



State of Connecticut
Department of Developmental Services

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DDS

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Deputy Commissioner

**TESTIMONY OF THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
TO THE
PLANNING AND DEVELOPMENT COMMITTEE
March 6, 2009**

Senator Coleman, Representative Sharkey and members of the Planning and Development Committee. I am James Welsh, Director of Legal and Government Affairs for the Department of Developmental Services (DDS). Thank you for the opportunity to express our opposition on **House Bill 6596, An Act Concerning Notification Requirements for Halfway Houses.**

It appears that one of the purposes of this bill is to require some level of municipal notification prior to the development of a Community Living Arrangement (CLA) more commonly referred to as a "group home" by the Department of Developmental Services or other state agencies. I strongly oppose this proposed requirement for the following reasons.

The Department of Developmental Services (DDS) supports approximately 20,000 individuals with intellectual or developmental disabilities in Connecticut. These individuals reside in family homes, community training homes and in over 865 Community Living Arrangements (CLAs) that DDS licenses, funds, or directly operate. These individuals live and work, go to school, and enjoy the many opportunities that our communities provide. Federal HIPAA laws and state laws do not permit us to discuss individual clients, however, each person we serve has an individualized service plan that identifies their specific needs. As a result of their planned services and supports, staff decisions are made to assure the person is successful and receives the appropriate level of supervision and support. In addition, DDS CLAs are subject to rigorous licensing regulations. Town residents who perceive any failure to adhere to licensing requirements, may seek to have the local authorities petition the DDS Commissioner to revoke any DDS license 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. To date, there have been few such petitions as CLAs, licensed by DDS, are enormously successful in providing and maintaining a quality of life to which residents and neighbors are entitled.

It would be contrary to established legal rights of individuals with intellectual or other disabilities to require notice to communities when a group home is first moving into an area. This would clearly violate their rights to live freely in the community and furthermore would reinforce long fought stereotypes about excluding people with disabilities from our communities. Individuals with disabilities share the same rights as everyone else in choosing where to live.

The Federal Fair Housing Act, originally created to protect the rights of minority groups to live where they choose, was extended in 1988 to specifically include people with disabilities. Everyone benefits from this right and all of us have an obligation to abide by this federal law protecting our right to live where we choose, without discrimination.

The following laws apply to the siting of a DDS Group Home in Connecticut: **The Federal Fair Housing Act (42 U.S.C.3601 et seq.)** prohibits local zoning rules to discriminate in housing opportunities for the disabled and makes it unlawful to deny a dwelling to any buyer or renter because of a handicap; **the Americans With Disabilities Act** prohibits discrimination on the basis of disability in employment, state and local government services, public transportation, public accommodations, commercial facilities, and telecommunications and requires that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity; **Connecticut General Statute 8-3e** requires that no zoning regulation shall treat "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"; and the **Connecticut Constitution, Article XXI of Amendments** provides for equal protection and non-discrimination for persons with physical or mental disabilities.

Although there is recourse available under state statute if a group home is not run properly, such situations, as noted above, are almost non-existent. Private providers must comply with detailed contractual obligations as well as DDS licensing regulations. These regulations are available online at the following link:

<http://www.ct.gov/dds/cwp/view.asp?a=2839&q=331634>

In the almost 870 CLAs that are funded, licensed or directly operated by DDS, the Department will continue to encourage our providers to be good neighbors while respecting the legally protected privacy rights, and other legal rights, of individuals with intellectual disabilities. We respectfully request and encourage members of the legislature, as representatives for all Connecticut towns and cities, to do the same by not supporting this bill moving forward.

As to Section 2 of the bill, establishing a statewide database would have a fiscal note and may raise significant issues related to client confidentiality across agencies. That being said, specific addresses, as well as copies of all CLA licensing reports are available by town on the DDS website. In addition, DDS works closely with regional and municipal emergency response and management organizations to assure proper planning and response for individuals with intellectual disabilities.

Thank you again for the opportunity to testify before you today. I would be happy to answer any questions that you might have, or you may contact Christine Pollio, DDS Director of Legislative and Executive Affairs at (860) 418-6066.