

# **An AIDS organization in Gilsum says town restrictions are unlawful**

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GILSUM — An AIDS services agency says it's planning a lawsuit against Gilsum officials, accusing them of illegally restricting who's allowed to live at a group home the organization runs there.

Keene-based AIDS Services for the Monadnock Region alleges that Gilsum town officials overstepped their authority and violated the state Constitution regarding the Cleve Jones Wellness House, a residential center for people living with AIDS, HIV or chronic illness, or recovering from drug or alcohol addiction.

In 2006, after nearly a year of back-and-forth debate, the agency was granted a variance of a town ordinance that allowed it to open the house at 16 High St., but the town's planning and zoning boards added nearly 30 conditions to that approval.

Three of the conditions — those prohibiting convicts who have been released from prison within the last year, substance abusers who have not been substance-free for at least a year, or people convicted of selected crimes, such as sexual offenses and violent crimes — are the focus of the organization's lawsuit.

AIDS Services officials said they planned to file the lawsuit today in Cheshire County Superior Court.

Bennett H. Klein, a senior attorney with the New England-based legal organization Gay & Lesbian Advocates & Defenders is representing the agency in its lawsuit.

"Having group homes offering services like Wellness House provides a critical benefit to the state of New Hampshire," Klein said.

Klein argues the town overstepped its authority by imposing zoning conditions, which are allowed by state statutes only "for the purpose of promoting the health, safety or general welfare of the community."

Susan MacNeil, former director of the agency from 2000 until August 2008, said AIDS Services agreed to the conditions when they were first imposed, but always thought they were unfair.

"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," said MacNeil, who is on the agency's board of directors. "This seemed like the only way we could open."

Earlier this year, Gilsum officials filed a lawsuit against the agency in Cheshire County Superior Court, alleging its officials had violated several of the conditions, including allowing a convicted sex offender to live at the house for several months.

MacNeil disputed the claim in an affidavit, saying the conviction did not appear in a criminal background check.

A judge ruled in June the agency must meet all the conditions listed in the variance or face possible fines or closure.

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