

1st Sub. S.B. 68

PLACEMENT OF CERTAIN RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY

HOUSE FLOOR AMENDMENTS

AMENDMENT 6

FEBRUARY 22, 2001 11:48 AM

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 Health"
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 Health"
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 Health:

(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 Health:

(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.""