Senate

General Assembly

File No. 773

January Session, 2001

Substitute Senate Bill No. 1216

Senate, May 17, 2001

The Committee on Appropriations reported through SEN. CRISCO of the 17th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ZONING REQUIREMENTS FOR RESIDENCES FOR CHILDREN WITH MENTAL OR PHYSICAL DISABILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 8-3e of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No zoning regulation shall treat **[**any**]** the following in a manner different from any single family residence: (1) Any community residence which houses six or fewer mentally retarded persons and necessary staff persons and which is licensed under the provisions of section 17a-227, **[**in a manner different from any single family residence**]** or (2) any child-care residential facility which houses six or fewer children with mental or physical disabilities and necessary staff persons and which is licensed under sections 17a-145 to 17a-151, inclusive.

(b) Any resident of a municipality in which such a community

residence or child-care residential facility is located may, with the approval of the legislative body of such municipality, petition (1) the Commissioner of Mental Retardation to revoke the license of such community residence on the grounds that such community residence is not in compliance with the provisions of any statute or regulation concerning the operation of such residences, or (2) the Commissioner of Children and Families to revoke the license of such child-care residential facility on the grounds that such child-care residential facility is not in compliance with the provision of any general statute or regulation concerning the operation of such child-care residential facility.

Sec. 2. Section 8-3f of the general statutes is repealed and the following is substituted in lieu thereof:

No community residence or child-care residential facility established pursuant to section 8-3e, as amended by this act, shall be established within one thousand feet of any other such community residence or child-care residential facility without the approval of the body exercising zoning powers within the municipality in which such residence is proposed to be established.

Sec. 3. (NEW) The party responsible under the provisions of subdivision (2) of subsection (e) of section 10-76d of the general statutes for the costs of education and other services for a child shall not be relieved from such responsibility by (1) establishment in a municipality of (A) any community residence which houses six or fewer mentally retarded persons and necessary staff persons and which is licensed under the provisions of section 17a-227 of the general statutes, or (B) any child-care residential facility which houses six or fewer children with mental or physical disabilities and necessary staff persons and which is licensed under sections 17a-145 to 17a-151, inclusive, of the general statutes, or (2) the placement of a child in any such community residence or child-care facility.

44 Sec. 4. This act shall take effect July 1, 2001.

APP *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Children and Families

Municipal Impact: None

Explanation

State Impact:

While the bill will potentially lead to more favorable zoning requirements for child-care residential facilities with six or fewer beds, no fiscal impact is anticipated because the development of new facilities of this size is not expected at this time.

The Department of Children and Families plans on licensing only one facility (a specialized group home located on state property) with six or fewer beds during the FY 02 – FY 03 biennium. Should any resident submit petitions alleging non-compliance with state law or regulation it is anticipated that the agency will be able to respond within its anticipated budgetary resources.

The average licensed bed capacity in private residential treatment facilities in Connecticut is 41 (ranging from 12 – 90 beds). Group homes in the state have an average licensed bed capacity of 10 (ranging from 7 to 15).

OLR Bill Analysis
sSB 1216

AN ACT CONCERNING ZONING REQUIREMENTS FOR RESIDENCES FOR CHILDREN WITH MENTAL OR PHYSICAL DISABILITIES.

SUMMARY:
This bill requires local zoning regulations to treat certain child-care residential facilities the same as single-family homes. It applies to residences licensed by the Department of Children and Families (DCF) and housing six or fewer mentally or physically disabled children (not defined) and necessary staff. This requirement already applies for community residences licensed by the Department of Mental Retardation (DMR) and housing six or fewer mentally retarded people and necessary staff. The bill also permits a resident of a town hosting a DCF-licensed residential facility to petition the DCF commissioner to revoke the facility's license.

The facilities cannot be located within 1,000 feet of each other unless the local zoning commission approves. Under current law, DMR-licensed residences are also subject to this restriction.

The bill restates the existing law relative to special education funding responsibilities for DCF- and DMR-placed children that generally places the burden of educating the child on the child's original school district.

EFFECTIVE DATE: July 1, 2001

PETITION FOR LICENSE REVOCATION

This bill permits any resident of a town hosting a DCF-licensed residential facility to petition the DCF commissioner to revoke the facility's license on the grounds that it is in violation of applicable statutes or regulations. The petitioner must get the approval of the

town's legislative body before seeking revocation.

BACKGROUND

Legislative History

On April 25, the Senate referred the bill (File 316) to the Education Committee. On May 2, the Education Committee favorably reported out the bill. On May 9, the Senate referred the bill (same file copy) to the Appropriations Committee. On May 16, the Appropriations Committee favorably reported out the bill in its current form, which eliminates (1) the creation of a payment in lieu of taxes program for small DCF- and DMR-licensed group homes and (2) the requirement that the DCF commissioner forward a child's individualized education program to the appropriate school superintendent within two business days of placement.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute
Yea 15 Nay 2

Education Committee

Joint Favorable Report
Yea 19 Nay 8

Appropriations Committee

Joint Favorable Substitute
Yea 39 Nay 8