Seminar – Regulating Public Spaces in a manner that Balances the Rights of Homeless Individuals with Preservation of Public Spaces for their other Intended Purposes

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The Community Inn

- This Presentation is a case study. It will outline:
- Lexington Kentucky's attempt to enforce its zoning laws and simultaneously provide needed shelter services for the homeless.
- Specifically, Lexington was involved in a 4–year zoning dispute with the a homeless shelter called the Community Inn.
- This dispute ultimately resulted in a settlement agreement that benefited the homeless population and the entire community.

The Community Inn
824 Winchester Road, Lexington, KY-Courtesy Google Maps



The Community Inn

- The Community Inn is a homeless shelter in Lexington, Ky.
- It provides overnight shelter to individuals regardless of behavior, substance abuse issues, and mental health issues.
- It is situated on a commercial corridor that is adjacent to several older neighborhoods.
- The Community Inn is located in a B-4 Zone - for warehouses and wholesale businesses.
- The Community Inn houses individuals from 7 pm to 7 am; It is jointly run with the Catholic Action Center that operates a day shelter at another location.

Street View- Winchester Road- Courtesy Google Maps



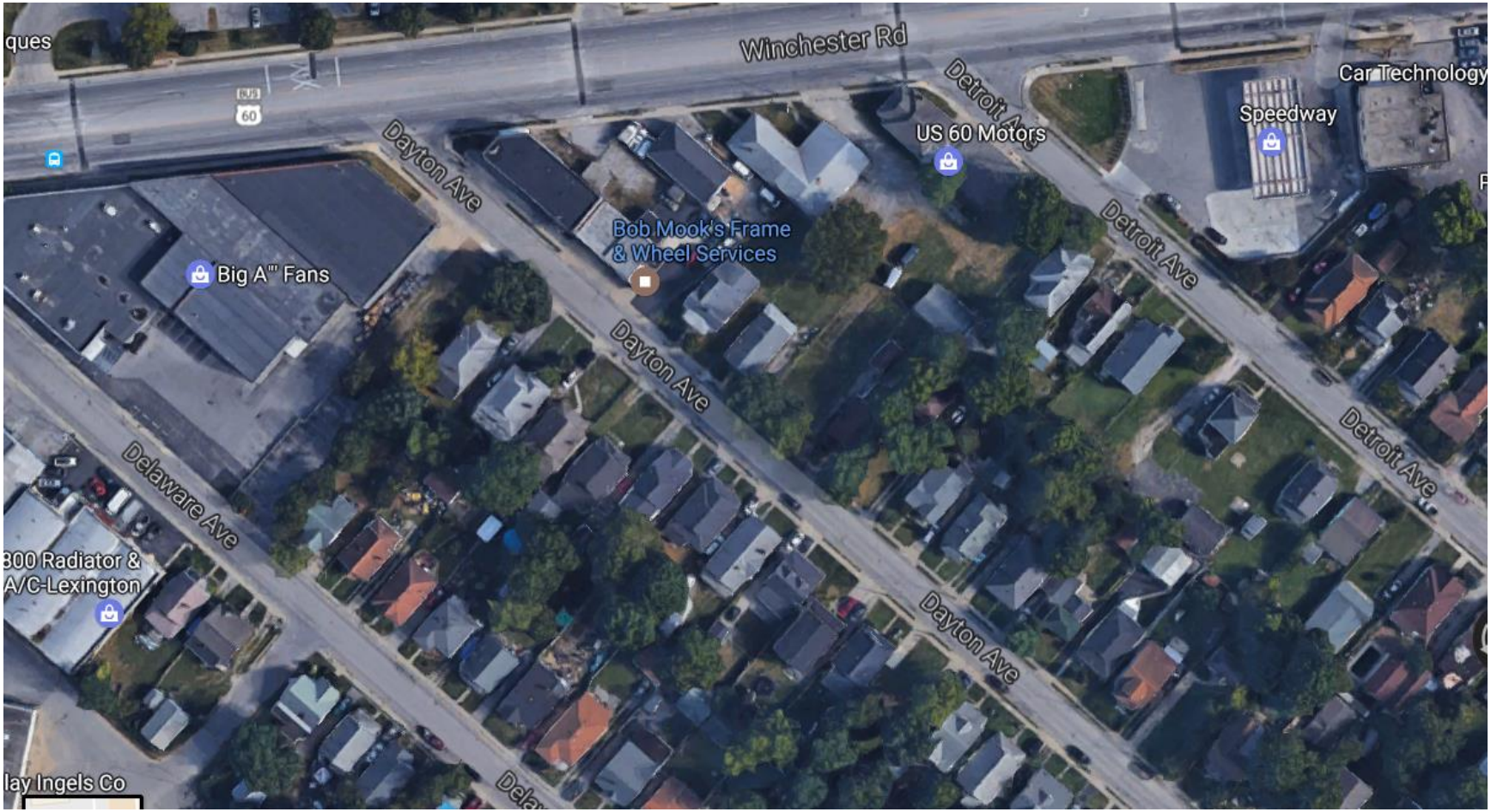
History of the Zoning Controversy

- 2010- A group called Inner City Breakthrough Ministries ("ICBM") applied to Lexington's Board of Adjustment for a conditional use permit to **operate a church** at 824 Winchester Road.
- May 2010 - a certificate of occupancy was issued.
- December 2010- ICBM and Divine Providence, Inc. partnered to create a homeless shelter at this location- operating under the conditional use permit that was issued for a church.

The Opening of the Homeless Shelter

- Subsequent to the grant of the conditional use permit to operate a church, in April 2011 – the Community Inn opened as a homeless shelter.
- Following its opening as a homeless shelter, from April 2011-April 2012, the neighborhoods that are adjacent to the Community Inn voiced complaints to Lexington officials regarding homeless individuals wandering through their yards, littering, and engaging in disorderly conduct.
- Police visit the Community Inn 32 times in a four month period in response to complaints.

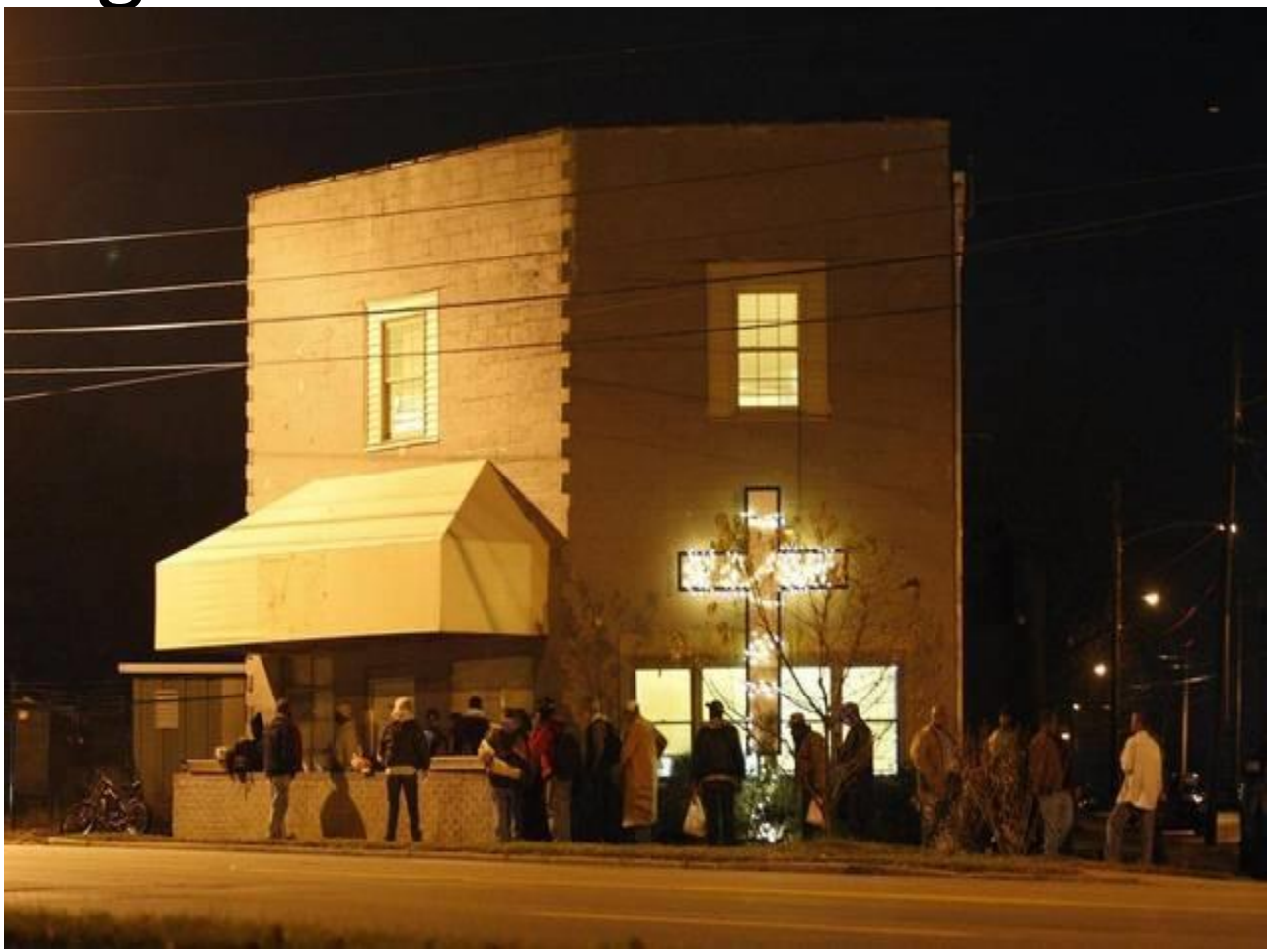
An Aerial View of Adjacent Neighborhoods- Google Maps



The Community Inn's Neighbors- Google Maps



Evenings at the Community Inn- Lexington Herald Leader – 10-24-16



Board of Adjustment Revokes the Conditional Use Permit

- On June 8, 2012, Lexington's Board of Adjustment revoked the Community Inn's conditional use permit.
- Board of Adjustment ordered it to be closed by December 8, 2012.
- On September 12, 2014, a judge affirms the decision to revoke the conditional use permit.

From Lexington- Herald Leader, June 8, 2012,



Threatened Litigation

- Operators of the Community Inn state they will file a Fair Housing Complaint and a complaint under the Religious Land Use and Institutionalized Persons Act (“RLUIPA”) regarding the revocation of the Conditional Use Permit by the Board of Adjustment.

Religious Land Use and Institutionalized Persons Act (RLUIPA) and Fair Housing Act

- RLUIPA is codified at 42 U.S.C. §§ 2000cc, *et seq*.
- RLUIPA protects religious institutions, houses of worship and other individuals from discrimination in zoning and land marking laws.
- The Fair Housing Act – 42 U.S.C. section 3601 *et seq.* According to HUD, "The Fair Housing Act protects people from discrimination when they are renting, buying, or securing financing for any housing. The prohibitions specifically cover discrimination because of race, color, national origin, religion, sex, disability and the presence of children."

Community Inn files Fair Housing Act Complaint

- September 2012 – Lexington Fair Housing Council files a Fair Housing Complaint against Lexington regarding the revocation of the conditional use permit.
- Complaint alleges race discrimination and disability discrimination and failure to make reasonable accommodation under Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act of 1988.