



# STATE OF CONNECTICUT

## COUNCIL ON DEVELOPMENTAL DISABILITIES



### Public Hearing

### Testimony Against H.B. 5176

### An Act Concerning Community Residences

February 19, 2016

My name is Molly Cole, and I am the Director of the Connecticut Council on Developmental Disabilities. The Connecticut Council on Developmental Disabilities is a public agency whose mission is to promote independence and full inclusion of individuals with developmental disabilities in their communities, and to foster capacity building and system change. The Council strongly opposes this bill, due to the potential to negatively impact the rights of individuals with disabilities to live in the community of their choice. This bill is clearly about an effort to control, limit or prohibit group homes in communities. It is a frightening thought that this state would even consider such an effort to exclude populations from communities based on disability. Please reject this bill. No other population is targeted for special review. We believe that this is a slippery slope.....Any population could be targeted.

Federal and state laws that prohibit discrimination against people with disabilities constrain Connecticut towns' ability to (1) direct where group homes serving such people can operate, (2) limit the number of homes that can be located in a particular area, and (3) require providers to notify town officials or neighbors before opening a home. They also require towns to make reasonable changes in zoning and other rules to provide equal housing opportunities for this population. These laws define disability broadly and also prohibit discrimination based on "family status," which extends their reach to group homes for children, with or without disabilities, in state custody.

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Connecticut now has over 900 group homes serving over 4,000 people with intellectual disabilities, acquired brain injury, mental illness, and substance abuse disorders and children under state control. Historically in our state there have been conflicts between property owners concerned over their families' safety and their property values and group home operators and disability rights advocates who are securing the rights of individuals with disabilities to live in the community. In response, some local governments have enacted discriminatory zoning and other ordinances that restrict, among other things, where and how many group homes could operate in the community, and have required operators to notify local officials before they open a home. No other population is similarly limited.

These zoning efforts to bar people with disabilities from communities include:

- **Ordinances that limit the number of people who can live in a home.** Such limits are specifically exempt from the FHAA if they are based on the maximum number of occupants in a dwelling and apply equally to all town residents.
- **Basing occupancy limits on a definition of “family” rather than a number of occupants per square foot or per room in a dwelling.** They typically define “family” as (1) any number of people related genetically or by marriage or (2) a specific number of unrelated people. But the U.S. Supreme Court has held that caps based on “family size” are not “occupancy limits” under the FHAA.
- **Limiting the location of group homes through spacing and density restrictions.** Spacing restrictions require a minimum distance between group homes or between group homes and other community sites like schools. Density restrictions limit the percentage of a community's population that consists of group home residents.

Given this sordid history, we believe that this bill has the intent and potential to further limit the protected right of people with disabilities to live in the community.

We urge you to reject this bill. Thank you.

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