

CONNECTICUT LEGAL RIGHTS PROJECT, INC.

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PLANNING AND DEVELOPMENT COMMITTEE PUBLIC HEARING 3/6/15  
STATEMENT OF KATHLEEN FLAHERTY, ASSOC. EXEC. DIRECTOR  
In Opposition to Proposed S.B. 203

Senator Osten, Representative Miller, and members of the Committee:

The Connecticut Legal Rights Project (CLRP) is a legal services organization that advocates for low-income individuals in institutions and in the community throughout the state who live with mental health conditions. We support initiatives that integrate individuals into the community.

CLRP joins with others who are OPPOSED to Proposed S.B. 203, AN ACT CONCERNING COMMUNITY RESIDENCES.

The stated purpose of this proposed bill is: “To require community residences to comply with local zoning and land use regulations and ordinances.” It would apply to those community residences governed under C.G.S. § 8-3e, and require them to comply with **all** [emphasis added] local zoning and land use regulations and ordinances.

The very premise of this bill potentially runs afoul of rights protected under the Connecticut Constitution, the Connecticut and federal fair housing laws, and the Americans with Disabilities Act.

Connecticut General Statutes § 8-3e is the statute providing for regulation of community residences for persons with intellectual disability, child-care residential facilities and community residences for persons receiving mental health or addiction services. Community residences are defined as those residences which house six or fewer persons who are

- people living with intellectual disabilities,
- children with mental or physical disabilities, or

- people receiving mental health or addiction services provided by the Department of Mental Health and Addiction Services, if the residence has been issued a license by the Department of Public Health under the provisions of section 19a-491, if a license is required, and the
- Staff members necessary to provide support to the people living in the community residence.

The statute says that these community residences shall be treated no differently from any single family residence. That means that any local zoning or land use regulation that applies to a single family residence in a municipality will also apply to these community residences. A municipality may not apply local zoning or land use regulations that it does not already apply to single family houses to community residences with six or fewer residents.

This bill is unnecessary because these community residences are already subject to local zoning and land use regulations. To the extent that this bill would require anything of these community residences that is not required of a single family residence, it would violate rights protected under the Connecticut Constitution, state and federal fair housing laws, and the Americans with Disabilities Act. The wrongful application of local zoning and land use regulations would result in municipalities having to defend legal challenges.

People have the right to live in the least restricted environment and the right to community integration. Any additional barriers that would prevent the support of people living in the most integrated setting will have an impact on people living with disabilities, and essentially target them for discrimination on the basis of those disabilities. This bill does that.

Thank you for your work and for your consideration of these serious concerns.