



January 30, 2026

TO: Planning Commission

FROM: Comprehensive & Neighborhood Planning Committee & Bill Dermody, Current Planning Manager

SUBJECT: Congregate Living Zoning Study

Introduction/Study Purpose

The Saint Paul City Council passed an interim ordinance in August 2025 that initiated a zoning study to address concerns about the regulation of sober houses and supportive housing facilities, and directed staff and the Planning Commission to provide a report and recommendation as soon as practical. The ordinance also established a moratorium on related zoning approvals until the study is complete.

Several variance applications to the Board of Zoning Appeals in 2025 requested relief from the Zoning Code's minimum separation distance requirement for a "supportive housing facility" to be 1,320 feet from certain other congregate living facilities. According to public testimony, at least some these facilities had previously been operating under our code as "sober houses" until they sought State of Minnesota funding that reclassified them under our code as "supportive housing facilities", with only minor changes to how they operate. There are estimated to be over 100 sober houses in Saint Paul, with up to 22 residents each, so there is concern that many more of these operators could seek to be reclassified under our code as "supportive housing facilities" and request similar variances.

Also, in 2024 an operator requested approval to establish sober homes in excess of 30 residents each. Though they did not receive all of their approvals, it raised questions about how well existing regulations and processes benefit and protect residents of these homes.

It is in the public interest to ensure that residents of these facilities do not lose access to safe and affordable housing, that future residents have access to safe and affordable housing, that support services are available to residents who need them, that there be a clear and legally sound process for providing reasonable accommodations, and that facilities intended to exist in a community environment are placed in such an environment, rather than clusters that recreate an institutional environment. The following study presents and analyzes potential Zoning Code amendments to further those aims and address the issues identified by the City Council.

Background

The following background section addresses previous zoning code amendments, State regulation, legal context, reasonable accommodations, separation distances and other congregate living, and other cities' regulations with regard to sober houses and supportive housing facilities.

Previous Zoning Code Amendments

The “sober houses” Zoning Code section was created in 2008 to provide a definition and clear regulations for the use, which was increasing in Saint Paul but was not regulated by the City or state government. Although the popular understanding of the “sober houses” term was broader, the Zoning Code definition was restricted to “financially self-supporting” facilities.

The broader Congregate Living division of the zoning code was the subject of a major overhaul in 2016 that aimed to create clearer definitions that are more timelessly accurate (regardless of state-level changes) and improve consistency in zoning standards among different types of facilities. These amendments created the “supportive housing facility” definition and standards (out of formerly three different definitions), but did not change the Sober Houses definition or standards.

State Regulation

In 2023, Minnesota State Statutes established a definition for “sober homes” as follows:

A sober home is a cooperative living residence, a room and board residence, an apartment, or any other living accommodation that:

- (1) provides temporary housing to persons with substance use disorders;*
- (2) stipulates that residents must abstain from using alcohol or other illicit drugs or substances not prescribed by a physician;*
- (3) charges a fee for living there;*
- (4) does not provide counseling or treatment services to residents;*
- (5) promotes sustained recovery from substance use disorders; and*
- (6) follows the sober living guidelines published by the federal Substance Abuse and Mental Health Services Administration.*

In 2025, the Minnesota Legislature passed a wide-ranging human services law that renames “sober home” to “recovery residence” and further defines it as “a type of community residence that provides a safe, healthy, family-like, substance-free living environment that supports individuals in recovery from substance use disorder.” The law also creates a two-level voluntary certification system for recovery residences, per below:

Subd. 2. Level-one certification.

(a) The commissioner must designate a certified residence as a level-one certified recovery residence when the residence is peer run. A level-one certified recovery residence must:

- (1) not permit an allowance for on-site paid staff or operator of the recovery residence;*
- (2) permit only nonpaid staff to live or work within the residence; and*
- (3) ensure that decisions are made solely by residents.*

(b) Staff of a level-one certified recovery residence must not provide billable peer recovery support services to residents of the recovery residence.

Subd. 3. Level-two certification.

(a) The commissioner must designate a certified residence as a level-two certified recovery residence when the residence is managed by someone other than the residents. A level-two certified recovery residence must have staff to model and teach recovery skills and behaviors.

(b) A level-two certified recovery residence must:

- (1) *have written job descriptions for each staff member position, including position responsibilities and qualifications;*
- (2) *have written policies and procedures for ongoing performance development of staff;*
- (3) *provide annual training on emergency procedures, resident bill of rights, grievance policies and procedures, and code of ethics;*
- (4) *provide community or house meetings, peer supports, and involvement in self-help or off-site treatment services;*
- (5) *have identified recovery goals;*
- (6) *maintain documentation that residents are linked with community resources such as job search, education, family services, and health and housing programs; and*
- (7) *maintain documentation of referrals made for additional services.*

(c) Staff of a level-two certified recovery residence must not provide billable peer support services to residents of the recovery residence.

The parts of the 2025 law quoted here are effective on January 1, 2027. A level-two certified recovery residence is anticipated to be eligible for state funding under the Department of Human Services' Housing Supports Program.

A sober home/recovery residence, as defined by the state, could fall under the zoning code definition for a "family" or "household" (if six or fewer adult residents), a "sober house" (if no services or outside funding), or "supportive housing" (if services are provided and it is not financially self-supporting).

Legal Context

The *Fair Housing Amendments Act* (1988) prohibits local land use regulation that discriminates against individuals on the basis of disability. Several categories of congregate living facilities in Saint Paul provide housing, or could provide housing, to disabled persons. A disability, or handicap, is defined as "a physical or mental impairment which substantially limits one or more of such person's major life activities," not including sex offenders, current illegal drug users, people who have been convicted of illegal drug use/sale/manufacturing, or persons who present a direct threat to the persons or property of others. A local government must allow for "reasonable accommodations" to allow persons or groups of persons with disabilities an equal opportunity to enjoy and use housing. The City of Saint Paul allows for such "reasonable accommodations" via Sec. 60.110, as applied through review by the Department of Safety & Inspections (DSI). The Act also states that, "Nothing in this title (the relevant section) limits the applicability of any reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling."

The *Americans with Disabilities Act* (1990, amended 2010; hereafter ADA) similarly prohibits discrimination by public entities on the basis of disability, which is defined as "a physical or mental impairment that substantially limits one or more of the major life activities of (an) individual; a record of such an impairment; or being regarded as having such an impairment." Such impairment includes "mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities" and diseases or conditions such as "orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism."

FamilyStyle v. City of Saint Paul is a 1990 US Court of Appeals decision that affirmed Saint Paul's separation requirements for mentally ill group homes on the basis that they ensure patients will actually live in a community environment rather than one that recreates an institutional environment through clustering of

facilities. Since the 1950s, the State of Minnesota and the federal government have encouraged deinstitutionalization for reasons including the benefits to disabled persons of living integrated into normal community settings rather than being segregated from society in institutional settings.

Reasonable Accommodations

U.S. Department of Justice regulations, which build upon the ADA, state, “A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.” The ADA additionally allows for an exception when a local government can show that an accommodation would result in an undue burden.

Requests for reasonable accommodations are processed by DSI staff. In Section 65.161, the zoning code requires that all sober houses with more than six adult residents submit a request for reasonable accommodation, which serves to aid the City in tracking these uses and ensuring that zoning standards are met. It also states that such reasonable accommodation requests to exceed six adult residents “shall automatically be granted” if the sober house standards are met, including abiding by a maximum of 10 residents in RL or H1 districts, obtaining a conditional use permit if there are 17 or more residents, and being separated from other sober houses by a minimum distance of 330 feet. Additionally, the code states that, “This does not limit the city from granting additional reasonable accommodation for this use under the general provisions of this Code.” Section 65.161 also states that sober houses seeking a conditional use permit are exempt from three of the five usual required findings, leaving only two findings subject to evaluation: “The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.” and “The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.”

In Section 60.110, the zoning code addresses reasonable accommodations, generally, by stating, “The city has a legitimate interest in preserving the character of residential neighborhoods by adopting regulations relating to the number and type of structures and uses, the number of persons who may occupy a dwelling or structure, and off-street parking, in order to control population density, noise, disturbance and traffic congestion. However, these regulations shall not be applied so as to prevent the city from making reasonable accommodation as required by the Federal Fair Housing Act Amendments of 1988.”

DSI staff have, in effect, granted all reasonable accommodation requests for sober houses, including those that request relief from the minimum 330-foot separation distance or the maximum number of adult residents. An initial review of several sober house reasonable accommodation requests approved over the last decade indicates many requests cite a shortage of sober living facilities, need for housing that is supportive to recovery, and a desire to serve more residents as the reasons for requesting the accommodation. The phrase “shall automatically be granted” has influenced these decisions to approve.

The current City process for reasonable accommodations for sober houses is misaligned with federal law or causes confusion regarding federal law in several ways:

- It requires a request for reasonable accommodations to be submitted even if the zoning standards are met. The purpose for this is tracking these facilities, which usually are not regulated by the state, and ensuring that standards are met including the minimum separation distance between facilities. However, that is not the legal purpose for a reasonable accommodations process.
- It states that requests “shall automatically be granted” if certain standards are met, not including those set out by federal law. Rather, reasonable accommodations requests should be evaluated based on criteria in alignment with federal law, such as the special need created by the disability, the potential benefit that can be accomplished by the requested modification, whether the modification would constitute a fundamental alteration of the zoning regulations, whether the modification would impose an undue financial or administrative burden, and other criteria that would inform the “reasonableness” of the requested modification. (These criteria need not be stated in the zoning code – they can simply be on the request form.)

- It requires that operators submit the request for reasonable accommodation, rather than individuals. A local government need only review and grant reasonable accommodations to individuals.

Code amendments regarding reasonable accommodations should improve alignment with federal law and provide improved clarity to DSI staff and applicants to aid in processing requests.

Separation Distances and Other Congregate Living

The zoning code classifies sober houses and supportive housing facilities as types of congregate living. Currently, supportive housing facilities must be separated by a minimum of 1,320 feet from other supportive housing facilities and certain other congregate living facilities with more than six adult residents: licensed correctional community residential facilities, emergency housing facilities, shelters for battered persons, and overnight shelters. Each of these congregate living types have similar separation requirements from each other, too, in order to maintain a normal community environment, rather than recreating an institution-like environment. If the minimum separation distance is changed through this study for supportive housing facilities, it would be logical to consider changing the minimum separation distance accordingly for the other relevant congregate living types.

Sober houses must only be separated from other sober houses, by a minimum distance of 330 feet.

A roominghouse is notable as a type of congregate living that is similar to sober houses in some ways, including more than six (6) adult residents and, usually, shared kitchen and bathroom facilities. However, a roominghouse is different from a sober house in that its residents do not function similar to a family unit, it often has individually locked rooming units/bedrooms, and its residents are not necessarily all in recovery. Roominghouses do not need to be separated from other roominghouses or other facilities by any minimum distance. Roominghouses are permitted in fewer zoning districts than sober houses, and require conditional use permit approval in more zoning districts.

Any code amendments impacting sober houses should consider how such facilities might seek to reclassify as supportive housing facilities, roominghouses, or other types of congregate living.

Other Cities

Minneapolis requires inebriate housing and supportive housing (the two uses most closely aligned with Saint Paul's "sober house" and "supportive housing") to be separated a minimum distance of 1,320 feet from each other and certain other congregate living and motels, except in their downtown housing overlay district. Minneapolis's "inebriate housing" definition does not refer to reasonable accommodations, but elsewhere their zoning code establishes their process for making and acting upon reasonable accommodations requests, including consideration of the following factors:

- (1) Special need created by the disability.
- (2) Potential benefit that can be accomplished by the requested modification.
- (3) Need for the requested modification, including alternatives that may provide an equivalent level of benefit.
- (4) Physical attributes of and any proposed changes to the subject property and structures.
- (5) Potential impact on surrounding uses.
- (6) Whether the requested modification would constitute a fundamental alteration of the zoning regulations, policies, and/or procedures of the city.
- (7) Whether the requested modification would impose an undue financial or administrative burden on the city.

(8) Any other factor that may have a bearing on the request.

Public Testimony

Six people spoke at the public hearing on October 17, 2025 and there were 11 pieces of written testimony. Testifiers included three district councils and three facility owners/operators.

Operators suggest a smaller minimum separation distance for supportive housing facilities, such as 330 feet to match the sober house regulations, to avoid shutting down homes that change their zoning classification. One operator said that some homes' designs are particularly well-suited for congregate living.

The Macalester Groveland Community Council supports the draft regulations as they were proposed, including a minimum separation distance for supportive housing facilities of 600 feet.

The Highland District Council's Development Committee supports a minimum separation distance for supportive housing facilities of 660 feet, requiring a conditional use permit for supportive housing facilities at 12 people rather than the current 16 people, and keeping the minimum separation distance between sober houses at 330 feet.

The Fort Road Federation supports a hard cap at 16 residents for supportive housing facilities and 10 residents for sober houses, unless a reasonable accommodation is granted on a case-by-case basis. To the extent conditional use permits are still used, they support making the criteria the same as for other conditional use permits with the current sober house exceptions eliminated. They support keeping the minimum separation distances at 330 feet for sober houses and 1,320 feet for supportive housing facilities, with no lesser distances across arterial streets because proximity and concentration are the key factors in avoiding an "institutional" setting rather than barriers to pedestrian movement. They cite lessons learned from the overconcentration of sober houses in their Brewery Town neighborhood that had created a "mental health ghetto" decades ago.

Most other testimony was from neighbors in support of keeping the minimum separation distance for supportive housing facilities at 1,320 feet. Rationale includes that it is a reasonable distance for avoiding overconcentration and aligns with Minneapolis's zoning regulations.

One neighbor suggests that "housing first" supportive housing, where residents can be active illegal drug users, should be regulated more restrictively than other supportive housing facilities.

A full set of written testimony is among the memo attachments. The October 17 public hearing meeting video can be viewed at www.stpaul.gov/PlanningCommission.

Additional Expert Input

To build upon public testimony, staff sought additional information and input from other City staff whose work is impacted by supportive housing facilities and sober houses in Saint Paul. Namely, they spoke with staff from the Homeless Action Response Team (HART), Police, and Fire. A key theme heard from this group is that staffing levels and management practices are especially important to maintaining a "normal community environment" near a facility. Size of a facility can also be a factor when the facility becomes very large. Concentration of residents, either through multiple facilities or a very large facility, can be exacerbated by poor management. Also, it can matter whether the residents are local or moved here from other states for the services (with potentially less connection to the area or stake in the community).

Analysis

In order to ensure that sober houses have similar impact to a family unit as originally intended, in a manner compatible with their light regulation, code amendments are needed that generally preclude larger sober houses. Operators desiring larger homes would generally need to provide services and become supportive housing facilities under the code. Also, it would be more legally sound and easier on potential operators to use a registration system for sober houses rather than the current mandatory request for reasonable accommodations, leaving reasonable accommodations requests as an option if needed for relief from code due to an individual's disability.

Supportive housing facility regulation needs less change at this time. When this study was initiated, there was a wave of sober living wishing to reclassify as supportive housing facilities under the city code. There is now less urgency to accommodate an increase in supportive housing facilities. Knowing that facility management practices are very important to maintaining a normal community environment, it makes sense to wait for state licensing reforms before deciding if smaller separation distances between facilities can be sustainable.

Even if minimum separation distances were left at 330 feet for sober houses and 1,320 feet for supportive housing facilities, rather than lesser amounts, such housing types are still generally permissible across most of the city's geography and allow many potential locations for new facilities. Thus, such regulations would still be in conformance with [2040 Comprehensive Plan](#) policies encouraging affordable housing and dwelling types that meet the needs of residents, among other policies.

Once state regulation and oversight is improved, it may be appropriate to consider reductions in minimum separation distances to provide more affordable housing and new dwelling types, as well as take advantage of state funding.

Recommended Amendments

Given the above background, testimony, input, and analysis, the following amendments are recommended:

1. **Amend references to reasonable accommodations to better align them with the law.** Reasonable accommodations provide flexibility in the application of zoning regulations to afford an individual with a disability equal use and enjoyment of a dwelling or structure.
2. **Require sober house operators to register with the zoning administrator to ensure the use meets applicable zoning standards,** rather than the existing requirement that they submit a request for reasonable accommodation.
3. **Eliminate the ability for sober houses to exceed more than 10 residents.** If more than 10, a more supportive environment with more services should be provided, as in a supportive housing facility. Larger numbers of residents in a sober house would strain the intention of a sober house to operate "similar to a family unit" and would be less likely to benefit the residents.
4. **Clarify how sober living operations are classified under the zoning code.** The "sober house" use is proposed to be renamed "sober house, financially self-supporting" and the "supportive housing facility" use definition is expanded to note that it includes sober homes/recovery residences, as defined by the State of Minnesota, that receive operating revenue from governmental sources.
5. **Update the definition of "shelter for battered persons" to delete outdated reference to the state department of corrections.** The use is now served by programs run by a different state department.
6. **For a shelter for battered persons, reduce the districts requiring a conditional use permit for more than six (6) adult residents and reduce the districts capping the number of adult residents at 16.** The code requires a conditional use permit for shelters for battered persons with

more than six adults in all residential, traditional neighborhood, and Ford districts, as well as OS-B2 business districts, and caps those same districts at 16 maximum adult residents. This is overly restrictive for a use that has caused few to no known negative impacts in Saint Paul in recent decades. It would be logical to allow the use without restriction where larger multifamily uses are permitted already, while continuing to require a conditional use permit to allow six to 16 adult residents smaller-scale districts such as RL-H2 residential, T1 traditional neighborhood, and F1-F2 Ford districts.

7. **Adjust the standard stating the density of a shelter for battered persons in T2-T4 traditional neighborhood districts is regulated as for multifamily uses so it will apply only in T2 districts.** The recently approved T District Zoning Study code amendments now regulate density in T3 and T4 traditional neighborhood districts the same for all uses, thus eliminating the need to call out how this use's density would be regulated in those districts. The clause would remain useful with regard to T2 districts.

The precise recommended amendments are contained in the attached Planning Commission resolution.

Also among the attachments are potential new draft forms for: (1) a request for reasonable accommodations, and (2) sober house registration. The forms are not part of the proposed code amendments and are provided only as information/context.

Recommendation

The Comprehensive & Neighborhood Planning Committee recommends approval of the draft Planning Commission resolution containing recommended code amendments pertaining to Congregate Living.

Attachments

1. Draft Planning Commission Resolution to recommend approval of draft code amendments
2. [City Council ordinance to initiate zoning study and set moratorium](#)
3. [City Council bridge resolution to initiate zoning study and set moratorium](#)
4. Draft form: Request for Reasonable Accommodation
5. Draft form: Sober House Registration
6. Written testimony