



State of Connecticut
Department of Developmental Services

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Governor

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Deputy Commissioner

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

March 16, 2018

Senators Cassano and Logan, Representatives Lemar and Zawistowski and members of the Planning and Development Committee. I am Jordan A. Scheff, Commissioner of the Department of Developmental Services (DDS). Thank you for the opportunity to submit testimony on [H.B. No. 5510](#) AN ACT CONCERNING THE ZONING OF GROUP HOMES.

I would like to thank the Planning and Development Committee for raising this bill, which states that no Connecticut municipality, either by ordinance or regulation, would be allowed to prevent a community-based residential facility for persons with disabilities or for persons recovering from substance abuse from being located in a community. While DDS, over the years, has testified against bills that would have allowed municipalities to restrict the rights of persons with disabilities to live in their communities, we believe the intent of this bill is in line with current federal laws that protect the rights of individuals with disabilities to choose where they live.

As background for our support of this bill, I would offer the following information on how DDS both protects the individuals that we serve and integrates them successfully into varied communities. DDS supports nearly 17,000 individuals with intellectual disability in Connecticut. These individuals reside in family homes, community companion homes continuous residential supports and in 879 Community Living Arrangements (CLAs) that DDS licenses, funds, or directly operates. 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 Health Information Portability and Accountability Act (HIPAA) protections and state laws do not permit DDS to divulge any information concerning an individual to municipal officials, neighbors, or concerned 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

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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.

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> DDS also works closely with regional and municipal emergency response and management organizations to assure proper planning and response for individuals with intellectual disability.

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 and 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 Waivers and there is now a heightened focus on community integration and choice.

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.

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.

Thank you again for the opportunity to offer testimony on [H.B. No. 5510](#) AN ACT CONCERNING THE ZONING OF GROUP HOMES. If you have any questions, please contact Christine Pollio Cooney, DDS Director of Legislative and Executive Affairs at (860) 418-6066.