



Dannel P. Malloy
Governor

State of Connecticut
Department of Developmental Services

DDS

Jordan A. Scheff
Acting Commissioner

**DEPARTMENT OF DEVELOPMENTAL SERVICES TESTIMONY
BEFORE THE COMMITTEE ON PLANNING AND DEVELOPMENT**

February 22, 2017

Senators Cassano and Logan, Representatives Lemar and Zawistowski and members of the Committee on Planning and Development. I am Jordan Scheff, Acting Commissioner of the Department of Developmental Services (DDS) and I appreciate the opportunity to submit testimony regarding **Proposed [H.B. No. 6601](#) AN ACT CONCERNING THE MUNICIPAL FISCAL IMPACT OF GROUP HOMES** and **Proposed [H.B. No. 6931](#) AN ACT CONCERNING STATE AND MUNICIPAL COLLABORATION FOR THE PROTECTION OF VULNERABLE INDIVIDUALS.**

First on **Proposed [H.B. No. 6601](#)**, I must express concerns about any legislation which might potentially hinder DDS's ability to support families in community settings. I am aware of concerns which have been expressed regarding a perceived overreliance on municipal resources by state agencies that operate or contract with community provider agencies to support licensed Community Living Arrangements (CLAs) or "group homes" in certain areas of the state. However, I must remind policy makers that individuals with intellectual disability, and their families, have a right to choose where they wish to live, often close to their friends, families and the community resources that they rely on and have a right to access as contributing citizens of Connecticut.

As the committee considers any group home legislation this session, please be aware that DDS, through its public employees and in its extensive community provider network, supports individuals with intellectual disability in 874 licensed group homes across Connecticut, as well as in a variety of other types of residential settings across the state. With that, I offer you the following information:

DDS is strongly opposed to the requirement of municipal notification prior to the development of any group home. Additionally, the department cannot support legislation that allows for municipal review of placements in DDS-funded residential programs. Nearly 17,000 individuals with intellectual disability in Connecticut have been found eligible for DDS supports. These individuals reside in family homes, community companion homes (CCHs), continuous residential supports (CRSs) and in 874 Community Living Arrangements (CLAs), or "group homes" of which 50 are operated by DDS and 824 are operated by qualified community providers. These individuals live and work, go to school, and enjoy the many opportunities that Connecticut communities provide. For those individuals funded by DDS living in communities, federal HIPAA protections and state laws do not permit DDS to divulge any information concerning an individual to municipal officials, neighbors, or other residents. This privacy protection is no different than that enjoyed by any community resident. However, DDS can assure communities that each individual we serve has an individualized service plan that identifies his or her specific needs. As a

result of these planned services and supports, staff decisions are made to assure that the individual is successful in the community and is receiving the appropriate level of supervision and support.

DDS CLAs also are subject to rigorous licensing regulations and periodic quality management reviews. Town residents, who perceive any failure to adhere to licensing requirements, may seek to have the local authorities petition the DDS Commissioner to revoke a DDS CLA license on the grounds that such community residence is not in compliance with the provisions of any statute or regulation concerning the operation of such residence. To date, there have been few such petitions to the Commissioner because CLAs, licensed by DDS, are enormously successful in providing and maintaining a quality of life to which both residents and neighbors are entitled.

It would be contrary to established legal rights of individuals with intellectual disability or other disabilities to require notice to communities when a group home is first moving into an area. This would clearly violate these individual's rights to live freely in the community and would reinforce long fought stereotypes about excluding persons with disabilities from our communities. Persons with disabilities share the same rights as everyone else in choosing where to live. The Federal Fair Housing Act, originally created to protect the rights of minority groups to live where they choose, was extended in 1988 to specifically protect persons with disabilities. All of us are required to abide by this federal law.

The following laws apply to the siting of a DDS group home in Connecticut:

(1) The Federal Fair Housing Act (42 U.S.C.3601 et seq.) prohibits local zoning rules to discriminate in housing opportunities for the disabled and makes it unlawful to deny a dwelling to any buyer or renter because of a disability;

(2) the Americans With Disabilities Act prohibits discrimination on the basis of disability in employment, state and local government services, public transportation, public accommodations, commercial facilities, and telecommunications and requires that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity;

(3) Connecticut General Statute 8-3e requires that no zoning regulation shall treat "any community residence which houses six or fewer persons with intellectual disability and necessary staff persons and which is licensed under the provisions of section 17a-227" in a manner different from any "single family residence"; and

(4) the Connecticut Constitution, Article XXI of Amendments provides for equal protection and non-discrimination for persons with physical or mental disabilities.

Although there is recourse available under state statute if a DDS group home is not run properly, such situations, as noted above, are almost non-existent. Private providers must comply with detailed contractual obligations as well as DDS licensing regulations. These regulations are available online at the following link: <http://www.ct.gov/dds/cwp/view.asp?a=2839&q=331634>

The department will continue to encourage its providers and DDS employees to be good neighbors, in the 874 CLAs statewide, while respecting the legally protected privacy rights and other legal rights of individuals with intellectual disability. We respectfully request and encourage members of the legislature, as representatives for all Connecticut towns and cities, to support these rights as well.

It is important to note that the federal government, through the Centers for Medicare and Medicaid Services (CMS) has issued clear guidance that individuals with intellectual disability and other developmental disabilities should have the opportunity to live in the least restrictive setting possible. States are being asked to carefully review how and where residential supports and services are provided to individuals who are funded through federal Medicaid Home and

Community-Based Services Waivers and there is now a heightened focus on community integration and choice.

While the cost of services and supports provided by the state is certainly worth review to ensure that state funds are being spent appropriately and prudently, homes for persons with disabilities should not be singled out as opposed to other households in a community that might have a higher reliance on community services and supports that are available to all residents.

I would like to add that specific addresses, as well as copies of all CLA licensing reports are available by town on the DDS website. In addition, DDS works closely with regional and municipal emergency response and management organizations to assure proper planning and response for individuals with intellectual disability. DDS understands that a good relationship with a municipality is important to DDS's continued success as a support system for individuals with intellectual disability. We will continue to do our best to maintain the trust that has been bestowed on the department by individuals, families, and all community stakeholders.

Regarding **Proposed [H.B. No. 6931](#)**, DDS is unclear as to what this proposal is actually trying to do. I would refer the committee to my statements above if the intent is to contemplate any restrictions on group home siting. Regardless, the terminology ("behaviorally, developmentally or physically impaired individuals") in the bill does not reflect preferred respectful, person-first language that the department has worked hard to promote over past sessions. I would request that if the bill moves forward, new wording for individuals with disabilities be contemplated. I would refer committee members to Governor Malloy's proposed bill this session **[S.B. No. 796](#) AN ACT CONCERNING THE USE OF RESPECTFUL AND PERSON-FIRST LANGUAGE**, for guidance on best terminology when referring to individuals with disabilities in state statutes.

Thank you again for the opportunity to submit testimony on **Proposed [H.B. No. 6601](#)** and **Proposed [H.B. No. 6931](#)**. I am happy to answer any questions you may have for me at this time. Additionally, you may contact Christine Pollio Cooney, DDS Director of Legislative and Executive Affairs at (860) 418-6066 with any follow up questions.