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**RESIDENTIAL FACILITIES FOR ELDERLY  
PERSONS**

2010 GENERAL SESSION  
STATE OF UTAH

**Chief Sponsor: Bradley M. Daw**  
Senate Sponsor: Margaret Dayton

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to residential facilities for elderly persons.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions relating to residential facilities for elderly persons; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-9a-516**, as renumbered and amended by Laws of Utah 2005, Chapter 254

**17-27a-515**, as renumbered and amended by Laws of Utah 2005, Chapter 254

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

Section 1. Section **10-9a-516** is amended to read:

**10-9a-516. Residential facilities for elderly persons.**

(1) A residential facility for elderly persons may not operate as a business.



28 (2) A residential facility for elderly persons shall:  
 29 [~~(a) be owned by one of the residents or by an immediate family member of one of the~~  
 30 ~~residents or be a facility for which the title has been placed in trust for a resident;~~]

31 [~~(b)~~ (a) be consistent with any existing, applicable land use ordinance affecting the  
 32 desired location; and

33 [~~(c)~~ (b) be occupied on a 24-hour per day basis by [~~eight or fewer~~] elderly persons [~~in~~  
 34 ~~a family-type arrangement~~].

35 (3) A residential facility for elderly persons may not be considered a business because a  
 36 fee is charged for food or for actual and necessary costs of operation and maintenance of the  
 37 facility.

38 Section 2. Section **17-27a-515** is amended to read:

39 **17-27a-515. Residential facilities for elderly persons.**

40 (1) A residential facility for elderly persons may not operate as a business.

41 (2) A residential facility for elderly persons shall:

42 [~~(a) be owned by one of the residents or by an immediate family member of one of the~~  
 43 ~~residents or be a facility for which the title has been placed in trust for a resident;~~]

44 [~~(b)~~ (a) be consistent with any existing, applicable land use ordinance affecting the  
 45 desired location; and

46 [~~(c)~~ (b) be occupied on a 24-hour per day basis by [~~eight or fewer~~] elderly persons [~~in~~  
 47 ~~a family-type arrangement~~].

48 (3) A residential facility for elderly persons may not be considered a business because a  
 49 fee is charged for food or for actual and necessary costs of operation and maintenance of the  
 50 facility.

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**H.B. 401 - Residential Facilities for Elderly Persons**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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