



# House of Representatives

General Assembly

**File No. 493**

*January Session, 2001*

House Bill No. 6610

*House of Representatives, April 26, 2001*

The Committee on Public Health reported through REP. EBERLE of the 15th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT IMPOSING A MORATORIUM CONCERNING CERTAIN STATE PROPERTY USED FOR PROVIDING SERVICES OR RESIDENTIAL PURPOSES BY THE DEPARTMENT OF MENTAL RETARDATION AND THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES.***

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

1 Section 1. (NEW) (a) Notwithstanding any provision of the general  
2 statutes concerning the sale, lease or transfer of real property by or on  
3 behalf of the state, during the period commencing on the effective date  
4 of this act and ending on the date that is three years from the effective  
5 date of this act or on the date on which the General Assembly  
6 approves a plan for the elimination of all waiting lists of the  
7 Department of Mental Retardation and the Department of Mental  
8 Health and Addiction Services, whichever date is earlier:

9 (1) No state-owned real property that, on the effective date of this  
10 act, is or has been occupied for residential purposes by persons  
11 receiving services from the Department of Mental Retardation or the

12 Department of Mental Health and Addiction Services, and such  
13 occupancy is a permitted use of such property under applicable zoning  
14 regulations, or is being or has been used to provide services by either  
15 of such departments, may be sold, leased, transferred or used for any  
16 other purpose by or on behalf of the state; and

17 (2) (A) No lease entered into by or on behalf of the state for real  
18 property that, on the effective date of this act, is or has been occupied  
19 for residential purposes by persons receiving services from the  
20 Department of Mental Retardation or the Department of Mental  
21 Health and Addiction Services, and such occupancy is a permitted use  
22 of such property under applicable zoning regulations, or is being or  
23 has been used to provide services by either of such departments, may  
24 be terminated by or on behalf of the state before the expiration of the  
25 full term of such lease, and (B) no such real property may be used for  
26 any other purposes by or on behalf of the state during the term of such  
27 lease.

28 (b) Notwithstanding any provision of the general statutes,  
29 subsection (a) of this section shall apply to, but not be limited to, any  
30 state hospital, training school, regional facility or other facility  
31 provided for the care and training of persons with mental retardation  
32 or psychiatric disabilities, including Norwich Hospital, Fairfield Hills  
33 Hospital, the Southbury Training School and the Mansfield Training  
34 School, and to any state-operated community-based residential facility,  
35 boarding home, group home, halfway house or other residential  
36 facility meeting the criteria set forth in subdivision (1) or (2) of  
37 subsection (a) of this section and occupied by persons with mental  
38 retardation, persons with psychiatric disabilities, alcohol-dependent  
39 persons or drug-dependent persons.

40 Sec. 2. This act shall take effect from its passage.

**PH**      *Joint Favorable*

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:

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**OFA Fiscal Note**

**State Impact:** See Explanation Below

**Affected Agencies:** Departments of Mental Retardation and Mental Health and Addiction Services

**Municipal Impact:** None

**Explanation**

**State Impact:**

This bill specifies that no property occupied for residential purposes for clients of the Departments of Mental Retardation (DMR) or Mental Health and Addiction Services (DMHAS) may be sold, leased or transferred for either three years or until the General Assembly approves the plans to eliminate all waiting lists, whichever date is earlier.

This bill may result in a delay in the receipt of significant revenue for the General Fund, as it would prohibit the sale or lease of such state facilities as Norwich Hospital, Fairfield Hills Hospital and Mansfield Training School, among others, for a period of time.

Currently, DMR has a waiting list of an estimated 1,500 individuals living independently or with their family who are waiting for residential services. Although there may be individuals waiting for DMHAS services, the department does not maintain a defined waiting list. sHB 6668 (the Appropriations Act, as favorably approved by the Appropriations Committee) does not contain funding to eliminate any

such waiting lists. However, the sHB 6668 does contain \$1 million in FY02 and \$2 million in FY03 to support an estimated 40 individuals currently on the DMR wait list who have elderly caregivers.

**OLR Bill Analysis**

HB 6610

***AN ACT IMPOSING A MORATORIUM CONCERNING CERTAIN STATE PROPERTY USED FOR PROVIDING SERVICES OR RESIDENTIAL PURPOSES BY THE DEPARTMENT OF MENTAL RETARDATION AND THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES.*****SUMMARY:**

This bill prohibits the state from selling, leasing, or otherwise transferring (or having any of these transactions performed on its behalf) real property it owns or uses for Department of Mental Retardation or Mental Health and Addiction Services clients for three years or until the General Assembly approves the departments' plans to reduce their waiting lists, whichever occurs first. It also prohibits changing the use of any such property during the moratorium period.

It applies to:

1. state-owned or -leased property that is, or ever has been, occupied as a residence by the departments' clients and has appropriate zoning approval for residential use, and
2. state-owned or -leased property that is, or ever has been, used by either department to provide services.

The bill prohibits the state from terminating its lease on any covered property before the full lease term expires.

The bill specifies that it applies, but is not limited, to (1) state hospitals, training schools, and regional facilities, including Norwich and Fairfield Hills hospitals and the Southbury and Mansfield Training schools, and (2) state-operated community-based residential facilities, boarding homes, group homes, halfway houses, and other residential facilities occupied by people with mental retardation, psychiatric

disabilities, or alcohol or drug dependency.

EFFECTIVE DATE: Upon passage

## **BACKGROUND**

### ***Department of Mental Retardation (DMR) and Mental Health and Addiction Services (DMHAS) Report and Plan Requirements***

By law, DMR must report annually to the Public Health and Appropriations committees on the status of the reduction of its waiting list (CGS § 17a-218a(d)). It must develop and biannually revise a five-year plan that sets out the department's priorities, goals, and objectives and strategies to achieve them; progress made in achieving them; and changes from the prior plan. It must submit this plan to the Public Health and Appropriations committees (CGS § 17a-211). Neither the waiting list report nor the five-year plan is subject to General Assembly approval.

The statutes do not require DMHAS to prepare a plan for reducing or eliminating a residential waiting list.

## **COMMITTEE ACTION**

Public Health Committee

Joint Favorable Report  
Yea 17 Nay 8