits are maximized for patients. This includes maintaining optimal group sizes and sharing bedrooms to reduce isolation and increase community-centric recovery.

It is known that Utah, like other states, has a growing substance abuse problem. A report from the Utah Department of Health and Human Services revealed that more people died from a drug overdose in 2023 than ever before.<sup>34</sup> In total, there were 606 drug overdose deaths, which marks an increase of 14.3% from the year prior.<sup>35</sup> Apart from the obvious effect on Utah’s residents—the threat to the residents’ health and lives—substance abuse significantly impacts the state in other ways, such as that it contributes to homelessness (Moxley et al.<sup>36</sup>), family disruption,<sup>37</sup> unemployment and lost productivity,<sup>38</sup> increased public assistance and social

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<sup>31</sup> Ingram, I., Kelly, P., Deane, F., Baker, A., Goh, M., Raftery, D., & Dingle, G., *Loneliness Among People with Substance Use Problems: A Narrative Systematic Review*. Drug Alcohol Rev. 2020 Jul;39(5):447-483. Doi:10.1111/dar.13064. PMID: 32314504. Attached hereto as Exhibit Z.

<sup>32</sup> Center for Substance Abuse Treatment. *Substance Abuse Treatment: Group Therapy*. Treatment Improvement Protocol (TIP) Series, No. 41. HHS Publication No. (SMA) 15-3991. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2005, p. xix. Exhibit W.

<sup>33</sup> Substance Abuse and Mental Health Services Administration. (2021). *Group Therapy in Substance Use Treatment*. Advisory. Exhibit T.

<sup>34</sup> *Ten Years of Data Show Drug Overdoses Remain a Significant Health Threat in Utah*. Utah Dept. of Health and Human Services, p. 4, attached hereto as Exhibit AA; see also Utah Department of Health and Human Services, *Health Indicator Report of Drug Overdose and Poisoning Incidents*, <https://ibis.utah.gov/ibisph-view/indicator/view/PoiDth.SA.html>. Attached hereto as Exhibit BB.

<sup>35</sup> *Ten Years of Data Show Drug Overdoses Remain a Significant Health Threat in Utah*. Utah Dept. of Health and Human Services, p. 4. Exhibit AA.

<sup>36</sup> Moxley VBA, Hoj TH, Novilla MLB. *Predicting Homelessness Among Individuals Diagnosed with Substance Use Disorders Using Local Treatment Records*. Addict Behav. 2020 Mar;102:106160. doi: 10.1016/j.addbeh.2019.106160. Epub 2019 Oct 22. PMID: 31841870. Attached hereto as Exhibit CC.

<sup>37</sup> Utah Department of Health and Human Services, *DCFS Annual Report Fiscal Year 2022*, [https://dcfs.utah.gov/wp-content/uploads/DHHS\\_DCFS-Annual-Report\\_2022.pdf](https://dcfs.utah.gov/wp-content/uploads/DHHS_DCFS-Annual-Report_2022.pdf) (“Of the 1,483 children who were placed in foster care in fiscal year 2022, 76% involved substance use as a safety concern”—indicating that substance use disorders are a cause of strained or broken family relationship). Attached hereto as Exhibit DD.

<sup>38</sup> Individuals with untreated substance use disorders often struggle to maintain steady employment. Addiction can impair one’s ability to perform at work or even participate in the labor force. National research has shown that the opioid epidemic alone accounted for an estimated 43% of the decline in labor force participation among prime-age men from 1999 to 2015 [brookings.edu](https://www.brookings.edu) (attached hereto as Exhibit EE), due to factors like disability, incarceration, or overdose. In Utah’s strong economy, labor shortages are exacerbated by many would-be workers being sidelined by addiction. Employers also bear costs in the form of reduced productivity and higher healthcare and absenteeism costs when employees have untreated substance problems [brookings.edu](https://www.brookings.edu) (Exhibit EE). Each opioid-related overdose

service costs,<sup>39</sup> increased crime,<sup>40</sup> and other issues. Pleasant View is not free from the substance abuse problem and its effects.<sup>41</sup> However, despite this landscape, Rise Recovery is not aware of any other similarly modeled recovery residence in or around Pleasant View. Given the significant and well-documented prevalence of substance use disorders and co-occurring mental health conditions, access to stable, structured recovery-oriented housing is essential for individuals with these disabilities to achieve meaningful recovery. The proposed residential facility provides that necessary housing opportunity. Residents of Pleasant View who are disabled by substance use disorders likewise require access to such supportive residential environments to live safely and successfully within the community.

Having 14 residents in the household is also necessary for the financial viability of Rise Recovery's operations. Operating a recovery residence entails significant costs, including expenses for acquiring the Property, staffing, property maintenance, insurance, regulatory compliance, and the provision of supportive services essential to residents' recovery. In order to cover the costs of housing and the services while simultaneously providing affordable rent amounts to the clients, the facility must be able to house the 14-person limit requested. Otherwise, the recovery residence will not be financially viable. *See Harmony Haus Westlake, L.L.C. v. Parkstone Prop. Owners Ass'n*, No. 20-50185 (5th Cir. 2021) (citing

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death represents not just a personal tragedy but also an average of \$1.4 million in lost productivity (based on national cost estimates) [cdc.gov](https://www.cdc.gov) (attached hereto as Exhibit FF).

<sup>39</sup> Untreated addiction increases demand on public programs. Utah's state and local governments incur substantial costs for healthcare, welfare, child protective services, and other assistance related to substance abuse. For example, caring for children removed from drug-affected homes (foster care, counseling, etc.) is a significant expense. Healthcare costs also rise – Medicaid and emergency services often cover untreated addicts in crisis. One analysis found that *excessive alcohol use cost Utah's state government an estimated \$316 million in 2019* (in expenditures on healthcare, criminal justice, and social services), out of a \$1.34 billion total economic cost of alcohol abuse in the state that year [ibis.utah.gov](https://www.ibis.utah.gov) (attached hereto as Exhibit GG). Similarly, the opioid crisis has imposed enormous costs: The CDC estimated that in 2017 the combined economic cost of opioid use disorder and opioid overdose in Utah was about *\$11.9 billion* (including healthcare, lost productivity, criminal justice, and other costs) [cdc.gov](https://www.cdc.gov) (Exhibit FF). These figures illustrate how failure to treat addiction leads to expensive downstream consequences paid by taxpayers and communities.

<sup>40</sup> Desperation to obtain drugs or alcohol can drive some people to criminal activity. Law enforcement officials in Utah report a *rise in thefts and property crimes linked to drug addiction*, as individuals resort to stealing goods to resell for drug money [citizenportal.ai](https://www.citizenportal.ai) (attached hereto as Exhibit HH). These crimes range from shoplifting and copper wire theft to burglary of homes – all of which threaten community safety and property. Additionally, possession of illegal substances itself is a crime: thousands of Utahns are arrested annually for drug offenses. In 2020, there were roughly 14,661 *illicit drug-related arrests* in Utah [poisoncontrol.utah.edu](https://www.poisoncontrol.utah.edu) (attached hereto as Exhibit II). Although Utah enacted justice reforms (downgrading simple possession to misdemeanors) which have modestly reduced the number of drug arrests in recent years [poisoncontrol.utah.edu](https://www.poisoncontrol.utah.edu) (Exhibit II), drug offenses still make up a significant share of police and court caseloads. Communities with high levels of untreated addiction may experience higher overall crime rates, not only for drug possession/sales but also secondary crimes (thefts, assaults, impaired driving incidents). This creates a public safety challenge that could be mitigated if more people received treatment instead of cycling in and out of trouble.

<sup>41</sup> *See, e.g.,* Utah Department of Health and Human Services, *Health Indicator Report of Drug Overdose and Poisoning Incidents*, <https://ibis.utah.gov/ibisph-view/indicator/view/PoiDth.SA.html> (Exhibit BB).

*Elderhaven, Inc. v. City of Lubbock*, 98 F.3d 175, 178 (5th Cir. 1996)) (explaining that necessity of a reasonable accommodation can be shown by the financial viability of the program); *see also Harmony Haus Westlake*, No. 20-50185 (5th Cir. 2021) (citing *Bryant Woods Inn, Inc. v. Howard Cnty.*, 124 F.3d 597, 605 (4th Cir. 1997)).

The requested reasonable accommodation allowing a maximum of fourteen (14) residents at the Property is necessary to afford individuals with disabilities an equal opportunity to use and enjoy the dwelling, as required by the Fair Housing Act and the Americans with Disabilities Act. As explained in the Declaration of Brock Howick, LCSW, ¶¶ 19–40, the functional limitations associated with substance use disorders and co-occurring mental health disabilities—including heightened vulnerability to isolation, relapse, emotional dysregulation, and inability to live independently—render housing unusable for this population unless it provides sufficient peer presence, continuity, and stability. Due to the size, layout, and shared residential configuration of the Property, operation at a lower census would materially undermine the peer-support structure and household functioning necessary to mitigate these disability-related barriers. Although the Property would remain physically available at a lower occupancy, it would be functionally inaccessible to the intended residents. The requested fourteen-resident (14) census therefore represents the minimum necessary accommodation to make the Property usable for individuals with disabilities on terms comparable to those enjoyed by non-disabled residents.

**b. The accommodation to increase the number of permissible residents living at the recovery residence is reasonable.**

The foregoing analysis demonstrates that Rise Recovery’s request for accommodation is necessary. But, as Rise Recovery recognizes, its request must also be reasonable. An ‘[a]ccommodation is not reasonable if it either (1) imposes undue financial and administrative burdens on a [city] or (2) requires a fundamental alteration in the nature of [a city] program.’” *Schwarz v. City of Treasure Island*, 544 F.3d 1201, 1220 (11<sup>th</sup> Cir. 2008) (quoting *Sch. Bd. of Nassau Cty. v. Arline*, 480 U.S. 273, 288 n. 17, 107 S.Ct. 1123, 94 L.Ed.2d 307 (1987) (quotation marks, alteration, and citations omitted)). In assessing whether an accommodation is reasonable, “a court may consider as factors the extent to which the accommodation would undermine the legitimate purposes and effects of existing zoning regulations . . . .” *Bryant Woods Inn, Inc. v. Howard Cty.*, 124 F.3d 597, 604 (4th Cir. 1997). In other words, the analysis of reasonableness is both aspirational/normative (evaluating purposes and goals) and actual/descriptive (taking into consideration the actual “effects” of existing zoning regulations). *Id.*

The basic purpose of zoning is to bring complementary land uses together, while separating incompatible ones. *See Vill. of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 388, 47 S.Ct. 114, 71 L.Ed. 303 (1926) (“A nuisance may be merely a right thing in the wrong place, like a pig in the parlor instead of the barnyard.”). “Thus, ordering a municipality to waive a zoning rule ordinarily would cause a ‘fundamental alteration’ of its zoning scheme if the proposed use

was incompatible with surrounding land uses.” *Schwarz*, 544 F.3d at 1221. “On the other hand, if the proposed use is quite similar to surrounding uses expressly permitted by the zoning code, it will be more difficult to show that a waiver of the rule would cause a ‘fundamental alteration’ of the zoning scheme.” *Id.*<sup>42</sup>

Here, there is no fundamental alteration or imposition of an undue financial or administrative burden beyond what already exists. Traffic and parking at the Property will stay consistent, and Rise Recovery employees will use only a few vehicles during business hours and less in the evenings/overnight. And, as is mentioned above, the Property has ample parking available. The Property will still operate as a single housekeeping unit – the residents live together, prepare meals together, share common areas, and function like any family would.

Under the City Code, a single-family dwelling is a permitted use as of right, and there is no numerical limit on the number of related persons who may reside together as a family. Large households—including households of fourteen related individuals—may occupy a home without applying for any special permit, variance, or reasonable accommodation.<sup>43</sup> These households are not required to justify their household size, demonstrate operational necessity, or undergo discretionary review simply because of the number of occupants. In short, nondisabled related families may use and enjoy a single-family home in whatever household size they choose, as a matter of right.

By contrast, individuals with disabilities who must live together in a therapeutic residential household cannot qualify as a “family” solely because they are unrelated, even though they function as a single cohesive household in the same residential manner. The reasonable accommodation process is therefore required only because of the residents’ disabilities and lack of biological relation—not because of any difference in the residential character of the use. Granting the requested accommodation simply places disabled residents on equal footing with those nondisabled families by allowing them the same opportunity to live together as a single household in a residential neighborhood.

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<sup>42</sup> A few examples help make sense of these general principles. In *Hovsons*, 89 F.3d 1096, 1105, the Third Circuit concluded that allowing the developer to build a nursing home in a residential zone would not be a “fundamental alteration” of the zoning code because the proposed facility was “similar to that of the local planned residential retirement communities” already allowed in that zone. *Id.* at 1105.

By contrast, in *Bryant Woods Inn* the operator of a group home for elderly residents suffering from Alzheimer’s and dementia was denied an accommodation allowing it to expand the home from 8 to 15 residents because the expansion would only worsen already-prevalent parking congestion on streets near the facility. *See* 124 F.3d at 604. In other words, the proposed expansion was incompatible with the surrounding area because of the traffic congestion it would cause.

<sup>43</sup> These types of large family households are common in Utah, with nearly one in five family households consisting of five or more persons. U.S. Census Bureau. “Household Type by Household Size.” American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B11016, <https://data.census.gov/table/ACS5Y2024.B11016?q=B11016+Utah>.

In addition, the accommodation proposed by Rise Recovery aligns with Pleasant View's visions, goals, or objectives. Generally, it supports the City's attempts to ameliorate the substance abuse problem that it and the state of Utah at large are attempting to combat. The mere fact that the City's code provides for residential facilities for persons with a disability and for accommodations thereof evidences this objective. *See* City Code § 18.04.465. The purpose of the City's code on the subject, *see id.*, is to comply with the Americans with Disabilities Act and the Fair Housing Act, which statutes were created "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities," *see* 42 U.S.C.A. § 12101, and to provide "for fair housing throughout the United States," respectively. 42 U.S.C.A. § 3601. For each of the reasons provided above, the City will be satisfying the purposes of its Code by granting Rise Recovery's application for reasonable accommodation.

Additionally, the accommodation is consistent with Pleasant View's General Plan. In the plan, the City indicates that City's "intent" is "to pursue any and all applicable avenues that will lead to equitable housing choice for all its residents."<sup>44</sup>

The City also shares several policies underlying its General Plan, including to 1. "provide a variety of housing types and neighborhoods for a diverse range of incomes, ages, and populations..." 2. "facilitate a reasonable opportunity for a variety of housing..." and 3. "ensure that all feel welcome within the City, including through housing choice...."<sup>45</sup>

Granting the requested accommodation to allow additional disabled individuals to reside in this facility directly advances the City's vision to uphold community health, safety, diversity, and quality of life by supporting a therapeutic, residential environment for individuals recovering from substance use disorders and mental health disabilities. This use aligns with Pleasant View's goals to promote wellness-related industries, enhance the livability of the community, and expand diverse, supportive housing options that respond to changing demographic and healthcare needs.

Regarding the administrative or financial burden aspect, granting this accommodation simply requires the City to waive enforcement of the 5-person cap for this specific house. There is no financial cost to the City. Administratively, the City already has processes to consider special exceptions or conditional uses; here, the Fair Housing Act's reasonable accommodation process is the vehicle, and following it imposes at most a minor paperwork burden. The City need not re-zone any property or create a new land use category; it can simply allow this home to house 14 disabled people instead of the 5-person limit that is currently permitted.

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<sup>44</sup> Pleasant View General Plan, p. 22, accessible at [2017 General Plan FINAL.pdf](#). Pages 22, along with other relevant pages cited herein, are attached hereto as Exhibit JJ.

<sup>45</sup> *Id.* at 21, 23.

In short, Rise Recovery’s proposed use is reasonable because it “is quite similar to surrounding uses expressly permitted by the zoning code,” and, therefore, granting Rise Recovery an accommodation will not “cause a ‘fundamental alteration’ of the zoning scheme.” *Schwarz*, 544 F.3d at 1221.

**c. The accommodation to forgo the conditional use permit process is both reasonable and necessary.**

In addition to its request to accommodate an increased number of residents, Rise Recovery respectfully requests a reasonable accommodation from the City’s code requirement that a residential facility for persons with disabilities apply for and obtain a conditional use permit—which requires being subject to a public hearing. City Code §§ 18.02.050(B); 18.09.020.

As established above in Rise Recovery’s initial reasonable accommodation request to increase the number of occupants, the residents of this Property—individuals in recovery from substance use disorders—are disabled persons under state and federal law. Subjecting Rise Recovery and its disabled residents to a conditional use permit process, especially one that includes a public hearing, imposes a discriminatory and unnecessary burden that is neither imposed on families in traditional single-family homes nor justified by a compelling governmental interest.

The same reasons supporting Rise Recovery’s request to increase the occupancy limit—including the need for peer support, the importance of integrated community-based living, privacy concerns, and the absence of any evidence of adverse impacts—apply with equal force here.<sup>46</sup> However, additional compelling reasons support the necessity and reasonableness of this request.

Public hearings are stigmatizing and harmful, particularly for individuals with substance use disorders, who may face community hostility, stereotyping, and opposition when their housing is publicly debated. This chills their willingness and ability to seek stable housing in residential facilities for persons with disabilities.

Additionally, decisions made in the face of public clamor are inherently discriminatory because such opposition is motivated by ill-conceived stereotypes of the disabled, ignorance and prejudice, which are inappropriate bases for decision making. *Assoc. of Relatives and Friends of AIDS Patients v. Regulations & Permits Administration*, 740 F. Supp. 95, 104 (D. Puerto Rico 1990). A “decisionmaker has a duty not to allow illegal prejudices of the majority to influence the decision-making process.” *Id.* “[I]f an official act is performed simply in order to appease the discriminatory viewpoints of private parties, that act itself becomes tainted with

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<sup>46</sup> Rise Recovery hereby incorporates all previous sections of this *Application for Reasonable Accommodation* as if fully set forth in this section.

discriminatory intent even if the decisionmaker personally has no strong views on the matter.” *Id.*

Taking public comment and involving the public in a decision that is technical and inherently administrative, if not quasi-judicial, in nature and which must be guided by the handicaps and disabilities of Rise Recovery’s residents would simply give rise to a potentially stronger discrimination claim, especially if the City denies the conditional use permit or places unreasonable conditions on the approval. This is because, with a record of public clamor, an inference of discrimination arises where “local officials are effectuating the discriminatory designs of private individuals.” *Dailey v. City of Lawton*, 425 F.2d 1037, 1039 (10th Cir. 1970). Public clamor followed by a negative decision raises a de facto inference of discrimination that will be imputed to the City. *See, e.g., Resident Advisory Board v. Rizzo*, 564 F.2d 126, 144 (3d Cir. 1977) (inferring improper racial motivation from city’s “sudden shift in . . . position from passive acceptance [of low-income housing project] to active opposition, in the face of protests by demonstrators manifesting racial bias”) (footnote omitted), *cert. denied*, 435 U.S. 908, 98 S. Ct. 1457, 55 L. Ed. 2d 499 (1978); *United States v. Yonkers Bd. of Educ.*, 837 F.2d 1181, 1223-24, 1226 (2<sup>nd</sup> Cir. 1987) (“It is sufficient to sustain a racial discrimination claim if it has been found, and there is evidence to support the finding, that racial animus was a significant factor in the position taken by the persons to whose position the official decision-maker is knowingly responsive.”).

Moreover, requiring such individuals to participate in a public forum to justify their need for housing violates their right to privacy. Public hearings expose the nature of residents’ disabilities and treatment needs to neighbors, elected officials, and the general public—disclosures that non-disabled persons are never required to make to access single-family housing in residential zones.

The procedural delay and uncertainty associated with conditional use permits—including public notice periods, opposition campaigns, and appeal processes—create a significant barrier to opening or maintaining a residential facility for persons with a disability, often during periods of acute housing need. HUD has explicitly stated that “[a] local government’s undue delay in responding to a reasonable accommodation request may be deemed a failure to provide a reasonable accommodation.”<sup>47</sup>

HUD guidance has repeatedly emphasized that municipalities must modify zoning and permitting procedures when they function to exclude or unduly burden individuals with disabilities in accessing housing of their choice. Requiring a public hearing for this protected population, while exempting others in similar living arrangements, constitutes a facially discriminatory practice unless narrowly tailored and justified. *See e.g., HUD Joint Statement – State and Local Land Use Laws and Practices and the Application of the Fair Housing Act*, at 3

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<sup>47</sup> *HUD Joint Statement – State and Local Land Use Laws and Practices and the Application of the Fair Housing Act* (Exhibit KK).

(“Examples of state and local land use and zoning laws or practices that may violate the [Fair Housing] Act include: ... Imposing... additional conditions on group housing for persons with disabilities that are not imposed on families... by, for example, requiring an occupancy permit for persons with disabilities to live in a single-family home while not requiring a permit for other residents of single-family homes.”).

These concerns are not merely theoretical. In *Alamar Ranch, LLC v. Boise County*, a similar situation resulted in a \$5.4 million judgment against the county. Other recent cases in Florida and South Carolina have resulted in substantial settlements under similar facts, where municipalities refused to waive their public hearing or special permit requirements for housing individuals with disabilities.

Moreover, granting the requested accommodation to waive the conditional use permit and public hearing process is reasonable because it does not impose an undue financial or administrative burden on the City, nor does it constitute a fundamental alteration of the City’s zoning scheme. The City retains its ability to enforce health, safety, and building codes applicable to all residential uses, and no structural changes or rezoning actions are required. In fact, removing this requirement streamlines the process and reduces administrative load.

The use of the property as a residential facility for persons with a disability is substantially similar to other residential uses permitted by right under the zoning code. The conduct and impact of the residents—living cooperatively in a single housekeeping unit—mirrors that of any traditional family household. Importantly, waiving the conditional use permit requirement (and public hearing) prevents the potentially discriminatory effects of allowing community opposition to dictate housing access for persons with disabilities, and preserves the dignity, privacy, and safety of a highly vulnerable population. Courts and federal guidance have consistently recognized that requiring persons with disabilities to subject their housing to a public hearing process, when other similarly situated uses are permitted as of right, can itself constitute a discriminatory barrier.

Therefore, granting this accommodation is not only necessary, but wholly reasonable and consistent with both the spirit and the letter of the FHA and ADA. For these reasons, and pursuant to the City’s obligations under the ADA and FHA to provide reasonable accommodations where necessary to afford individuals with disabilities equal opportunity to use and enjoy housing, Rise Recovery respectfully requests that the City waive the conditional use permit and public hearing requirement for this residence. Such an accommodation is reasonable, necessary, and legally required to avoid discrimination and to facilitate the integration and recovery of individuals with disabilities in our community.

***d. Application of the City's Definition of "Disability."***

Rise Recovery further requests confirmation that Pleasant View's definition of "Disability," as set forth in City Code § 18.04.194, will be interpreted and applied consistently with controlling federal and state law.

The Fair Housing Act defines disability broadly. See 42 U.S.C. § 3602(h). Courts have consistently recognized that substance use disorder (excluding current illegal drug use), PTSD, anxiety disorders, major depressive disorder, and related mental health conditions constitute qualifying disabilities where they substantially limit one or more major life activities. The Utah Fair Housing Act mirrors this definition and is interpreted consistently with federal law.

Federal law further requires that the term "substantially limits" be construed expansively and in favor of broad coverage. See 42 U.S.C. § 12102(4)(A). Municipal definitions must be applied in a manner consistent with these federal standards. Utah Code § 10-9a-104 expressly provides that municipal land use regulations must comply with federal law.

Rise Recovery does not contend that the City's definition is facially invalid. However, to the extent the City interprets or applies its definition of "Disability" more narrowly than federal or state law—whether by imposing heightened evidentiary requirements, excluding individuals in recovery from substance use disorders, or otherwise limiting coverage beyond what federal law permits—such interpretation would conflict with and be preempted by controlling law.

Accordingly, and out of an abundance of caution, Rise Recovery respectfully requests that, if necessary, the City grant a reasonable accommodation from any interpretation of City Code § 18.04.194 that would exclude the proposed residents from protection under the Fair Housing Act or Utah Fair Housing Act. This request is limited to ensuring that the term "Disability" is applied in a manner consistent with governing federal and state law.

Granting this clarification does not alter the City's zoning framework, impose administrative burden, or require structural change; rather, it ensures compliance with existing legal obligations and avoids unnecessary legal conflict.

**II. CONCLUSION**

For the reasons set forth above, Rise Recovery respectfully requests that the City grant a reasonable accommodation from the requirements of City Code §§ 18.04.200, 18.04.230, 18.04.250, 18.04.260, 18.09.020, 18.09.030, and 18.02.050(B) and any other provisions applied to (i) limit the number of unrelated disabled residents at the Property or (ii) require a conditional use permit and public hearing for the proposed use. Rise Recovery further requests, to the extent necessary, a reasonable accommodation from any interpretation of City Code § 18.04.194 that would construe "Disability" more narrowly than controlling state and federal law. With these accommodations, Rise Recovery requests approval to operate a fourteen (14)-bed residential

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facility for persons with disabilities at the Property without requiring compliance with the conditional use permit process.

We appreciate the City's consideration of this request and look forward to working collaboratively with Pleasant View to ensure individuals with disabilities have an equal opportunity to use and enjoy the Property. Please contact me if the City has any questions or would like additional information to facilitate a timely decision.

Respectfully submitted,

PARSONS BEHLE & LATIMER



Daniel Biddulph

Attorneys for Rise Recovery, LLC

Enclosures:

Ex. A – Reif, S., George, P., Braude, L., Dougherty, R. H., Daniels, A. S., Ghose, S. S., & Delphin-Rittmon, M. E. (2014). *Recovery Housing: Assessing the Evidence*. *Psychiatric services* (Washington, D.C.), 65(3), 295–300.

Ex. B – Vilsaint, C. L., Tansey, A. G., Hennessy, E. A., Eddie, D., Hoffman, L. A., & Kelly, J. F. (2025). *Recovery Housing for Substance Use Disorder: A Systematic Review*. *Frontiers in Public Health*, 13, 1506412.

Ex. C – Rinker B. (2019). *Recovery Residences Combat Addiction in Rural Communities*. *Health Affairs* (Project Hope), 38(12), 1968–1970.

Ex. D – Mericle, A. A., Slaymaker, V., Gliske, K., Ngo, Q., & Subbaraman, M. S. (2022). *The Role of Recovery Housing During Outpatient Substance Use Treatment*. *Journal of substance abuse treatment*, 133, 108638.

Ex. E – Wittman, F., Jee, B., Polcin, D. L., & Henderson, D. (2014). *The Setting is the Service: How the Architecture of Sober Living Residences Supports Community Based Recovery*. *International Journal of Self Help & Self Care*, 8(2), 189–225.

Ex. F – Polcin, D. L., Korcha, R., Bond, J., & Galloway, G. (2010). *Eighteen Month Outcomes for Clients Receiving Combined Outpatient Treatment and Sober Living Houses*. *Journal of Substance Use*, 15(5), 352–366.

Ex. G – Polcin, D. L., Henderson, D. M., Korcha, R., Evans, K., Wittman, F., & Trocki, K. (2012). *Perceptions Of Sober Living Houses Among Addiction Counselors and Mental Health Therapists: Knowledge, Views and Perceived Barriers*. *Journal of Psychoactive Drugs*, 44(3), 224–236.

Ex. H – Jason, L. A., Olson, B. D., Ferrari, J. R., & Lo Sasso, A. T. (2006). *Communal Housing Settings Enhance Substance Abuse Recovery*. *American Journal of Public Health*, 96(10), 1727–1729.

Ex. I – *The Effectiveness of Residential Treatment Services for Individuals with Substance Use Disorders: A Systematic Review*, *Drug and Alcohol Dependence*, (Dominique de Andrade, Rachel A. Elphinston, Catherine Quinn, Julaine Allan, Leanne Hides, 2019).

Ex. J – *Influence of a residential drug and alcohol program on young people's criminal conviction trajectories*, *Journal of Criminal Justice*, (Whitten et al., 2023).

Ex. K – *The Effectiveness of Treatment for Drug Abuse*, Princeton University (1990).

Ex. L – *How Social Relationships Influence Substance Use Disorder Recovery: A Collaborative Narrative Study*, *Substance Abuse: Research and Treatment*, 13, (Pettersen, H., Landheim, A., Skeie, I., Biong, S., Brodahl, M., Oute, J., & Davidson, L., 2019).

Ex. M – *Community-Based Residential Treatment for Alcohol and Substance Use Problems: A Realist Review*, *Health & Social Care in the Community*, 30, e287–e304, (Mutschler, C., Junaid, S., Tellez, C., Franco, G., Gryspeerdt, C., & Bushe, J. 2022).

Ex. N – *What Did We Learn From Our Study on Sober Living Houses and Where Do We Go From Here?*, *J. Psychoactive Drugs*, at p. 1 (Polcin et al., 2010).

Ex. O – *The Need for Substance Abuse After-Care: Longitudinal Analysis of Oxford House*, *Addictive Behaviors* 32 at p. 804 (2007).

Ex. P – *Counteracting “Not in My Backyard”’: The Positive Effects of Greater Occupancy with Mutual-help Recovery Homes*, *J. Community Psychol.*, Jason, Groh et al. at p.3 (September 1, 2008).

Ex. Q – *Interaction of Motivation and Social Support on Abstinence among Recovery Home Residents*, *J. Drug Issues* at p. 9 (Korcha, Polcin & Bond, 2016).

Ex. R – *Social Networks Among Residents in Recovery Homes*, *Adv. Psychol. Study* at p. 8 (Jason et al., 2012).

Ex. S – *Benefits of Peer Support Groups in the Treatment of Addiction*, Substance Abuse and Rehabilitation at p. 145 (Tracy & Wallace, 2016).

Ex. T – *Substance Abuse and Mental Health Services Administration*. (2021). *Group Therapy in Substance Use Treatment*. Advisory.

Ex. U – *Group Psychotherapy in Specialty Clinics for Substance Use Disorder Treatment: The Challenge of Ethn racially*, *International Journal of Group Psychotherapy*, 68(4), 608–628, *Diverse Clients* Wendt, D. C., & Gone, J. P. (2018).

Ex. V – *The Theory and Practice of Group Psychotherapy*, Irvin D. Yalom (5th ed. 2005), at p. 292.

Ex. W – *Substance Abuse Treatment: Group Therapy. Treatment Improvement Protocol (TIP) Series, No. 41*, Center for Substance Abuse Treatment. HHS Publication No. (SMA) 15-3991. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2005, p. 60.

Ex. X – Moos RH, King MJ, Patterson MA. *Outcomes Of Residential Treatment of Substance Abuse in Hospital- And Community-Based Programs*. *Psychiatr Serv*. 1996 Jan;47(1):68-74. doi: 10.1176/ps.47.1.68. PMID: 8925349.

Ex. Y – Johnson, B., Pagano, M., Lee, M., & Post, S., *Alone on the Inside: The Impact of Social Isolation and Helping Others on AOD Use and Criminal Activity*. *Youth & Soc’y*. 2018 50(4):529–550, 541. doi: 10.1177/0044118X15617400.

Ex. Z - Ingram, I., Kelly, P., Deane, F., Baker, A., Goh, M., Raftery, D., & Dingle, G., *Loneliness Among People with Substance Use Problems: A Narrative Systematic Review*. *Drug Alcohol Rev*. 2020 Jul;39(5):447-483. Doi:10.111/dar.13064. PMID: 32314504.

Ex. AA – *Ten Years of Data Show Drug Overdoses Remain a Significant Health Threat in Utah*. Utah Dept. of Health and Human Services, p. 4.

Ex. BB – Utah Department of Health and Human Services, *Health Indicator Report of Drug Overdose and Poisoning Incidents*.

Ex. CC – Moxley VBA, Hoj TH, Novilla MLB. *Predicting Homelessness Among Individuals Diagnosed with Substance Use Disorders Using Local Treatment Records*. *Addict Behav*. 2020 Mar;102:106160. doi: 10.1016/j.addbeh.2019.106160. Epub 2019 Oct 22. PMID: 31841870.

Ex. DD – Utah Department of Health and Human Services, *DCFS Annual Report Fiscal Year 2022*.

Ex. EE – *The economic impact of the opioid epidemic*, Brookings, (Julia Paris, Caitlin Rowley, and Richard Frank 2023).

Ex. FF – *State-Level Economic Costs of Opioid Use Disorder and Fatal Opioid Overdose — United States, 2017*, CDC Morbidity and Mortality Weekly Report (2021).

Ex. GG – *PHOM Indicator Profile Report of Alcohol Consumption - Binge Drinking*, Utah Department of Health and Human Services.

Ex. HH – *Drug-fueled theft rings exploit local vulnerabilities*, Utah Attorney General (2024).

Ex. II – Utah Drug Monitoring Initiative, Annual Report, *Analysis of the impact relating to illicit drug in Utah* (2021).

Ex. JJ – Pleasant View General Plan, pp. 21–23.

Ex. KK – HUD Joint Statement – State and Local Land Use Laws and Practices and the Application of the Fair Housing Act.

Also attached and incorporated – Declaration of Brock Howick.