

Representative Kory M. Holdaway proposes to substitute the following bill:

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:

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

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

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

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

35 (c) shall, to the extent required by federal law, provide that a residential facility for persons
36 with a disability~~[:-(i)]~~ is a permitted use in any zoning area where residential dwellings are
37 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) in which more than one person with a disability resides; and

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

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

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

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

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

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

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

70 (c) shall, to the extent required by federal law, provide that a residential facility for persons
71 with a disability~~[-(i)]~~ is a permitted use in any zoning area where residential dwellings are
72 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.