



General Assembly

January Session, 2021

Raised Bill No. 868

LCO No. 3259



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT CONCERNING REGULATION OF COMMUNITY RESIDENCES.

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 Section 8-3e of the general statutes is repealed and the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, 2021*):

3 (a) Community residences, as described in this chapter, do not
4 include any (1) private for-profit medical facility, or (2) facility that (A)
5 receives no funding from the Department of Mental Health and
6 Addiction Services, and (B) is required to obtain a certificate of need
7 from the Office of Health Strategy.

8 [(a)] (b) No zoning regulation shall treat the following in a manner
9 different from any single family residence: (1) Any community
10 residence that houses six or fewer persons with intellectual disability
11 and necessary staff persons and that is licensed under the provisions of
12 section 17a-227, (2) any child-care residential facility that houses six or
13 fewer children with mental or physical disabilities and necessary staff
14 persons and that is licensed under sections 17a-145 to 17a-151, inclusive,
15 (3) any community residence that houses six or fewer persons receiving

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

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

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2021	8-3e
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Statement of Purpose:

To distinguish certain facilities from community residences for the purposes of certain zoning statutes.

[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.]