

# HOUSE RESEARCH

## Bill Summary

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**Version:** As introduced

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**Subject:** Modifying requirements for licensed residential programs

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### Overview

This bill modifies requirements for licensed residential programs by restricting locations of licensed residential facilities; redefining permitted single-family uses; and granting discretionary zoning and land use powers for local units of government.

#### Section

- 1 **Residential programs; direct threat.** Amends §245A.04, by adding subdivision 14. Provides that a license holder must not knowingly admit a person to a residential program who would constitute a direct threat.
- 2 **Policy statement.** Amends §245A.11, subdivision 1. Adds that a local unit of government may enact land use or zoning statutes that balance the health and safety needs of current residents with the needs of persons who live in licensed residential programs.
- 3 **Permitted single-family use.** Amends §245A.11, subdivision 2. Deletes language providing that facilities treating juveniles who have violated criminal statutes relating to sex offenses are not a permitted single-family use. Adds the following list of programs that shall not be considered a permitted single-family use:
  - Programs for youths who have been adjudicated delinquent;
  - Programs for individuals who have a criminal record;

**Section**

- Programs for individuals who are sex offenders;
- Programs for individuals who have been convicted of the sale or manufacture of illegal drugs;
- Programs for individuals who currently use illegal drugs; or
- Programs who have a resident whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

This list conforms with the list of characteristics cited in the Joint Statement of the Department of Justice and the Department of Housing and Urban Development regarding individuals who are not covered by the disability discrimination provisions of the Fair Housing Act when their claim of disability rests solely on the basis of the above characteristics.

- 4** **Location of residential programs.** Amends §245A.11, subdivision 4. Adds that a local unit of government may prohibit residential facilities within one mile of any school, licensed child care center, park, playground, or other place where children are known to congregate. States that an owner-occupied facility providing foster care may not be prohibited.
- 5** **Effective date.** This act is effective the day following final enactment.