



Where Visions are Built

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**Testimony of Martin Legault  
Planning and Development Committee**

**Public Hearing Date: February 7, 2011**

**In Opposition to: H.B. 5142 & H.B. 5259**

*(Written Only)*

My name is Martin Legault and I am the President and CEO of the Corporation for Independent Living (CIL) based in Hartford, CT. CIL is a nonprofit housing development corporation specializing in the development of housing for people with disabilities as well as affordable housing.

I am deeply troubled by the two bills currently before this committee that would require public hearings prior to the approval of new group homes within a municipality. As President and CEO of CIL I have been involved in the development of more than 500 group homes in CT and MA since our inception in 1979. The deinstitutionalization of people with disabilities and their pursuant community integration would not have been possible without laws that were created or modified to enforce their rights to live in the least restrictive setting in which their needs could be met. Because community living has had such an overwhelming and consistent positive impact on the lives of people with developmental disabilities, community-based, neighborhood housing is now being developed for many other vulnerable populations including children and adults with emotional or behavioral health issues and people struggling with addiction.

The Federal Fair Housing Act, which was originally created to protect minority groups from housing discrimination, was amended in 1988 to specifically protect people with disabilities as well. The Act prohibits local zoning rules from establishing housing practices that are discriminatory towards people with disabilities. In addition, Connecticut General Statutes 8-3e states that "No zoning regulation shall treat the following in a manner different from any single family residence: (1) Any community residence that houses six or fewer mentally retarded persons and necessary staff persons and that is licensed under the provisions of section 17a-227, (2) any child-care residential facility that houses six or fewer children with mental or physical disabilities and necessary staff persons and that is licensed under sections 17a-145 to 17a-151, inclusive, or (3) any community residence that houses six or fewer persons receiving mental health or addiction services and necessary staff persons paid for or provided by the Department of Mental Health and Addiction Services and that has been issued a license by the Department of Public Health under the provisions of section 19a-491, if a license is required". In 1999 the U.S. Supreme Court affirmed in the Olmstead decision that "states are required to place persons with mental disabilities in community settings rather than in institutions when the State's treatment professionals have determined that community placement is appropriate...."

In our long history as a developer we have frequently encountered the animosity of fearful

neighbors when developing group homes for people with developmental disabilities, but we had the legal protections to proceed with these homes and uphold the rights of the people we serve. In virtually all cases our group home residents were eventually accepted and even welcomed

into these same neighborhoods because they turned out to be fine, and in many instances, outstanding neighbors.

Most recently we have encountered neighborhood resistance against group homes that we were developing in Bristol for children supported by the Department of Children and Families (DCF). DCF is trying to reduce the number of children living in large, costly, out-of-state institutions by developing community-based therapeutic group homes for children with emotional or behavioral health issues. Not only are these group homes substantially cheaper than out-of-state care, the children receive much more appropriate, individualized and supportive care delivered in a family-style environment that provides greater opportunity to maintain contact with their families of origin. These homes are appropriately staffed and operate successfully in many communities throughout our state. The ability of DCF and providers to continue these efforts will be completely derailed if these bills are enacted. The children in these programs have mental health conditions which are defined as disabilities under the Americans with Disabilities Act. As such, they are part of a protected class and are entitled to the same rights and protections from discrimination as people with physical and cognitive disabilities.

Neighbors are going to complain about group homes and it is our job as providers to be sensitive to their concerns and deliver high quality services that do not disrupt or threaten their neighborhoods. But if the legal right to purchase and develop group homes for vulnerable populations is not upheld, we will be reversing the progress made over the past three decades to support those in need within our communities rather than in institutions.

I urge you not to pass these bills and to effectively uphold the legal and human rights of those most in need of your support. Thank you.

Respectfully Submitted,

Martin Legault  
President/CEO