AGENDA
CODE ENFORCEMENT & APPEALS BOARD HEARING
NOVEMBER 5, 2020
5:30 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

The Regular Code Enforcement & Appeals Board Hearing will be held as a VIRTUAL MEETING with board members and City staff participating through video conferencing. This virtual meeting will be broadcasted live for members of the public to view on the City of Fernandina Beach website (www.fbfl.us) and Channel 264 (Comcast only).

1. CALL TO ORDER / ROLL CALL / DETERMINATION OF A QUORUM

2. APPROVAL OF MINUTES

2.1 The minutes for September 3, 2020, are presented for approval.

3. OLD BUSINESS

3.1 Staff Update on 409 Fir Street, CASE 2019-0439

4. NEW BUSINESS

4.1 **JASMINE SCARVER, 1014 S. 10TH STREET, CASE 2020-0287.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16 - Group Homes or 6.02.17 - Group Residential Violation. *Requesting Board determination of the case.*

4.2 **DAVID T. & ANTOINETTE BROWN, 823 S. 13TH STREET, CASE 2020-0284**. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16 - Group Homes or 6.02.17 - Group Residential Violation. *Requesting Board determination of the case.*

4.3 **NETHERLAND WILSON, 816 VERNON STREET, CASE 2020-0285**. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16 - Group Homes or 6.02.17 - Group Residential Violation. *Requesting Board determination of the case.*

5. BOARD BUSINESS

5.1 **BOARD APPOINTMENTS** - Recommendation of appointments

5.2 **2021 MEETING DATES** - All meetings are scheduled for the first Thursday of each month.

6. ADJOURNMENT

Quasi-Judicial – Denotes that the item must be conducted as a Quasi-Judicial hearing in accordance with City Commission established procedure and Florida Statutes.

This will be conducted as a virtual meeting with restricted physical access. Written comments emailed to the

Code Enforcement Director (mforstrom@fbfl.city) must be sent no later than 1 PM on November 5, 2020 and will be read aloud during the meeting. These comments shall have a maximum time allowance of 3 minutes or 400 words. Public comment may also be provided virtually through use of the Zoom Meeting link below, the phone number provided below, or in person at City Hall with strict restrictions to protect health and safety. Individuals wishing to provide live comments during the meeting must dial-in or connect via the Zoom Meeting link or phone number below no later than 5:20 PM on November 5, 2020 and will be called upon by their individual registered Zoom Meeting ID Account or by the last-4 digits of their respective phone number. When called upon, please provide your name and home address prior to issuance of public comment. Please limit comment to 3 minutes.

Zoom Meeting Link:

https://zoom.us/j/93554452778?pwd=dFFsV2VpckYrcGpwTjBxdlJPZVJWUT09

Password: CEAB1105

(Users must have a functional microphone): **935 5445 2778** with Password: **CEAB1105**
Or
Zoom Phone Dial-In for Public Comment: + **1 646 558 8656** Meeting ID: **935 5445 2778**
Password: **53662251**

If you must attend in person at City Hall (204 Ash Street), please arrive at City Hall no later than 5:20 PM to be counted and to complete a speaker form. You will be admitted into City Hall when it is your turn to make your public comments and must exit City Hall after your comments are made.

It is required that you wear a face mask when entering City Hall for your protection and the protection of others.

All members of the public are invited to be present and be heard. Non -English speaking individuals may request a language or sign interpreter at least ten (10) working days prior to this meeting. Persons with disabilities requiring accommodations in order to participate should contact the City Clerk at (904) 310 - 3115 or TTY/TDD 711 (for the hearing or speech impaired).

For information regarding this matter, please contact the Code Enforcement Department at (904) 310-3440. If any person decides to appeal any decision made by the Code Enforcement & Appeals Board with respect to any matter considered at such meeting he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

DRAFT

Code Enforcement & Appeals Board Minutes

Regular Hearing

September 3, 2020

Due to the ongoing COVID-19 pandemic, the Code Enforcement & Appeals Board Meeting was held as a combination VIRTUAL and LIVE MEETING with some board members and City staff participating through video conferencing. This virtual meeting was broadcast live for members of the public to view on the City of Fernandina Beach website (www.fbfl.us) and Channel 264 (Comcast only).

1. **Call to Order/Roll Call/Determination of Quorum-** The meeting was called to order at 5:30 p.m.

   Board Members Present:
   Chair Adam Kaufman
   Vice Chair Nicole Kresse
   Buddy Boyd (via Zoom)
   Henry Byrd
   Cindy Crow (via Zoom)
   Andy Fotiades (Alternate 2) (via Zoom)
   Gail Shults
   Leroy Thompson (Alternate 1 - seated as voting member at this meeting)

   Board Members Absent:
   Marlene Chapman

   Staff Present:
   Tammi E. Bach, City Attorney
   Harriet Davis, Administrative Coordinator
   Katie Newton, Legal Assistant
   George Wells, Code Enforcement Officer

   Others Present:
   Valerie Faltemier
   Kathy Wortham
   Louis Wortham

   A motion was made by Vice Chair Kresse, seconded by Member Byrd, to seat Member Thompson as a voting member for this meeting. Vote upon passage of the motion was taken by voice vote being all ayes, carried.

2. **Approval of Minutes-** According to the agenda support documents, the minutes for the July 2, 2020 regular hearing were presented for approval. **A motion was made by Vice Chair Kresse, seconded by Member Byrd, to approve the minutes. Vote upon passage of the motion was taken by voice vote being all ayes, carried.**

   City Attorney Tammi Bach provided a brief explanation of the process for seating alternate board members. Alternate members can be involved in the discussion but cannot vote unless they are seated as a voting member. Ms. Bach also explained Florida's Sunshine Laws and reminded the board any e-mails, phone calls,

and text messages they may send or receive for board business are considered public record. Agendas, staff reports, and attachments are also considered public record. She reminded the board members not to "reply all" when responding to e-mails from City staff and other board members.

Ms. Bach introduced attorney Valerie Faltemier who represented the board for this meeting. Ms. Faltemier explained the quasi-judicial process.

Chair Kaufman asked for any ex parte communication regarding the case. There was none.

3. Old Business

There was no old business before the Board.

4. New Business

4.1 JASMIN PLACE, LLC, 17 JASMINE PLACE, CASE 2020-0327. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 26-101(h) – Resort Rental Dwelling Permits – Enforcement; penalties. *Requesting Board determination of the case.*

Chair Kaufman read the case. Ms. Bach presented the case for the City and submitted evidence into the record. Ms. Bach stated resort rentals are only allowed in R-3 (multi-family) residential zoning districts unless grandfathered in. 17 Jasmine Place is zoned R-2; therefore, resort rentals are not permitted at this property. The property does not fall under the exception provided by the Land Development Code to continue in legal non-conforming status.

Ms. Bach provided a timeline of the case. On May 14th, Code Enforcement sent the property owner a Notice of Violation/Citation for resort rental activity. The owner was directed to discontinue short term rental activity and advertising and to pay a fine of $1,000 by May 26th or submit a hearing appeal in writing along with a $75 fee. Code Enforcement received an appeal letter on May 26th. The case was presented to Special Magistrate Harrison Poole on June 16th. Mr. Poole issued an administrative order on June 17th, assessing the appellant a fine of $1,000 along with administrative and attorney's fees associated with the case payable within thirty (30) days from the date of the order (no later than July 17th). When the deadline passed and no payment was received, Code Enforcement Director Michelle Forstrom discussed next steps with Ms. Bach. Ms. Bach felt it would be in the City's best interest to bring the case before the board rather than take the case to small claims court. She explained that in this jurisdiction, the case would go to mediation first and would cost the taxpayers more money in the long run to remedy the case.

Staff recommends a motion to find the property in violation of 26-101(h), and assess fines from July 18th of $100.00 per day until the $1,000.00 fine and administrative fees are paid in full, with a lien to be recorded within the time frame the board deems appropriate if the fines and fees are not paid.

Chair Kaufman asked for clarification on Section 26-101(h)(2) and if the board is authorized to assess an additional fine for not paying a fine. Ms. Bach feels the board is authorized to assess additional fines. Even though this case is unique, she feels it is advantageous to the taxpayers to bring this case before the board for a resolution as stated above. Chair Kaufman and Ms. Bach discussed Section 1-12 – General penalty; continuing offenses; citations and appeals to special magistrate. Ms. Bach feels the board is a judicial remedy available to the city as outlined in this section.

Board member Shults inquired about the process for determining if a property is being used for resort rentals. Ms. Bach stated investigations are conducted to determine if a property is in violation (for example, online research, bookings, etc.); however, in this case, the neighbors brought the resort rental activity to Code Enforcement's attention.

Chair Kaufmann stated he feels the board does not have the authority to exercise judgment regarding this case since it went before a special magistrate first and an administrative order was issued.

Member Boyd feels additional fees should be assessed since the owner has had more than enough time to pay the fine and has ignored the administrative order. The property owner has not contacted the Code Enforcement office and was not present at this meeting.

A motion was made by Member Boyd to find the property in violation of 26-101(h) and to give the respondent ten (10) days to pay the fines and administrative fees. If the fines and fees are not paid within ten (10) days, assess a fine of $250 per day until the fines are paid in full. The motion was not seconded. Member Boyd amended the motion to make the fines retroactive from July 18, 2020. The amended motion was not seconded.

Discussion on the motion:
Member Crow feels the board does not have the authority to enforce the Special Magistrate's order. She asked for clarification on why the case is being presented to the board. Ms. Bach explained as referenced in Section 26-101(h)(1), the property owner is responsible to pay the fine as ordered by the Special Magistrate. The case is being brought before the board to enforce the administrative order and fine.

Chair Kaufman feels a remedy is available within the court system to enforce the Special Magistrate's order, as outlined in Section 26-101(h)(2). He feels the order is subject to confirmation in the court system.

As requested by Member Crow, Ms. Faltemier shared her interpretation of Section 26-101(h)(2). She feels this case could be perceived as exceeding the purview of the board; and it may be more appropriate for the City to bring it before the court system.

A board member inquired about possible alternatives to enforce the fine. Ms. Bach reiterated she could bring the case before the court system to enforce the fine, but she felt it was more cost effective for the taxpayers to bring it before the board for a resolution. Ms. Bach stated she would have brought the case before them if the property owner had not paid the fine and had not appealed the special magistrate's order.

Chair Kaufmann asked the board members for a motion to dispose of this case. No other motions were made. No action was taken on this case.

5. Board Business

None

6. Adjournment

There being no further business to come before the Code Enforcement and Appeals Board, Board Member Byrd moved to adjourn the meeting; Board Member Shults seconded the motion. A vote was taken and passed 6-1, with Member Boyd voting nay.

The meeting was adjourned at 6:22 p.m.

_____ _____

Harriet Davis, Recording Secretary Adam Kaufman, Chair

STAFF REPORT
Case 2020-0287
City of Fernandina Beach Code Enforcement & Appeals Board
November 5, 2020

Violation Information

Owner	Jasmine Scarver 2233 Nettlebrook Street North Jacksonville, FL 32218
Violation	City of Fernandina Beach – Land Development Code, 6.02.16 - Group Homes or 6.02.17 Group Residential Violation
Location:	1014 South 10th Street, Fernandina Beach, FL 32034

Summary and Background Information

City staff has had numerous meetings regarding Henry Green and his Sober homes/Group Homes and/or Group Residential properties. The following is the calendar of events for these meetings:

May 21, 2019 - City staff (Kelly Gibson, Michelle Forstrom, and Angie Lester) met to discuss the Land Development Code regarding Group Homes and Group Residential.

July 26, 2019 - City staff (Jacob Platt, Michelle Forstrom, and Angie Lester) met with Henry Green, and Barb Kent to discuss the Land Development Code regarding Group Homes and the regulations associated with their operation.

August 5, 2019 - City staff (Jacob Platt, Michelle Forstrom, and Angie Lester) met with Henry Green, and Barb Kent to discuss the Land Development Code regarding his current Group Home and future Group Homes and the regulations, restrictions, and options associated with their operation. We explained that Henry Green must get licensed in order to operate a Sober Home, and then he would need an LBTR (Local Business Tax Receipt) from the City.

July 21, 2020 - City staff (Tammi Bach, Katie Newton, Kelly Gibson, Michelle Forstrom, Chief Hurley, Deputy Chief Foxworth, Captain Bishop and Sergeant Peak) met via ZOOM to discuss Henry Green's Sober Homes/Group. An inspection was then conducted by Officer Wells and myself. We ended up meeting Mr. Green at this property. He gave us a tour of the home. Upon entry, there were many chairs set up in rows for assembly for AA and NA meetings. I counted fifteen (15) beds in this single family, three (3) bedroom, one (1) bath house of 2131 square feet. Mr. Green informed me that at any given time there are about six (6) men residing here for a maximum of ninety (90) days. The other beds are occupied by shorter term residents, anywhere from one to a few days for transition purposes. I asked him about the other three homes, that will be also be brought before you tonight. He told me that the others would be of the same set up. He also told me that he did not need any licensure, because he was operating under ministry. I told him that I would look into it, but I didn't think that was the case. We also talked to him about the other violations and what needed to be done. All but the violations for 5.01.09 – Outdoor storage and 6.02.16 – Group Homes, have been brought into compliance at this time.

July 27, 2020 - City staff (Tammi Bach, Katie Newton, Kelly Gibson, and Michelle Forstrom) met via conference call to confirm that Mr. Green is indeed in violation of the LDC by operating a Group Home without being licensed.

July 31, 2020 – We mailed a certified Notice of Violation/Notice of Hearing letter to Property owner and Mr. Henry Green. A copy of the signed return receipt was returned with the owner signature and through United States Postal Service tracking system on-line received confirmation that Mr. Green's had been delivered, giving proper service.

August 7, 2020 - Dr. Jeffrey Blythe called me to schedule a meeting with he and Henry Green. A meeting was scheduled for August 11, 2020 in the City Attorney's conference room.

August 11, 2020 - Tammi Bach, Henry Green, Dr. Jeffrey Blythe, and I met to discuss This case and the other three (3) cases. Included in the evidence is documentation backing up our discussion. They were told that Mr. Green must comply with the Supplemental Standards in the Land Development, which they currently are not doing.

August 28, 2020 - We did not receive the certified green card back. When we check the USPS tracking system, the last status item said that as of August 7, 2020, it was still in transit (it still says that today), we did, however, get Mr. Green's green card back. Because we could not prove due process to the property owner, we pulled all three of these cases off of the September 3rd CEAB agenda.

September 10, 2020 - I talked to Henry Green, he told me that he had received the letter dated July 31, 2020.

September 10, 2020 - We sent another Notice of Violation/Notice of Hearing letter both Certified and First-Class Mail (affidavit included) to the property owner and sent a copy of the same letter Certified to Mr. Henry Green. We received both Green Cards back. We then learned of a quick claim deed from Ms. Tyler to her daughter Jasmine Scarver, putting us back to lack of proof of due process to the new property owner. We had to start the due process over again and cancel the CEAB hearing for October.

October 1, 2020 - I called and talked to the new property owner, Jasmine Scarver. She was unaware of the severity of the alleged violations at this property. Full disclosure was not given to her by the previous owner (her mother). She told me that she is going to get a cease and desist order. I gave her until November 2, 2020, but after she talked to Mr. Green, she then decided to let this case play out before the Board at the hearing. As said previously, we removed this case and the other two associated cases off the agenda, and cancelled the hearing, because due process was not served on this new property owner. I called all of the interested parties and property owners of all three properties, informing them that the hearing was cancelled.

October 5, 2020 – We sent yet another Notice of Violation/Notice of Hearing letter Certified and First-Class mail to the new property owner and Mr. Green, affidavit is included as evidence. Both green cards were received back.

We will have expert witnesses testify to what is needed to have this property and the other two properties come into compliance.

Conclusion:
This activity continues to this day.

Recommendation:
The City recommends a motion to be made to find the property in violation of 6.02.16 Group Homes; and 5.01.09 - Outside Storage, giving the respondent two (2) weeks/fourteen (14) additional days to come into compliance by November 19, 2020. The City recommends a motion to be made that all administrative fees be paid by the Respondent and that a fine of $200.00 a day for the violation to begin on November 20, 2020 if not in compliance, along with filing a lien on this property on January 4, 2021, forty-five (45) days from November 20, 2020.

Submitted by:

Michelle D. Forstrom
Code Enforcement Director

CITY OF FERNANDINA BEACH **Michelle D. Forstrom**
Code Enforcement Department Code Enforcement Director

CODE ENFORCEMENT & APPEALS BOARD
NOTICE OF VIOLATION/NOTICE OF HEARING

October 5, 2020 Case Number: CODE-2020-0287

Cert. #: 7020 0090 0001 9419 5625
FIRST CLASS

IN THE MATTER OF:

Jasmine Scarver
2233 Nettlebrook Street N.
Jacksonville, FL 32218

PREMISES: 1014 S 10TH ST FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 170 LOTS 7 8 9 & 10 IN OR 893/345 CITY OF FDNA BEACH

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land Development Code and contends that the following violation(s) exist:

6.02.17	**Group Residential Violation**	
	Cease and Desist ALL Group Residential activity, it is not allowed in R-2 zoning.	**By 10/15/2020**
6.02.16	**Group Homes Violation**	
	Provide proof of all required Local, County, State, Federal licensure, as well as Fire Safety Standards and comply with all City codes; or Cease and Desist ALL Group Home activity.	**By 10/15/2020**

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: November 5, 2020

TIME: 5:30 PM

LOCATION: City Commission Chambers, 204 Ash St

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED $250.00 per day, per violation), and in some cases demolition.

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).

Michelle Forstrom

Code Enforcement Director

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

cc: Henry Green
1014 S. 10th Street
Fernandina Beach, FL 32034

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HENRY GREEN
1014 S. 10TH STREET
FERNANDINA BEACH, FL 32034

9590 9402 5816 0034 1925 55

2. Article Number *(Transfer from service label)*
7020 0090 0001 9419 5656

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Henry Green ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* Henry Green C. Date of Delivery 10-15-20

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
red Mail
red Mail Restricted Delivery
r $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

7020 0090 0001 9419 5656

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT Code Enforcement
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	$ 3.55
Extra Services & Fees *(check box, add fee as appropriate)*	
☒ Return Receipt (hardcopy)	$ 2.85
☐ Return Receipt (electronic)	$
☐ Certified Mail Restricted Delivery	$
☐ Adult Signature Required	$
☐ Adult Signature Restricted Delivery	$
Postage	$ .50
Total Postage and Fees	$ 6.90

Postmark Here
FERNANDINA BCH FL
OCT 15 20
USPS - 32034

Sent To HENRY GREEN
Street 1014 S. 10TH STREET
City FERNANDINA BEACH, FL 32034

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JASMINE SCARVER
2233 NETTLEBROOK STREET N.
JACKSONVILLE, FL 32218

9590 9402 5816 0034 1925 48

2. Article Number *(Transfer from service label)*
7020 0090 0001 9419 5625

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X JR68 ☒ Agent ☐ Addressee

B. Received by *(Printed Name)* Cousin C. Date of Delivery 10-7-20

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

7020 0090 0001 9419 5625

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT Code Enforcement
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	$ 3.55
Extra Services & Fees *(check box, add fee as appropriate)*	
☒ Return Receipt (hardcopy)	$ 2.85
☐ Return Receipt (electronic)	$
☐ Certified Mail Restricted Delivery	$
☐ Adult Signature Required	$
☐ Adult Signature Restricted Delivery	$
Postage	$ .50
Total Postage and Fees	$ 6.90

Postmark Here
FERNANDINA BCH FL
OCT 15 20
USPS - 32034

Sent To JASMINE SCARVER
Street 2233 NETTLEBROOK STREET N.
City JACKSONVILLE, FL 32218

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

AFFIDAVIT OF MAILING

State of Florida
County of Nassau

I, Harriet Davis, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach as Code Enforcement Department Administrative Coordinator for the City of Fernandina Beach; and
2. That part of my duties includes preparation of case evidence to go before the Code Enforcement & Appeals Board; and
3. That one of the responsibilities for preparing case evidence is to ensure delivery of such evidence to the Respondent before the hearing; and
4. That on October 5, 2020, I mailed a Notice of Violation/Notice of Hearing letter for violation of 6.02.16, Group Homes Violation and 6.02.17, Group Residential Violation, that will be presented to the Code Enforcement & Appeals Board on November 5, 2020 for property owned by Jasmine Scarver at 1014 S. 10th Street, Fernandina Beach, FL 32034 by First Class US mail to 2233 Nettlebrook Street N., Jacksonville, FL 32218.

FURTHER AFFIANT SAYETH NAUGHT.

Harriet Davis

Harriet Davis

Subscribed and sworn to before me, a notary public in and for the State of Florida this 6th day of October 2020.

(Seal)

Katie A. Newton
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG123910
Expires 7/13/2021

NFPA 101: Life Safety Code, 2015 Edition - Chapter 6 Classification of Occupancy and Hazard of Contents

6.1 Classification of Occupancy.

Each of the occupancy groupings addressed by Chapter 6 was developed to reflect the design features, usage patterns, and unique life safety needs of occupants who are characteristic of a given occupancy. This approach was used to assess the degree to which the features contained in the core chapters need to be combined to achieve the minimum level of life safety necessary for an occupancy. It is extremely important that the correct occupancy classification be determined, because the Code requirements differ for each type of occupancy. Improper classification might result in an inadequate level of life safety or overspending on nonrequired items. The occupancy groupings are as follows:

***Residential. Residential** occupancies are characterized by occupants who are asleep for a portion of the time they occupy the building. The sleeping that takes place is for normal restorative rest, as opposed to the sleeping that takes place in a hospital or residential board and care facility where caretakers are present. Sleeping occupants might be unaware of an incipient fire and might be trapped before egress can occur, thus creating a need for early warning smoke alarms. This occupancy group is further divided into one- and two-family dwellings, lodging or rooming houses, hotels and dormitories, and apartment buildings. Each occupancy in the group has characteristic needs that differ from the others. For this reason, separate chapters of the Code address each of these subgroups.*

***Residential board and care.** Residential board and care occupancies, as in the case of residential occupancies, provide sleeping accommodations. However, the residents also receive personal care services by caretakers who live with the residents. Personal care includes assistance with many of the activities of daily living, such as bathing and dressing. Personal care does not include medical care.*

6.1.8.1 Definition — Residential Occupancy.

An occupancy that provides sleeping accommodations for purposes other than health care or detention and correctional.

6.1.8.1.1 * Definition — One- and Two-Family Dwelling Unit.

A building that contains not more than two dwelling units with independent cooking and bathroom facilities.

A.6.1.8.1.1 One- and Two-Family Dwelling Unit.

The application statement of 24.1.1.1 limits each dwelling unit to being "occupied by members of a single family with not more than three outsiders." The Code does not define the term family. The definition of family is subject to federal, state, and local regulations and might not be restricted to a person or a couple (two people) and their children. The following examples aid in differentiating between a single-family dwelling and a lodging or rooming house:

1) An individual or a couple (two people) who rent a house from a landlord and then sublease space for up to three individuals should be considered a family renting to a

maximum of three outsiders, and the house should be regulated as a single-family dwelling in accordance with Chapter 24.

2) A house rented from a landlord by an individual or a couple (two people) in which space is subleased to 4 or more individuals, but not more than 16, should be considered and regulated as a lodging or rooming house in accordance with Chapter 26.
3) A residential building that is occupied by 4 or more individuals, but not more than 16, each renting from a landlord, without separate cooking facilities, should be considered and regulated as a lodging or rooming house in accordance with Chapter 26.

6.1.8.1.2 Definition — Lodging or Rooming House.
A building or portion thereof that does not qualify as a one- or two-family dwelling, that provides sleeping accommodations for a total of 16 or fewer people on a transient or permanent basis, without personal care services, with or without meals, but without separate cooking facilities for individual occupants.

6.1.8.1.3 * Definition — Hotel.
A building or groups of buildings under the same management in which there are sleeping accommodations for more than 16 persons and primarily used by transients for lodging with or without meals.
A.6.1.8.1.3 Hotel.
So-called apartment hotels should be classified as hotels, because they are potentially subject to the same transient occupancy as hotels. Transients are those who occupy accommodations for less than 30 days.

6.1.8.1.4 * Definition — Dormitory.
A building or a space in a building in which group sleeping accommodations are provided for more than 16 persons who are not members of the same family in one room, or a series of closely associated rooms, under joint occupancy and single management, with or without meals, but without individual cooking facilities.
A.6.1.8.1.4 Dormitory.
Rooms within dormitories intended for the use of individuals for combined living and sleeping purposes are guest rooms or guest suites. Examples of dormitories include college dormitories, fraternity and sorority houses, and military barracks.

6.1.8.1.5 Definition — Apartment Building.
A building or portion thereof containing three or more dwelling units with independent cooking and bathroom facilities.

6.1.9.1 * Definition — Residential Board and Care Occupancy. ***(aka Group Homes)***
An occupancy used for lodging and boarding of four or more residents, not related by blood or marriage to the owners or operators, for the purpose of providing personal care services.
A.6.1.9.1 Residential Board and Care Occupancy.

The following are examples of facilities classified as residential board and care occupancies:

1) Group housing arrangement for physically or mentally handicapped persons who normally attend school in the community, attend worship in the community, or otherwise use community facilities
2) Group housing arrangement for physically or mentally handicapped persons who are undergoing training in preparation for independent living, for paid employment, or for other normal community activities
3) Group housing arrangement for the elderly that provides personal care services but that does not provide nursing care
4) Facilities for social rehabilitation, alcoholism, drug abuse, or mental health problems that contain a group housing arrangement and that provide personal care services but do not provide acute care
5) Assisted living facilities
6) Other group housing arrangements that provide personal care services but not nursing care

Michelle Forstrom

From: Stephen Beckman
Sent: Wednesday, August 26, 2020 7:55 PM
To: Michelle Forstrom
Cc: Stephen Beckman; Donald Kukla
Subject: Group homes

308.3Institutional Group I-1.
Institutional Group I-1 occupancy shall include buildings, structures or portions thereof for more than 16 persons, excluding staff, who reside on a 24- hour basis in a supervised environment and receive custodial care. Buildings of Group I-1 shall be classified as one of the occupancy conditions specified in Section 308.3.1 or 308.3.2. This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- *Group homes*
- Halfway houses
- Residential board and care facilities
- Social rehabilitation facilities

310.6Residential Group R-4.
Residential Group R-4 occupancy shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive *custodial care*. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in Section 310.6.1 or 310.6.2. This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- *Group homes*
- Halfway houses
- Residential board and *custodial* care facilities
- Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code or shall comply with the Florida Building Code, Residential provided the building is protected by an automatic sprinkler system installed in accordance with Section 903.2.8.

SECTION420
GROUPS I-1, R-1, R-2, R-3 AND R-4

420.1General.
Occupancies in Groups I-1, R-1, R-2, R-3 and R-4 shall comply with the provisions of Sections 420.1 through 420.6 and other applicable provisions of this code.

420.2Separation walls.
Walls separating *dwelling units* in the same building, walls separating *sleeping units* in the same building and walls separating *dwelling* or *sleeping units* from other occupancies contiguous to them in the same building shall be constructed as *fire partitions* in accordance with Section 708.
420.3Horizontal separation.
Floor assemblies separating *dwelling units* in the same buildings, floor assemblies separating *sleeping units* in the same building and floor assemblies separating *dwelling* or *sleeping units* from other occupancies contiguous to them in the same building shall be constructed as *horizontal assemblies* in accordance with Section 711.
420.4Smoke barriers in Group I-1, Condition 2.
Smoke barriers shall be provided in Group I-1, Condition 2, to subdivide every story used by persons receiving care, treatment or sleeping and to provide other stories with an occupant load of 50 or more persons, into no fewer than two smoke compartments. Such stories shall be divided into smoke compartments with an area of not more than 22,500 square feet (2092 m^2) and the distance of travel from any point in a *smoke compartment* to a *smoke barrier* door shall not exceed 200 feet (60 960 mm). The *smoke barrier* shall be in accordance with Section 709.
420.4.1Refuge area.
Refuge areas shall be provided within each smoke compartment. The size of the refuge area shall accommodate the occupants and care recipients from the adjoining smoke compartment. Where a smoke compartment is adjoined by two or more smoke compartments, the minimum area of the refuge area shall accommodate the largest occupant load of the adjoining compartments. The size of the refuge area shall provide the following:

1. 1.Not less than 15 net square feet (1.4 m^2) for each care recipient.
2. 2.Not less than 6 net square feet (0.56 m^2) for other occupants.

Areas or spaces permitted to be included in the calculation of the refuge area are corridors, lounge or dining areas and other low-hazard areas.

[F]420.5Automatic sprinkler system.
Group R occupancies shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.2.8. Group I-1 occupancies shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.2.6. Quick-response or residential automatic sprinklers shall be installed in accordance with Section 903.3.2.
[F]420.6Fire alarm systems and smoke alarms.
Fire alarm systems and smoke alarms shall be provided in Group I-1, R-1, R-2 and R-4 occupancies in accordance with Sections 907.2.6, 907.2.8, 907.2.9 and 907.2.10, respectively. Single-or multiple-station smoke alarms shall be provided in Groups I-1, R-2, R-3 and R-4 in accordance with Section 907.2.11.

Get Outlook for iOS

Stephen Beckman, CBO, CFM, CGC
Building Director
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034
(904) 310-3136 | sbeckman@fbfl.org
www.fbfl.us

If this email is related to the Board, Committee or Commission that you serve on, please DO NOT REPLY TO ALL.
Disclaimer: According to Florida Public Records Law, email correspondence to and from the City of Fernandina Beach, including email addresses and other personal information, is public record and must be made available to the public and media upon request, unless otherwise exempted by the Public Records Law. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Inst. Number: 202045028894 Book: 2391 Page: 1035 Page 1 of 2 Date: 9/11/2020 Time: 1:49 PM
John A. Crawford Clerk of Courts, Nassau County, Florida Doc Deed: 0.70

RECORD AND RETURN TO:
Jasmine C. Scarver
2233 NettleBrook Street North
Jacksonville, Fl. 32218

QUIT CLAIM DEED

This indenture made on **July 7, 2020** A.D., by **Leonia M. Tyler, a married woman,** whose address **1274 Nipigon Ave South 32233 Atlantic Beach, FL 32233**., hereinafter called the "grantor". to **Jasmine C. Scarver and married women** whose post office address is **2233 Nettlebrook Street, North, Jacksonville, FL., 32218**, hereinafter called the "grantee":

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of $ TEN AND NO/100 DOLLARS ($10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to, all that certain land situate in Duval County, Florida, to-wit:

BLOCK 170 LOTS 7 8 9 & 10 IN OR 893/345 CITY OF FDNA BEACH

Parcel Identification Number: 00-00-31-1800-0170-0070

SUBJECT to covenants, restrictions, easements of record and taxes for the current year.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantee forever.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of these witnesses:

Andrea Wilkerson
Witness Signature

Andrea Wilkerson
Witness Print Name:

Angela A Taylor
Witness Signature

Angela A Taylor
Witness Print Name:

Leonia Tyler
LEONIA M. TYLER

Leonia Tyler

State of Florida

County of Duval

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me by means of ☒ physical presence or ☐ online notarization by **LEONIA M TYLER, a married woman who** is/are personally known to me or has/have produced valid driver's license as identification and who did not take an oath on this **July day of 7, 2020**.

Teresa J Porter
NOTARY PUBLIC

Notary Print Name:
My Commission Expires:

TERESA J PORTER
NOTARY PUBLIC
My Comm Expires
04/25/22
No. GG 201 660
STATE OF FLORIDA
Bonded Thru
Notary Public Underwriters

Change of Address

PROPERTY INFORMATION

Parcel Number 00-00-31-1800-0170-0070

Owner Name	SCRAVER JASMINE C
Mailing Address	2233 NETTLEBROOK STREET N
	JACKSONVILLE, FL 32218
Location Address	1014 10TH ST S
	FERNANDINA BEACH 32034
Tax District	FERNANDINA BEACH
Millage	20.3245
Homestead	No
Property Usage	SINGLE FAM 000100
Deed Acres	0
Short Legal	BLOCK 170 LOTS 7 8 9 & 10 CITY OF FDNA BEACH

2020 Preliminary Values

Land Value	$85,000
(+) Improved Value	$103,087
(=) Market Value	**$188,087**
(-) Agricultrual Classification	$0
(-) SOH or Non-Hx* Capped Savings	$21,341
(=) Assessed Value	**$166,746**
(-) Homestead	$0
(-) Additional Exemptions	$0
(=) School Taxable Value	$188,087
(-) Non-School HX & Other Exempt Value	$0
(=) County Taxable Value	**$166,746**

Note: *10% Cap does not apply to School Taxable Value

Property Search
Map This Parcel
GIS Report
Property Record Card
Print Friendly Page

FAQ

APP

PARCEL MAP

2019 AERIAL MAP

PROPERTY PHOTO

If this picture is incorrect, please email info@nassauflpa.com

LOCATION MAP

BUILDING INFORMATION

Type	Total Area	Heated Area	Bedrooms	Baths	Primary Exterior	Secondary Exterior	Heating	Cooling	Actual Year Built	Building Sketch
SINGLE FAM	2131	2131	3	1	AVERAGE	CONC BLOCK	AIR DUCTED	FORCED AIR	1960	

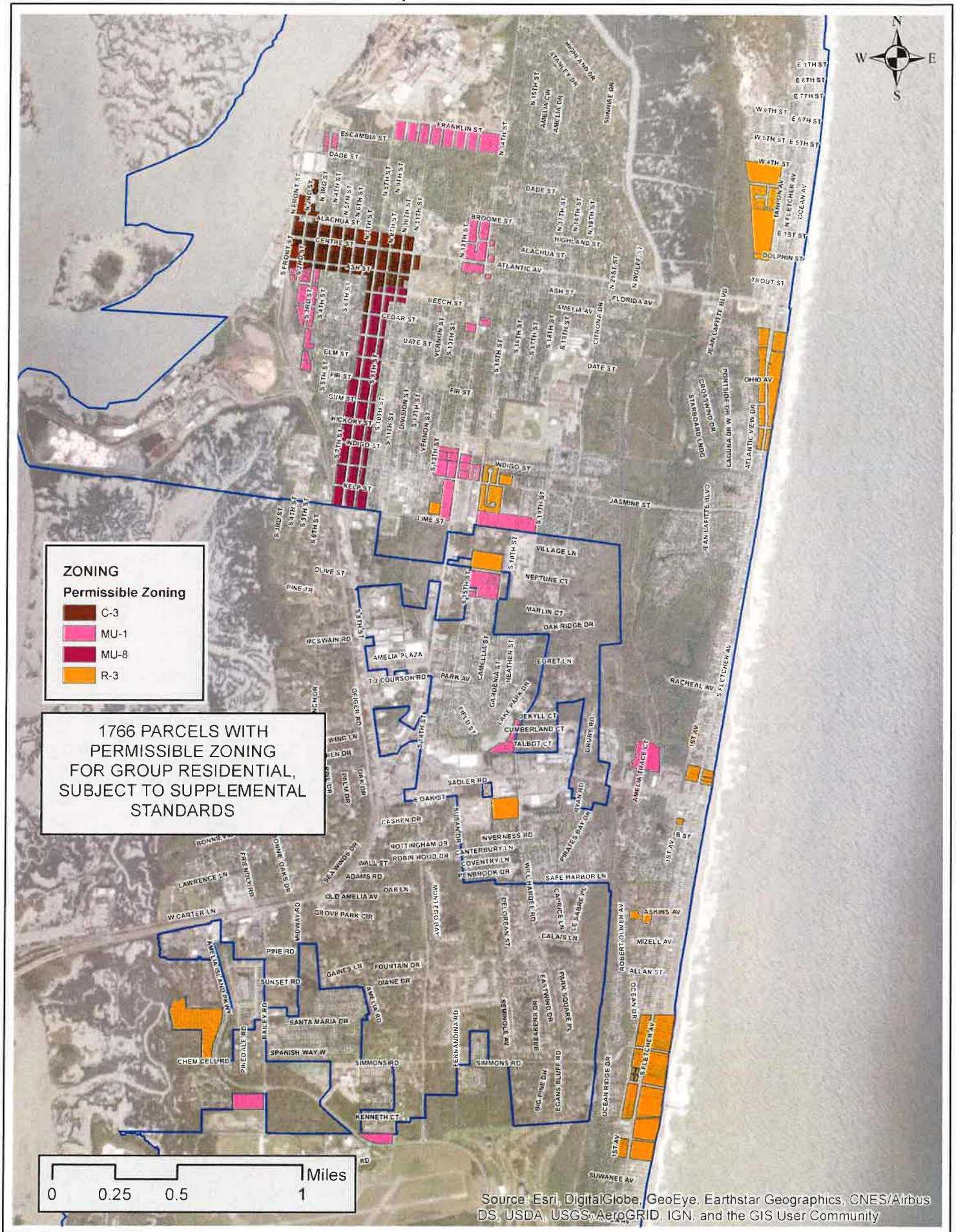
MISCELLANEOUS INFORMATION

Description	Dimensions L X W	Units	Year Built

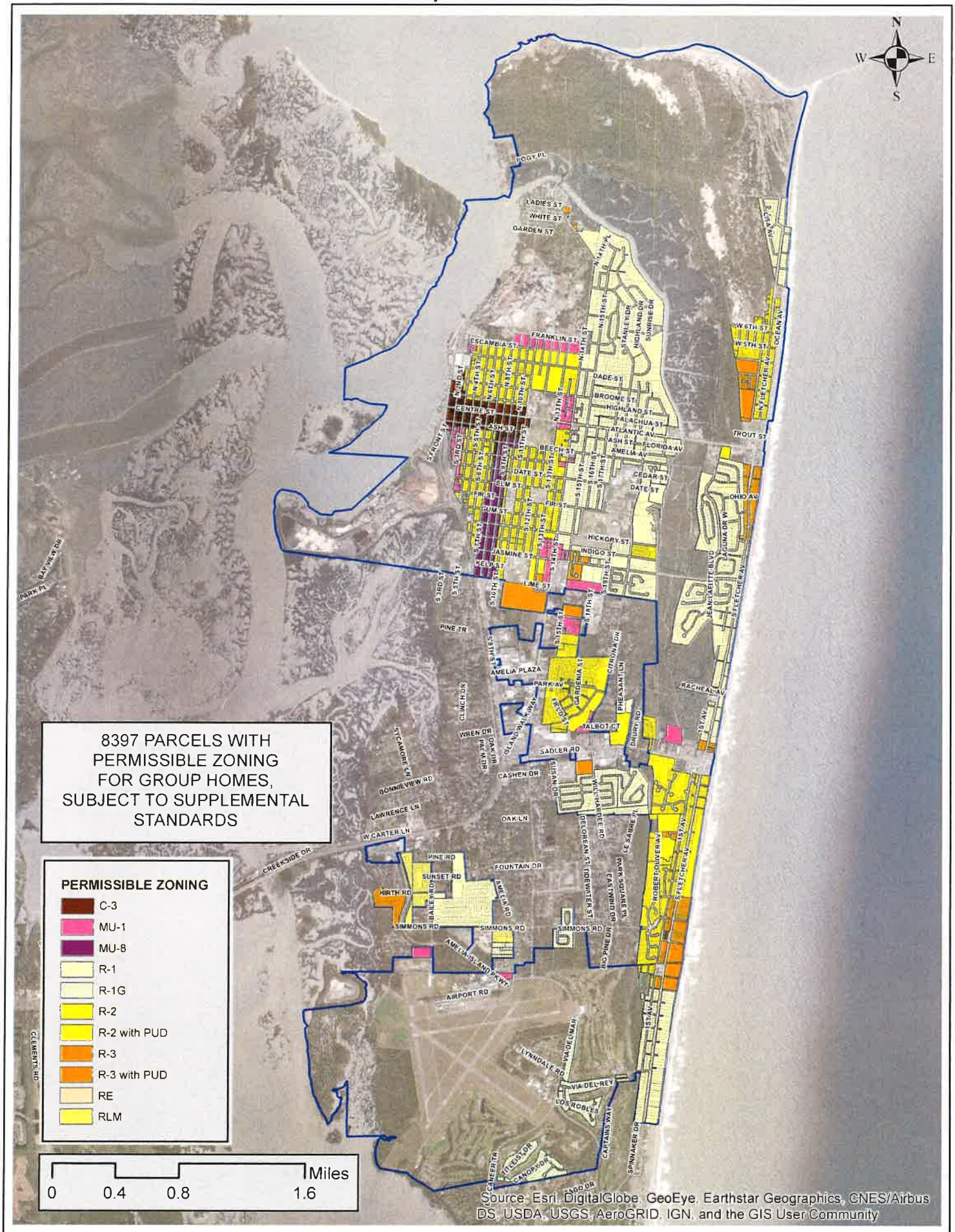
SALES INFORMATION

Sale Date	Book Page	Price	Instr	Qual	Imp	Grantor	Grantee
2020-07-07	2391 / 1035	$100	QC	U	Y	TYLER LEONIA M	SCRAVER JASMINE C
1999-07-29	893 / 345	$10,000	QC	U	Y	CRIBB IRA MAE	TYLER LEONIA M
1999-06-08	886 / 250	$100	QC	U	Y	CRIBB IRA MAE	TYLER LEONIA M

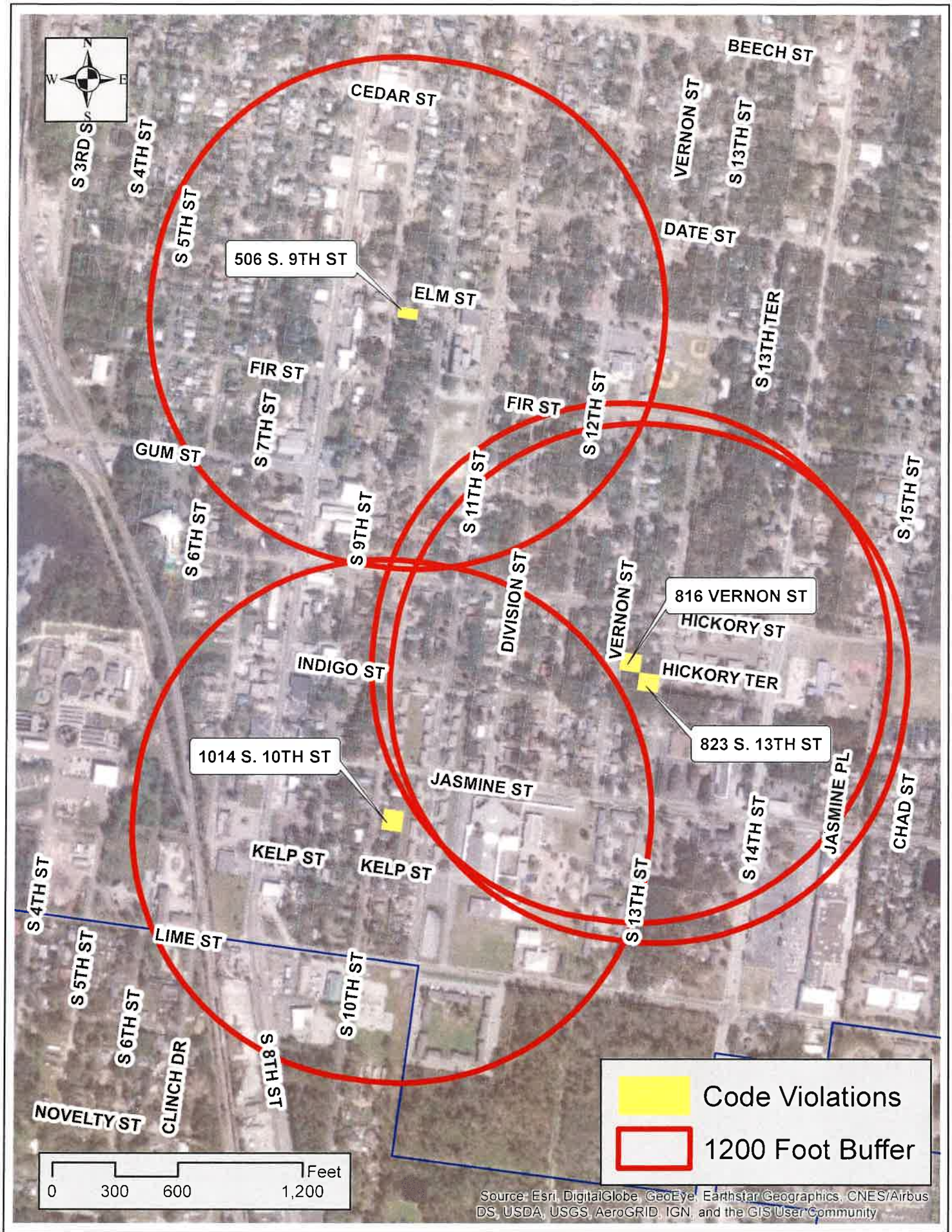
Group Residential



Group Homes


8397 PARCELS WITH PERMISSIBLE ZONING FOR GROUP HOMES, SUBJECT TO SUPPLEMENTAL STANDARDS
PERMISSIBLE ZONING
C-3
MU-1
MU-8
R-1
R-1G
R-2
R-2 with PUD
R-3
R-3 with PUD
RE
RLM
0
0.4
0.8
1.6
Miles
N
S
E
W
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Code Violations



NEW FOUND FREEDOM
RECOVERY HOUSE
904 - 759 - 0240
9.18.2020 10:28

9.18.2020 10:28

NEW FOUND FREEDOM
RECOVERY HOUSE
904 - 759 - 0240
7.21.2020 10:05

7.30.2020 09:36

7 30 2020 09 35

7 30 2020 09 36

City of Fernandina Beach

OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: Jacob Platt, Senior Planner

CC: Planning and Conservation Department

FROM: Tammi E. Bach, City Attorney

DATE: August 2, 2019

RE: Group Residence at 1014 South 10th Street

I have been asked to give my opinion as to whether a single-family home located in the R-2 zoning district can be used to house 10-15 residents in recovery for addiction issues. The short answer is "No".

It is my understanding of the facts that the subject residence is currently being used as a "sober home" or "recovery residence", and no alcohol or drug treatment services occur on the subject property. I have reviewed Florida Statutes, the City's Comprehensive Plan and the Land Development Code. I have also scoured the internet for information on "sober homes" and drug/alcohol treatment centers and how they are regulated in Florida. I have attached an informative article by an attorney who published in an online publication titled "Sober Law News".

The City of Fernandina Beach's local laws do not address "sober homes" or "recovery residences" (as defined by Florida Statutes). "Sober home" is an informal term without definition in Florida law or local law. "Recovery residence" is defined by Section 397.311, Fla. Stats. as a "residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported,

alcohol-free and drug-free living environment". Mr. Henry Green has inquired with the City whether the residential dwelling unit at 1014 South 10th Street can be used as a recovery residence and whether other residential dwelling units located in the R-2 zoning district can be used as recovery residences. There is certainly a need in our community for these types of recovery residences. However, the City of Fernandina Beach has not yet addressed this growing need for recovery residences in its Land Development Code ("LDC") or Comprehensive Plan ("Comp Plan"). If a recovery residence is not addressed as a permissible use under the City's LDC, it is not permissible.

Policy 3.04.05 of the Comp Plan is incorporated fully into Section 6.02.16 of the LDC relating to "group homes". "Group home facility" is defined by the LDC as "a residential facility which provides a family living environment [for 4-15 residents]". Group home facilities are permissible in all residential zoning districts in the City. Section 6.02.16(E) of the LDC provides that group home facilities must be licensed by the State of Florida Department of Children and Families and must provide on-site management 24/7. Group home facilities are regulated by Ch. 419, Fla. Stats. The subject property that Mr. Green is asking about is not a group home facility as defined by the LDC since it is not licensed by the State of Florida. "Group residential facilities" under the LDC are defined as a, "residential facility occupied by 5 or more unrelated individuals on a monthly or longer basis...and does not provide supervisory services to its residents". The subject property sounds just like a "group residential" facility under the City's LDC. Group residential facilities are only permissible in the R-3, MU-1, MU-8 and C-3 zoning districts. The subject property is in the R-2 zoning district so group residential facilities are not permissible.

Under the current facts, the residential dwelling unit at 1014 South 10th Street cannot house 10-15 residents in recovery for addiction issues. There must be fewer than 5 unrelated residents living on the subject property. The LDC does not allow for a variance to be requested in this instance since Section 10.02.01 of the LDC states that a variance cannot be granted which authorizes a use that is not permissible in the zoning district in which the subject property is located. So where are "recovery residences" permissible in the City of Fernandina Beach? At this time, recovery residences are permitted in the R-3, MU-1, MU-8 and C-3 zoning districts, not R-2 where the subject property is located. In order to permit recovery residences in the R-2 zoning district, the LDC would have to be amended. In addition, I would recommend that the Comp Plan be reviewed and amended to recognize recovery residences since they seem to be an important part of the addiction recovery process.

GRACE AND GRATITUDE SOBER LIVING, INC.

The organizational purpose for Grace and Gratitude Sober Living, Inc. (hereafter "corporation") is to engage in any lawful act and activity under the general nonprofit corporation laws of the State of Florida, according to the Articles of Incorporation, which were filed on May 11, 2020 along with its sealed certificates by the Secretary of the State. The corporation exists under the Internal Revenue Service (IRS) Publication 557 Section 501(c)(3) of the Internal Revenue Code of 1986 with the federally assigned IRS Employee Identification Number (EIN): 85-1007414. The registered agent on record for this corporation at 923 Vernon Street, Fernandina Beach, Nassau County, Florida is Arleen Green, who delegates all her authority to the community leader of the corporation, Henry Green, by affixing her signature to the end of these articles. At no time and in no event shall the corporation participate in activities in which the State of Florida, Internal Revenue Code of 1986, or these articles of organization have not permitted to be carried out.

Furthermore, the corporation indemnifies its directors, officers, appointed staff, and volunteers from all liability concerning the corporation unless the person fraudulently and intentionally violates the law or maliciously engages in acts to damage or defraud the corporation, or as otherwise stipulated under the applicable statutes according to the State of Florida corporation statutes and federal laws.

In addition, upon dissolution no part of the net earnings, wealth, or assets of this corporation shall inure to the benefit of any person or member, director, or officer of this corporation. If after dissolution any assets remain, they shall be donated to a Nassau County, Florida, nonprofit organization with a 501(c)(3) status.

MISSION

The goal of this corporation is to promote the recovery of individuals from addiction to drugs and alcohol by providing a safe, accountable, and healthy sober living community rooted in the spiritual principles of grace and gratitude. In order to achieve this end, the corporation provides a structured living community referred to as New Found Freedom House (NFFH), which presently has two male and one female residences. The recovery program is threefold: (1) individual mentoring, (2) practicing the Twelve Steps of recovery, and (3) attendance at sober support meetings. Those who reside at NFFH pay a weekly fee to cover living expenses and the fees associated with the recovery program. The board of directors reviews, adjusts, and approves the cost of the program at the beginning of each year. The corporation also has adherents to the program, those who live outside the confines of NFFH, but who actively participate in the functions of the sober living community.

GOVERNANCE

Directors

The corporation shall be accountable to and advised by three (3) to (5) directors but never four (4), who shall constitute the board of directors. Directors shall be elected or re-elected to the board by a simple majority vote once a year, and each year a chairperson shall be elected or re-elected from the cadre of directors. The directors are primarily responsible for the financial oversight of the corporation and its budget. To ensure this end, the directors conduct a financial audit of the corporation two times a year and they shall meet at least eight (8) times in a calendar year, which

ends on December 31. The terms for the directors are perpetual unless the director resigns, upon dismissal by a majority of the directors, dies, or a new candidate challenges the incumbent director during his or her yearly election.

Officers

Community Leader

The responsibility of the community leader, in general, is to supervise and conduct the day-to-day activities and operations of the corporation. The community leader is accountable to the board of directors. The community leader will attend at least eight (8) board of director meetings at year. The community leader has the authority to appoint or remove staff and has access to a discretionary fund that is set by the board of directors each year. The community leader's compensation shall be set by the board of directors at the beginning of each year.

Treasurer

It is the responsibility of the treasurer to keep and maintain accurate records for the corporation's accounts, properties, transactions, assets, liabilities, receipts, disbursements, and other matters customarily included in financial matters. The treasurer shall create a yearly budget with the community leader and submit it to the board of directors for advice and approval. The treasurer is subject to the twice-yearly audit by the board of directors and is required to prepare the annual 501(c)(3) tax documents (required Form 990 and Form 1099-MISC to report compensation paid to officers and appointed staff) and the State of Florida annual report. The treasurer will receive compensation of $200.00 a month for the year, which will be adjusted by the board of directors as needed.

Secretary

The secretary is the custodian of the records and documents of the corporation. As such, the secretary (or appointed designee) must be present at all the board of directors' meetings to record the "minutes." The secretary is responsible for notifying the participants of said meetings, and for distributing pre- and post-meeting information via electronic or hard copy format to the directors, community leader, and other involved parties. The secretary will receive $25.00 a month for the year, which will be adjusted by the board of directors as needed.

AMENDMENTS

These articles of organization for the corporation are a living document and they may need to be amended from time to time. The board of directors and community leader shall review the document at the beginning of each year. To amend the document, it will require a majority vote by the board of directors and the consent of the community leader. If amended, a new document will be prepared and signed by the community leader and chairperson of the board of directors.

Arleen Green, Registered Agent

Henry Green, Community Leader

Wardall Avant, Chairperson

Suggested Basic Budget Line Items

IN
Program Fees ($150.00 weekly)
Donations (?)

OUT
Community Leader (to be determined by the board of directors)
Treasurer ($2400.00 yearly)
Secretary ($300.00 yearly)
Outreach ($500.00 yearly)
Discretionary Fund (?)
Housing Expenses (?)
Indigent Fund (?)

Some other things to think about, admission process and putting something in place to ensure money is paid up front and potential candidates are screened more carefully. If people cannot pay this money upfront, then an application process to request indigent fund needs to be in place. This should be a process that weeds out those who are not serious about recovery. Rather than have residents donate to AA or NA, I suggest passing the hat to raise money for NFFH.

It is crucial to make sure any income received for program fees or donations is recorded by treasurer, tracked, and reported to the board of directors. According to the IRS, receiving any money like this and pocketing it as private income is a criminal act. The annual Form 990 reports this type of income. It is perfectly fine to receive compensation, but everything needs to be reported. Compensation is taxable income and it is reported on a 1099-MISC.

The discretionary fund will provide you with leeway to higher people to do things at NFFH, or to pay for events, gas for transportation, etc. You will need to retain receipts, however.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: MAY 29 2020

GRACE AND GRATITUDE SOBER LIVING
C/O HENRY GREEN
923 VERNON STREET
FERNANDINA BEACH, FL 32034-0000

Employer Identification Number:
85-1007414
DLN:
26053536001060
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
509(a)(2)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
May 8, 2020
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

GRACE AND GRATITUDE SOBER LIVING

Sincerely,

Stephen A. Martin

Director, Exempt Organizations
Rulings and Agreements

CUSTOMER
Number 41696 Last Changed by snoden on 07/17/2020 at 16:13
Created thru

Person/Entity E
Name GRACE GRATTITUDE SOBER LIVING
SSN/FID
KIM O CUASON

CONTACT INFORMATION
Address 13 VINTAGE WAY
APT 1323
Zip code 32034
City, State FERNANDINA BEACH, FL
Country USA
Telephone 786-517-7596
Fax
E-mail QLIVERCUASON@GMAIL.COM
Website

OTHER
Employee #
Vendor #
Geo Code
Type
External Ref
Resident? Y

Y Addl Addresses N Special Conditions Y Associated Names

ADDITIONAL ADDRESSES

Address number
Name GRACE GRATTITUDE SOBER LIVING
KIM O CUASON
Address 13 VINTAGE WAY
APT 1323
City, state, zip FERNANDINA BEACH FL 32034
Country USA
Telephone 786-517-7596

OWNERS

Name: GRACE GRATTITUDE SOBER LIVING P/E: E
SSN or FID:
DOB:
Phone: 786-517-7596

Seq: 1
Name: KIM O CUASON P/E: P
SSN or FID:
DOB: 01/25/1977
Phone: 786-517-7596

PERSONAL

Name GRACE GRATTITUDE SOBER LIVING
Spouse's Name KIM O CUASON

	PRIMARY	SPOUSE
Date of Birth		01/25/1977
Telephone	786-517-7596	
Drivers License		C250514770250
Employer Name		
address		
zip		
city/state		
telephone		

** END OF REPORT - Generated by Harriet Davis **

Detail by Entity Name

Florida Not For Profit Corporation
GRACE AND GRATITUDE SOBER LIVING, INC.

Filing Information

Document Number	N20000005038
FEI/EIN Number	NONE
Date Filed	05/11/2020
Effective Date	05/08/2020
State	FL
Status	ACTIVE

Principal Address

1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 92034

Mailing Address

923 VERNON STREET
FERNANDINA BEACH, FL 32034

Registered Agent Name & Address

GREEN, ARLEEN
923 VERNON STREET
FERNANDINA BEACH, FL 32034

Officer/Director Detail

Name & Address

Title CL

GREEN, HENRY
1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 32034

Title TRES

CAUSON, OLIVER
1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 32097

Title SEC

HOWARD, JULIE

1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 32034

Title DIRC

AVANT, WARDALL
1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 32034

Title DIR

COVERDELL, JOHN
1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 32034

Title DIR

LEE, LINDA
1014 SOUTH 10TH STREET
FENANDINA BEACH, FL 32034

Annual Reports

No Annual Reports Filed

Document Images

05/11/2020 -- Domestic Non-Profit | View image in PDF format

To Whom It May Concern,

At present, Mr. Henry Green's 501 C 3 Grace and Gratitude Sober Living Inc. has had allegations made against his organization from the City of Fernandina Code Enforcement and City Planning and Development. The allegations that are presently being alleged are that he is in violation of City **Code 6.02.17 Group Residential Home Violation** and **6.02.16 Group Homes Violation.**

It is our position, which falls in line with the definition by the state of Florida, that Grace and Gratitude Sober Living Inc. is a **Recovery Residence under Statute 397.487**, and has been incorrectly defined as a Group home and/or Group Residential Home Statue 419.001. Due to the city not having a present code for a Recovery Residence, and their unwillingness to work with Mr. Green to attempt to amend the text when he approached the city, they are attempting to violate him based on an incorrect definition according to the State of Florida, as well as violating the Fair Housing and Disabilities act with regards to discrimination.

Mr. Green has made a positive impact within the lives of those suffering from addictions', as well as liaising with several community resources who consistently refer clients to his recovery residence which are listed in this packet. He is attempting to improve the lives of others, their families, and the surrounding community and such a disregard, and lack of willingness for the City to work together is very disheartening and being defined incorrectly an injustice. We look forward to your support of Mr. Green and his organization and his being treated fairly.

Sincerely,

Henry D. Green

Mr. Green

Grace and Gratitude Sober Living Inc.

What Grace and Gratitude Sober living is defined as by the State of Florida:

The following is the Florida State Statues of what defines a Recovery Residence:

The 2019 Florida Statutes

Title XXIX

PUBLIC HEALTH

Chapter 397

SUBSTANCE ABUSE SERVICES

View Entire Chapter

397.487 Voluntary certification of recovery residences.—

(1) The Legislature finds that a person suffering from addiction has a higher success rate of achieving long-lasting sobriety when given the opportunity to build a stronger foundation by living in a recovery residence while receiving treatment or after completing treatment. The Legislature further finds that this state and its subdivisions have a legitimate state interest in protecting these persons, who represent a vulnerable consumer population in need of adequate housing. It is the intent of the Legislature to protect persons who reside in a recovery residence.

What Grace and Gratitude Sober Living Inc. is not concerning group residential or group home as defined by the State of Florida:

The 2019 Florida Statutes

Title XXX

SOCIAL WELFARE

Chapter 419

COMMUNITY RESIDENTIAL HOMES

View Entire Chapter

419.001 Site selection of Group community residential homes.—

(1) For the purposes of this section, the term:

(a) "Community residential home" means a dwelling unit licensed to serve residents who are clients of the **Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families** or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Mr. Henry Green's

Addiction Experience, Training and Continuing Education

1) 32 years of consecutive sobriety from alcohol and drugs
2) Started 4 Recovery Residences from 2014 to present – 3 men's residences and 1 woman's residence.
3) Trained and worked at Charter by the Sea in St. Simons as an addiction counselor and case manager from 1989 to 1998.
4) Trained at the Moore House School of Medicine in 1991, 1992, and 1992 for addiction and addiction issues related to specific cultural issues within a community setting.
5) Attended and trained at the Southeastern Conference of Alcohol and Drug Counseling from 1990 to 1998.
6) In 1995 received Drug and Alcohol addiction training from Georgia South University
7) The guest speaker in 1992 in Waycross, Georgia at the Say No to Drugs week and received the Key to the City by the Mayor.
8) In 1993 organized a community drug awareness workshop where he had "Hollywood" Henderson from the Dallas Cowboys speak regarding his personal journey in addiction and recovery who was the 1st NFL player to speak about his drug addiction in Brunswick Georgia.
9) In 1993 organized a drug abuse awareness workshop with John Lucas the coach of the San Antonio Spurs and his experience with drug abuse and recovery held in Brunswick, Georgia
10) In 2017 spoke to Congress in Washington, D.C. concerning addiction and liver issues on behalf of the Mayo Clinic in Jacksonville, Fl..
11) Interviewed by Channel 4 news regarding his expertise on addiction in the community.
12) Guest speaker concerning his expertise on addiction on PBS.
13) Wrote a book on his life story concerning addiction called Saved By Grace: Recovery of Henry Green

The following Agencies presently refer to Mr. Green's program and support his services that are provided to patient's with addiction issues in his Recovery Residences:

1) Drug Court
2) Veteran's Court

3) Department of Corrections
4) Prison Re-Entry Program
5) The State's Attorney office
6) Starting Point – Non profit mental health program
7) Baptist Medical
8) Baptist Hospital
9) Gateway Addiction treatment services
10) Weikiva Addiction Treatment Services
11) Memorial Hospital
12) Homeless Coalition
13) Local non profit agencies

RESOLUTION NO. 2020-17

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, COMMENDING HENRY GREEN FOR HIS SERVICE TO THE COMMUNITY.

WHEREAS, Henry Green is a life-long resident of Fernandina Beach who faced adversity and challenges throughout his childhood; and

WHEREAS, by the time he was a teenager, Henry Green had turned to drugs and alcohol as a mechanism to deal with his sorrows; and

WHEREAS, Henry Green was in and out of rehab centers and often found himself jobless and homeless; and

WHEREAS, on July 22, 1988, Henry Green hit rock bottom and made the decision to get sober; and

WHEREAS, Henry Green attended Alcoholics Anonymous and Narcotics Anonymous Meetings, completing the twelve-step program and reconciling with friends and family that he had hurt throughout his years of addiction; and

WHEREAS in 1989, Henry Green started the first Narcotics Anonymous meeting in Fernandina Beach and hosted the first Narcotics Anonymous Luau, which remains a popular community event to this day; and

WHEREAS, in 1993, Henry Green became employed at Charter by the Sea as an Addiction Specialist and later became a regular speaker at universities and conferences throughout the southeast, sharing his story of addiction and recovery. He also recently had a book published about his life titled, "Saved by Grace, Full of Gratitude. The Recovery of Henry Green"; and

WHEREAS, in 2014, Henry Green founded and incorporated the New Found Freedom House and opened three homes for recovering addicts to reside while they get back on their feet. They are provided clothing, food and shelter and must adhere to curfews, have drug screenings and attending A.A. and/or N.A. meetings; and

WHEREAS, Henry Green's efforts continue to reach more people in the community as the Clerk's Office refers individuals through the Veterans Court, Drug Court and Mental Health Court; and

WHEREAS, an estimated 350 individuals have been served by Henry Green's program and received the love and guidance needed to help them recover.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Nassau County, Florida, this 19th day of February, 2020 that:

1. The Board commends Henry Green for overcoming adversity and using his personal experiences to help others recover from addiction.

2. The Board extends their gratitude to Henry Green for providing shelter to residents in recovery, as well as to residents seeking relief from the cold.

3. The Board extends their best wishes to Henry Green and his mission to helping addicts "find freedom, restore dignity and live life".

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

DANIEL B. LEEPER

Its: Chairman

ATTEST AS TO CHAIRMAN'S SIGNATURE:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:

MICHAEL S. MULLIN

New women's shelter to open in Fernandina

NEWS-LEADER

City reviews the health and safety of recovery houses

By News Staff on Tuesday, September 22, 2020

Image

- Henry Green sits surrounded by some of the people he has helped through the Grace and Gratitud houses that comprise Grace and Gratitude's facilities open. JULIA ROBERTS/NEWS-LEADER
-
-

Body

No one disputes that Henry Green provides a valuable – some say lifesaving – service in Fernandina Beach. Places for people who have nowhere else to go, due to the life they lived as addicts. But, can Green legally operate a residential recovery facility in the city? That is the question at the heart of what Fernandina Beach says are code enforcement violations at the houses used for Grace and Gratitude Sober Living Inc.

Green rents four houses in the city that he uses to operate Grace and Gratitude. The houses are located on Vernon Street, South 10th Street, South Ninth Street, and South 13th Street.

Grace and Gratitude receives no local, state or federal funding; no grants or loans or other funding other than a $21.50 daily fee from residents. Green said each house costs approximately $2,000 a month to operate, and the program often operates in the red.

Residents come from the county's drug and veteran courts, hospitals, rehab programs, jail, and simply off the street. He provides an address, which those in recovery need in order to qualify for services. They live in the houses, separate residences for males and females, for the $21.50 program fee, as Green does not charge rent. The residents get a bed, access to a washer and dryer, bathroom, kitchen, and common area. They are required to attend the twice-daily Narcotics Anonymous and/or Alcoholics Anonymous meetings, to keep their living space clean, to get a job, and keep the house clean.

Food is not provided, but everyone is encouraged to buy enough to cook "family style" for everyone in the house. Those staying in the houses sign a contract before they are allowed to stay, and must adhere to the rules to stay. They must, above all, stay alcohol- and drug-free.

In addition to housing, Green helps residents find jobs, acquire clothes suitable for job hunting, and get to appointments and work. He also helps them get medical treatment and connects residents with agencies such as Starting Point Behavioral Healthcare and Barnabas Center. Green also helps them obtain official identification and driver's licenses. He has coordinated with a local bicycle shop and a scooter store so residents have the ability to get to work. He counsels the residents one-on-one and in groups.

On July 31, Fernandina Beach Code Enforcement issued violation notifications to the four houses that operate as Grace and Gratitude. Some of the violations were for minor infractions, such as garbage and unauthorized overnight parking. But two of the residences were, the city said, violating City Code 6.02.16 – Group Homes and two were violating 6.02.17 – Group Residential.

Green said he has been operating Grace and Gratitude for seven years, and questions why the city has only recently told him he is violating code.

Code Enforcement Director Michelle Forstrom said the process did not begin recently, but in 2019 when it came to her attention that Green was opening a women's shelter. In May of 2019, city staff met to discuss the Land Development Code regarding group homes and group residential facilities in the city.

Forstrom said city staff met with Green in July 2019 to discuss the Land Development Code regarding group homes and the regulations associated with their operation.

"In August of 2019, city staff met with Mr. Green again to discuss the Land Development Code regarding his current Group Home and future Group Homes and the regulations, restrictions and options associated with their operation," Forstrom wrote in an email to the *News-Leader*. "We

explained that Henry Green must get licensed in order to operate a Sober Home, and then he would need an LBTR (Local Business Tax Receipt) from the City. In July we started getting complaints about a sober home. Come to find out, Mr. Green had continued his Group Home/Sober Home at (four locations). All of these are being operated without any licensure or inspections. A case was started for each location."

The complaints, Forstrom said, came from a concerned neighbor. "They do not want this kind of activity in their neighborhood and they are aware that it is not allowed there," Forstrom said. "As I have said before, Mr. Green was told what he would need to do to operate legally. He chose not to do so."

The three homes cited with violations of the group home ordinance – 6.02.16 – are, according to the Nassau County Property Appraisers map, zoned R-2 as defined by the city's Land Development Code, so a group home is allowed. The fourth address was cited with a violation of 6.02.17, which sets forth rules for a group residential facility. Forstrom said that residence has come into compliance, so that case will not move forward.

The violation notices say that in order to come into compliance with city code, the property owner must "Provide proof of all required local, county, state and federal licensure, as well as fire safety standards and comply with all city codes; or cease and desist all group home activities."

But, according to Green and his associate, Dr. Jeff Blyth, Grace and Gratitude is not a group home or a group residential facility, but a "recovery residential facility," as defined by state and federal law.

Florida statute 397.311 defines a recovery residence as "a residential dwelling unit, or other form of group housing, that is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment." Green maintains that Grace and Gratitude falls under that definition.

But Fernandina Beach City Code only has sections that deal with group homes and group residential facilities, not recovery residences, so City Attorney Tammi Bach says those sections of code that govern group homes and group residential have to be applied to Grace and Gratitude.

The opinion that City Code does not apply to Grace and Gratitude is shared by Steve Farnsworth, executive director of the Florida Association of Recovery Residences.

According to Farnsworth, the law that allows Green to operate a recovery residence in Fernandina Beach is the federal Americans with Disabilities Act, which states that a disability is "physical or mental impairment that substantially limits one or more major life activity." Alcoholism and drug addiction are considered "impairments" under the definition of the ADA. And, as the Fair Housing Amendments Act prohibits discrimination against any buyer or renter with a disability due to a handicap, the reasoning follows that not allowing people whose

disability is drug addiction or alcoholism to live in a residential recovery facility is discrimination.

Steve Polin is an attorney who specializes in fair housing rights of providers of sober living and sober housing. Polin pointed to a joint statement from the Department of Justice and the Department of Housing and Urban Development that sets forth guidelines for sober living, and that sober living homes do not preempt local zoning. However, local zoning "cannot be applied in an unreasonable manner," Polin said.

"A 'reasonable accommodation' is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces," the HUD-DOJ statement reads. "The Fair Housing Act makes it unlawful to refuse to make 'reasonable accommodations' to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. Even if a zoning ordinance imposes on group homes the same restrictions that it imposes on housing for other groups of unrelated persons, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. What constitutes a reasonable accommodation is a case-by-case determination based on an individualized assessment."

But the city can refuse to make accommodations under certain circumstances. If the accommodations would "impose an undue financial and administrative burden on the local government or it would fundamentally alter the local government's zoning scheme," or "if there is no disability-related need for the requested accommodation because there is no relationship between the requested accommodation and the disabilities of the residents."

Polin said a major factor in whether the city can enforce code violations on Grace and Gratitude is whether the facility is certified by FARR, which indicates Grace and Gratitude applied for certification in May, thought that process has not been completed. While he could not comment on the particular situation with Grace and Gratitude, Polin said whether a facility has FARR certification does have a bearing on what can be required by a governmental entity.

"If an operator is certified, I think there are considerations the city would have to give them," Polin said. "If they get certified, that's something the city needs to take into consideration."

While federal law does not require local governments to adopt laws to address reasonable accommodations for sober homes, "DOJ and HUD nevertheless strongly encourage local governments to adopt formal procedures for identifying and processing reasonable accommodation requests and provide training for government officials and staff as to application of the procedures," the joint federal statement said.

Forstrom said that in order to come into compliance with city code, Grace and Gratitude would have to have a building inspection, a fire marshal inspection, and a code enforcement inspection. Green would need to comply with all applicable local, state, or federal and fire safety standards

and furnish proof of appropriate county, state, or federal licensure, as applicable, before issuance of a local business tax receipt by the city.

"I am not saying it's not allowed in the city," Bach said of Grace and Gratitude. "But he needs to follow what I think are minor rules to keep people safe."

"I believe that the efforts of Mr. Green highlight the need for adequate facilities, especially for those seeking to overcome personal challenges," City Manager Dale Martin told the *News-Leader*. "Nonetheless, it is imperative that appropriate regulations and procedures are followed to ensure the health, safety, and welfare of those in need and those on the periphery of such facilities."

Grace and Gratitude has a hearing in front of the Code Enforcement & Appeals Board at 5:30 p.m., Oct. 1, in City Hall. If that board votes to uphold the violations facing the houses, Blyth said, he and Green are prepared to appeal that decision, and take further legal action.

•••

On a weekend morning, about 20 people gather in the common room of one of the houses being used as facilities for Henry Green's Grace and Gratitude Sober Living. They say they are only a small fraction of the people who would come to talk about Green and the difference he and his program have made in their lives. Some ask that their identity be protected to avoid the stigma so often associated with those in recovery in a small community. The house is by no means luxurious. Some areas have no air conditioning. There are no private rooms, and bathrooms have more than one toilet. Everything, including pots and pans and bed linens, are community property. But everyone who speaks is grateful to be there.

They have come to Green from the hospital, from jail, from the homes of their families. Many have come from treatment facilities and halfway houses in other areas where they say the environment is not conducive to sober living.

"I came here from jail and drug court," Dustin said.

"If I went back to Callahan, I would go back to the same people and routines I was in. I knew I couldn't go back to where I was." Misty agreed. "I came from (a treatment facility in Jacksonville) where if you wanted to use, you could just walk right out on the street. I wanted to stay away from there."

Oliver said he came to Grace and Gratitude after trying outpatient programs in Jacksonville. He said it is the only recovery facility that allows him to be close to his children. "If it wasn't for this house, I'd have to move or go to Jacksonville. I'm fortunate this program was here. It's the only one on the island."

"I was in jail a while, then in a hospital psych ward for a while," Brittany said. "I was in some places in Jacksonville, but when I came here, I was welcomed with open arms, and now I'm doing good for the first time." She described the process of being extradited to New York

following a trip to her probation officer, and how Green and others with Grace and Gratitude supported her and her family throughout the process, including contacting the court in New York, enabling her to come back to Fernandina Beach.

Dustin, since being at Grace and Gratitude, has started his own business, as has Misty and Stewart. Stewart said he came to Green through Starting Point Behavioral Healthcare "because I had no other options." Since then, he and Misty have stayed clean and sober, secured a vehicle, joined a church and reopened their drywall business. He is mending relationships with his family. Stewart and Misty are engaged and are planning a "recovery wedding."

"Beyond my wildest dreams, they say, and it's true," Stewart said.

Residents spoke of the routine Green requires, the discipline that is often absent from the life of an addict. "He creates opportunities for a better life," James said. "There is nowhere like this."

Asked where they would have gone if Green's program was not there when they began recovery, residents say they would be homeless, in jail or dead. Asked where they would go if Grace and Gratitude closed, they say they would be "devastated."

"It would be a different pandemic" one addict says. "People would suffer and die," says someone else. "We would be like a family separated."

"People have an impression of how we are," Robert said. "And, if it weren't for Mr. Green, those ideas would be justified. We would be thieves, we would be a bad influence on the neighborhood."

STAFF REPORT
Case 2020-0284
City of Fernandina Beach Code Enforcement & Appeals Board
November 5, 2020

Violation Information

Owner	David T. and Antoinette Brown 12391 VC Johnson Road Jacksonville, FL 32218
Violation	City of Fernandina Beach – Land Development Code, 6.02.16 - Group Homes or 6.02.17 Group Residential Violation
Location:	823 South 13th Street, Fernandina Beach, FL 32034

Summary and Background Information

City staff has had numerous meetings regarding Henry Green and his Sober homes/Group Homes. The following is the calendar of events for these meetings:

May 21, 2019 - City staff (Kelly Gibson, Michelle Forstrom, and Angie Lester) met to discuss the Land Development Code regarding Group Homes and Group Residential.

July 26, 2019 - City staff (Jacob Platt, Michelle Forstrom, and Angie Lester) met with Henry Green, and Barb Kent to discuss the Land Development Code regarding Group Homes and the regulations associated with their operation.

August 5, 2019 - City staff (Jacob Platt, Michelle Forstrom, and Angie Lester) met with Henry Green, and Barb Kent to discuss the Land Development Code regarding his current Group Home and future Group Homes and the regulations, restrictions, and options associated with their operation. We explained that Henry Green must get licensed in order to operate a Sober Home, and then he would need an LBTR from the City.

July 21, 2020 - City staff (Tammi Bach, Katie Newton, Kelly Gibson, Michelle Forstrom, Chief Hurley, Deputy Chief Foxworth, Captain Bishop and Sergeant Peak) met via ZOOM to discuss Henry Green's Sober Homes/Group. An inspection was then conducted by Officer Wells and myself. We ended up meeting Mr. Green at 1014 South 10th Street. He gave us a tour of the home at 1014 South 10th Street. As stated in the previous case presented: Upon entry, there were many chairs set up in rows for assembly for AA and NA meetings. I counted fifteen (15) beds in this single family, three (3) bedroom, one (1) bath house of 2131 square feet. Mr. Green informed me that at any given time there are about six (6) men residing here for a maximum of ninety (90) days. The other beds are occupied by shorter term residents, anywhere from one to a few days for transition purposes. I asked him about the other three homes, this property being one of them. He told me that they would be of the same set up. He also told me that he did not need any licensure, because he was operating under ministry. I told him that I would look into it, but I didn't think that was the case.

July 27, 2020 - City staff (Tammi Bach, Katie Newton, Kelly Gibson, and Michelle Forstrom) met via conference call to confirm that Mr. Green is indeed in violation of the LDC by operating a Group Home without being licensed.

July 31, 2020 - We mailed a certified Notice of Violation/Notice of Hearing letter to the property owner and Mr. Henry Green. Through the United States Postal Service tracking system on-line, we received confirmation that Mr. Green's had been delivered, giving proper service.

August 7, 2020 - Dr. Jeffrey Blythe called me to schedule a meeting with he and Henry Green. A meeting was scheduled for August 11, 2020 in the City Attorney's conference room.

August 11, 2020 - Tammi Bach, Henry Green, Dr. Jeffrey Blythe, and I met to discuss this case and the other three (3) cases. Included in the evidence is documentation backing up our discussion. They were told that Mr. Green must comply with the Supplemental Standards in the Land Development, which they currently are not doing. I will have expert witnesses testify to what is needed to have this property and the other three properties come into compliance.

August 28, 2020 - We received the green card back from the property owner and Mr. Green, but not from the other property owners of the other two cases. We felt that it was important for all three of these cases to be heard at the same time due to the operation by Mr. Green at all three of these properties. Because we could not prove due process to the other two property owners, we pulled all three of these cases off the September 3rd CEAB agenda.

September 10, 2020 - I talked to Henry Green, he told me that he had received the letter dated July 31, 2020.

We sent another Notice of Violation/Notice of Hearing letter Certified to the property owner and sent a copy of the same letter Certified to Mr. Henry Green. We received both the property owner's and Mr. Green's cards back.

October 1, 2020 - I called and talked to the new property owner of 1014 South 10th Street, Jasmine Scarver. She was unaware of the severity of the alleged violations at this property. Full disclosure was not given to her by the previous owner (her mother). She told me that she is going to get a cease and desist order. I gave her until November 2, 2020, but after she talked to Mr. Green, she then decided to let this case play out before the Board at the hearing. We removed all three of these related cases off the agenda, and cancelled the hearing, because due process was not served on new property owner of 1014 South 10th Street. I called all the interested parties and property owners of all three properties, informing them that the hearing was cancelled.

October 5, 2020 – We sent yet another Notice of Violation/Notice of Hearing letter Certified and First-Class mail to the property owner at the two mailing addresses that we found and Mr. Green, affidavit is included as evidence. The property was also posted, as well as at City Hall and at the Peck Center. We received the green card back from Mr. Green, but not the property owner. Between First-Class mail and the three postings, due process has been served.

We will have expert witnesses testify to what is needed to have this property and the other two properties come into compliance.

Conclusion:
This activity continues to this day.

Recommendation:
The City recommends a motion to be made to find the property in violation of 6.02.16 Group Homes; and 5.01.09 - Outside Storage, giving the respondent two (2) weeks/fourteen (14) additional days to come into compliance by November 19, 2020. The City recommends a motion to be made that all administrative fees be paid by the Respondent and that a fine of $200.00 a day for the violation to begin on November 20, 2020 if not in compliance, along with filing a lien on this property on January 4, 2021, forty-five (45) days from November 20, 2020.

Submitted by:

Michelle D. Forstrom
Code Enforcement Director

CITY OF FERNANDINA BEACH **Michelle D. Forstrom**
Code Enforcement Department Code Enforcement Director

CODE ENFORCEMENT & APPEALS BOARD
NOTICE OF VIOLATION/NOTICE OF HEARING

October 5, 2020 Case Number: CODE-2020-0284

Cert. #: 7020 0090 0001 9419 5649
FIRST CLASS

IN THE MATTER OF:

David T. & Antoinette Brown
12391 VC Johnson Road
Jacksonville, FL 32218

PREMISES: 823 S 13TH ST FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 233 E100 FT OF S1/2 OF 9 IN OR 474 PG 176 CITY OF FDNA BEACH

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land Development Code and contends that the following violation(s) exist:

6.02.17	**Group Residential Violation**	
	Cease and Desist ALL Group Residential activity, it is not allowed in R-2 zoning.	**By 10/15/2020**
6.02.16	**Group Homes Violation**	
	Provide proof of all required Local, County, State, Federal licensure, as well as Fire Safety Standards and comply with all City codes; or Cease and Desist ALL Group Home activity.	**By 10/15/2020**

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE:	November 5, 2020
TIME:	5:30 PM
LOCATION:	City Commission Chambers, 204 Ash St

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED $250.00 per day, per violation), and in some cases demolition.

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).

Michelle Forstrom

Code Enforcement Director

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

cc: Henry Green
1014 S. 10th Street
Fernandina Beach, FL 32034

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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Extra Services & Fees *(check box, add fee as appropriate)*	
☒ Return Receipt (hardcopy)	$ 2.85
☐ Return Receipt (electronic)	$
☐ Certified Mail Restricted Delivery	$
☐ Adult Signature Required	$
☐ Adult Signature Restricted Delivery	$
Postage	$ .50
Total Postage and Fees	$ 6.90

Postmark Here

823 S. 13th St.

Sent To
Street: DAVID & ANTOINETTE BROWN
12391 VC JOHNSON ROAD
City, State: JACKSONVILLE, FL 32218

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DAVID & ANTOINETTE BROWN
12391 VC JOHNSON ROAD
JACKSONVILLE, FL 32218

9590 9402 5816 0034 1948 56

2. Article Number *(Transfer from service label)*
7020 0090 0001 9419 5649

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
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er $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
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PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

7020 0090 0001 9419 5656

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Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy)	$ 2.85
☐ Return Receipt (electronic)	$
☐ Certified Mail Restricted Delivery	$
☐ Adult Signature Required	$
☐ Adult Signature Restricted Delivery	$
Postage	$ .50
Total Postage and Fees	$ 6.90

Postmark Here

Sent To: HENRY GREEN
Street and Apt. No.: 1014 S. 10TH STREET
City, State, ZIP+4®: FERNANDINA BEACH, FL 32034

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

---

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HENRY GREEN
1014 S. 10TH STREET
FERNANDINA BEACH, FL 32034

9590 9402 5816 0034 1925 55

2. Article Number *(Transfer from service label)*

7020 0090 0001 9419 5656

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ red Mail
- ☐ red Mail Restricted Delivery r $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

USPS Tracking®

FAQs >

Track Another Package +

Tracking Number: 70200090000194195656

Remove ×

Your item was delivered to an individual at the address at 4:40 pm on October 7, 2020 in FERNANDINA BEACH, FL 32034.

Delivered

October 7, 2020 at 4:40 pm
Delivered, Left with Individual
FERNANDINA BEACH, FL 32034

Get Updates ∨

Feedback

Text & Email Updates ∨

Tracking History ∧

October 7, 2020, 4:40 pm
Delivered, Left with Individual
FERNANDINA BEACH, FL 32034
Your item was delivered to an individual at the address at 4:40 pm on October 7, 2020 in FERNANDINA BEACH, FL 32034.

October 7, 2020, 4:34 am
Departed USPS Regional Origin Facility
JACKSONVILLE FL DISTRIBUTION CENTER

October 6, 2020, 12:51 am
Arrived at USPS Regional Origin Facility
JACKSONVILLE FL DISTRIBUTION CENTER

October 5, 2020, 5:24 pm
Departed Post Office
FERNANDINA BEACH, FL 32034

October 5, 2020, 2:27 pm
USPS picked up item
FERNANDINA BEACH, FL 32034

Product Information

See Less

Feedback

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

AFFIDAVIT OF MAILING

State of Florida
County of Nassau

I, Harriet Davis, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach as Code Enforcement Department Administrative Coordinator for the City of Fernandina Beach; and
2. That part of my duties includes preparation of case evidence to go before the Code Enforcement & Appeals Board; and
3. That one of the responsibilities for preparing case evidence is to ensure delivery of such evidence to the Respondent before the hearing; and
4. That on October 5, 2020, I mailed a Notice of Violation/Notice of Hearing letter for violation of 6.02.16, Group Homes Violation, and 6.02.17, Group Residential Violation that will be presented to the Code Enforcement & Appeals Board on November 5, 2020 for property owned by David T. & Antoinette Brown at 823 S. 13th Street, Fernandina Beach, FL 32034 by First Class US mail to 12391 VC Johnson Road, Jacksonville, FL 32218.

FURTHER AFFIANT SAYETH NAUGHT.

Harriet Davis
Harriet Davis

Subscribed and sworn to before me, a notary public in and for the State of Florida this 6th day of October 2020.

(Seal)

Katie A. Newton
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG123910
Expires 7/13/2021

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HENRY GREEN
1014 S. 10TH STREET
FERNANDINA BEACH, FL 32034

9590 9402 5816 0034 1925 55

2. Article Number (Transfer from service label)
7020 0090 0001 9419 5656

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Henry Green ☐ Agent ☐ Addressee

B. Received by (Printed Name) Henry Green C. Date of Delivery 10-15-20

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
red Mail
red Mail Restricted Delivery
r $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

7020 0090 0001 9419 5656

U.S. Postal Service
CERTIFIED MAIL® RECEIPT Code Enforcement
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	$ 3.55
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy)	$ 2.85
☐ Return Receipt (electronic)	$
☐ Certified Mail Restricted Delivery	$
☐ Adult Signature Required	$
☐ Adult Signature Restricted Delivery	$
Postage	$ .50
Total Postage and Fees	$ 6.90

Postmark Here OCT 05 20
FERNANDINA BCH
USPS - 32034

Sent To HENRY GREEN
Street 1014 S. 10TH STREET
City FERNANDINA BEACH, FL 32034

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 9419 5649

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT Code Enforcement
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	$ 3.55
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy)	$ 2.85
☐ Return Receipt (electronic)	$
☐ Certified Mail Restricted Delivery	$
☐ Adult Signature Required	$
☐ Adult Signature Restricted Delivery	$
Postage	$ .50
Total Postage and Fees	$ 6.90

Postmark Here OCT 05 20
FERNANDINA BCH
USPS - 32034

Sent To DAVID & ANTOINETTE BROWN
Street 12391 VC JOHNSON ROAD
City, JACKSONVILLE, FL 32218

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

825 S 13th St

JACKSONVILLE, FL 32218

October 9, 2020
In Transit to Next Facility

October 7, 2020, 5:59 am
Departed USPS Regional Origin Facility
JACKSONVILLE FL DISTRIBUTION CENTER

October 6, 2020, 12:49 am
Arrived at USPS Regional Origin Facility
JACKSONVILLE FL DISTRIBUTION CENTER

October 5, 2020, 5:24 pm
Departed Post Office
FERNANDINA BEACH, FL 32034

October 5, 2020, 2:27 pm
USPS picked up item
FERNANDINA BEACH, FL 32034

Feedback

Product Information

See Less

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

USPS Tracking®

FAQs >

Track Another Package +

Tracking Number: 70200090000194195649

Remove ×

The customer has requested that the Postal Service redeliver this item on October 16, 2020 in JACKSONVILLE, FL 32218.

In-Transit

October 15, 2020
Redelivery Scheduled
JACKSONVILLE, FL 32218

Get Updates ⌄

Feedback

Text & Email Updates ⌄

Tracking History ⌃

October 15, 2020
Redelivery Scheduled
JACKSONVILLE, FL 32218
The customer has requested that the Postal Service redeliver this item on October 16, 2020 in JACKSONVILLE, FL 32218.

Reminder to Schedule Redelivery of your item

October 9, 2020, 2:43 pm
Notice Left (No Authorized Recipient Available)

CITY OF FERNANDINA BEACH **Michelle D. Forstrom**
Code Enforcement Department Code Enforcement Director

CODE ENFORCEMENT & APPEALS BOARD
NOTICE OF VIOLATION/NOTICE OF HEARING

October 20, 2020 Case Number: CODE-2020-0284

POSTED

IN THE MATTER OF:

David T. & Antoinette Brown
12391 VC Johnson Road
Jacksonville, FL 32218

PREMISES: 823 S 13TH ST FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 233 E100 FT OF S1/2 OF 9 IN OR 474 PG 176 CITY OF FDNA BEACH

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land Development Code and contends that the following violation(s) exist:

6.02.17	**Group Residential Violation**	
	Cease and Desist ALL Group Residential activity, it is not allowed in R-2 zoning.	**By 10/15/2020**
6.02.16	**Group Homes Violation**	
	Provide proof of all required Local, County, State, Federal licensure, as well as Fire Safety Standards and comply with all City codes; or Cease and Desist ALL Group Home activity.	**By 10/15/2020**

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: November 5, 2020

TIME: 5:30 PM

LOCATION: City Commission Chambers, 204 Ash St

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED $250.00 per day, per violation), and in some cases demolition.

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).

Michelle Forstrom

Code Enforcement Director

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

AFFIDAVIT OF SERVICE

State of Florida
County of Nassau

Code Enforcement Case Number: 2020-0284

I, Harriet Davis, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach, Code Enforcement.

2. That part of my duties include posting Notice of Violation/Notice of Hearing letters, and other correspondence; and

3. That on the 20th Day of October 2020, at 12:15 p.m. I posted the Notice of Violation/Notice of Hearing letter at the Peck Center, 516 S. 10th Street, for **Case 2020-0284, 823 S. 13th Street, Fernandina Beach, FL 32034**.

FURTHER AFFIANT SAYETH NAUGHT.

Signature: Harriet Davis

Harriet Davis
(Printed name)

Subscribed and sworn to before me, a notary public in and for the State of Florida, this 20th day of October 2020.

(SEAL)

Katie A. Newton
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG123910
Expires 7/13/2021

Signature: Katie A Newton

Katie A Newton
(Printed name of Notary)

AFFIDAVIT OF SERVICE

State of Florida
County of Nassau

Code Enforcement Case Number: 2020-0284

I, Virginia O. Hudecki, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach, City Clerk's Office.

2. That part of my duties include posting Notice of Violation/Notice of Hearing letters, and other correspondence; and

3. That on the 20th Day of October 2020, at 3:18 p.m. I posted the Notice of Violation/Notice of Hearing letter at City Hall, 204 Ash Street, Fernandina Beach, FL 32034 for **Case 2020-0284, 823 S. 13th Street, Fernandina Beach, FL 32034**.

FURTHER AFFIANT SAYETH NAUGHT.

Signature: Virginia O. Hudecki

Virginia O. Hudecki
(Printed name)

Subscribed and sworn to before me, a notary public in and for the State of Florida, this 20th day of October 2020.

(SEAL)

HARRIET DAVIS
MY COMMISSION # GG86124
EXPIRES: March 22, 2021

Signature: Harriet Davis

Harriet Davis
(Printed name of Notary)

AFFIDAVIT OF SERVICE

State of Florida
County of Nassau

Code Enforcement Case Number: 2020-0284

I, Michelle Forstrom, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach, Code Enforcement.

2. That part of my duties include posting Notice of Violation/Notice of Hearing letters, and other correspondence; and

3. That on the 20th Day of October 2020, at 1:23 p.m. I posted the Notice of Violation/Notice of Hearing letter at 823 S. 13th Street for **Case 2020-0284, 823 S. 13th Street, Fernandina Beach, FL 32034**.

FURTHER AFFIANT SAYETH NAUGHT.

Signature: _____
Michelle D. Forstrom
(Printed name)

Subscribed and sworn to before me, a notary public in and for the State of Florida, this 20th day of October 2020.

(SEAL)

HARRIET DAVIS
MY COMMISSION # GG86124
EXPIRES: March 22, 2021

Signature: _____
Harriet Davis
(Printed name of Notary)

NFPA 101: Life Safety Code, 2015 Edition - Chapter 6 Classification of Occupancy and Hazard of Contents

6.1 Classification of Occupancy.

Each of the occupancy groupings addressed by Chapter 6 was developed to reflect the design features, usage patterns, and unique life safety needs of occupants who are characteristic of a given occupancy. This approach was used to assess the degree to which the features contained in the core chapters need to be combined to achieve the minimum level of life safety necessary for an occupancy. It is extremely important that the correct occupancy classification be determined, because the Code requirements differ for each type of occupancy. Improper classification might result in an inadequate level of life safety or overspending on nonrequired items. The occupancy groupings are as follows:

***Residential. Residential** occupancies are characterized by occupants who are asleep for a portion of the time they occupy the building. The sleeping that takes place is for normal restorative rest, as opposed to the sleeping that takes place in a hospital or residential board and care facility where caretakers are present. Sleeping occupants might be unaware of an incipient fire and might be trapped before egress can occur, thus creating a need for early warning smoke alarms. This occupancy group is further divided into one- and two-family dwellings, lodging or rooming houses, hotels and dormitories, and apartment buildings. Each occupancy in the group has characteristic needs that differ from the others. For this reason, separate chapters of the Code address each of these subgroups.*

***Residential board and care.** Residential board and care occupancies, as in the case of residential occupancies, provide sleeping accommodations. However, the residents also receive personal care services by caretakers who live with the residents. Personal care includes assistance with many of the activities of daily living, such as bathing and dressing. Personal care does not include medical care.*

6.1.8.1 Definition — Residential Occupancy.

An occupancy that provides sleeping accommodations for purposes other than health care or detention and correctional.

6.1.8.1.1 * Definition — One- and Two-Family Dwelling Unit.

A building that contains not more than two dwelling units with independent cooking and bathroom facilities.

A.6.1.8.1.1 One- and Two-Family Dwelling Unit.

The application statement of 24.1.1.1 limits each dwelling unit to being "occupied by members of a single family with not more than three outsiders." The Code does not define the term family. The definition of family is subject to federal, state, and local regulations and might not be restricted to a person or a couple (two people) and their children. The following examples aid in differentiating between a single-family dwelling and a lodging or rooming house:

1) An individual or a couple (two people) who rent a house from a landlord and then sublease space for up to three individuals should be considered a family renting to a

maximum of three outsiders, and the house should be regulated as a single-family dwelling in accordance with Chapter 24.

2) A house rented from a landlord by an individual or a couple (two people) in which space is subleased to 4 or more individuals, but not more than 16, should be considered and regulated as a lodging or rooming house in accordance with Chapter 26.
3) A residential building that is occupied by 4 or more individuals, but not more than 16, each renting from a landlord, without separate cooking facilities, should be considered and regulated as a lodging or rooming house in accordance with Chapter 26.

6.1.8.1.2 Definition — Lodging or Rooming House.
A building or portion thereof that does not qualify as a one- or two-family dwelling, that provides sleeping accommodations for a total of 16 or fewer people on a transient or permanent basis, without personal care services, with or without meals, but without separate cooking facilities for individual occupants.

6.1.8.1.3 * Definition — Hotel.
A building or groups of buildings under the same management in which there are sleeping accommodations for more than 16 persons and primarily used by transients for lodging with or without meals.
A.6.1.8.1.3 Hotel.
So-called apartment hotels should be classified as hotels, because they are potentially subject to the same transient occupancy as hotels. Transients are those who occupy accommodations for less than 30 days.

6.1.8.1.4 * Definition — Dormitory.
A building or a space in a building in which group sleeping accommodations are provided for more than 16 persons who are not members of the same family in one room, or a series of closely associated rooms, under joint occupancy and single management, with or without meals, but without individual cooking facilities.
A.6.1.8.1.4 Dormitory.
Rooms within dormitories intended for the use of individuals for combined living and sleeping purposes are guest rooms or guest suites. Examples of dormitories include college dormitories, fraternity and sorority houses, and military barracks.

6.1.8.1.5 Definition — Apartment Building.
A building or portion thereof containing three or more dwelling units with independent cooking and bathroom facilities.

6.1.9.1 * Definition — Residential Board and Care Occupancy. ***(aka Group Homes)***
An occupancy used for lodging and boarding of four or more residents, not related by blood or marriage to the owners or operators, for the purpose of providing personal care services.
A.6.1.9.1 Residential Board and Care Occupancy.

The following are examples of facilities classified as residential board and care occupancies:

1) Group housing arrangement for physically or mentally handicapped persons who normally attend school in the community, attend worship in the community, or otherwise use community facilities
2) Group housing arrangement for physically or mentally handicapped persons who are undergoing training in preparation for independent living, for paid employment, or for other normal community activities
3) Group housing arrangement for the elderly that provides personal care services but that does not provide nursing care
4) Facilities for social rehabilitation, alcoholism, drug abuse, or mental health problems that contain a group housing arrangement and that provide personal care services but do not provide acute care
5) Assisted living facilities
6) Other group housing arrangements that provide personal care services but not nursing care

Michelle Forstrom

From: Stephen Beckman
Sent: Wednesday, August 26, 2020 7:55 PM
To: Michelle Forstrom
Cc: Stephen Beckman; Donald Kukla
Subject: Group homes

308.3Institutional Group I-1.
Institutional Group I-1 occupancy shall include buildings, structures or portions thereof for more than 16 persons, excluding staff, who reside on a 24- hour basis in a supervised environment and receive custodial care. Buildings of Group I-1 shall be classified as one of the occupancy conditions specified in Section 308.3.1 or 308.3.2. This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- *Group homes*
- Halfway houses
- Residential board and care facilities
- Social rehabilitation facilities

310.6Residential Group R-4.
Residential Group R-4 occupancy shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive *custodial care*. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in Section 310.6.1 or 310.6.2. This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- *Group homes*
- Halfway houses
- Residential board and *custodial* care facilities
- Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code or shall comply with the Florida Building Code, Residential provided the building is protected by an automatic sprinkler system installed in accordance with Section 903.2.8.

SECTION420
GROUPS I-1, R-1, R-2, R-3 AND R-4

420.1General.
Occupancies in Groups I-1, R-1, R-2, R-3 and R-4 shall comply with the provisions of Sections 420.1 through 420.6 and other applicable provisions of this code.

420.2Separation walls.
Walls separating *dwelling units* in the same building, walls separating *sleeping units* in the same building and walls separating *dwelling* or *sleeping units* from other occupancies contiguous to them in the same building shall be constructed as *fire partitions* in accordance with Section 708.

420.3Horizontal separation.
Floor assemblies separating *dwelling units* in the same buildings, floor assemblies separating *sleeping units* in the same building and floor assemblies separating *dwelling* or *sleeping units* from other occupancies contiguous to them in the same building shall be constructed as *horizontal assemblies* in accordance with Section 711.

420.4Smoke barriers in Group I-1, Condition 2.
Smoke barriers shall be provided in Group I-1, Condition 2, to subdivide every story used by persons receiving care, treatment or sleeping and to provide other stories with an occupant load of 50 or more persons, into no fewer than two smoke compartments. Such stories shall be divided into smoke compartments with an area of not more than 22,500 square feet (2092 m^2) and the distance of travel from any point in a *smoke compartment* to a *smoke barrier* door shall not exceed 200 feet (60 960 mm). The *smoke barrier* shall be in accordance with Section 709.

420.4.1Refuge area.
Refuge areas shall be provided within each smoke compartment. The size of the refuge area shall accommodate the occupants and care recipients from the adjoining smoke compartment. Where a smoke compartment is adjoined by two or more smoke compartments, the minimum area of the refuge area shall accommodate the largest occupant load of the adjoining compartments. The size of the refuge area shall provide the following:

1. 1.Not less than 15 net square feet (1.4 m^2) for each care recipient.
2. 2.Not less than 6 net square feet (0.56 m^2) for other occupants.

Areas or spaces permitted to be included in the calculation of the refuge area are corridors, lounge or dining areas and other low-hazard areas.

[F]420.5Automatic sprinkler system.
Group R occupancies shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.2.8. Group I-1 occupancies shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.2.6. Quick-response or residential automatic sprinklers shall be installed in accordance with Section 903.3.2.

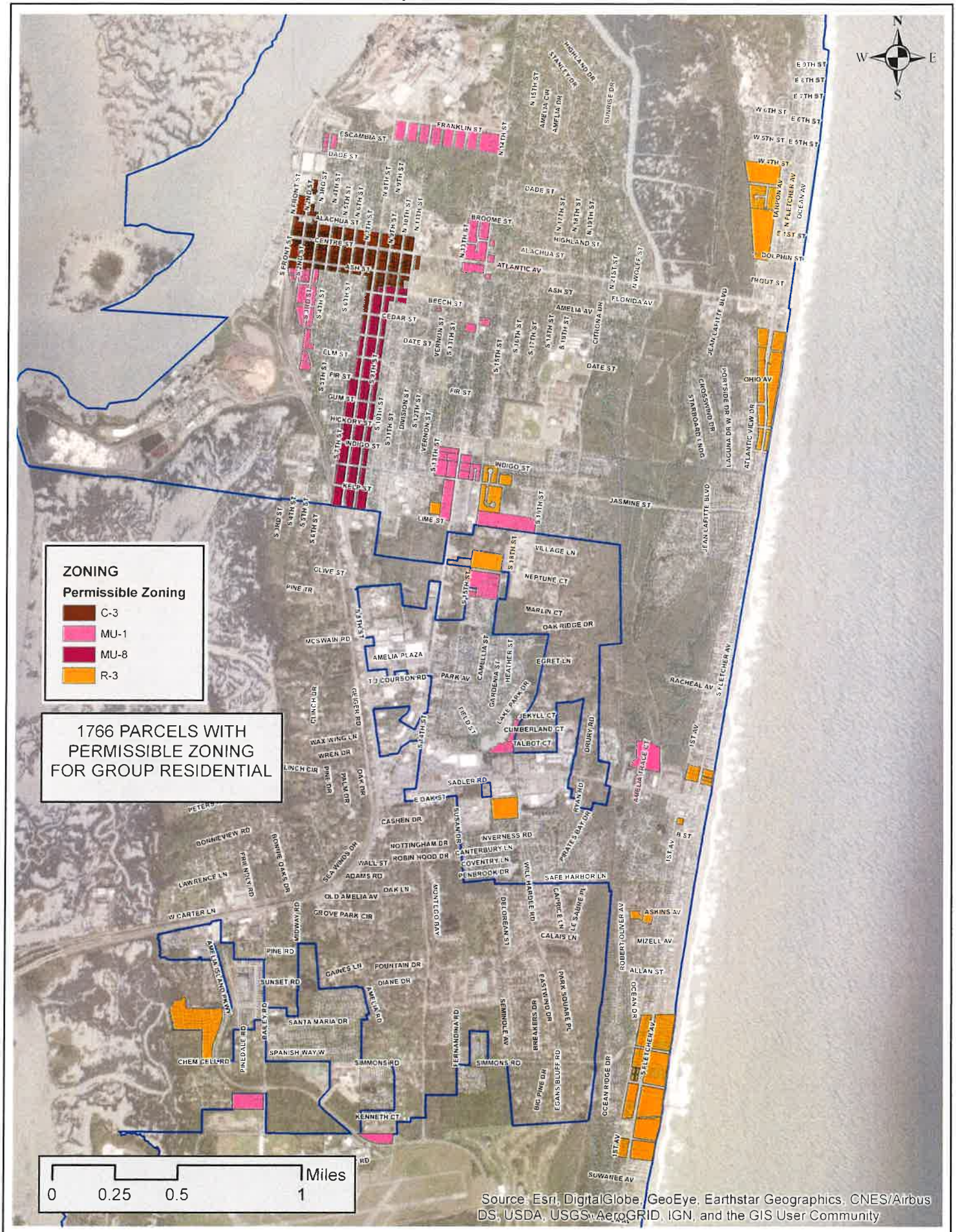
[F]420.6Fire alarm systems and smoke alarms.
Fire alarm systems and smoke alarms shall be provided in Group I-1, R-1, R-2 and R-4 occupancies in accordance with Sections 907.2.6, 907.2.8, 907.2.9 and 907.2.10, respectively. Single-or multiple-station smoke alarms shall be provided in Groups I-1, R-2, R-3 and R-4 in accordance with Section 907.2.11.

Get Outlook for iOS

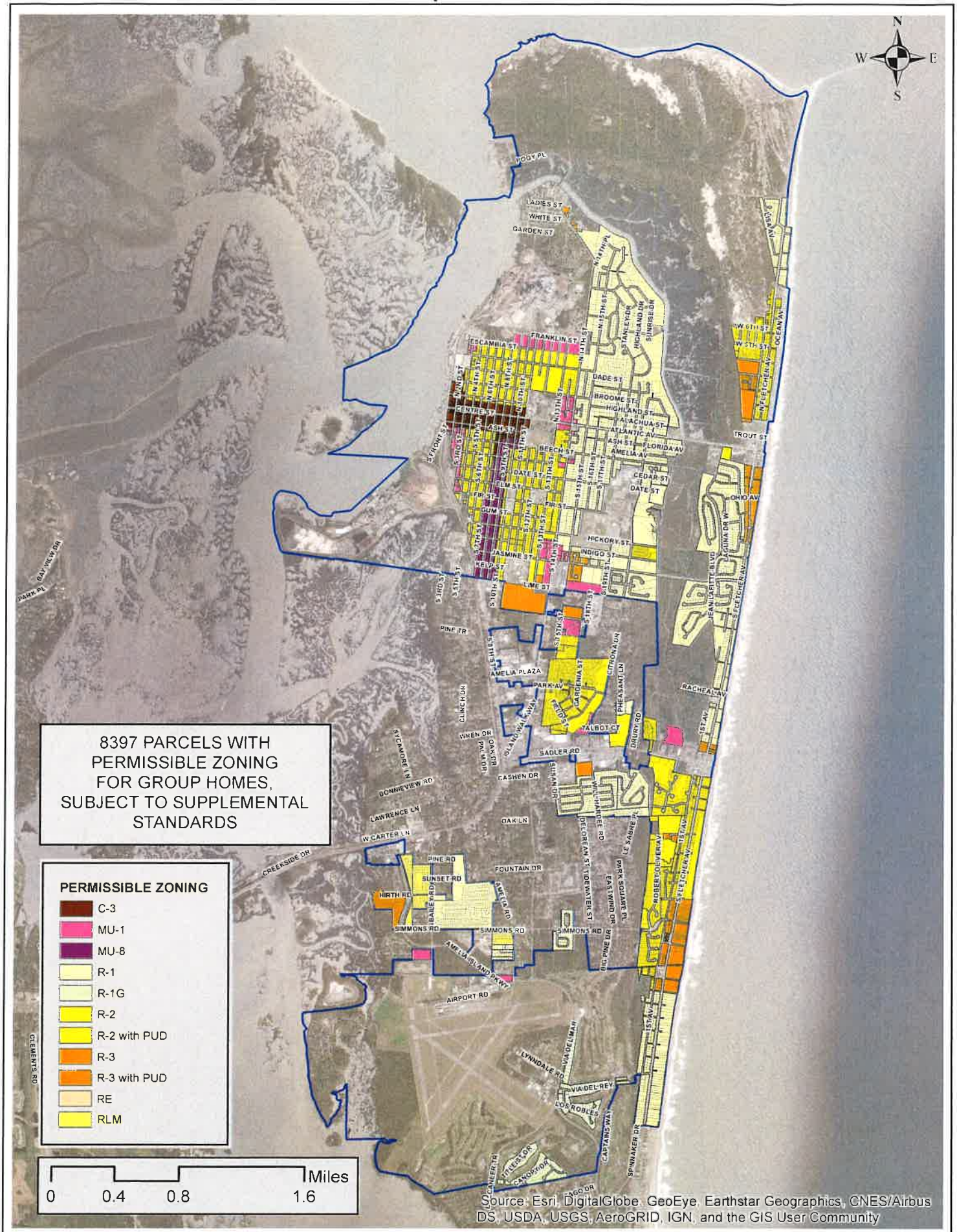
Stephen Beckman, CBO, CFM, CGC
Building Director
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034
(904) 310-3136 | sbeckman@fbfl.org
www.fbfl.us

If this email is related to the Board, Committee or Commission that you serve on, please DO NOT REPLY TO ALL.
Disclaimer: According to Florida Public Records Law, email correspondence to and from the City of Fernandina Beach, including email addresses and other personal information, is public record and must be made available to the public and media upon request, unless otherwise exempted by the Public Records Law. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Group Residential



Group Homes


8397 PARCELS WITH PERMISSIBLE ZONING FOR GROUP HOMES, SUBJECT TO SUPPLEMENTAL STANDARDS
PERMISSIBLE ZONING
C-3
MU-1
MU-8
R-1
R-1G
R-2
R-2 with PUD
R-3
R-3 with PUD
RE
RLM
0
0.4
0.8
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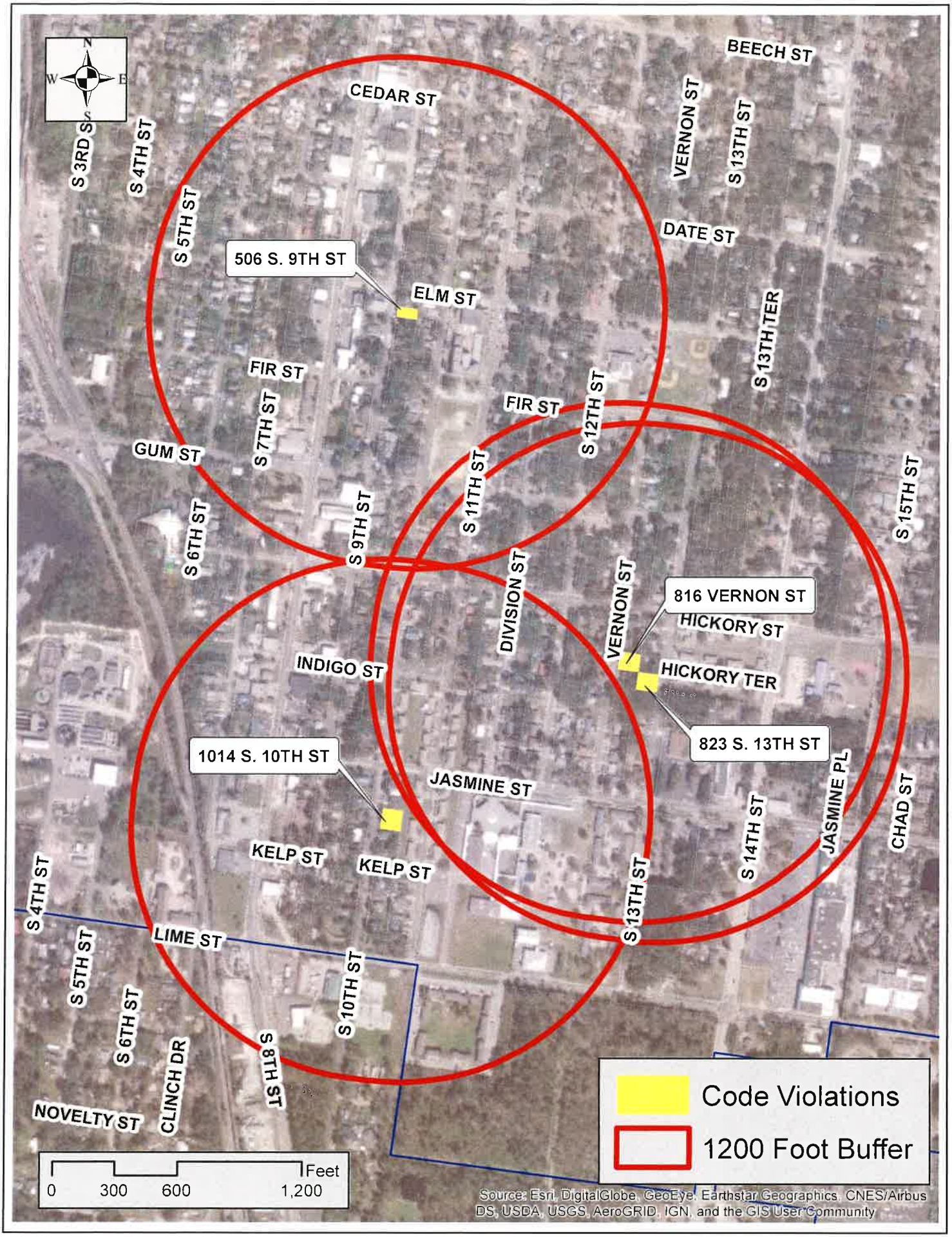
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Code Violations



City of Fernandina Beach

OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: Jacob Platt, Senior Planner

CC: Planning and Conservation Department

FROM: Tammi E. Bach, City Attorney

DATE: August 2, 2019

RE: Group Residence at 1014 South 10th Street

I have been asked to give my opinion as to whether a single-family home located in the R-2 zoning district can be used to house 10-15 residents in recovery for addiction issues. The short answer is "No".

It is my understanding of the facts that the subject residence is currently being used as a "sober home" or "recovery residence", and no alcohol or drug treatment services occur on the subject property. I have reviewed Florida Statutes, the City's Comprehensive Plan and the Land Development Code. I have also scoured the internet for information on "sober homes" and drug/alcohol treatment centers and how they are regulated in Florida. I have attached an informative article by an attorney who published in an online publication titled "Sober Law News".

The City of Fernandina Beach's local laws do not address "sober homes" or "recovery residences" (as defined by Florida Statutes). "Sober home" is an informal term without definition in Florida law or local law. "Recovery residence" is defined by Section 397.311, Fla. Stats. as a "residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported,

alcohol-free and drug-free living environment". Mr. Henry Green has inquired with the City whether the residential dwelling unit at 1014 South 10th Street can be used as a recovery residence and whether other residential dwelling units located in the R-2 zoning district can be used as recovery residences. There is certainly a need in our community for these types of recovery residences. However, the City of Fernandina Beach has not yet addressed this growing need for recovery residences in its Land Development Code ("LDC") or Comprehensive Plan ("Comp Plan"). If a recovery residence is not addressed as a permissible use under the City's LDC, it is not permissible.

Policy 3.04.05 of the Comp Plan is incorporated fully into Section 6.02.16 of the LDC relating to "group homes". "Group home facility" is defined by the LDC as "a residential facility which provides a family living environment [for 4-15 residents]". Group home facilities are permissible in all residential zoning districts in the City. Section 6.02.16(E) of the LDC provides that group home facilities must be licensed by the State of Florida Department of Children and Families and must provide on-site management 24/7. Group home facilities are regulated by Ch. 419, Fla. Stats. The subject property that Mr. Green is asking about is not a group home facility as defined by the LDC since it is not licensed by the State of Florida. "Group residential facilities" under the LDC are defined as a. "residential facility occupied by 5 or more unrelated individuals on a monthly or longer basis...and does not provide supervisory services to its residents". The subject property sounds just like a "group residential" facility under the City's LDC. Group residential facilities are only permissible in the R-3, MU-1, MU-8 and C-3 zoning districts. The subject property is in the R-2 zoning district so group residential facilities are not permissible.

Under the current facts, the residential dwelling unit at 1014 South 10th Street cannot house 10-15 residents in recovery for addiction issues. There must be fewer than 5 unrelated residents living on the subject property. The LDC does not allow for a variance to be requested in this instance since Section 10.02.01 of the LDC states that a variance cannot be granted which authorizes a use that is not permissible in the zoning district in which the subject property is located. So where are "recovery residences" permissible in the City of Fernandina Beach? At this time, recovery residences are permitted in the R-3, MU-1, MU-8 and C-3 zoning districts, not R-2 where the subject property is located. In order to permit recovery residences in the R-2 zoning district, the LDC would have to be amended. In addition, I would recommend that the Comp Plan be reviewed and amended to recognize recovery residences since they seem to be an important part of the addiction recovery process.

GRACE AND GRATITUDE SOBER LIVING, INC.

The organizational purpose for Grace and Gratitude Sober Living, Inc. (hereafter "corporation") is to engage in any lawful act and activity under the general nonprofit corporation laws of the State of Florida, according to the Articles of Incorporation, which were filed on May 11, 2020 along with its sealed certificates by the Secretary of the State. The corporation exists under the Internal Revenue Service (IRS) Publication 557 Section 501(c)(3) of the Internal Revenue Code of 1986 with the federally assigned IRS Employee Identification Number (EIN): 85-1007414. The registered agent on record for this corporation at 923 Vernon Street, Fernandina Beach, Nassau County, Florida is Arleen Green, who delegates all her authority to the community leader of the corporation, Henry Green, by affixing her signature to the end of these articles. At no time and in no event shall the corporation participate in activities in which the State of Florida, Internal Revenue Code of 1986, or these articles of organization have not permitted to be carried out.

Furthermore, the corporation indemnifies its directors, officers, appointed staff, and volunteers from all liability concerning the corporation unless the person fraudulently and intentionally violates the law or maliciously engages in acts to damage or defraud the corporation, or as otherwise stipulated under the applicable statutes according to the State of Florida corporation statutes and federal laws.

In addition, upon dissolution no part of the net earnings, wealth, or assets of this corporation shall inure to the benefit of any person or member, director, or officer of this corporation. If after dissolution any assets remain, they shall be donated to a Nassau County, Florida, nonprofit organization with a 501(c)(3) status.

MISSION

The goal of this corporation is to promote the recovery of individuals from addiction to drugs and alcohol by providing a safe, accountable, and healthy sober living community rooted in the spiritual principles of grace and gratitude. In order to achieve this end, the corporation provides a structured living community referred to as New Found Freedom House (NFFH), which presently has two male and one female residences. The recovery program is threefold: (1) individual mentoring, (2) practicing the Twelve Steps of recovery, and (3) attendance at sober support meetings. Those who reside at NFFH pay a weekly fee to cover living expenses and the fees associated with the recovery program. The board of directors reviews, adjusts, and approves the cost of the program at the beginning of each year. The corporation also has adherents to the program, those who live outside the confines of NFFH, but who actively participate in the functions of the sober living community.

GOVERNANCE

Directors

The corporation shall be accountable to and advised by three (3) to (5) directors but never four (4), who shall constitute the board of directors. Directors shall be elected or re-elected to the board by a simple majority vote once a year, and each year a chairperson shall be elected or re-elected from the cadre of directors. The directors are primarily responsible for the financial oversight of the corporation and its budget. To ensure this end, the directors conduct a financial audit of the corporation two times a year and they shall meet at least eight (8) times in a calendar year, which

ends on December 31. The terms for the directors are perpetual unless the director resigns, upon dismissal by a majority of the directors, dies, or a new candidate challenges the incumbent director during his or her yearly election.

Officers

Community Leader

The responsibility of the community leader, in general, is to supervise and conduct the day-to-day activities and operations of the corporation. The community leader is accountable to the board of directors. The community leader will attend at least eight (8) board of director meetings at year. The community leader has the authority to appoint or remove staff and has access to a discretionary fund that is set by the board of directors each year. The community leader's compensation shall be set by the board of directors at the beginning of each year.

Treasurer

It is the responsibility of the treasurer to keep and maintain accurate records for the corporation's accounts, properties, transactions, assets, liabilities, receipts, disbursements, and other matters customarily included in financial matters. The treasurer shall create a yearly budget with the community leader and submit it to the board of directors for advice and approval. The treasurer is subject to the twice-yearly audit by the board of directors and is required to prepare the annual 501(c)(3) tax documents (required Form 990 and Form 1099-MISC to report compensation paid to officers and appointed staff) and the State of Florida annual report. The treasurer will receive compensation of $200.00 a month for the year, which will be adjusted by the board of directors as needed.

Secretary

The secretary is the custodian of the records and documents of the corporation. As such, the secretary (or appointed designee) must be present at all the board of directors' meetings to record the "minutes." The secretary is responsible for notifying the participants of said meetings, and for distributing pre- and post-meeting information via electronic or hard copy format to the directors, community leader, and other involved parties. The secretary will receive $25.00 a month for the year, which will be adjusted by the board of directors as needed.

AMENDMENTS

These articles of organization for the corporation are a living document and they may need to be amended from time to time. The board of directors and community leader shall review the document at the beginning of each year. To amend the document, it will require a majority vote by the board of directors and the consent of the community leader. If amended, a new document will be prepared and signed by the community leader and chairperson of the board of directors.

Arleen Green, Registered Agent

Henry Green, Community Leader

Wardall Avant, Chairperson

Suggested Basic Budget Line Items

IN
Program Fees ($150.00 weekly)
Donations (?)

OUT
Community Leader (to be determined by the board of directors)
Treasurer ($2400.00 yearly)
Secretary ($300.00 yearly)
Outreach ($500.00 yearly)
Discretionary Fund (?)
Housing Expenses (?)
Indigent Fund (?)

Some other things to think about, admission process and putting something in place to ensure money is paid up front and potential candidates are screened more carefully. If people cannot pay this money upfront, then an application process to request indigent fund needs to be in place. This should be a process that weeds out those who are not serious about recovery. Rather than have residents donate to AA or NA, I suggest passing the hat to raise money for NFFH.

It is crucial to make sure any income received for program fees or donations is recorded by treasurer, tracked, and reported to the board of directors. According to the IRS, receiving any money like this and pocketing it as private income is a criminal act. The annual Form 990 reports this type of income. It is perfectly fine to receive compensation, but everything needs to be reported. Compensation is taxable income and it is reported on a 1099-MISC.

The discretionary fund will provide you with leeway to higher people to do things at NFFH, or to pay for events, gas for transportation, etc. You will need to retain receipts, however.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: MAY 29 2020

GRACE AND GRATITUDE SOBER LIVING
C/O HENRY GREEN
923 VERNON STREET
FERNANDINA BEACH, FL 32034-0000

Employer Identification Number:
85-1007414
DLN:
26053536001060
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
509(a)(2)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
May 8, 2020
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

GRACE AND GRATITUDE SOBER LIVING

Sincerely,

Director, Exempt Organizations
Rulings and Agreements

CUSTOMER

Number	41696	Last Changed by snoden on 07/17/2020 at 16:13
		Created thru
Person/Entity	E	
Name	GRACE GRATTITUDE SOBER LIVING	
SSN/FID		
	KIM O CUASON	

CONTACT INFORMATION

Address	13 VINTAGE WAY
	APT 1323
Zip code	32034
City, State	FERNANDINA BEACH, FL
Country	USA
Telephone	786-517-7596
Fax	
E-mail	OLIVERCUASON@GMAIL.COM
Website	

OTHER

Employee #	
Vendor #	
Geo Code	
Type	
External Ref	
Resident?	Y

Y Addl Addresses N Special Conditions Y Associated Names

ADDITIONAL ADDRESSES

Address number	
Name	GRACE GRATTITUDE SOBER LIVING
	KIM O CUASON
Address	13 VINTAGE WAY
	APT 1323
City, state, zip	FERNANDINA BEACH FL 32034
Country	USA
Telephone	786-517-7596

OWNERS

Name:	GRACE GRATTITUDE SOBER LIVING	P/E: E
SSN or FID:		
DOB:		
Phone:	786-517-7596	
Seq:	1	
Name:	KIM O CUASON	P/E: P
SSN or FID:		
DOB:	01/25/1977	
Phone:	786-517-7596	

PERSONAL

Name GRACE GRATTITUDE SOBER LIVING
Spouse's Name KIM O CUASON

	PRIMARY	SPOUSE
Date of Birth		01/25/1977
Telephone	786-517-7596	
Drivers License		C250514770250
Employer Name		
address		
zip		
city/state		
telephone		

** END OF REPORT - Generated by Harriet Davis **

RESOLUTION NO. 2020-17

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, COMMENDING HENRY GREEN FOR HIS SERVICE TO THE COMMUNITY.

WHEREAS, Henry Green is a life-long resident of Fernandina Beach who faced adversity and challenges throughout his childhood; and

WHEREAS, by the time he was a teenager, Henry Green had turned to drugs and alcohol as a mechanism to deal with his sorrows; and

WHEREAS, Henry Green was in and out of rehab centers and often found himself jobless and homeless; and

WHEREAS, on July 22, 1988, Henry Green hit rock bottom and made the decision to get sober; and

WHEREAS, Henry Green attended Alcoholics Anonymous and Narcotics Anonymous Meetings, completing the twelve-step program and reconciling with friends and family that he had hurt throughout his years of addiction; and

WHEREAS in 1989, Henry Green started the first Narcotics Anonymous meeting in Fernandina Beach and hosted the first Narcotics Anonymous Luau, which remains a popular community event to this day; and

WHEREAS, in 1993, Henry Green became employed at Charter by the Sea as an Addiction Specialist and later became a regular speaker at universities and conferences throughout the southeast, sharing his story of addiction and recovery. He also recently had a book published about his life titled, "Saved by Grace, Full of Gratitude. The Recovery of Henry Green"; and

WHEREAS, in 2014, Henry Green founded and incorporated the New Found Freedom House and opened three homes for recovering addicts to reside while they get back on their feet. They are provided clothing, food and shelter and must adhere to curfews, have drug screenings and attending A.A. and/or N.A. meetings; and

WHEREAS, Henry Green's efforts continue to reach more people in the community as the Clerk's Office refers individuals through the Veterans Court, Drug Court and Mental Health Court; and

WHEREAS, an estimated 350 individuals have been served by Henry Green's program and received the love and guidance needed to help them recover.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Nassau County, Florida, this 19th day of February, 2020 that:

1. The Board commends Henry Green for overcoming adversity and using his personal experiences to help others recover from addiction.
2. The Board extends their gratitude to Henry Green for providing shelter to residents in recovery, as well as to residents seeking relief from the cold.

3. The Board extends their best wishes to Henry Green and his mission to helping addicts "find freedom, restore dignity and live life".

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

DANIEL B. LEEPER

Its: Chairman

ATTEST AS TO CHAIRMAN'S SIGNATURE:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:

MICHAEL S. MULLIN

Sunbiz.org Division of Corporations an official State of Florida website

Detail by Entity Name

Florida Not For Profit Corporation
GRACE AND GRATITUDE SOBER LIVING, INC.

Filing Information

Document Number	N20000005038
FEI/EIN Number	NONE
Date Filed	05/11/2020
Effective Date	05/08/2020
State	FL
Status	ACTIVE

Principal Address

1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 92034

Mailing Address

923 VERNON STREET
FERNANDINA BEACH, FL 32034

Registered Agent Name & Address

GREEN, ARLEEN
923 VERNON STREET
FERNANDINA BEACH, FL 32034

Officer/Director Detail

Name & Address

Title CL

GREEN, HENRY
1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 32034

Title TRES

CAUSON, OLIVER
1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 32097

Title SEC

HOWARD, JULIE
1014 SOUTH 10TH STREET

1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 32034

Title DIRC

AVANT, WARDALL
1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 32034

Title DIR

COVERDELL, JOHN
1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 32034

Title DIR

LEE, LINDA
1014 SOUTH 10TH STREET
FENANDINA BEACH, FL 32034

Annual Reports

No Annual Reports Filed

Document Images

05/11/2020 -- Domestic Non-Profit View image in PDF format

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FERNANDINA BEACH, FL 32034

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FERNANDINA BEACH, FL 32034

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FERNANDINA BEACH, FL 32034

Title TRES

CAUSON, OLIVER
1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 32097

Title SEC

HOWARD, JULIE

To Whom It May Concern,

At present, Mr. Henry Green's 501 C 3 Grace and Gratitude Sober Living Inc. has had allegations made against his organization from the City of Fernandina Code Enforcement and City Planning and Development. The allegations that are presently being alleged are that he is in violation of City **Code 6.02.17 Group Residential Home Violation** and **6.02.16 Group Homes Violation.**

It is our position, which falls in line with the definition by the state of Florida, that Grace and Gratitude Sober Living Inc. is a **Recovery Residence under Statute 397.487**, and has been incorrectly defined as a Group home and/or Group Residential Home Statue 419.001. Due to the city not having a present code for a Recovery Residence, and their unwillingness to work with Mr. Green to attempt to amend the text when he approached the city, they are attempting to violate him based on an incorrect definition according to the State of Florida, as well as violating the Fair Housing and Disabilities act with regards to discrimination.

Mr. Green has made a positive impact within the lives of those suffering from addictions', as well as liaising with several community resources who consistently refer clients to his recovery residence which are listed in this packet. He is attempting to improve the lives of others, their families, and the surrounding community and such a disregard, and lack of willingness for the City to work together is very disheartening and being defined incorrectly an injustice. We look forward to your support of Mr. Green and his organization and his being treated fairly.

Sincerely,

Henry D. Green

Mr. Green

Grace and Gratitude Sober Living Inc.

What Grace and Gratitude Sober living is defined as by the State of Florida:

The following is the Florida State Statues of what defines a Recovery Residence:

The 2019 Florida Statutes

Title XXIX

PUBLIC HEALTH

Chapter 397

SUBSTANCE ABUSE SERVICES

View Entire Chapter

397.487 Voluntary certification of recovery residences.—

(1) The Legislature finds that a person suffering from addiction has a higher success rate of achieving long-lasting sobriety when given the opportunity to build a stronger foundation by living in a recovery residence while receiving treatment or after completing treatment. The Legislature further finds that this state and its subdivisions have a legitimate state interest in protecting these persons, who represent a vulnerable consumer population in need of adequate housing. It is the intent of the Legislature to protect persons who reside in a recovery residence.

What Grace and Gratitude Sober Living Inc. is not concerning group residential or group home as defined by the State of Florida:

The 2019 Florida Statutes

Title XXX

SOCIAL WELFARE

Chapter 419

COMMUNITY RESIDENTIAL HOMES

View Entire Chapter

419.001 Site selection of Group community residential homes.—

(1) For the purposes of this section, the term:

(a) "Community residential home" means a dwelling unit licensed to serve residents who are clients of the **Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families** or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Mr. Henry Green's

Addiction Experience, Training and Continuing Education

1) 32 years of consecutive sobriety from alcohol and drugs
2) Started 4 Recovery Residences from 2014 to present – 3 men's residences and 1 woman's residence.
3) Trained and worked at Charter by the Sea in St. Simons as an addiction counselor and case manager from 1989 to 1998.
4) Trained at the Moore House School of Medicine in 1991, 1992, and 1992 for addiction and addiction issues related to specific cultural issues within a community setting.
5) Attended and trained at the Southeastern Conference of Alcohol and Drug Counseling from 1990 to 1998.
6) In 1995 received Drug and Alcohol addiction training from Georgia South University
7) The guest speaker in 1992 in Waycross, Georgia at the Say No to Drugs week and received the Key to the City by the Mayor.
8) In 1993 organized a community drug awareness workshop where he had "Hollywood" Henderson from the Dallas Cowboys speak regarding his personal journey in addiction and recovery who was the 1st NFL player to speak about his drug addiction in Brunswick Georgia.
9) In 1993 organized a drug abuse awareness workshop with John Lucas the coach of the San Antonio Spurs and his experience with drug abuse and recovery held in Brunswick, Georgia
10) In 2017 spoke to Congress in Washington, D.C. concerning addiction and liver issues on behalf of the Mayo Clinic in Jacksonville, Fl..
11) Interviewed by Channel 4 news regarding his expertise on addiction in the community.
12) Guest speaker concerning his expertise on addiction on PBS.
13) Wrote a book on his life story concerning addiction called Saved By Grace: Recovery of Henry Green

The following Agencies presently refer to Mr. Green's program and support his services that are provided to patient's with addiction issues in his Recovery Residences:

1) Drug Court
2) Veteran's Court

3) Department of Corrections
4) Prison Re-Entry Program
5) The State's Attorney office
6) Starting Point – Non profit mental health program
7) Baptist Medical
8) Baptist Hospital
9) Gateway Addiction treatment services
10) Weikiva Addiction Treatment Services
11) Memorial Hospital
12) Homeless Coalition
13) Local non profit agencies

New women's shelter to open in Fernandina

NEWS LEADER

City reviews the health and safety of recovery houses

By News Staff on Tuesday, September 22, 2020

Image

- Henry Green sits surrounded by some of the people he has helped through the Grace and Gratitud houses that comprise Grace and Gratitude's facilities open. JULIA ROBERTS/NEWS-LEADER
-
-

Body

No one disputes that Henry Green provides a valuable – some say lifesaving – service in Fernandina Beach. Places for people who have nowhere else to go, due to the life they lived as addicts. But, can Green legally operate a residential recovery facility in the city? That is the question at the heart of what Fernandina Beach says are code enforcement violations at the houses used for Grace and Gratitude Sober Living Inc.

Green rents four houses in the city that he uses to operate Grace and Gratitude. The houses are located on Vernon Street, South 10th Street, South Ninth Street, and South 13th Street.

Grace and Gratitude receives no local, state or federal funding; no grants or loans or other funding other than a $21.50 daily fee from residents. Green said each house costs approximately $2,000 a month to operate, and the program often operates in the red.

Residents come from the county's drug and veteran courts, hospitals, rehab programs, jail, and simply off the street. He provides an address, which those in recovery need in order to qualify for services. They live in the houses, separate residences for males and females, for the $21.50 program fee, as Green does not charge rent. The residents get a bed, access to a washer and dryer, bathroom, kitchen, and common area. They are required to attend the twice-daily Narcotics Anonymous and/or Alcoholics Anonymous meetings, to keep their living space clean, to get a job, and keep the house clean.

Food is not provided, but everyone is encouraged to buy enough to cook "family style" for everyone in the house. Those staying in the houses sign a contract before they are allowed to stay, and must adhere to the rules to stay. They must, above all, stay alcohol- and drug-free.

In addition to housing, Green helps residents find jobs, acquire clothes suitable for job hunting, and get to appointments and work. He also helps them get medical treatment and connects residents with agencies such as Starting Point Behavioral Healthcare and Barnabas Center. Green also helps them obtain official identification and driver's licenses. He has coordinated with a local bicycle shop and a scooter store so residents have the ability to get to work. He counsels the residents one-on-one and in groups.

On July 31, Fernandina Beach Code Enforcement issued violation notifications to the four houses that operate as Grace and Gratitude. Some of the violations were for minor infractions, such as garbage and unauthorized overnight parking. But two of the residences were, the city said, violating City Code 6.02.16 – Group Homes and two were violating 6.02.17 – Group Residential.

Green said he has been operating Grace and Gratitude for seven years, and questions why the city has only recently told him he is violating code.

Code Enforcement Director Michelle Forstrom said the process did not begin recently, but in 2019 when it came to her attention that Green was opening a women's shelter. In May of 2019, city staff met to discuss the Land Development Code regarding group homes and group residential facilities in the city.

Forstrom said city staff met with Green in July 2019 to discuss the Land Development Code regarding group homes and the regulations associated with their operation.

"In August of 2019, city staff met with Mr. Green again to discuss the Land Development Code regarding his current Group Home and future Group Homes and the regulations, restrictions and options associated with their operation," Forstrom wrote in an email to the *News-Leader*. "We

explained that Henry Green must get licensed in order to operate a Sober Home, and then he would need an LBTR (Local Business Tax Receipt) from the City. In July we started getting complaints about a sober home. Come to find out, Mr. Green had continued his Group Home/Sober Home at (four locations). All of these are being operated without any licensure or inspections. A case was started for each location."

The complaints, Forstrom said, came from a concerned neighbor. "They do not want this kind of activity in their neighborhood and they are aware that it is not allowed there," Forstrom said. "As I have said before, Mr. Green was told what he would need to do to operate legally. He chose not to do so."

The three homes cited with violations of the group home ordinance – 6.02.16 – are, according to the Nassau County Property Appraisers map, zoned R-2 as defined by the city's Land Development Code, so a group home is allowed. The fourth address was cited with a violation of 6.02.17, which sets forth rules for a group residential facility. Forstrom said that residence has come into compliance, so that case will not move forward.

The violation notices say that in order to come into compliance with city code, the property owner must "Provide proof of all required local, county, state and federal licensure, as well as fire safety standards and comply with all city codes; or cease and desist all group home activities."

But, according to Green and his associate, Dr. Jeff Blyth, Grace and Gratitude is not a group home or a group residential facility, but a "recovery residential facility," as defined by state and federal law.

Florida statute 397.311 defines a recovery residence as "a residential dwelling unit, or other form of group housing, that is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment." Green maintains that Grace and Gratitude falls under that definition.

But Fernandina Beach City Code only has sections that deal with group homes and group residential facilities, not recovery residences, so City Attorney Tammi Bach says those sections of code that govern group homes and group residential have to be applied to Grace and Gratitude.

The opinion that City Code does not apply to Grace and Gratitude is shared by Steve Farnsworth, executive director of the Florida Association of Recovery Residences.

According to Farnsworth, the law that allows Green to operate a recovery residence in Fernandina Beach is the federal Americans with Disabilities Act, which states that a disability is "physical or mental impairment that substantially limits one or more major life activity." Alcoholism and drug addiction are considered "impairments" under the definition of the ADA. And, as the Fair Housing Amendments Act prohibits discrimination against any buyer or renter with a disability due to a handicap, the reasoning follows that not allowing people whose

disability is drug addiction or alcoholism to live in a residential recovery facility is discrimination.

Steve Polin is an attorney who specializes in fair housing rights of providers of sober living and sober housing. Polin pointed to a joint statement from the Department of Justice and the Department of Housing and Urban Development that sets forth guidelines for sober living, and that sober living homes do not preempt local zoning. However, local zoning "cannot be applied in an unreasonable manner," Polin said.

"A 'reasonable accommodation' is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces," the HUD-DOJ statement reads. "The Fair Housing Act makes it unlawful to refuse to make 'reasonable accommodations' to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. Even if a zoning ordinance imposes on group homes the same restrictions that it imposes on housing for other groups of unrelated persons, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. What constitutes a reasonable accommodation is a case-by-case determination based on an individualized assessment."

But the city can refuse to make accommodations under certain circumstances. If the accommodations would "impose an undue financial and administrative burden on the local government or it would fundamentally alter the local government's zoning scheme," or "if there is no disability-related need for the requested accommodation because there is no relationship between the requested accommodation and the disabilities of the residents."

Polin said a major factor in whether the city can enforce code violations on Grace and Gratitude is whether the facility is certified by FARR, which indicates Grace and Gratitude applied for certification in May, thought that process has not been completed. While he could not comment on the particular situation with Grace and Gratitude, Polin said whether a facility has FARR certification does have a bearing on what can be required by a governmental entity.

"If an operator is certified, I think there are considerations the city would have to give them," Polin said. "If they get certified, that's something the city needs to take into consideration."

While federal law does not require local governments to adopt laws to address reasonable accommodations for sober homes, "DOJ and HUD nevertheless strongly encourage local governments to adopt formal procedures for identifying and processing reasonable accommodation requests and provide training for government officials and staff as to application of the procedures," the joint federal statement said.

Forstrom said that in order to come into compliance with city code, Grace and Gratitude would have to have a building inspection, a fire marshal inspection, and a code enforcement inspection. Green would need to comply with all applicable local, state, or federal and fire safety standards

and furnish proof of appropriate county, state, or federal licensure, as applicable, before issuance of a local business tax receipt by the city.

"I am not saying it's not allowed in the city," Bach said of Grace and Gratitude. "But he needs to follow what I think are minor rules to keep people safe."

"I believe that the efforts of Mr. Green highlight the need for adequate facilities, especially for those seeking to overcome personal challenges," City Manager Dale Martin told the *News-Leader*. "Nonetheless, it is imperative that appropriate regulations and procedures are followed to ensure the health, safety, and welfare of those in need and those on the periphery of such facilities."

Grace and Gratitude has a hearing in front of the Code Enforcement & Appeals Board at 5:30 p.m., Oct. 1, in City Hall. If that board votes to uphold the violations facing the houses, Blyth said, he and Green are prepared to appeal that decision, and take further legal action.

•••

On a weekend morning, about 20 people gather in the common room of one of the houses being used as facilities for Henry Green's Grace and Gratitude Sober Living. They say they are only a small fraction of the people who would come to talk about Green and the difference he and his program have made in their lives. Some ask that their identity be protected to avoid the stigma so often associated with those in recovery in a small community. The house is by no means luxurious. Some areas have no air conditioning. There are no private rooms, and bathrooms have more than one toilet. Everything, including pots and pans and bed linens, are community property. But everyone who speaks is grateful to be there.

They have come to Green from the hospital, from jail, from the homes of their families. Many have come from treatment facilities and halfway houses in other areas where they say the environment is not conducive to sober living.

"I came here from jail and drug court," Dustin said.

"If I went back to Callahan, I would go back to the same people and routines I was in. I knew I couldn't go back to where I was." Misty agreed. "I came from (a treatment facility in Jacksonville) where if you wanted to use, you could just walk right out on the street. I wanted to stay away from there."

Oliver said he came to Grace and Gratitude after trying outpatient programs in Jacksonville. He said it is the only recovery facility that allows him to be close to his children. "If it wasn't for this house, I'd have to move or go to Jacksonville. I'm fortunate this program was here. It's the only one on the island."

"I was in jail a while, then in a hospital psych ward for a while," Brittany said. "I was in some places in Jacksonville, but when I came here, I was welcomed with open arms, and now I'm doing good for the first time." She described the process of being extradited to New York

following a trip to her probation officer, and how Green and others with Grace and Gratitude supported her and her family throughout the process, including contacting the court in New York, enabling her to come back to Fernandina Beach.

Dustin, since being at Grace and Gratitude, has started his own business, as has Misty and Stewart. Stewart said he came to Green through Starting Point Behavioral Healthcare "because I had no other options." Since then, he and Misty have stayed clean and sober, secured a vehicle, joined a church and reopened their drywall business. He is mending relationships with his family. Stewart and Misty are engaged and are planning a "recovery wedding."

"Beyond my wildest dreams, they say, and it's true," Stewart said.

Residents spoke of the routine Green requires, the discipline that is often absent from the life of an addict. "He creates opportunities for a better life," James said. "There is nowhere like this."

Asked where they would have gone if Green's program was not there when they began recovery, residents say they would be homeless, in jail or dead. Asked where they would go if Grace and Gratitude closed, they say they would be "devastated."

"It would be a different pandemic" one addict says. "People would suffer and die," says someone else. "We would be like a family separated."

"People have an impression of how we are," Robert said. "And, if it weren't for Mr. Green, those ideas would be justified. We would be thieves, we would be a bad influence on the neighborhood."

STAFF REPORT
Case 2020-0285
City of Fernandina Beach Code Enforcement & Appeals Board
November 5, 2020

Violation Information

Owner	Netherland Wilson 816 Vernon Street Fernandina Beach, FL 32034
Violation	City of Fernandina Beach – Land Development Code, 6.02.16 - Group Homes or 6.02.17 Group Residential Violation
Location:	816 Vernon Street, Fernandina Beach, FL 32034

Summary and Background Information

City staff has had numerous meetings regarding Henry Green and his Sober homes/Group Homes. The following is the calendar of events for these meetings:

May 21, 2019 - City staff (Kelly Gibson, Michelle Forstrom, and Angie Lester) met to discuss the Land Development Code regarding Group Homes and Group Residential.

July 26, 2019 - City staff (Jacob Platt, Michelle Forstrom, and Angie Lester) met with Henry Green, and Barb Kent to discuss the Land Development Code regarding Group Homes and the regulations associated with their operation.

August 5, 2019 - City staff (Jacob Platt, Michelle Forstrom, and Angie Lester) met with Henry Green, and Barb Kent to discuss the Land Development Code regarding his current Group Home and future Group Homes and the regulations, restrictions, and options associated with their operation. We explained that Henry Green must get licensed in order to operate a Sober Home, and then he would need an LBTR from the City.

July 21, 2020 - City staff (Tammi Bach, Katie Newton, Kelly Gibson, Michelle Forstrom, Chief Hurley, Deputy Chief Foxworth, Captain Bishop and Sergeant Peak) met via ZOOM to discuss Henry Green's Sober Homes/Group. An inspection was then conducted by Officer Wells and myself. We ended up meeting Mr. Green at 1014 South 10th Street. He gave us a tour of the home at 1014 South 10th Street. As stated in the previous case presented: Upon entry, there were many chairs set up in rows for assembly for AA and NA meetings. I counted fifteen (15) beds in this single family, three (3) bedroom, one (1) bath house of 2131 square feet. Mr. Green informed me that at any given time there are about six (6) men residing here for a maximum of ninety (90) days. The other beds are occupied by shorter term residents, anywhere from one to a few days for transition purposes. I asked him about the other three homes, this property being one of them. He told me that they would be of the same set up. He also told me that he did not need any licensure, because he was operating under ministry. I told him that I would look into it, but I didn't think that was the case.

July 27, 2020 - City staff (Tammi Bach, Katie Newton, Kelly Gibson, and Michelle Forstrom) met via conference call to confirm that Mr. Green is indeed in violation of the LDC by operating a Group Home without being licensed.

July 31, 2020 - We mailed a certified Notice of Violation/Notice of Hearing letter to property owner and Mr. Henry Green. Through the United States Postal Service tracking system on-line received confirmation that Mr. Green's had been delivered, giving proper service.

August 7, 2020 - Dr. Jeffrey Blythe called me to schedule a meeting with he and Henry Green. A meeting was scheduled for August 11, 2020 in the City Attorney's conference room.

August 11, 2020 - Tammi Bach, Henry Green, Dr. Jeffrey Blythe, and I met to discuss This case and the other three (3) cases. Included in the evidence is documentation backing up our discussion. They were told that Mr. Green must comply with the Supplemental Standards in the Land Development, which they current are not doing. I will have expert witnesses testify to what is needed to have this property and the other three properties come into compliance.

August 27, 2020 - After realizing that we never got the green card back from the certified letter that we sent to the property owner, and going to the USPS Tracking website, finding that it needed to be rescheduled for delivery, we did, however, get Mr. Green's green card back.

August 28, 2020 - Because we could not prove due process to the property owner, we pulled all three of these cases off the September 3rd CEAB agenda.

September 10, 2020 - I talked to Henry Green, he told me that he had received the letter dated July 31, 2020.

We sent another Notice of Violation/Notice of Hearing letter Certified to the property owner and sent a copy of the same letter Certified to Mr. Henry Green. We received Mr. Green's card back.

September 18, 2020 - After researching the certified letter tracking with USPS and noting that the status was requesting to arrange for redelivery, I posted the property with a copy of the Notice of Violation/Notice of Hearing letter. A copy of this same letter was also posted at City Hall and at the Peck Center. The Affidavits are included for evidence.

September 21, 2020 – I talked with the property owner, Netherland Wilson, who had called and left a message that the siding on the carport had been replaced. I wanted to be sure that she also understood that other violations at this property. She told me that she was aware but did not believe that these violations exist. She then told me that this would all be settled at the October 1st hearing.

October 1, 2020 - I called and talked to the new property owner of 1014 South 10th Street, Jasmine Scarver. She was unaware of the severity of the alleged violations at this property. Full disclosure was not given to her by the previous owner (her mother). She told me that she is going to get a cease and desist order. I gave her until November 2, 2020, but after she talked to Mr. Green, she then decided to let this case play out before the Board at the hearing. We removed all three of these related cases off the agenda, and cancelled the hearing, because due process was not served on new property owner of 1014 South 10th Street. I called all the interested parties and property owners of all three properties, informing them that the hearing was cancelled.

October 5, 2020 – We sent yet another Notice of Violation/Notice of Hearing letter Certified and First-Class mail to the property owner at the two mailing addresses that we found and Mr. Green, affidavit is included as evidence. The property was also posted, as well as at City Hall and at the Peck Center. We received the green cards back from the property owner and Mr. Green.

We will have expert witnesses testify to what is needed to have this property and the other two properties come into compliance.

Conclusion:
This activity continues to this day.

Recommendation:

The City recommends a motion to be made to find the property in violation of 6.02.16 Group Homes; and 5.01.09 - Outside Storage, giving the respondent two (2) weeks/fourteen (14) additional days to come into compliance by November 19, 2020. The City recommends a motion to be made that all administrative fees be paid by the Respondent and that a fine of $200.00 a day for the violation to begin on November 20, 2020 if not in compliance, along with filing a lien on this property on January 4, 2021, forty-five (45) days from November 20, 2020.

Submitted by:

Michelle D. Forstrom
Code Enforcement Director

AFFIDAVIT OF SERVICE

State of Florida
County of Nassau

Code Enforcement Case Number: 2020-0285

I, Virginia O. Hudecki, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach, City Clerk's Office.

2. That part of my duties include posting Notice of Violation/Notice of Hearing letters, and other correspondence; and

3. That on the 20th Day of October 2020, at 3:18 p.m. I posted the Notice of Violation/Notice of Hearing letter at City Hall, 204 Ash Street, Fernandina Beach, FL 32034 for **Case 2020-0285, 816 Vernon Street, Fernandina Beach, FL 32034**.

FURTHER AFFIANT SAYETH NAUGHT.

Signature: Virginia O. Hudecki

Virginia O. Hudecki
(Printed name)

Subscribed and sworn to before me, a notary public in and for the State of Florida, this 20th day of October 2020.

(SEAL)

HARRIET DAVIS
MY COMMISSION # GG86124
EXPIRES: March 22, 2021

Signature: Harriet Davis

Harriet Davis
(Printed name of Notary)

AFFIDAVIT OF SERVICE

State of Florida
County of Nassau

Code Enforcement Case Number: 2020-0285

I, Harriet Davis, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach, Code Enforcement.

2. That part of my duties include posting Notice of Violation/Notice of Hearing letters, and other correspondence; and

3. That on the 20th Day of October 2020, at 12:15 p.m. I posted the Notice of Violation/Notice of Hearing letter at the Peck Center, 516 S. 10th Street, for **Case 2020-0285, 816 Vernon Street, Fernandina Beach, FL 32034**.

FURTHER AFFIANT SAYETH NAUGHT.

Signature: Harriet Davis

Harriet Davis
(Printed name)

Subscribed and sworn to before me, a notary public in and for the State of Florida, this 20th day of October 2020.

(SEAL)

Signature: Katie A Newton

Katie A Newton
(Printed name of Notary)

Katie A. Newton
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG123910
Expires 7/13/2021

AFFIDAVIT OF SERVICE

State of Florida
County of Nassau

Code Enforcement Case Number: 2020-0285

I, Michelle Forstrom, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach, Code Enforcement.

2. That part of my duties include posting Notice of Violation/Notice of Hearing letters, and other correspondence; and

3. That on the 20th Day of October 2020, at 1:17 p.m. I posted the Notice of Violation/Notice of Hearing letter at 816 Vernon Street for **Case 2020-0285, 816 Vernon Street, Fernandina Beach, FL 32034**.

FURTHER AFFIANT SAYETH NAUGHT.

Signature: Michelle D. Forstrom

Michelle D. Forstrom
(Printed name)

Subscribed and sworn to before me, a notary public in and for the State of Florida, this 20th day of October 2020.

(SEAL)

HARRIET DAVIS
MY COMMISSION # GG86124
EXPIRES: March 22, 2021

Signature: Harriet Davis

Harriet Davis
(Printed name of Notary)

CITY OF FERNANDINA BEACH **Michelle D. Forstrom**
Code Enforcement Department Code Enforcement Director

CODE ENFORCEMENT & APPEALS BOARD
NOTICE OF VIOLATION/NOTICE OF HEARING

October 20, 2020 Case Number: CODE-2020-0285

POSTED

IN THE MATTER OF:

Netherland Wilson
816 Vernon Street
Fernandina Beach, FL 32034

PREMISES: 816 VERNON ST FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 233 E100 FT OF W130 FT OF N1/2 OF LOT 9 IN OR 1943/1206

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land Development Code and contends that the following violation(s) exist:

6.02.16	**Group Homes Violation**	
	Provide proof of all required Local, County, State, Federal licensure, as well as Fire Safety Standards and comply with all City codes; or Cease and Desist ALL Group Home activity.	**By 10/15/2020**
6.02.17	**Group Residential Violation**	
	Cease and Desist ALL Group Residential activity, it is not allowed in R-2 zoning.	**By 10/15/2020**

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: November 5, 2020

TIME: 5:30 PM

LOCATION: City Commission Chambers, 204 Ash St

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED $250.00 per day, per violation), and in some cases demolition.

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).

Michelle Forstrom

Code Enforcement Director

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HENRY GREEN
1014 S. 10TH STREET
FERNANDINA BEACH, FL 32034

9590 9402 5816 0034 1925 55

2. Article Number *(Transfer from service label)*
7020 0090 0001 9419 5656

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Henry Green ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* Henry Green C. Date of Delivery 10-15-2020

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT Code Enforcement
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	$ 3.55
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy)	$ 2.85
☐ Return Receipt (electronic)	$
☐ Certified Mail Restricted Delivery	$
☐ Adult Signature Required	$
☐ Adult Signature Restricted Delivery	$
Postage	$ .50
Total Postage and Fees	$ 6.90

Postmark Here
FERNANDINA BCH
OCT 15 2020
USPS - 32034

Sent To HENRY GREEN
Street 1014 S. 10TH STREET
City FERNANDINA BEACH, FL 32034

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 9419 5656

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NETHERLAND WILSON
1649 STOWE ROAD
RESTON, VA 20194-1606

9590 9402 5816 0034 1926 30

2. Article Number *(Transfer from service label)*
7020 0090 0001 9419 5663

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X SC ☒ Agent ☐ Addressee

B. Received by *(Printed Name)* SC C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT Code Enforcement
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	$ 3.55
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy)	$ 2.85
☐ Return Receipt (electronic)	$
☐ Certified Mail Restricted Delivery	$
☐ Adult Signature Required	$
☐ Adult Signature Restricted Delivery	$
Postage	$ .50
Total Postage and Fees	$ 6.90

Postmark Here
FERNANDINA B
OCT 1
USPS

Sent To NETHERLAND WILSON
Street 1649 STOWE ROAD
City, RESTON, VA 20194-1606

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 9419 5663

AFFIDAVIT OF MAILING

State of Florida
County of Nassau

I, Harriet Davis, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach as Code Enforcement Department Administrative Coordinator for the City of Fernandina Beach; and
2. That part of my duties includes preparation of case evidence to go before the Code Enforcement & Appeals Board; and
3. That one of the responsibilities for preparing case evidence is to ensure delivery of such evidence to the Respondent before the hearing; and
4. That on October 8, 2020, I mailed a Notice of Violation/Notice of Hearing letter for violation of 6.02.16, Group Homes Violation, and 6.02.17, Group Residential Violation, that will be presented to the Code Enforcement & Appeals Board on November 5, 2020 for property owned by Netherland Wilson at 816 Vernon Street, Fernandina Beach, FL 32034 by First Class US mail to 1649 Stowe Road, Reston, VA 20194-1606.

FURTHER AFFIANT SAYETH NAUGHT.

Harriet Davis

Harriet Davis

Subscribed and sworn to before me, a notary public in and for the State of Florida this 8th day of October 2020.

(Seal)

Katie A. Newton

Katie A. Newton
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG123910
Expires 7/13/2021

CITY OF FERNANDINA BEACH **Michelle D. Forstrom**
Code Enforcement Department Code Enforcement Director

CODE ENFORCEMENT & APPEALS BOARD
NOTICE OF VIOLATION/NOTICE OF HEARING

October 5, 2020 Case Number: CODE-2020-0285

Cert. #: 7020 0090 0001 9419 5632
FIRST CLASS

IN THE MATTER OF:

Netherland Wilson
816 Vernon Street
Fernandina Beach, FL 32034

PREMISES: 816 VERNON ST FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 233 E100 FT OF W130 FT OF N1/2 OF LOT 9 IN OR 1943/1206

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land Development Code and contends that the following violation(s) exist:

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	Provide proof of all required Local, County, State, Federal licensure, as well as Fire Safety Standards and comply with all City codes; or Cease and Desist ALL Group Home activity.	**By 10/15/2020**
6.02.17	**Group Residential Violation**	
	Cease and Desist ALL Group Residential activity, it is not allowed in R-2 zoning.	**By 10/15/2020**

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: November 5, 2020

TIME: 5:30 PM

LOCATION: City Commission Chambers, 204 Ash St

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED $250.00 per day, per violation), and in some cases demolition.

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).

Michelle Forstrom

Code Enforcement Director

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

cc: Henry Green
1014 S. 10th Street
Fernandina Beach, FL 32034

AFFIDAVIT OF MAILING

State of Florida
County of Nassau

I, Harriet Davis, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach as Code Enforcement Department Administrative Coordinator for the City of Fernandina Beach; and
2. That part of my duties includes preparation of case evidence to go before the Code Enforcement & Appeals Board; and
3. That one of the responsibilities for preparing case evidence is to ensure delivery of such evidence to the Respondent before the hearing; and
4. That on October 5, 2020, I mailed a Notice of Violation/Notice of Hearing letter for violation of 6.02.16, Group Homes Violation and 6.02.17, Group Residential Violation, that will be presented to the Code Enforcement & Appeals Board on November 5, 2020 for property owned by Netherland Wilson at 816 Vernon Street, Fernandina Beach, FL 32034 by First Class US mail to 816 Vernon Street, Fernandina Beach, FL 32034.

FURTHER AFFIANT SAYETH NAUGHT.

Harriet Davis

Harriet Davis

Subscribed and sworn to before me, a notary public in and for the State of Florida this 6th day of October 2020.

(Seal)

Katie A. Newton
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG123910
Expires 7/13/2021

AFFIDAVIT OF MAILING

State of Florida
County of Nassau

I, Harriet Davis, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach as Code Enforcement Department Administrative Coordinator for the City of Fernandina Beach; and
2. That part of my duties includes preparation of case evidence to go before the Code Enforcement & Appeals Board; and
3. That one of the responsibilities for preparing case evidence is to ensure delivery of such evidence to the Respondent before the hearing; and
4. That on October 6, 2020, I mailed a Notice of Violation/Notice of Hearing letter for violation of 6.02.16, Group Homes Violation, and 6.02.17, Group Residential Violation, that will be presented to the Code Enforcement & Appeals Board on November 5, 2020 for property owned by Netherland Wilson at 816 Vernon Street, Fernandina Beach, FL 32034 by First Class US mail to 1111 S. 10th Street, Fernandina Beach, FL 32034.

FURTHER AFFIANT SAYETH NAUGHT.

Harriet Davis
Harriet Davis

Subscribed and sworn to before me, a notary public in and for the State of Florida this 6th day of October 2020.

(Seal)

Katie A. Newton
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG123910
Expires 7/13/2021

NFPA 101: Life Safety Code, 2015 Edition - Chapter 6 Classification of Occupancy and Hazard of Contents

6.1 Classification of Occupancy.

Each of the occupancy groupings addressed by Chapter 6 was developed to reflect the design features, usage patterns, and unique life safety needs of occupants who are characteristic of a given occupancy. This approach was used to assess the degree to which the features contained in the core chapters need to be combined to achieve the minimum level of life safety necessary for an occupancy. It is extremely important that the correct occupancy classification be determined, because the Code requirements differ for each type of occupancy. Improper classification might result in an inadequate level of life safety or overspending on nonrequired items. The occupancy groupings are as follows:

***Residential. Residential** occupancies are characterized by occupants who are asleep for a portion of the time they occupy the building. The sleeping that takes place is for normal restorative rest, as opposed to the sleeping that takes place in a hospital or residential board and care facility where caretakers are present. Sleeping occupants might be unaware of an incipient fire and might be trapped before egress can occur, thus creating a need for early warning smoke alarms. This occupancy group is further divided into one- and two-family dwellings, lodging or rooming houses, hotels and dormitories, and apartment buildings. Each occupancy in the group has characteristic needs that differ from the others. For this reason, separate chapters of the Code address each of these subgroups.*

***Residential board and care.** Residential board and care occupancies, as in the case of residential occupancies, provide sleeping accommodations. However, the residents also receive personal care services by caretakers who live with the residents. Personal care includes assistance with many of the activities of daily living, such as bathing and dressing. Personal care does not include medical care.*

6.1.8.1 Definition — Residential Occupancy.

An occupancy that provides sleeping accommodations for purposes other than health care or detention and correctional.

6.1.8.1.1 * Definition — One- and Two-Family Dwelling Unit.

A building that contains not more than two dwelling units with independent cooking and bathroom facilities.

A.6.1.8.1.1 One- and Two-Family Dwelling Unit.

The application statement of 24.1.1.1 limits each dwelling unit to being "occupied by members of a single family with not more than three outsiders." The Code does not define the term family. The definition of family is subject to federal, state, and local regulations and might not be restricted to a person or a couple (two people) and their children. The following examples aid in differentiating between a single-family dwelling and a lodging or rooming house:

1) An individual or a couple (two people) who rent a house from a landlord and then sublease space for up to three individuals should be considered a family renting to a

maximum of three outsiders, and the house should be regulated as a single-family dwelling in accordance with Chapter 24.

2) A house rented from a landlord by an individual or a couple (two people) in which space is subleased to 4 or more individuals, but not more than 16, should be considered and regulated as a lodging or rooming house in accordance with Chapter 26.
3) A residential building that is occupied by 4 or more individuals, but not more than 16, each renting from a landlord, without separate cooking facilities, should be considered and regulated as a lodging or rooming house in accordance with Chapter 26.

6.1.8.1.2 Definition — Lodging or Rooming House.
A building or portion thereof that does not qualify as a one- or two-family dwelling, that provides sleeping accommodations for a total of 16 or fewer people on a transient or permanent basis, without personal care services, with or without meals, but without separate cooking facilities for individual occupants.

6.1.8.1.3 * Definition — Hotel.
A building or groups of buildings under the same management in which there are sleeping accommodations for more than 16 persons and primarily used by transients for lodging with or without meals.
A.6.1.8.1.3 Hotel.
So-called apartment hotels should be classified as hotels, because they are potentially subject to the same transient occupancy as hotels. Transients are those who occupy accommodations for less than 30 days.

6.1.8.1.4 * Definition — Dormitory.
A building or a space in a building in which group sleeping accommodations are provided for more than 16 persons who are not members of the same family in one room, or a series of closely associated rooms, under joint occupancy and single management, with or without meals, but without individual cooking facilities.
A.6.1.8.1.4 Dormitory.
Rooms within dormitories intended for the use of individuals for combined living and sleeping purposes are guest rooms or guest suites. Examples of dormitories include college dormitories, fraternity and sorority houses, and military barracks.

6.1.8.1.5 Definition — Apartment Building.
A building or portion thereof containing three or more dwelling units with independent cooking and bathroom facilities.

6.1.9.1 * Definition — Residential Board and Care Occupancy. *(aka Group Homes)*
An occupancy used for lodging and boarding of four or more residents, not related by blood or marriage to the owners or operators, for the purpose of providing personal care services.
A.6.1.9.1 Residential Board and Care Occupancy.

The following are examples of facilities classified as residential board and care occupancies:

1) Group housing arrangement for physically or mentally handicapped persons who normally attend school in the community, attend worship in the community, or otherwise use community facilities
2) Group housing arrangement for physically or mentally handicapped persons who are undergoing training in preparation for independent living, for paid employment, or for other normal community activities
3) Group housing arrangement for the elderly that provides personal care services but that does not provide nursing care
4) Facilities for social rehabilitation, alcoholism, drug abuse, or mental health problems that contain a group housing arrangement and that provide personal care services but do not provide acute care
5) Assisted living facilities
6) Other group housing arrangements that provide personal care services but not nursing care

Michelle Forstrom

From: Stephen Beckman
Sent: Wednesday, August 26, 2020 7:55 PM
To: Michelle Forstrom
Cc: Stephen Beckman; Donald Kukla
Subject: Group homes

308.3Institutional Group I-1.
Institutional Group I-1 occupancy shall include buildings, structures or portions thereof for more than 16 persons, excluding staff, who reside on a 24- hour basis in a supervised environment and receive custodial care. Buildings of Group I-1 shall be classified as one of the occupancy conditions specified in Section 308.3.1 or 308.3.2. This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- *Group homes*
- Halfway houses
- Residential board and care facilities
- Social rehabilitation facilities

310.6Residential Group R-4.
Residential Group R-4 occupancy shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive *custodial care*. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in Section 310.6.1 or 310.6.2. This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- *Group homes*
- Halfway houses
- Residential board and *custodial* care facilities
- Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code or shall comply with the Florida Building Code, Residential provided the building is protected by an automatic sprinkler system installed in accordance with Section 903.2.8.

SECTION420
GROUPS I-1, R-1, R-2, R-3 AND R-4

420.1General.
Occupancies in Groups I-1, R-1, R-2, R-3 and R-4 shall comply with the provisions of Sections 420.1 through 420.6 and other applicable provisions of this code.

420.2Separation walls.
Walls separating *dwelling units* in the same building, walls separating *sleeping units* in the same building and walls separating *dwelling* or *sleeping units* from other occupancies contiguous to them in the same building shall be constructed as *fire partitions* in accordance with Section 708.

420.3Horizontal separation.
Floor assemblies separating *dwelling units* in the same buildings, floor assemblies separating *sleeping units* in the same building and floor assemblies separating *dwelling* or *sleeping units* from other occupancies contiguous to them in the same building shall be constructed as *horizontal assemblies* in accordance with Section 711.

420.4Smoke barriers in Group I-1, Condition 2.
Smoke barriers shall be provided in Group I-1, Condition 2, to subdivide every story used by persons receiving care, treatment or sleeping and to provide other stories with an occupant load of 50 or more persons, into no fewer than two smoke compartments. Such stories shall be divided into smoke compartments with an area of not more than 22,500 square feet (2092 m^2) and the distance of travel from any point in a *smoke compartment* to a *smoke barrier* door shall not exceed 200 feet (60 960 mm). The *smoke barrier* shall be in accordance with Section 709.

420.4.1Refuge area.
Refuge areas shall be provided within each smoke compartment. The size of the refuge area shall accommodate the occupants and care recipients from the adjoining smoke compartment. Where a smoke compartment is adjoined by two or more smoke compartments, the minimum area of the refuge area shall accommodate the largest occupant load of the adjoining compartments. The size of the refuge area shall provide the following:

1. 1.Not less than 15 net square feet (1.4 m^2) for each care recipient.
2. 2.Not less than 6 net square feet (0.56 m^2) for other occupants.

Areas or spaces permitted to be included in the calculation of the refuge area are corridors, lounge or dining areas and other low-hazard areas.

[F]420.5Automatic sprinkler system.
Group R occupancies shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.2.8. Group I-1 occupancies shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.2.6. Quick-response or residential automatic sprinklers shall be installed in accordance with Section 903.3.2.

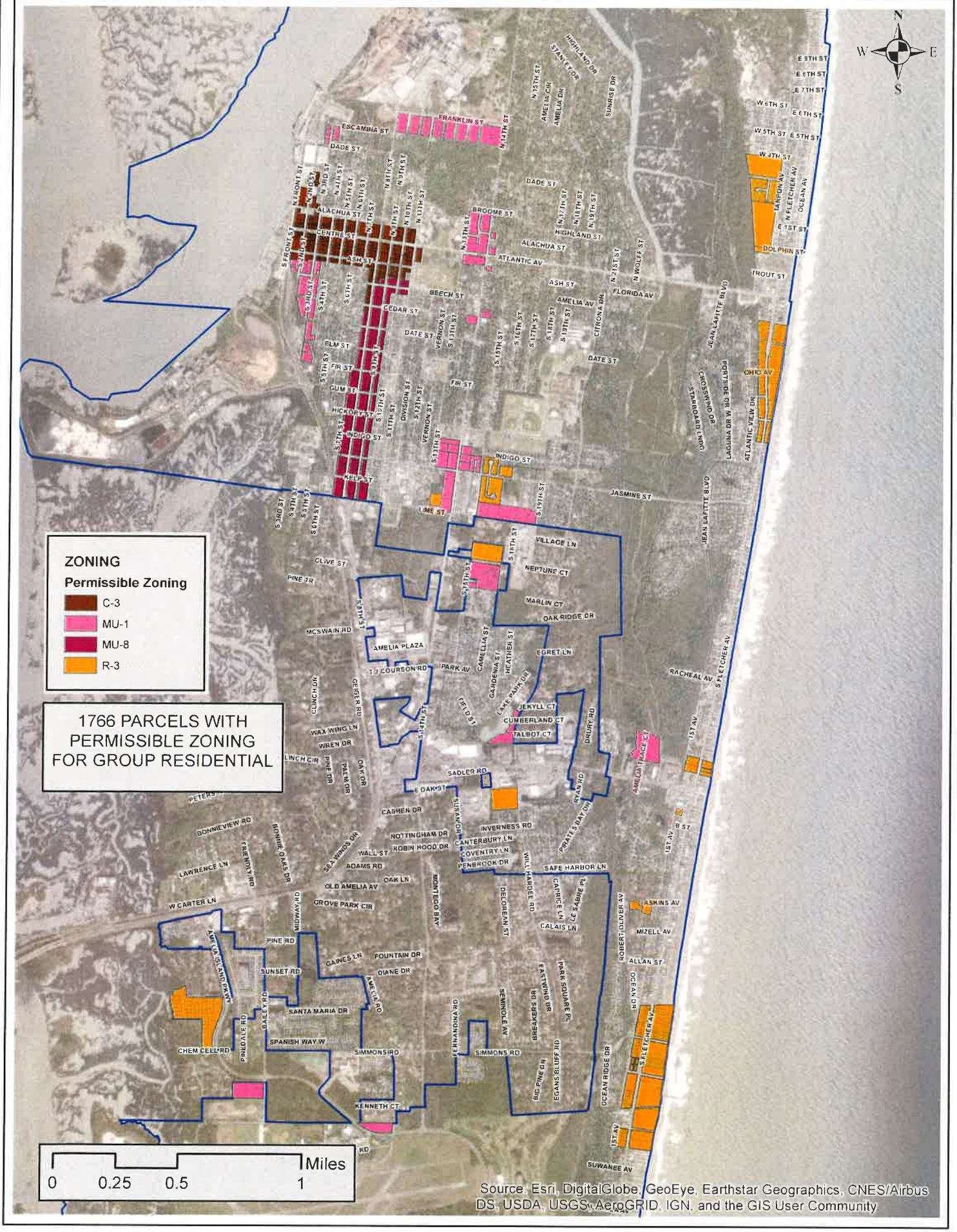
[F]420.6Fire alarm systems and smoke alarms.
Fire alarm systems and smoke alarms shall be provided in Group I-1, R-1, R-2 and R-4 occupancies in accordance with Sections 907.2.6, 907.2.8, 907.2.9 and 907.2.10, respectively. Single-or multiple-station smoke alarms shall be provided in Groups I-1, R-2, R-3 and R-4 in accordance with Section 907.2.11.

Get Outlook for iOS

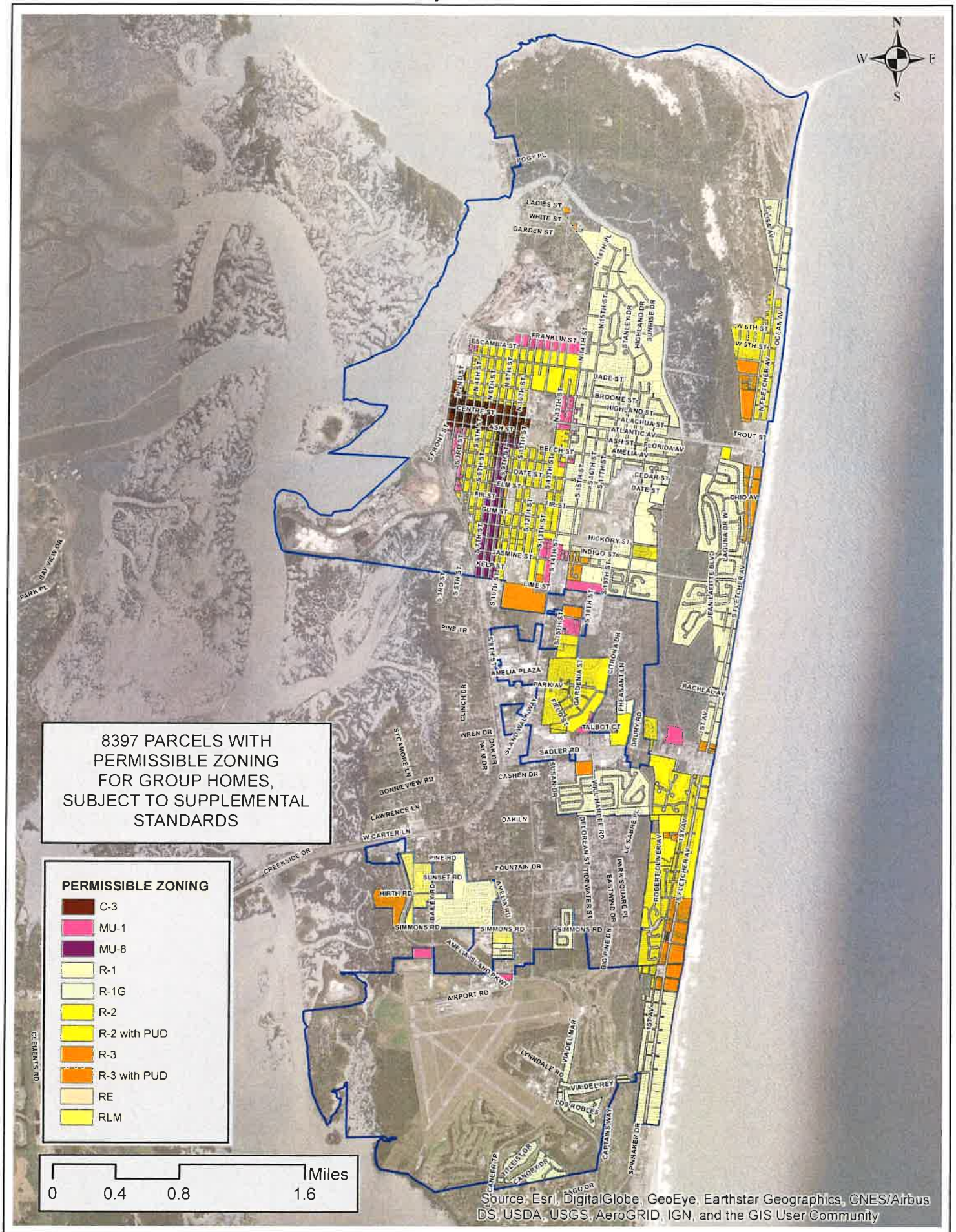
Stephen Beckman, CBO, CFM, CGC
Building Director
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034
(904) 310-3136 | sbeckman@fbfl.org
www.fbfl.us

If this email is related to the Board, Committee or Commission that you serve on, please DO NOT REPLY TO ALL.
Disclaimer: According to Florida Public Records Law, email correspondence to and from the City of Fernandina Beach, including email addresses and other personal information, is public record and must be made available to the public and media upon request, unless otherwise exempted by the Public Records Law. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Group Residential



Group Homes


8397 PARCELS WITH PERMISSIBLE ZONING FOR GROUP HOMES, SUBJECT TO SUPPLEMENTAL STANDARDS
PERMISSIBLE ZONING
C-3
MU-1
MU-8
R-1
R-1G
R-2
R-2 with PUD
R-3
R-3 with PUD
RE
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0
0.4
0.8
1.6
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N
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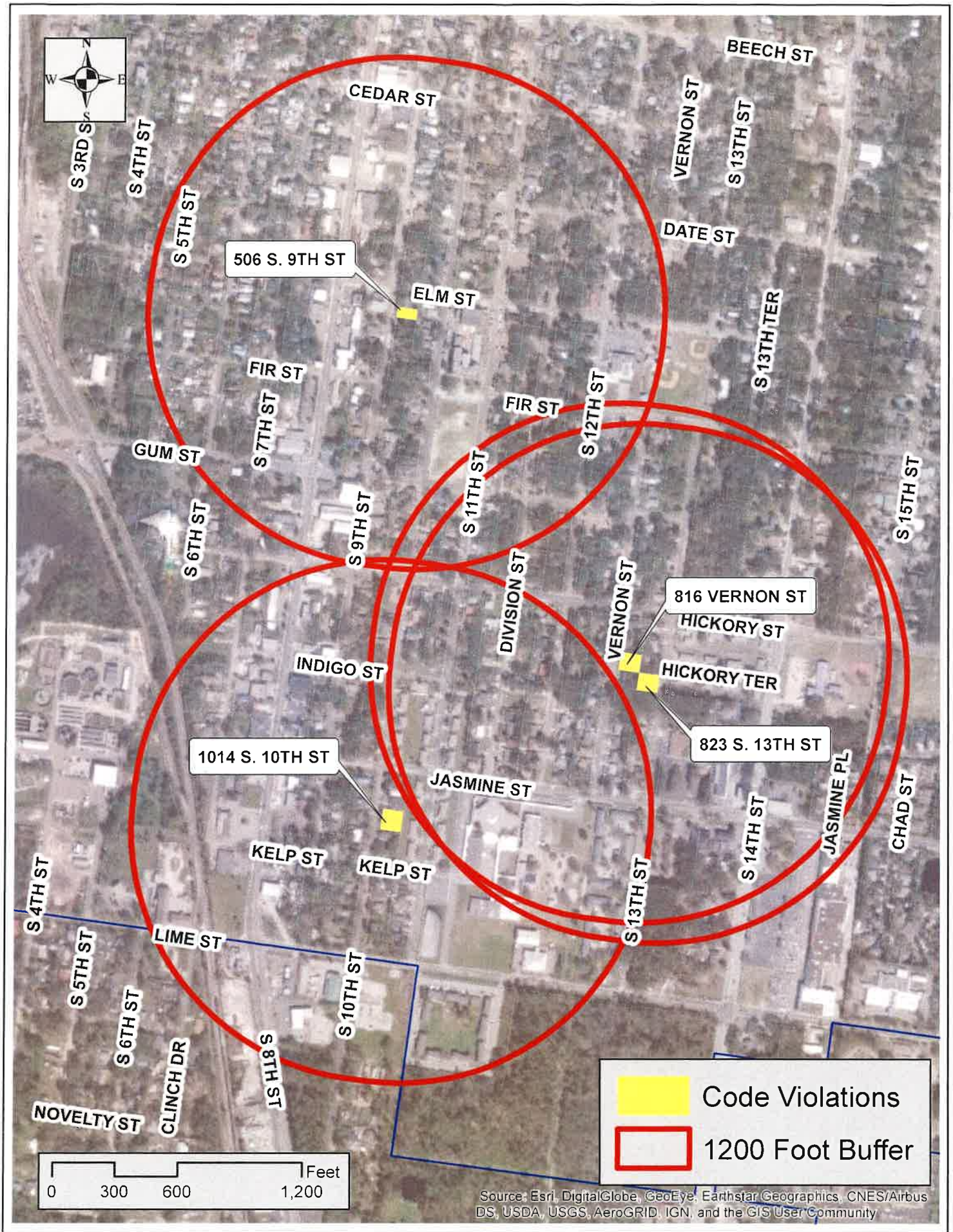
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Code Violations



7.21.2020 09:48

7.30.2020 09:25

City of Fernandina Beach

OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: Jacob Platt, Senior Planner

CC: Planning and Conservation Department

FROM: Tammi E. Bach, City Attorney

DATE: August 2, 2019

RE: Group Residence at 1014 South 10th Street

I have been asked to give my opinion as to whether a single-family home located in the R-2 zoning district can be used to house 10-15 residents in recovery for addiction issues. The short answer is "No".

It is my understanding of the facts that the subject residence is currently being used as a "sober home" or "recovery residence", and no alcohol or drug treatment services occur on the subject property. I have reviewed Florida Statutes, the City's Comprehensive Plan and the Land Development Code. I have also scoured the internet for information on "sober homes" and drug/alcohol treatment centers and how they are regulated in Florida. I have attached an informative article by an attorney who published in an online publication titled "Sober Law News".

The City of Fernandina Beach's local laws do not address "sober homes" or "recovery residences" (as defined by Florida Statutes). "Sober home" is an informal term without definition in Florida law or local law. "Recovery residence" is defined by Section 397.311, Fla. Stats. as a "residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported,

alcohol-free and drug-free living environment". Mr. Henry Green has inquired with the City whether the residential dwelling unit at 1014 South 10th Street can be used as a recovery residence and whether other residential dwelling units located in the R-2 zoning district can be used as recovery residences. There is certainly a need in our community for these types of recovery residences. However, the City of Fernandina Beach has not yet addressed this growing need for recovery residences in its Land Development Code ("LDC") or Comprehensive Plan ("Comp Plan"). If a recovery residence is not addressed as a permissible use under the City's LDC, it is not permissible.

Policy 3.04.05 of the Comp Plan is incorporated fully into Section 6.02.16 of the LDC relating to "group homes". "Group home facility" is defined by the LDC as "a residential facility which provides a family living environment [for 4-15 residents]". Group home facilities are permissible in all residential zoning districts in the City. Section 6.02.16(E) of the LDC provides that group home facilities must be licensed by the State of Florida Department of Children and Families and must provide on-site management 24/7. Group home facilities are regulated by Ch. 419, Fla. Stats. The subject property that Mr. Green is asking about is not a group home facility as defined by the LDC since it is not licensed by the State of Florida. "Group residential facilities" under the LDC are defined as a, "residential facility occupied by 5 or more unrelated individuals on a monthly or longer basis...and does not provide supervisory services to its residents". The subject property sounds just like a "group residential" facility under the City's LDC. Group residential facilities are only permissible in the R-3, MU-1, MU-8 and C-3 zoning districts. The subject property is in the R-2 zoning district so group residential facilities are not permissible.

Under the current facts, the residential dwelling unit at 1014 South 10th Street cannot house 10-15 residents in recovery for addiction issues. There must be fewer than 5 unrelated residents living on the subject property. The LDC does not allow for a variance to be requested in this instance since Section 10.02.01 of the LDC states that a variance cannot be granted which authorizes a use that is not permissible in the zoning district in which the subject property is located. So where are "recovery residences" permissible in the City of Fernandina Beach? At this time, recovery residences are permitted in the R-3, MU-1, MU-8 and C-3 zoning districts, not R-2 where the subject property is located. In order to permit recovery residences in the R-2 zoning district, the LDC would have to be amended. In addition, I would recommend that the Comp Plan be reviewed and amended to recognize recovery residences since they seem to be an important part of the addiction recovery process.

GRACE AND GRATITUDE SOBER LIVING, INC.

The organizational purpose for Grace and Gratitude Sober Living, Inc. (hereafter "corporation") is to engage in any lawful act and activity under the general nonprofit corporation laws of the State of Florida, according to the Articles of Incorporation, which were filed on May 11, 2020 along with its sealed certificates by the Secretary of the State. The corporation exists under the Internal Revenue Service (IRS) Publication 557 Section 501(c)(3) of the Internal Revenue Code of 1986 with the federally assigned IRS Employee Identification Number (EIN): 85-1007414. The registered agent on record for this corporation at 923 Vernon Street, Fernandina Beach, Nassau County, Florida is Arleen Green, who delegates all her authority to the community leader of the corporation, Henry Green, by affixing her signature to the end of these articles. At no time and in no event shall the corporation participate in activities in which the State of Florida, Internal Revenue Code of 1986, or these articles of organization have not permitted to be carried out.

Furthermore, the corporation indemnifies its directors, officers, appointed staff, and volunteers from all liability concerning the corporation unless the person fraudulently and intentionally violates the law or maliciously engages in acts to damage or defraud the corporation, or as otherwise stipulated under the applicable statutes according to the State of Florida corporation statutes and federal laws.

In addition, upon dissolution no part of the net earnings, wealth, or assets of this corporation shall inure to the benefit of any person or member, director, or officer of this corporation. If after dissolution any assets remain, they shall be donated to a Nassau County, Florida, nonprofit organization with a 501(c)(3) status.

MISSION

The goal of this corporation is to promote the recovery of individuals from addiction to drugs and alcohol by providing a safe, accountable, and healthy sober living community rooted in the spiritual principles of grace and gratitude. In order to achieve this end, the corporation provides a structured living community referred to as New Found Freedom House (NFFH), which presently has two male and one female residences. The recovery program is threefold: (1) individual mentoring, (2) practicing the Twelve Steps of recovery, and (3) attendance at sober support meetings. Those who reside at NFFH pay a weekly fee to cover living expenses and the fees associated with the recovery program. The board of directors reviews, adjusts, and approves the cost of the program at the beginning of each year. The corporation also has adherents to the program, those who live outside the confines of NFFH, but who actively participate in the functions of the sober living community.

GOVERNANCE

Directors

The corporation shall be accountable to and advised by three (3) to (5) directors but never four (4), who shall constitute the board of directors. Directors shall be elected or re-elected to the board by a simple majority vote once a year, and each year a chairperson shall be elected or re-elected from the cadre of directors. The directors are primarily responsible for the financial oversight of the corporation and its budget. To ensure this end, the directors conduct a financial audit of the corporation two times a year and they shall meet at least eight (8) times in a calendar year, which

ends on December 31. The terms for the directors are perpetual unless the director resigns, upon dismissal by a majority of the directors, dies, or a new candidate challenges the incumbent director during his or her yearly election.

Officers

Community Leader

The responsibility of the community leader, in general, is to supervise and conduct the day-to-day activities and operations of the corporation. The community leader is accountable to the board of directors. The community leader will attend at least eight (8) board of director meetings at year. The community leader has the authority to appoint or remove staff and has access to a discretionary fund that is set by the board of directors each year. The community leader's compensation shall be set by the board of directors at the beginning of each year.

Treasurer

It is the responsibility of the treasurer to keep and maintain accurate records for the corporation's accounts, properties, transactions, assets, liabilities, receipts, disbursements, and other matters customarily included in financial matters. The treasurer shall create a yearly budget with the community leader and submit it to the board of directors for advice and approval. The treasurer is subject to the twice-yearly audit by the board of directors and is required to prepare the annual 501(c)(3) tax documents (required Form 990 and Form 1099-MISC to report compensation paid to officers and appointed staff) and the State of Florida annual report. The treasurer will receive compensation of $200.00 a month for the year, which will be adjusted by the board of directors as needed.

Secretary

The secretary is the custodian of the records and documents of the corporation. As such, the secretary (or appointed designee) must be present at all the board of directors' meetings to record the "minutes." The secretary is responsible for notifying the participants of said meetings, and for distributing pre- and post-meeting information via electronic or hard copy format to the directors, community leader, and other involved parties. The secretary will receive $25.00 a month for the year, which will be adjusted by the board of directors as needed.

AMENDMENTS

These articles of organization for the corporation are a living document and they may need to be amended from time to time. The board of directors and community leader shall review the document at the beginning of each year. To amend the document, it will require a majority vote by the board of directors and the consent of the community leader. If amended, a new document will be prepared and signed by the community leader and chairperson of the board of directors.

Arleen Green, Registered Agent

Henry Green, Community Leader

Wardall Avant, Chairperson

Suggested Basic Budget Line Items

IN
Program Fees ($150.00 weekly)
Donations (?)

OUT
Community Leader (to be determined by the board of directors)
Treasurer ($2400.00 yearly)
Secretary ($300.00 yearly)
Outreach ($500.00 yearly)
Discretionary Fund (?)
Housing Expenses (?)
Indigent Fund (?)

Some other things to think about, admission process and putting something in place to ensure money is paid up front and potential candidates are screened more carefully. If people cannot pay this money upfront, then an application process to request indigent fund needs to be in place. This should be a process that weeds out those who are not serious about recovery. Rather than have residents donate to AA or NA, I suggest passing the hat to raise money for NFFH.

It is crucial to make sure any income received for program fees or donations is recorded by treasurer, tracked, and reported to the board of directors. According to the IRS, receiving any money like this and pocketing it as private income is a criminal act. The annual Form 990 reports this type of income. It is perfectly fine to receive compensation, but everything needs to be reported. Compensation is taxable income and it is reported on a 1099-MISC.

The discretionary fund will provide you with leeway to higher people to do things at NFFH, or to pay for events, gas for transportation, etc. You will need to retain receipts, however.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: MAY 29 2020

GRACE AND GRATITUDE SOBER LIVING
C/O HENRY GREEN
923 VERNON STREET
FERNANDINA BEACH, FL 32034-0000

Employer Identification Number:
85-1007414
DLN:
26053536001060
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
509(a)(2)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
May 8, 2020
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

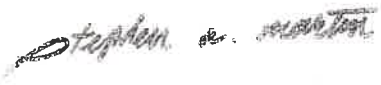
If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

GRACE AND GRATITUDE SOBER LIVING

Sincerely,



Director, Exempt Organizations
Rulings and Agreements

CUSTOMER
Number 41696 Last Changed by snoden on 07/17/2020 at 16:13
Created thru

Person/Entity E
Name GRACE GRATTITUDE SOBER LIVING
SSN/FID
KIM O CUASON

CONTACT INFORMATION
Address 13 VINTAGE WAY
APT 1323
Zip code 32034
City, State FERNANDINA BEACH, FL
Country USA
Telephone 786-517-7596
Fax
E-mail OLIVERCUASON@GMAIL.COM
Website

OTHER
Employee #
Vendor #
Geo Code
Type
External Ref
Resident? Y

Y Addl Addresses N Special Conditions Y Associated Names

ADDITIONAL ADDRESSES

Address number
Name GRACE GRATTITUDE SOBER LIVING
KIM O CUASON
Address 13 VINTAGE WAY
APT 1323
City, state, zip FERNANDINA BEACH FL 32034
Country USA
Telephone 786-517-7596

OWNERS

Name: GRACE GRATTITUDE SOBER LIVING P/E: E
SSN or FID:
DOB:
Phone: 786-517-7596

Seq: 1
Name: KIM O CUASON P/E: P
SSN or FID:
DOB: 01/25/1977
Phone: 786-517-7596

PERSONAL

Name GRACE GRATTITUDE SOBER LIVING
Spouse's Name KIM O CUASON

	PRIMARY	SPOUSE
Date of Birth		01/25/1977
Telephone	786-517-7596	
Drivers License		C250514770250
Employer Name		
address		
zip		
city/state		
telephone		

** END OF REPORT - Generated by Harriet Davis **

RESOLUTION NO. 2020-17

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, COMMENDING HENRY GREEN FOR HIS SERVICE TO THE COMMUNITY.

WHEREAS, Henry Green is a life-long resident of Fernandina Beach who faced adversity and challenges throughout his childhood; and

WHEREAS, by the time he was a teenager, Henry Green had turned to drugs and alcohol as a mechanism to deal with his sorrows; and

WHEREAS, Henry Green was in and out of rehab centers and often found himself jobless and homeless; and

WHEREAS, on July 22, 1988, Henry Green hit rock bottom and made the decision to get sober; and

WHEREAS, Henry Green attended Alcoholics Anonymous and Narcotics Anonymous Meetings, completing the twelve-step program and reconciling with friends and family that he had hurt throughout his years of addiction; and

WHEREAS in 1989, Henry Green started the first Narcotics Anonymous meeting in Fernandina Beach and hosted the first Narcotics Anonymous Luau, which remains a popular community event to this day; and

WHEREAS, in 1993, Henry Green became employed at Charter by the Sea as an Addiction Specialist and later became a regular speaker at universities and conferences throughout the southeast, sharing his story of addiction and recovery. He also recently had a book published about his life titled, "Saved by Grace, Full of Gratitude. The Recovery of Henry Green"; and

WHEREAS, in 2014, Henry Green founded and incorporated the New Found Freedom House and opened three homes for recovering addicts to reside while they get back on their feet. They are provided clothing, food and shelter and must adhere to curfews, have drug screenings and attending A.A. and/or N.A. meetings; and

WHEREAS, Henry Green's efforts continue to reach more people in the community as the Clerk's Office refers individuals through the Veterans Court, Drug Court and Mental Health Court; and

WHEREAS, an estimated 350 individuals have been served by Henry Green's program and received the love and guidance needed to help them recover.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Nassau County, Florida, this 19th day of February, 2020 that:

1. The Board commends Henry Green for overcoming adversity and using his personal experiences to help others recover from addiction.
2. The Board extends their gratitude to Henry Green for providing shelter to residents in recovery, as well as to residents seeking relief from the cold.

3. The Board extends their best wishes to Henry Green and his mission to helping addicts "find freedom, restore dignity and live life".

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

DANIEL B. LEEPER

Its: Chairman

ATTEST AS TO CHAIRMAN'S SIGNATURE:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:

MICHAEL S. MULLIN

Division of Corporations

Detail by Entity Name

Florida Not For Profit Corporation
GRACE AND GRATITUDE SOBER LIVING, INC.

Filing Information

Document Number	N20000005038
FEI/EIN Number	NONE
Date Filed	05/11/2020
Effective Date	05/08/2020
State	FL
Status	ACTIVE

Principal Address

1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 92034

Mailing Address

923 VERNON STREET
FERNANDINA BEACH, FL 32034

Registered Agent Name & Address

GREEN, ARLEEN
923 VERNON STREET
FERNANDINA BEACH, FL 32034

Officer/Director Detail

Name & Address

Title CL

GREEN, HENRY
1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 32034

Title TRES

CAUSON, OLIVER
1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 32097

Title SEC

HOWARD, JULIE
1014 SOUTH 10TH STREET

1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 32034

Title DIRC

AVANT, WARDALL
1014 SOUTH 10TH STREET
FERNANDINA BEACH, FL 32034

Title DIR

COVERDELL, JOHN
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Annual Reports

No Annual Reports Filed

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Detail by Entity Name

Florida Not For Profit Corporation
GRACE AND GRATITUDE SOBER LIVING, INC.

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To Whom It May Concern,

At present, Mr. Henry Green's 501 C 3 Grace and Gratitude Sober Living Inc. has had allegations made against his organization from the City of Fernandina Code Enforcement and City Planning and Development. The allegations that are presently being alleged are that he is in violation of City **Code 6.02.17 Group Residential Home Violation** and **6.02.16 Group Homes Violation.**

It is our position, which falls in line with the definition by the state of Florida, that Grace and Gratitude Sober Living Inc. is a **Recovery Residence under Statute 397.487**, and has been incorrectly defined as a Group home and/or Group Residential Home Statue 419.001. Due to the city not having a present code for a Recovery Residence, and their unwillingness to work with Mr. Green to attempt to amend the text when he approached the city, they are attempting to violate him based on an incorrect definition according to the State of Florida, as well as violating the Fair Housing and Disabilities act with regards to discrimination.

Mr. Green has made a positive impact within the lives of those suffering from addictions', as well as liaising with several community resources who consistently refer clients to his recovery residence which are listed in this packet. He is attempting to improve the lives of others, their families, and the surrounding community and such a disregard, and lack of willingness for the City to work together is very disheartening and being defined incorrectly an injustice. We look forward to your support of Mr. Green and his organization and his being treated fairly.

Sincerely,

Henry D. Green

Mr. Green

Grace and Gratitude Sober Living Inc.

What Grace and Gratitude Sober living is defined as by the State of Florida:

The following is the Florida State Statues of what defines a Recovery Residence:

The 2019 Florida Statutes

Title XXIX

PUBLIC HEALTH

Chapter 397

SUBSTANCE ABUSE SERVICES

View Entire Chapter

397.487 Voluntary certification of recovery residences.—

(1) The Legislature finds that a person suffering from addiction has a higher success rate of achieving long-lasting sobriety when given the opportunity to build a stronger foundation by living in a recovery residence while receiving treatment or after completing treatment. The Legislature further finds that this state and its subdivisions have a legitimate state interest in protecting these persons, who represent a vulnerable consumer population in need of adequate housing. It is the intent of the Legislature to protect persons who reside in a recovery residence.

What Grace and Gratitude Sober Living Inc. is not concerning group residential or group home as defined by the State of Florida:

The 2019 Florida Statutes

Title XXX

SOCIAL WELFARE

Chapter 419

COMMUNITY RESIDENTIAL HOMES

View Entire Chapter

419.001 Site selection of Group community residential homes.—

(1) For the purposes of this section, the term:

(a) "Community residential home" means a dwelling unit licensed to serve residents who are clients of the **Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families** or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Mr. Henry Green's

Addiction Experience, Training and Continuing Education

1) 32 years of consecutive sobriety from alcohol and drugs
2) Started 4 Recovery Residences from 2014 to present – 3 men's residences and 1 woman's residence.
3) Trained and worked at Charter by the Sea in St. Simons as an addiction counselor and case manager from 1989 to 1998.
4) Trained at the Moore House School of Medicine in 1991, 1992, and 1992 for addiction and addiction issues related to specific cultural issues within a community setting.
5) Attended and trained at the Southeastern Conference of Alcohol and Drug Counseling from 1990 to 1998.
6) In 1995 received Drug and Alcohol addiction training from Georgia South University
7) The guest speaker in 1992 in Waycross, Georgia at the Say No to Drugs week and received the Key to the City by the Mayor.
8) In 1993 organized a community drug awareness workshop where he had "Hollywood" Henderson from the Dallas Cowboys speak regarding his personal journey in addiction and recovery who was the 1st NFL player to speak about his drug addiction in Brunswick Georgia.
9) In 1993 organized a drug abuse awareness workshop with John Lucas the coach of the San Antonio Spurs and his experience with drug abuse and recovery held in Brunswick, Georgia
10) In 2017 spoke to Congress in Washington, D.C. concerning addiction and liver issues on behalf of the Mayo Clinic in Jacksonville, Fl..
11) Interviewed by Channel 4 news regarding his expertise on addiction in the community.
12) Guest speaker concerning his expertise on addiction on PBS.
13) Wrote a book on his life story concerning addiction called Saved By Grace: Recovery of Henry Green

The following Agencies presently refer to Mr. Green's program and support his services that are provided to patient's with addiction issues in his Recovery Residences:

1) Drug Court
2) Veteran's Court

3) Department of Corrections
4) Prison Re-Entry Program
5) The State's Attorney office
6) Starting Point – Non profit mental health program
7) Baptist Medical
8) Baptist Hospital
9) Gateway Addiction treatment services
10) Weikiva Addiction Treatment Services
11) Memorial Hospital
12) Homeless Coalition
13) Local non profit agencies

New women's shelter to open in Fernandina

NEWS-LEADER

City reviews the health and safety of recovery houses

By News Staff on Tuesday, September 22, 2020

Image

- Henry Green sits surrounded by some of the people he has helped through the Grace and Gratitud houses that comprise Grace and Gratitude's facilities open. JULIA ROBERTS/NEWS-LEADER
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Body

No one disputes that Henry Green provides a valuable – some say lifesaving – service in Fernandina Beach. Places for people who have nowhere else to go, due to the life they lived as addicts. But, can Green legally operate a residential recovery facility in the city? That is the question at the heart of what Fernandina Beach says are code enforcement violations at the houses used for Grace and Gratitude Sober Living Inc.

Green rents four houses in the city that he uses to operate Grace and Gratitude. The houses are located on Vernon Street, South 10th Street, South Ninth Street, and South 13th Street.

Grace and Gratitude receives no local, state or federal funding; no grants or loans or other funding other than a $21.50 daily fee from residents. Green said each house costs approximately $2,000 a month to operate, and the program often operates in the red.

Residents come from the county's drug and veteran courts, hospitals, rehab programs, jail, and simply off the street. He provides an address, which those in recovery need in order to qualify for services. They live in the houses, separate residences for males and females, for the $21.50 program fee, as Green does not charge rent. The residents get a bed, access to a washer and dryer, bathroom, kitchen, and common area. They are required to attend the twice-daily Narcotics Anonymous and/or Alcoholics Anonymous meetings, to keep their living space clean, to get a job, and keep the house clean.

Food is not provided, but everyone is encouraged to buy enough to cook "family style" for everyone in the house. Those staying in the houses sign a contract before they are allowed to stay, and must adhere to the rules to stay. They must, above all, stay alcohol- and drug-free.

In addition to housing, Green helps residents find jobs, acquire clothes suitable for job hunting, and get to appointments and work. He also helps them get medical treatment and connects residents with agencies such as Starting Point Behavioral Healthcare and Barnabas Center. Green also helps them obtain official identification and driver's licenses. He has coordinated with a local bicycle shop and a scooter store so residents have the ability to get to work. He counsels the residents one-on-one and in groups.

On July 31, Fernandina Beach Code Enforcement issued violation notifications to the four houses that operate as Grace and Gratitude. Some of the violations were for minor infractions, such as garbage and unauthorized overnight parking. But two of the residences were, the city said, violating City Code 6.02.16 – Group Homes and two were violating 6.02.17 – Group Residential.

Green said he has been operating Grace and Gratitude for seven years, and questions why the city has only recently told him he is violating code.

Code Enforcement Director Michelle Forstrom said the process did not begin recently, but in 2019 when it came to her attention that Green was opening a women's shelter. In May of 2019, city staff met to discuss the Land Development Code regarding group homes and group residential facilities in the city.

Forstrom said city staff met with Green in July 2019 to discuss the Land Development Code regarding group homes and the regulations associated with their operation.

"In August of 2019, city staff met with Mr. Green again to discuss the Land Development Code regarding his current Group Home and future Group Homes and the regulations, restrictions and options associated with their operation," Forstrom wrote in an email to the *News-Leader*. "We

explained that Henry Green must get licensed in order to operate a Sober Home, and then he would need an LBTR (Local Business Tax Receipt) from the City. In July we started getting complaints about a sober home. Come to find out, Mr. Green had continued his Group Home/Sober Home at (four locations). All of these are being operated without any licensure or inspections. A case was started for each location."

The complaints, Forstrom said, came from a concerned neighbor. "They do not want this kind of activity in their neighborhood and they are aware that it is not allowed there," Forstrom said. "As I have said before, Mr. Green was told what he would need to do to operate legally. He chose not to do so."

The three homes cited with violations of the group home ordinance – 6.02.16 – are, according to the Nassau County Property Appraisers map, zoned R-2 as defined by the city's Land Development Code, so a group home is allowed. The fourth address was cited with a violation of 6.02.17, which sets forth rules for a group residential facility. Forstrom said that residence has come into compliance, so that case will not move forward.

The violation notices say that in order to come into compliance with city code, the property owner must "Provide proof of all required local, county, state and federal licensure, as well as fire safety standards and comply with all city codes; or cease and desist all group home activities."

But, according to Green and his associate, Dr. Jeff Blyth, Grace and Gratitude is not a group home or a group residential facility, but a "recovery residential facility," as defined by state and federal law.

Florida statute 397.311 defines a recovery residence as "a residential dwelling unit, or other form of group housing, that is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment." Green maintains that Grace and Gratitude falls under that definition.

But Fernandina Beach City Code only has sections that deal with group homes and group residential facilities, not recovery residences, so City Attorney Tammi Bach says those sections of code that govern group homes and group residential have to be applied to Grace and Gratitude.

The opinion that City Code does not apply to Grace and Gratitude is shared by Steve Farnsworth, executive director of the Florida Association of Recovery Residences.

According to Farnsworth, the law that allows Green to operate a recovery residence in Fernandina Beach is the federal Americans with Disabilities Act, which states that a disability is "physical or mental impairment that substantially limits one or more major life activity." Alcoholism and drug addiction are considered "impairments" under the definition of the ADA. And, as the Fair Housing Amendments Act prohibits discrimination against any buyer or renter with a disability due to a handicap, the reasoning follows that not allowing people whose

disability is drug addiction or alcoholism to live in a residential recovery facility is discrimination.

Steve Polin is an attorney who specializes in fair housing rights of providers of sober living and sober housing. Polin pointed to a joint statement from the Department of Justice and the Department of Housing and Urban Development that sets forth guidelines for sober living, and that sober living homes do not preempt local zoning. However, local zoning "cannot be applied in an unreasonable manner," Polin said.

"A 'reasonable accommodation' is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces," the HUD-DOJ statement reads. "The Fair Housing Act makes it unlawful to refuse to make 'reasonable accommodations' to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. Even if a zoning ordinance imposes on group homes the same restrictions that it imposes on housing for other groups of unrelated persons, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. What constitutes a reasonable accommodation is a case-by-case determination based on an individualized assessment."

But the city can refuse to make accommodations under certain circumstances. If the accommodations would "impose an undue financial and administrative burden on the local government or it would fundamentally alter the local government's zoning scheme," or "if there is no disability-related need for the requested accommodation because there is no relationship between the requested accommodation and the disabilities of the residents."

Polin said a major factor in whether the city can enforce code violations on Grace and Gratitude is whether the facility is certified by FARR, which indicates Grace and Gratitude applied for certification in May, thought that process has not been completed. While he could not comment on the particular situation with Grace and Gratitude, Polin said whether a facility has FARR certification does have a bearing on what can be required by a governmental entity.

"If an operator is certified, I think there are considerations the city would have to give them," Polin said. "If they get certified, that's something the city needs to take into consideration."

While federal law does not require local governments to adopt laws to address reasonable accommodations for sober homes, "DOJ and HUD nevertheless strongly encourage local governments to adopt formal procedures for identifying and processing reasonable accommodation requests and provide training for government officials and staff as to application of the procedures," the joint federal statement said.

Forstrom said that in order to come into compliance with city code, Grace and Gratitude would have to have a building inspection, a fire marshal inspection, and a code enforcement inspection. Green would need to comply with all applicable local, state, or federal and fire safety standards

and furnish proof of appropriate county, state, or federal licensure, as applicable, before issuance of a local business tax receipt by the city.

"I am not saying it's not allowed in the city," Bach said of Grace and Gratitude. "But he needs to follow what I think are minor rules to keep people safe."

"I believe that the efforts of Mr. Green highlight the need for adequate facilities, especially for those seeking to overcome personal challenges," City Manager Dale Martin told the *News-Leader*. "Nonetheless, it is imperative that appropriate regulations and procedures are followed to ensure the health, safety, and welfare of those in need and those on the periphery of such facilities."

Grace and Gratitude has a hearing in front of the Code Enforcement & Appeals Board at 5:30 p.m., Oct. 1, in City Hall. If that board votes to uphold the violations facing the houses, Blyth said, he and Green are prepared to appeal that decision, and take further legal action.

•••

On a weekend morning, about 20 people gather in the common room of one of the houses being used as facilities for Henry Green's Grace and Gratitude Sober Living. They say they are only a small fraction of the people who would come to talk about Green and the difference he and his program have made in their lives. Some ask that their identity be protected to avoid the stigma so often associated with those in recovery in a small community. The house is by no means luxurious. Some areas have no air conditioning. There are no private rooms, and bathrooms have more than one toilet. Everything, including pots and pans and bed linens, are community property. But everyone who speaks is grateful to be there.

They have come to Green from the hospital, from jail, from the homes of their families. Many have come from treatment facilities and halfway houses in other areas where they say the environment is not conducive to sober living.

"I came here from jail and drug court," Dustin said.

"If I went back to Callahan, I would go back to the same people and routines I was in. I knew I couldn't go back to where I was." Misty agreed. "I came from (a treatment facility in Jacksonville) where if you wanted to use, you could just walk right out on the street. I wanted to stay away from there."

Oliver said he came to Grace and Gratitude after trying outpatient programs in Jacksonville. He said it is the only recovery facility that allows him to be close to his children. "If it wasn't for this house, I'd have to move or go to Jacksonville. I'm fortunate this program was here. It's the only one on the island."

"I was in jail a while, then in a hospital psych ward for a while," Brittany said. "I was in some places in Jacksonville, but when I came here, I was welcomed with open arms, and now I'm doing good for the first time." She described the process of being extradited to New York

following a trip to her probation officer, and how Green and others with Grace and Gratitude supported her and her family throughout the process, including contacting the court in New York, enabling her to come back to Fernandina Beach.

Dustin, since being at Grace and Gratitude, has started his own business, as has Misty and Stewart. Stewart said he came to Green through Starting Point Behavioral Healthcare "because I had no other options." Since then, he and Misty have stayed clean and sober, secured a vehicle, joined a church and reopened their drywall business. He is mending relationships with his family. Stewart and Misty are engaged and are planning a "recovery wedding."

"Beyond my wildest dreams, they say, and it's true," Stewart said.

Residents spoke of the routine Green requires, the discipline that is often absent from the life of an addict. "He creates opportunities for a better life," James said. "There is nowhere like this."

Asked where they would have gone if Green's program was not there when they began recovery, residents say they would be homeless, in jail or dead. Asked where they would go if Grace and Gratitude closed, they say they would be "devastated."

"It would be a different pandemic" one addict says. "People would suffer and die," says someone else. "We would be like a family separated."

"People have an impression of how we are," Robert said. "And, if it weren't for Mr. Green, those ideas would be justified. We would be thieves, we would be a bad influence on the neighborhood."