

RESOLUTION NO. 2026-111

A RESOLUTION AUTHORIZING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, OR APPROVAL OF ANY APPLICATION FOR A GROUP HOME WITHIN THE CITY OF WILLOUGHBY FOR 12 MONTHS AFTER THE EFFECTIVE DATE OF THIS RESOLUTION, AND DECLARING AN EMERGENCY.

WHEREAS, Pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that protect and support the health, safety and welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, Willoughby Codified Ordinance Section 1103.03(b)(77) defines "Group Home" as a residential facility licensed by the State of Ohio and monitored by federal, state and county authorized personnel, and creates a distinction between "Group Home, Large" and "Group Home, Small"; and

WHEREAS, the City of Willoughby and surrounding areas have experienced an increase of Group Homes that has exceeded capacities of local systems, including healthcare, schools, and emergency services; and

WHEREAS, concerns have been expressed that current zoning regulations lack specificity and guidance for proper siting and quality standards for residential group homes; and

WHEREAS, the City of Willoughby and its boards and committees require twelve (12) months to review the existing land use codes and regulations as they affect residential group homes within the City, during which time it is anticipated that the City will take action to study and implement a comprehensive review and rewriting of its zoning code; and

WHEREAS, the State Legislature for the State of Ohio is considering HB 58, which has passed the House and is currently in Senate Committee, designed to curb the unregulated addiction recovery housing market via mandatory state-level certification through the State Department of Behavioral Health and enhanced local board enforcement; and

WHEREAS, the proposed state legislation may address issues such as the fraudulent billing of insurance programs, and deplorable living conditions, among others; and

WHEREAS, the City intends to consider, study and/or implement any new regulations passed by the State in connection with residential group homes in conjunction with the rewriting of its zoning code; and

WHEREAS, the City requires time to gather data and create an orderly system of review for any future application under any new regulations adopted; and

WHEREAS, by withholding the acceptance and processing of applications for residential group homes, a thorough and comprehensive review can be accomplished without concern that the various departments may receive a rush of applications before any recommended changes are adopted; and

WHEREAS, the temporary moratorium shall not affect projects that have already received authorization and permits prior to the effective date, or have a current application pending; and

WHEREAS, those applications pertaining to the provision of housing for a protected class, as defined by the Fair Housing Act or by state law, shall not be affected or addressed by this temporary moratorium; and

WHEREAS, time is of the essence, as there is extensive public interest and the City of Willoughby has seen an increase in applications for Group Homes, and thus it is necessary that this resolution take effect at an early date;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOUGHBY, THE COUNTY OF LAKE, AND THE STATE OF OHIO:

SECTION 1. That the Council of the City of Willoughby hereby imposes a temporary moratorium on the acceptance, processing, or approval of any application for a Group Home within the City of Willoughby for twelve (12) months after the effective date of this Resolution.

SECTION 2. That any such applications for any Group Home filed prior to the effective date of this Resolution shall continue to be processed and shall be approved or disapproved as if the moratorium established by this Resolution did not exist.

SECTION 3. That this moratorium shall not apply to any legally established conforming facility existing as of the effective date of this Resolution, so long as the proposed activity does not increase intensity of the use, expand the number of residents, or require a major modification to an approved development plan.

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby.

SECTION 5. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the community; and for the further reason to provide for orderly growth and development within the City; and provided that it receives the affirmative vote of two-thirds of the members elected to Council, it shall be in full force and take effect immediately upon its adoption by Council and approval by the Mayor; otherwise, it shall be in full force and take effect from and after the earliest period allowed by law.

Adopted: September 1, 2026 [Signature]
President of Council

Attest: [Signature]
Clerk of Council

Date: 9.2.26 Approved: [Signature]
Mayor

Submitted to the Mayor for his approval on this 2nd day of September, 2026.

[Signature]
Clerk of Council