

1st Sub. S.B. 68

PLACEMENT OF CERTAIN RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY

HOUSE FLOOR AMENDMENTS

AMENDMENT 8

FEBRUARY 22, 2001 4:37 PM

Representative **Holdaway** proposes the following amendments:

1. Page 1, Line 12: After "**also**" insert "**provides a coordination clause and**"
2. Page 2, Line 42: After "within" delete "1,000" and insert "500" and after "provide" insert ", in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities"
3. Page 3, Line 80: After "within" delete "1,000" and insert "500" and after "provide" insert ", in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities"
4. Page 4, Line 93: After line 93 insert:

"Section 3. **Coordination clause.**
If this bill and 1st Substitute H.B. 90, Residential Facilities For Persons With A Disability, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, shall:

 - (1) Revise Subsection 10-9-605(2) to read as follows:
 - "(2) Each municipality shall adopt an ordinance for residential facilities for persons with a disability. The ordinance:
 - (a) shall:
 - (i) 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.; and
 - ~~[(b)]~~ (ii) [may require, if consistent with Subsection (2)(a), residential facilities] to the extent required by federal law, provide that a residential facility for persons with a disability [to be reasonably dispersed throughout the municipality] is a permitted use in any zoning area where residential dwellings are allowed; and
 - ~~[(c)]~~ (b) [shall provide that a residential facility] may require

residential facilities for persons with a disability:

~~[(i) is a permitted use in any zoning area where residential dwellings are allowed; and]~~

(i) if consistent with the statutory provisions referred to in Subsection (2)(a)(i):

(A) to be reasonably dispersed throughout the municipality; and

(B) for residential facilities for persons with a disability that are substance abuse facilities and are located within 500 feet of a school, to provide, in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2,

Licensure of Programs and Facilities:

(I) 24-hour supervision for residents; and

(II) other 24-hour security measures; and

(ii) ~~[may only be required]~~ to obtain permits that verify compliance with the same building, safety, and health regulations ~~[that]~~ as are applicable in the same zoning area to similar ~~[structures]~~ uses that are not residential facilities for persons with a disability."

(2) Revise Subsection 17-27-605(2) to read as follows:

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

(a) shall:

(i) 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.; and

~~[(b)]~~ (ii) ~~[may require, if consistent with Subsection (2)(a), residential facilities]~~ to the extent required by federal law, provide that a residential facility for persons with a disability ~~[to be reasonably dispersed throughout the county]~~ is a permitted use in

any zoning area where residential dwellings are allowed; and

~~[(c)]~~ (b) ~~[shall provide that a residential facility]~~ may require residential facilities for persons with a disability:

~~[(i) is a permitted use in any zoning area where residential dwellings are allowed; and]~~

(i) if consistent with the statutory provisions referred to in Subsection (2)(a)(i):

(A) to be reasonably dispersed throughout the county; and

(B) for residential facilities for persons with a disability that are substance abuse facilities and are located within 500 feet of a school, to provide, in accordance with rules established by the

Department of Human Services under Title 62A, Chapter 2,

Licensure of Programs and Facilities:

(I) 24-hour supervision for residents; and

(II) other 24-hour security measures; and

(ii) [~~may only be required~~] to obtain permits that verify compliance with the same building, safety, and health regulations [~~that~~] as are applicable in the same zoning area to similar [~~structures~~] uses that are not residential facilities for persons with a disability.""