



General Assembly

Substitute Bill No. 1216

January Session, 2001

**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:

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 Section 8-3e of the general statutes is repealed and the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

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

12 (b) Any resident of a municipality in which such a community
13 residence or child-care residential facility is located may, with the
14 approval of the legislative body of such municipality, petition (1) the
15 Commissioner of Mental Retardation to revoke the license of such
16 community residence on the grounds that such community residence
17 is not in compliance with the provisions of any statute or regulation
18 concerning the operation of such residences, or (2) the Commissioner
19 of Children and Families to revoke the license of such child-care

20 residential facility on the grounds that such child-care residential
21 facility is not in compliance with the provision of any general statute
22 or regulation concerning the operation of such child-care residential
23 facility.

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 Section 8-3f of the general statutes is repealed and the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

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

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

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

APP *Joint Favorable Subst.*