



CITY OF WILLIAMSBURG

Office of the City Manager

August 25, 2016

Dr. Jack Barber
Commissioner
Department of Behavior Health & Rehabilitative Services
1220 Bank Street
Richmond, Virginia 23219

In Re: Gateway Homes of Greater Richmond, Proposed Group Home, License #673 (The Williams Center), 101 Woodmere Drive, City of Williamsburg

Dear Dr. Barber:

This letter addresses the City of Williamsburg's ongoing concerns regarding the pending license for Gateway Homes of Greater Richmond's proposed group home, to be located at 101 Woodmere Drive in the City of Williamsburg. The City is fully aware that the licensure of group home facilities is entirely within the purview of the Commonwealth. However, as the proposed facility is located within the City of Williamsburg, the City has concerns regarding the proposed plans for the facility as those have been communicated to the City as this license is considered.

The proposed group home in the City of Williamsburg is to house individuals with mental illness, clients of Hampton-Newport News CSB, who have been released from treatment at Eastern State Hospital, including potentially those who have committed violent offenses or sexual offenses but found not guilty by reason of insanity. The proposed location of the facility is within 500 feet of a primary and secondary school facility, Walsingham Academy. While state law prevents a certain group of sex offenders from residing near schools, it does not necessarily limit those who would be residing in this proposed facility. Having reviewed the regulations, it does not appear that those individuals would not or could not be placed in such facility based on the application and screening process regulations. That leaves the City in a position of having to trust that the operators of the group home will not accept individuals who pose a risk to the students of the school.

The City of Williamsburg is therefore deeply concerned about the potential safety issues associated with such placement of this kind of group home so close to a school facility. Numbers of children attending the school walk to and from this facility unsupervised every day to surrounding City neighborhoods, and the City is concerned about the potential risk the location of this proposed group home may cause without a guarantee that violent offenders or sex offenders will not be placed in this facility. We understand that the discharge team at Eastern

State is the primary actor in determining the discharge plan for individuals who may be residents of this group home, and there has been no discussion with representatives from Eastern State regarding limiting who may reside in the proposed facility.

Thus far, these concerns have not been addressed by the operators of the proposed group home. The City was not contacted by Gateway or Hampton-Newport News CSB. The City only became aware of these plans because we were notified by our local Colonial Behavioral Health office, and they were only informed in August. This is unacceptable, as the proposed location was identified in May. It certainly does not appear that Gateway or Hampton Newport News CSB considered the problematic location of the proposed group home.

This poses another concern for the City. This operator has contracted with the Hampton-Newport News Community Service Board to open this facility in the City of Williamsburg, and they are serving as the operator's fiscal agent. The enabling legislation provides that behavior health authorities and community service boards are permitted to operate in their own service districts or in the cities and counties which they serve. The City of Williamsburg is not in the service district of the Hampton Newport News CSB. Information conveyed to the City indicates that faced with resistance on the Lower Peninsula service district, a facility site was instead sought on the Upper Peninsula without engaging in adequate due diligence to find a site within the appropriate service district and without informing or seeking the cooperation from the City or agencies affected by this decision on the Upper Peninsula. Locating the facility in the City shifts the burdens, risks, and service costs associated with these activities from Hampton and Newport News to the City of Williamsburg and our local CBH. The City understands the need for such facilities. The City is more than willing to work with the proposed operators to identify appropriate locations for such facilities, working with our own local behavioral health authority and in service of members of the greater Williamsburg community. However, there are actual costs associated with the location of group homes in a community. While the City understands it has this obligation with respect to the local community, other behavior health entities or community service boards choosing to contract to *create* a facility specifically located outside their service districts, without any discussion with the target jurisdiction, avoids those local obligations and simply shifts those costs in a way that is inequitable to the jurisdictions in which these facilities are placed. And in this instance, and most importantly, this was done in a manner which disregards the problematic nature of the location selected for this particular group home, a situation which could have been resolved long before this late date.

On the date of this letter, the City has not received a return phone call, email, or other direct communication from the Department of Behavior Health & Rehabilitative Services after a week of attempts by the Human Services Director to contact staff contacts in the agency responsible for issuance of the license. The license application is not available on the Department website where other like applications are posted to enable public review. No contact for the applicant is therefore available as required by the licensing process for the City to pursue questions.

There is one further item of concern. The City understands that the property was leased to Gateway by the trustee of a trust benefitting Paula Howard-Hunter, the property owner. There is no deed of record conveying the property into such a trust and therefore bringing the property under the control of the trustee. While there may be a document which provides such authority, it

has not been recorded. The City therefore wonders whether or not the trustee has the authority to execute the lease document in the first place.

As you see, the City has some limited information, but insufficient information to assess the real and potential impacts of this group home in this location, but it is the City and our local agencies which will certainly bear this responsibility and cost or responding to those impacts. This is largely due to a failure on the part of Gateway to communicate with the parties affected by the proposed group home in this location. The location out of the service area, process used to limit public review and awareness, and failure to respond to inquiries pre-empted units of local government are troublesome at best. In light of this lack of information and communication, and given the close proximity of the group home to Walsingham Academy, the City remains troubled by the potential and unnecessary risks associated with the location selected by Gateway. One incident involving a child is simply too great a risk.

Therefore the City respectfully requests that the pending license not be issued until these concerns are fully considered and addressed, an alternative location is identified, or adequate safeguards are in place to ensure the safety of all involved.

Sincerely,

A handwritten signature in cursive script that reads "Marvin E. Collins, III".

Marvin E. Collins, III
City Manager