



House of Representatives

General Assembly

File No. 340

February Session, 2008

Substitute House Bill No. 5637

House of Representatives, April 1, 2008

The Committee on Planning and Development reported through REP. FELTMAN of the 6th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING LOCAL REVIEW OF COMMUNITY RESIDENCES IN MULTIFAMILY BUILDINGS.

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

1 Section 1. Section 8-3e of the 2008 supplement to the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective*
3 *from passage*):

4 (a) (1) No zoning regulation shall treat the following in a manner
5 different from any single family residence: [(1)] (A) Any community
6 residence that houses six or fewer mentally retarded persons and
7 necessary staff persons and that is licensed under the provisions of
8 section 17a-227 of the 2008 supplement to the general statutes, [(2)] (B)
9 any child-care residential facility that houses six or fewer children with
10 mental or physical disabilities and necessary staff persons and that is
11 licensed under sections 17a-145 to 17a-151, inclusive, or [(3)] (C) any
12 community residence that houses six or fewer persons receiving
13 mental health or addiction services and necessary staff persons paid

14 for or provided by the Department of Mental Health and Addiction
15 Services and that has been issued a license by the Department of Public
16 Health under the provisions of section 19a-491, if a license is required.

17 (2) No zoning regulation shall treat a multifamily building in which
18 is located a community residence in a manner different from any other
19 multifamily building.

20 (b) Any resident of a municipality in which such a community
21 residence or child-care residential facility is located may, with the
22 approval of the legislative body of such municipality, petition (1) the
23 Commissioner of Developmental Services to revoke the license of such
24 community residence on the grounds that such community residence
25 is not in compliance with the provisions of any statute or regulation
26 concerning the operation of such residences, (2) the Commissioner of
27 Children and Families to revoke the license of such child-care
28 residential facility on the grounds that such child-care residential
29 facility is not in compliance with the provision of any general statute
30 or regulation concerning the operation of such child-care residential
31 facility, or (3) the Commissioner of Mental Health and Addiction
32 Services to withdraw funding from such community residence on the
33 grounds that such community residence is not in compliance with the
34 provisions of any general statute or regulation adopted thereunder
35 concerning the operation of a community residence.

36 Sec. 2. Section 29-265 of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective October 1, 2008*):

38 (a) Except as provided in subsection (h) of section 29-252a, no
39 building or structure erected or altered in any municipality after
40 October 1, 1970, shall be occupied or used, in whole or in part, until a
41 certificate of occupancy, as defined in the regulations adopted under
42 section 29-252, has been issued by the building official, certifying that
43 such building, structure or work performed pursuant to the building
44 permit substantially conforms to the provisions of the State Building
45 Code and the regulations lawfully adopted under said code. Nothing
46 in the code or in this part shall require the removal, alteration or

47 abandonment of, or prevent the continuance of the use and occupancy
48 of, any single-family dwelling but within six years of the date of
49 occupancy of such dwelling after substantial completion of
50 construction of, alteration to or addition to such dwelling, or of a
51 building lawfully existing on October 1, 1945, except as may be
52 necessary for the safety of life or property. The use of a building or
53 premises shall not be deemed to have changed because of a temporary
54 vacancy or change of ownership or tenancy.

55 (b) No building official shall refuse to issue a certificate of
56 occupancy for any single-family dwelling because such dwelling is not
57 connected to an electric utility if such dwelling is otherwise in
58 conformity with the requirements of this section and applicable local
59 health codes and is equipped with an alternative energy system. A
60 certificate issued under this section shall contain a statement that an
61 alternative energy system is in place. For the purposes of this
62 subsection, "alternative energy system" means any system or
63 mechanism which uses solar radiation, wind, water, biomass or
64 geothermal resources as the primary source for the generation of
65 electrical energy.

66 (c) (1) As used in this subsection, (A) "community residence" means
67 a community residence that (i) houses six or fewer mentally retarded
68 persons and necessary staff persons and that is licensed under the
69 provisions of section 17a-227 of the 2008 supplement to the general
70 statutes, or (ii) houses six or fewer persons receiving mental health or
71 addiction services and necessary staff persons paid for or provided by
72 the Department of Mental Health and Addiction Services and that has
73 been issued a license by the Department of Public Health under the
74 provisions of section 19a-491, if a license is required, and (B) a "child-
75 care residential facility" means a child-care residential facility that
76 houses six or fewer children with mental or physical disabilities and
77 necessary staff persons and that is licensed under sections 17a-145 to
78 17a-151, inclusive.

79 (2) No building or structure shall be occupied or used as a

80 community residence or child-care facility unless the building official
81 issues a certificate of occupancy for such building or structure
82 certifying that such building, structure or work performed pursuant to
83 the building permit substantially conforms to the provisions of the
84 State Building Code and the regulations lawfully adopted under said
85 code. The building official shall notify the chief executive officer of the
86 municipality of issuance of such certificate.

87 Sec. 3. Section 7-602 of the general statutes is repealed and the
88 following is substituted in lieu thereof (*Effective July 1, 2008*):

89 (a) The strategic plan shall not be implemented unless approved by
90 ordinance of the legislative body of the municipality. Such ordinance
91 shall create a neighborhood revitalization zone committee for the
92 neighborhood and establish the membership of the committee,
93 provided the categories of membership shall be consistent with the
94 categories of membership of the neighborhood revitalization planning
95 committee and consistent with any recommendations of the
96 neighborhood revitalization planning committee. The ordinance shall
97 prohibit the committee from commenting on any proposal for a
98 community residence. As used in this subsection, "community
99 residence" means (1) any community residence that houses six or
100 fewer mentally retarded persons and necessary staff persons and that
101 is licensed under the provisions of section 17a-227 of the 2008
102 supplement to the general statutes, and (2) any community residence
103 that houses six or fewer persons receiving mental health or addiction
104 services and necessary staff persons paid for or provided by the
105 Department of Mental Health and Addiction Services and that has
106 been issued a license by the Department of Public Health under the
107 provisions of section 19a-491, if a license is required.

108 (b) The neighborhood revitalization zone committee shall submit a
109 report on the implementation of the strategic plan to the chief
110 executive official and the legislative body of the municipality and to
111 the Secretary of the Office of Policy and Management at intervals of six
112 months in the first year after adoption of the ordinance and annually

113 thereafter. Any amendment to the strategic plan made subsequent to
114 the date of enactment of the ordinance shall be adopted by the
115 neighborhood revitalization zone committee and the municipality in
116 accordance with the procedures set forth in subsections (c) and (d) of
117 section 7-601 and shall be submitted to the Secretary of the Office of
118 Policy and Management for review. After the date of approval of the
119 amendment by the legislative body of the municipality, any report
120 required to be made pursuant to this section shall include information
121 concerning the amendment. An amendment to a strategic plan shall be
122 deemed to be a concept or proposal not reflected within the scope of
123 the plan as originally adopted by ordinance of the municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	8-3e
Sec. 2	<i>October 1, 2008</i>	29-265
Sec. 3	<i>July 1, 2008</i>	7-602

PD *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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill changes municipal requirements on the treatment of state-licensed community residences and child-care residential facilities and is not anticipated to result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 5637

AN ACT CONCERNING LOCAL REVIEW OF COMMUNITY RESIDENCES IN MULTIFAMILY BUILDINGS.

SUMMARY:

This bill changes some of the rules municipalities must follow when regulating state-licensed community residences and child-care residential facilities. Community residences house six or fewer people who (1) have mental retardation or (2) are receiving mental health and addiction services, plus support staff. The staff housed in the residences for the latter must be paid for or provided by the Department of Mental Health and Addiction Services. Child-care residential facilities house six or fewer children with mental or physical disabilities and support staff.

The bill prohibits buildings or structures housing community residences and child-care facilities from being used or occupied without a certificate of occupancy. The certificate must be issued by the building official and certify that the building, structure, or work done under a building permit substantially conforms to the building code and regulations. The building official must notify the municipality's chief executive officer when issuing certificates for these residences.

The bill requires ordinances establishing neighborhood revitalization zone (NRZ) committees to prohibit them from commenting on proposed community residences. NRZ committees operate under ordinances that authorize them to prepare neighborhood revitalization plans and oversee their implementation.

Lastly, the bill requires zoning commissions to treat multifamily buildings containing community residences (but not child-care

residential facilities) no differently than other multifamily buildings. The law imposes a similar requirement with respect to single-family homes used as community residences and child-care residential facilities.

EFFECTIVE DATE: October 1, 2008 for the certificate of occupancy requirement, July 1, 2008 for prohibition on NRZ comments, and upon passage for provision regarding multifamily buildings.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 14 Nay 6 (03/12/2008)