

**RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Kory M. Holdaway**

**This act modifies municipal and county provisions relating to residences for persons with a disability. The act modifies certain restrictions on municipal and county ordinances relating to residential facilities for persons with a disability and makes technical changes.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**10-9-605**, as last amended by Chapters 21 and 140, Laws of Utah 1999

**17-27-605**, as last amended by Chapters 21 and 140, Laws of Utah 1999

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **10-9-605** is amended to read:

**10-9-605. Residences for persons with a disability.**

(1) As used in this section:

(a) "Disability" is defined in Section 57-21-2.

(b) "Residential facility for persons with a disability" means a residence:

(i) in which more than one person with a disability resides; and

(ii) (A) is licensed or certified by the Department of Human Services under Title 62A,

Chapter 2, Licensure of Programs and Facilities; or

(B) is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

(2) Each municipality shall adopt an ordinance for residential facilities for persons with a disability. The ordinance:

(a) shall comply with Title 57, Chapter 21, Utah Fair Housing Act, and the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq.;

(b) may require~~[, if consistent with Subsection (2)(a);]~~ residential facilities for persons with a disability;

(i) if consistent with Subsection (2)(a), to be reasonably dispersed throughout the

municipality; and

(ii) to obtain permits that verify compliance with the same building, safety, and health regulations as are applicable in the same zoning area to similar uses that are not residential facilities for persons with a disability; and

(c) shall, to the extent required by federal law, provide that a residential facility for persons with a disability[~~:(i)~~] is a permitted use in any zoning area where residential dwellings are allowed[~~; and~~].

~~[(ii) may only be required to obtain permits that verify compliance with the building, safety, and health regulations that are applicable to similar structures.]~~

(3) The responsibility to license programs or entities that operate facilities for persons with a disability, as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with:

(a) for programs or entities licensed or certified by the Department of Human Services, the Department of Human Services as provided in Title 62A, Chapter 5, Services to People with Disabilities; and

(b) for programs or entities licensed or certified by the Department of Health, the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

Section 2. Section **17-27-605** is amended to read:

**17-27-605. Residences for persons with a disability.**

(1) As used in this section:

(a) "Disability" is defined in Section 57-21-2.

(b) "Residential facility for persons with a disability" means a residence:

(i) in which more than one person with a disability resides; and

(ii) (A) is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or

(B) is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

(2) Each county shall adopt an ordinance for residential facilities for persons with a

disability. The ordinance:

(a) shall comply with Title 57, Chapter 21, Utah Fair Housing Act, and the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq.;

(b) may require~~[-, if consistent with Subsection (2)(a);]~~ residential facilities for persons with a disability;

(i) if consistent with Subsection (2)(a), to be reasonably dispersed throughout the county; and

(ii) to obtain permits that verify compliance with the same building, safety, and health regulations as are applicable in the same zoning area to similar uses that are not residential facilities for persons with a disability; and

(c) shall, to the extent required by federal law, provide that a residential facility for persons with a disability~~[-(i)]~~ is a permitted use in any zoning area where residential dwellings are allowed~~[-; and]~~.

~~[(ii) may only be required to obtain permits that verify compliance with the building, safety, and health regulations that are applicable to similar structures.]~~

(3) The responsibility to license programs or entities that operate facilities for persons with a disability, as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with:

(a) for programs or entities licensed or certified by the Department of Human Services, the Department of Human Services as provided in Title 62A, Chapter 5, Services to People with Disabilities; and

(b) for programs or entities licensed or certified by the Department of Health, the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.