



General Assembly

Substitute Bill No. 868

January Session, 2021



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 Section 8-3e of the general statutes is repealed and the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) As described in this section, community residences do not include
4 any (1) private for-profit health care facility, or (2) health care facility
5 that receives no funding from the Department of Mental Health and
6 Addiction Services. As used in this section, "health care facility" has the
7 same meaning as provided in section 19a-630.

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) Any] (c) In the case of an entity that at the time of establishment
31 was so established as a community residence or child-care residential
32 facility, any resident of a municipality in which such [a community
33 residence or child-care residential facility] an entity is located may, with
34 the approval of the legislative body of such municipality, petition (1) the
35 Commissioner of Developmental Services to revoke the license of such
36 [community residence] entity on the grounds that such [community
37 residence] entity is not in compliance with the provisions of any general
38 statute or regulation concerning the operation of [such] community
39 residences, if applicable to such entity at the time of such petition, (2)
40 the Commissioner of Children and Families to revoke the license of such
41 [child-care residential facility] entity on the grounds that such [child-
42 care residential facility] entity is not in compliance with the [provision]
43 provisions of any general statute or regulation concerning the operation
44 of [such] child-care residential [facility] facilities, if applicable to such
45 entity at the time of such petition, or (3) the Commissioner of Mental
46 Health and Addiction Services to withdraw funding from such
47 [community residence] entity on the grounds that such [community
48 residence] entity is not in compliance with the provisions of any general
49 statute or regulation adopted thereunder concerning the operation of [a
50 community residence] community residences, if applicable to such
51 entity at the time of such petition.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	8-3e

PD *Joint Favorable Subst.*