

1 **PLACEMENT OF GROUP HOMES - LOCAL**
2 **GOVERNMENT CONTROLS**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: L. Alma Mansell**

6 AN ACT RELATING TO THE MUNICIPAL CODE AND COUNTIES; MODIFYING
7 RESTRICTIONS THAT COUNTIES, CITIES, AND TOWNS MAY PLACE ON GROUP
8 HOMES; AND MAKING TECHNICAL CHANGES.

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

10 AMENDS:

11 **10-9-605**, as last amended by Chapters 21 and 140, Laws of Utah 1999

12 **17-27-605**, as last amended by Chapters 21 and 140, Laws of Utah 1999

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

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

15 **10-9-605. Residences for persons with a disability.**

16 (1) As used in this section:

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

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

19 (i) used predominantly for residential purposes;

20 (ii) in which any medical treatment is incidental to its use for residential purposes;

21 [(†)] (iii) in which more than one person with a disability resides; and

22 [(†)] (iv) (A) is licensed or certified by the Department of Human Services under Title
23 62A, Chapter 2, Licensure of Programs and Facilities; or

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

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

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

30 (b) may [~~require~~], if consistent with Subsection (2)(a)[~~;~~];

31 (i) require residential facilities for persons with a disability to be reasonably dispersed
32 throughout the municipality; and

33 (ii) impose reasonable restrictions on:

34 (A) the maximum number of occupants permitted to occupy a dwelling; and

35 (B) the number of dwellings that may occupy a lot; and

36 (c) shall provide that a residential facility for persons with a disability:

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

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

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

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

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

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

50 **17-27-605. Residences for persons with a disability.**

51 (1) As used in this section:

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

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

54 (i) used predominantly for residential purposes;

55 (ii) in which any medical treatment is incidental to its use for residential purposes;

56 [(†)] (iii) in which more than one person with a disability resides; and

57 [(†)] (iv) (A) is licensed or certified by the Department of Human Services under Title
58 62A, Chapter 2, Licensure of Programs and Facilities; or

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

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

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

65 (b) may ~~require~~, if consistent with Subsection (2)(a)~~;~~:

66 (i) require residential facilities for persons with a disability to be reasonably dispersed
67 throughout the county; and

68 (ii) impose reasonable restrictions on:

69 (A) the maximum number of occupants permitted to occupy a dwelling; and

70 (B) the number of dwellings that may occupy a lot; and

71 (c) shall provide that a residential facility for persons with a disability:

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

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

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

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

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

Legislative Review Note
as of 2-3-00 4:16 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel