



General Assembly

Amendment

January Session, 2001

LCO No. 7587

Offered by:

SEN. DAILY, 33rd Dist.

To: Subst. Senate Bill No. 1216

File No. 773

Cal. No. 253

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

1 Strike out lines 1 to 44, inclusive, and insert the following in lieu
2 thereof:

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 Section 8-3e of the general statutes is repealed and the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

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

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

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 Section 8-3f of the general statutes is repealed and the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

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

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

46 Sec. 4. Section 12-20a of the general statutes is repealed and the
47 following is substituted in lieu thereof:

48 On or before January first, annually, the Secretary of the Office of
49 Policy and Management shall determine the amount due to each
50 municipality in the state, in accordance with this section, as a state
51 grant in lieu of taxes with respect to (1) real property owned by any
52 private nonprofit institution of higher education or any nonprofit
53 general hospital facility or free standing chronic disease hospital or an
54 urgent care facility that operates for at least twelve hours a day and
55 that had been the location of a nonprofit general hospital for at least a
56 portion of calendar year 1996 to receive payments in lieu of taxes for
57 such property, exclusive of any such facility operated by the federal
58 government or the state of Connecticut or any subdivision thereof, and
59 (2) on and after July 1, 2003, real property used for (A) any community
60 residence which houses six or fewer mentally retarded persons and
61 necessary staff persons, is licensed under the provisions of section 17a-
62 227 and began operation on or after July 1, 2003, or (B) any child-care
63 residential facility which houses six or fewer children with mental or
64 physical disabilities and necessary staff persons, licensed under
65 sections 17a-145 to 17a-151, inclusive, and began operation on or after
66 July 1, 2003. As used in this section "private nonprofit institution of
67 higher education" means any such institution engaged primarily in
68 education beyond the high school level, the property of which is
69 exempt from property tax under any of the subdivisions of section 12-
70 81; "nonprofit general hospital facility" means any such facility which
71 is used primarily for the purpose of general medical care and
72 treatment, exclusive of any hospital facility used primarily for the care
73 and treatment of special types of disease or physical or mental
74 conditions; and "free standing chronic disease hospital" means a
75 facility which provides for the care and treatment of chronic diseases,
76 excluding any such facility having an ownership affiliation with and
77 operated in the same location as a chronic and convalescent nursing
78 home. The grant payable to any municipality under the provisions of
79 subdivision (1) of this section in the state fiscal year commencing July

80 1, 1999, and in each fiscal year thereafter, shall be equal to seventy-
81 seven per cent of the property taxes which, except for any exemption
82 applicable to any such institution of higher education or general
83 hospital facility under the provisions of section 12-81, would have been
84 paid with respect to such exempt real property on the assessment list
85 in such municipality for the assessment date two years prior to the
86 commencement of the state fiscal year in which such grant is payable.
87 The grant payable to any municipality under the provisions of
88 subdivision (2) of this section in the state fiscal year commencing July
89 1, 2003, and in each fiscal year thereafter, shall be equal to one hundred
90 per cent of the property taxes which, except for any exemption
91 applicable to any such community residence or any such child-care
92 facility under the provisions of section 12-81, would have been paid
93 with respect to such exempt real property on the assessment list in
94 such municipality for the assessment date two years prior to the
95 commencement of the state fiscal year in which such grant is payable.
96 The amount of the grant payable to each municipality in any year in
97 accordance with this section shall be reduced proportionately in the
98 event that the total of such grants in such year exceeds the amount
99 appropriated for the purposes of this section with respect to such year.
100 As used in this section and section 12-20b the word "municipality"
101 means any town, consolidated town and city, consolidated town and
102 borough, borough, district, as defined in section 7-324, and any city not
103 consolidated with a town.

104 Sec. 5. Subdivision (2) of subsection (e) of section 10-76d of the
105 general statutes is repealed and the following is substituted in lieu
106 thereof:

107 (2) Notwithstanding any other provisions of the general statutes, for
108 the fiscal year ending June 30, 1987, and each fiscal year thereafter,
109 whenever a public agency, other than a local or regional board of
110 education, the State Board of Education or the Superior Court acting
111 pursuant to section 10-76h, places a child in a foster home, group
112 home, hospital, state institution, receiving home, custodial institution
113 or any other residential or day treatment facility, and such child

114 requires special education, the local or regional board of education
115 under whose jurisdiction the child would otherwise be attending
116 school or, if no such board can be identified, the local or regional board
117 of education of the town where the child is placed, shall provide the
118 requisite special education and related services to such child in
119 accordance with the provisions of this section. Within [one] two
120 business [day] days of such a placement by the Department of
121 Children and Families, said department shall orally notify the local or
122 regional board of education responsible for providing special
123 education and related services to such child of such placement. The
124 department shall provide written notification to such board of such
125 placement within two business days of the placement. Within two
126 business days of such placement, the department shall notify the local
127 or regional board of education under whose jurisdiction the child
128 would otherwise be attending school of such placement and request
129 that such local or regional board of education provide a copy of the
130 individualized education program to the local or regional board of
131 education of the town where the child is placed. Such local or regional
132 board of education shall convene a planning and placement team
133 meeting for such child within thirty days of the placement and shall
134 invite a representative of the Department of Children and Families to
135 participate in such meeting. (A) The local or regional board of
136 education under whose jurisdiction such child would otherwise be
137 attending school shall be financially responsible for the reasonable
138 costs of such special education and related services in an amount equal
139 to the lesser of one hundred per cent of the costs of such education or
140 the average per pupil educational costs of such board of education for
141 the prior fiscal year, determined in accordance with the provisions of
142 subsection (a) of section 10-76f. The State Board of Education shall pay
143 on a current basis, except as provided in subdivision (3) of this
144 subsection, any costs in excess of such local or regional board's basic
145 contributions paid by such board of education in accordance with the
146 provisions of this subdivision. (B) Whenever a child is placed pursuant
147 to this subdivision, on or after July 1, 1995, by the Department of
148 Children and Families and the local or regional board of education

149 under whose jurisdiction such child would otherwise be attending
150 school cannot be identified, the local or regional board of education
151 under whose jurisdiction the child attended school or in whose district
152 the child resided at the time of removal from the home by said
153 department shall be responsible for the reasonable costs of special
154 education and related services provided to such child, for one calendar
155 year or until the child is committed to the state pursuant to section
156 46b-129 or 46b-140 or is returned to [his] such child's parent or
157 guardian, whichever is earlier. If the child remains in such placement
158 beyond one calendar year the Department of Children and Families
159 shall be responsible for such costs. During the period the local or
160 regional board of education is responsible for the reasonable cost of
161 special education and related services pursuant to this subparagraph,
162 the board shall be responsible for such costs in an amount equal to the
163 lesser of one hundred per cent of the costs of such education and
164 related services or the average per pupil educational costs of such
165 board of education for the prior fiscal year, determined in accordance
166 with the provisions of subsection (a) of section 10-76f. The State Board
167 of Education shall pay on a current basis, except as provided in
168 subdivision (3) of this subsection, any costs in excess of such local or
169 regional board's basic contributions paid by such board of education in
170 accordance with the provisions of this subdivision. The costs for
171 services other than educational shall be paid by the state agency which
172 placed the child. The provisions of this subdivision shall not apply to
173 the school districts established within the Department of Children and
174 Families, pursuant to section 17a-37, the Department of Correction,
175 pursuant to section 18-99a, or the Department of Mental Retardation,
176 pursuant to section 17a-240, provided in any case in which special
177 education is being provided at a private residential institution,
178 including the residential components of regional educational service
179 centers, to a child for whom no local or regional board of education
180 can be found responsible under subsection (b) of this section, Unified
181 School District #2 shall provide the special education and related
182 services and be financially responsible for the reasonable costs of such
183 special education instruction for such children.

184 Sec. 6. This act shall take effect July 1, 2001."