

Senator Ed P. Mayne proposes to substitute the following bill:

**PLACEMENT OF CERTAIN RESIDENTIAL
FACILITIES FOR PERSONS WITH A
DISABILITY**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Ed P. Mayne

This act modifies provisions relating to Counties and the Utah Municipal Code to modify the allowable restrictions that county and municipal ordinances may contain relating to residential facilities for persons with a disability. The act allows county and municipal ordinances, if consistent with federal and state law, to require supervision and security for residential substance abuse facilities located within a certain distance of a school. The act also 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



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

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

30 (a) shall:

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

33 ~~[(b)] (ii) [may require, if consistent with Subsection (2)(a), residential facilities] provide~~
34 ~~that a residential facility for persons with a disability [to be reasonably dispersed throughout the~~
35 ~~municipality] is a permitted use in any zoning area where residential dwellings are allowed; and~~

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

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

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

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

41 (B) for residential facilities for persons with a disability that are substance abuse facilities
42 and are located within 1,000 feet of a school, to provide:

43 (I) 24-hour supervision for residents; and

44 (II) other 24-hour security measures; and

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

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

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

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

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

57 **17-27-605. Residences for persons with a disability.**

58 (1) As used in this section:

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

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

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

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

63 Chapter 2, Licensure of Programs and Facilities; or

64 (B) is licensed or certified by the Department of Health under Title 26, Chapter 21, Health

65 Care Facility Licensing and Inspection Act.

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

68 (a) shall:

69 (i) comply with Title 57, Chapter 21, Utah Fair Housing Act, and the federal Fair Housing
70 Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq.; and71 ~~[(b)] (ii) [may require, if consistent with Subsection (2)(a), residential facilities] provide~~
72 ~~that a residential facility for persons with a disability [to be reasonably dispersed throughout the~~
73 ~~county] is a permitted use in any zoning area where residential dwellings are allowed; and~~74 ~~[(c)] (b) [shall provide that a residential facility] may require residential facilities for~~
75 ~~persons with a disability:~~76 ~~[(i) is a permitted use in any zoning area where residential dwellings are allowed; and]~~77 (i) if consistent with the statutory provisions referred to in Subsection (2)(a)(i):78 (A) to be reasonably dispersed throughout the county; and79 (B) for residential facilities for persons with a disability that are substance abuse facilities
80 and are located within 1,000 feet of a school, to provide:81 (I) 24-hour supervision for residents; and82 (II) other 24-hour security measures; and83 ~~(ii) [may only be required]~~ to obtain permits that verify compliance with the building,
84 safety, and health regulations that are applicable to similar structures.85 (3) The responsibility to license programs or entities that operate facilities for persons with
86 a disability, as well as to require and monitor the provision of adequate services to persons residing
87 in those facilities, shall rest with:

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

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