

# Kaiser Daily HIV/AIDS Report

In The Courts | HIV/AIDS Services Agency Sues New Hampshire Town for Restricting Access to Group Home

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A Keene, N.H., AIDS services agency -- [AIDS Services for the Monadnock Region](#) -- said it is suing Gilsum, N.H., town officials for overstepping their authority and violating the state constitution by restricting who is allowed to live at a group home run by ASMR, the [Keene Sentinel](#) reports.

According to the *Sentinel*, ASMR in 2006 was granted a variance of a town ordinance that allowed it to open the Cleve Jones Wellness House -- a residential center for people living with HIV/AIDS or other chronic illnesses, as well as for people recovering from drug or alcohol addiction. However, Gilsum's planning and zoning board added nearly 30 conditions to the variance. Susan MacNeil, director of ASMR from 2000 to August 2008 and current board member of the agency, said, "In the presence of the (not-in-my-backyard) battle we were facing, we felt the restrictions placed on us were unreasonably restrictive, but we also felt we had an obligation to serve the AIDS, HIV and hepatitis C population in the state."

MacNeil added that filing a lawsuit "seemed like the only way" ASMR could open the home. The lawsuit focuses on three of the conditions: a prohibition of housing people who have been released from prison within the last year, a prohibition of substance users who have not been substance-free for at least one year, and a prohibition against people convicted of sexual offenses and violent crimes.

The *Sentinel* reports that Gilsum officials earlier in the year filed a lawsuit against ASMR in Cheshire County, N.H., Superior Court that alleged the group had violated several of the conditions, including allowing a convicted sex offender to live for several months at the center. ASMR said the conviction did not come up in a criminal background check. A judge ruled in June that ASMR must meet all of the variance's conditions or be subject to possible fines or closure (Farrar, *Keene Sentinel*, 9/24).

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