State of Connecticut
Department of Developmental Services

DDS

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**TESTIMONY OF THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
TO THE
GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE**

Proposed Bill No. 773, An Act Concerning the Siting of State Agency Facilities

March 11, 2013

Senator Musto, Representative Jutila, and members of the Government Administration and Elections Committee. I am Terrence W. Macy, Ph.D., Commissioner of the Department of Developmental Services (DDS). Thank you for the opportunity to submit regarding **Senate Bill No. 773, AN ACT CONCERNING THE SITING OF STATE AGENCY FACILITIES.**

Although it is not clear what the bill intends to include in the definition of "state agency facility", DDS assumes that the bill could have an impact on the future siting of any DDS group homes and therefore would like to provide you with the following information.

DDS supports approximately 20,000 individuals with intellectual or developmental disabilities in Connecticut. These individuals reside in family homes, community companion homes and in approximately 870 Community Living Arrangements (CLAs) or "group homes" that DDS licenses, funds, or directly operate. These individuals live and work, go to school, and enjoy the many opportunities that our communities provide. The federal Health Insurance Portability and Accountability Act (HIPAA) and state laws do not permit us to discuss individual consumers, 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.

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On occasion, the concern has been raised that there is not a statewide policy notifying municipalities regarding the siting of group homes. However, it would be a violation of the Americans with Disabilities Act (ADA) as well as Connecticut law to require people with intellectual disability to notify communities of their presence.

It would be contrary to established legal rights of individuals with intellectual disability 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 would reinforce stereotypes about excluding people with disabilities from our communities that should have disappeared long ago. 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 an individual's right to live where he or she chooses, without discrimination.

The location of group homes are chosen based on many factors including, but not limited to, proximity to family, transportation and access to community supports and services. If the intent of this bill is to prohibit group homes from being sited in residentially zoned neighborhoods, the department would be opposed.

For your information, 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 persons with intellectual disability 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.

Connecticut General Statute Section 8-3e(b) provides that any resident of a municipality in which such community residence is located, may with the approval of the legislative body of such municipality, petition the Commissioner of Developmental Services to revoke the license of such community residence 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. 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. DDS operated group homes and private providers must comply with detailed contractual obligations as well as strict state licensing requirements and regulations. These regulations are available online at the following link: http://www.ct.gov/dds/cwp/view.asp?a=2839&q=331634

In the approximately 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 disability. We respectfully request that you consider the established rights of individuals with intellectual and developmental disabilities as you deliberate on this proposal.

Additionally, specific addresses, as well as copies of all CLA licensing reports are available by town on the DDS website. http://www.ct.gov/dds/cwp/view.asp?a=2839&q=331624. DDS works closely with regional and municipal emergency response and management organizations to assure proper planning and response for individuals with intellectual disability.

DDS would be happy to discuss this issue further with GAE committee members. Please contact Christine Pollio Cooney at (860) 418-6066 if you would like additional information from DDS or would like to discuss this siting issue further. Thank you again for the opportunity to testify on SB 773 and for hearing our concerns on this issue.