



General Assembly

February Session, 2020

***Raised Bill No. 185***

LCO No. 1368



Referred to Committee on HOUSING

Introduced by:  
(HSG)

***AN ACT EXCLUDING CERTAIN FACILITIES FROM THE DEFINITION OF COMMUNITY RESIDENCES FOR ZONING PURPOSES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-3e of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2020*):

3 (a) As used in this section, "community residence" does not include  
4 any private for-profit medical facility or any facility that is required to  
5 obtain a certificate of need from the Office of Health Strategy under  
6 section 19a-638. No zoning regulation shall treat the following in a  
7 manner different from any single family residence: (1) Any community  
8 residence that houses six or fewer persons with intellectual disability  
9 and necessary staff persons and that is licensed under the provisions of  
10 section 17a-227, (2) any child-care residential facility that houses six or  
11 fewer children with mental or physical disabilities and necessary staff  
12 persons and that is licensed under sections 17a-145 to 17a-151, inclusive,  
13 (3) any community residence that houses six or fewer persons receiving  
14 mental health or addiction services and necessary staff persons paid for  
15 or provided by the Department of Mental Health and Addiction

16 Services and that has been issued a license by the Department of Public  
17 Health under the provisions of section 19a-491, if a license is required,  
18 or (4) any residence that provides licensed hospice care and services to  
19 six or fewer persons, provided such residence is (A) managed by an  
20 organization that is tax exempt under Section 501(c)(3) of the Internal  
21 Revenue Code of 1986, or any subsequent corresponding internal  
22 revenue code of the United States, as from time to time amended; (B)  
23 located in a city with a population of more than one hundred thousand  
24 and within a zone that allows development on one or more acres; (C)  
25 served by public sewer and water; and (D) constructed in accordance  
26 with applicable building codes for occupancy by six or fewer persons  
27 who are not capable of self-preservation.

28 (b) Any resident of a municipality in which such a community  
29 residence or child-care residential facility is located may, with the  
30 approval of the legislative body of such municipality, petition (1) the  
31 Commissioner of Developmental Services to revoke the license of such  
32 community residence on the grounds that such community residence is  
33 not in compliance with the provisions of any statute or regulation  
34 concerning the operation of such residences, (2) the Commissioner of  
35 Children and Families to revoke the license of such child-care residential  
36 facility on the grounds that such child-care residential facility is not in  
37 compliance with the provision of any [general] statute or regulation  
38 concerning the operation of such child-care residential facility, or (3) the  
39 Commissioner of Mental Health and Addiction Services to withdraw  
40 funding from such community residence on the grounds that such  
41 community residence is not in compliance with the provisions of any  
42 general statute or regulation adopted thereunder concerning the  
43 operation of a community residence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	8-3e

**Statement of Purpose:**

To define community residence to exclude commercial medical facilities or facilities requiring a certificate of need.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*