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ADA: Requirement to Install Fire Sprinklers in Sober Homes Cannot be Averted as Reasonable Accommodation

Summers v. City of Fitchburg, No. 18-1725 (1st Cir. Oct. 8, 2019).

The operator of four Massachusetts sober homes could not avoid installing fire sprinklers in his facilities on the grounds that such an expense should be circumvented as a reasonable accommodation.

Jeffrey Summers (Summers), through his non-profit organization Jeffrey's House, operated four sober homes in Fitchburg, Massachusetts (City). In 2013, the City began enforcing zoning and building code provisions they claimed Summers violated. Summers requested the City grant an accommodation under the ADA and FHAA to allow operations to continue despite the use restrictions.

The City informed Summers that state law required sprinkler systems to be installed in three of the four sober homes. The City gave Summers six months to bring the homes into compliance, but the plaintiffs failed to do so. As a result, the City fined the homes $1,000 and filed an enforcement action in state housing court.

Summer and JH filed suit against the City and various City officials alleging violations of the ADA and FHAA, including a disparate treatment theory, disparate impact theory, and a claim alleging failure to provide reasonable accommodations as required by federal law. The district court granted summary judgment for the City on the grounds that the plaintiffs failed to show an exemption from the sprinkler requirement was

reasonable or necessary to allow recovering addicts to live in and benefit from the sober homes.

The First Circuit affirmed the district court's grant of summary judgment. According to the First Circuit, because the disparate treatment and disparate impact claims were validly dismissed by the district court, the only preserved claim on appeal was the failure to make a reasonable accommodation claim based on the City's refusal to exempt the sober homes from the state sprinkler law under the FHAA and ADA. Plaintiffs argued that requiring them to follow the sprinkler law would force them to either raise prices or to reduce occupancy, and therefore both options threatened residents and the purpose sober houses serve. The First Circuit found the plaintiffs' argument could not withstand scrutiny because the basis for their request for exemption was unreasonable—it created a threat to public safety. Reasonableness is the first hurdle a plaintiff must overcome in requesting a reasonable accommodation under the ADA and FHAA.

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