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AIDS Services for Monadnock Region Sues Gilsum to End Illegal Restrictions on Group Home

Gay & Lesbian Advocates & Defenders (GLAD) filed suit today in Keene Superior Court on behalf of AIDS Services for the Monadnock Region (ASMR), which operates a group home in Gilsum for people with HIV and Hepatitis C. The lawsuit asserts that the Town of Gilsum has illegally restricted the client population who can live in Cleve Jones Wellness House, where clients receive intensive support, services, and supervision.

After unsuccessful efforts to exclude Wellness House entirely, the town granted the home a zoning variance in 2005, allowing it to operate but forbidding the residence from housing people who 1) have been released from prison in the last 12 months, 2) have a history of drug or alcohol abuse and have not been substance-free for 12 months; or 3) have been convicted of a list of criminal offenses.

According to the lawsuit, the town has no legal authority to impose these conditions under New Hampshire's state zoning laws, and its restrictions violate the guarantee of equal protection promised in New Hampshire's constitution. ASMR is represented by Bennett Klein and Michele Granda of GLAD and Stephen Bragdon of Bragdon & Berkson, PC of Keene.

"It's important for the state of New Hampshire that group homes be available to people who need support and social services," said Klein. "If every town in the state enacted restrictions like Gilsum's, there wouldn't be any place that could provide such services."

"The restrictions in the variance are simply illegal," said Bragdon. "The state of New Hampshire cannot allow unfounded fears to be the basis of public policy or government action."

Wellness House follows a model for comprehensive services called "No Place Like H.O.M.E.", with the letters standing for housing, oversight, medical management and education. The H.O.M.E. model allows ASMR to closely monitor residents and move quickly when problems arise – such as not taking medication, emotional deterioration, or missing AA meetings. Wellness House also helps residents deal with the practical tasks of life, such as getting a driver's license, enrolling in classes, and finding employment.

"It's nonsensical to exclude people with these histories from Wellness House when they can and do live in Gilsum -- just not in this house," said Susan MacNeil, current board member and former executive director (from 2000 to 2008) of ASMR. "At Wellness House, people can get the support and monitoring they need to make healthy choices, move forward in their lives, and contribute to society. Living outside the residence, they don't get those services."

AIDS Services for the Monadnock Region, founded in 1989, is a non-profit organization committed to serving people with HIV/AIDS in Cheshire County, southern Sullivan County, and western Hillsborough County. ASMR offers case management, free, anonymous HIV testing in a confidential setting, educational programs, HIV+ speakers, and 200+ volumes in its lending library.

Gay & Lesbian Advocates & Defenders is New England's leading legal organization dedicated to ending discrimination based on sexual orientation, HIV status, and gender identity and expression.

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