



State of Connecticut
Department of Developmental Services

DDS

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Commissioner

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Deputy Commissioner

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

February 13, 2019

Senators Cassano and Champagne, Representatives McCarthy Vahey and Zawistowski and members of the Committee on Planning and Development. I am Jordan Scheff, Commissioner of the Department of Developmental Services (DDS) and I appreciate the opportunity to submit testimony regarding **Proposed H.B. No. 6352 AN ACT CONCERNING THE ZONING OF COMMUNITY RESIDENCES AND CHILDCARE RESIDENTIAL FACILITIES.**

Proposed H.B. No. 6352 seeks to clarify the siting restriction in section 8-3f CGS requiring community residences (i.e., group homes) and child-care residential facilities (i.e., group homes for children) to be at least 1,000 feet apart from one another. While the bill does not include language that directly cites this detail, I would ask the committee to proceed with caution if this bill were to move forward.

If the clarification, which the department has noted is not detailed in the proposed bill, were to lead to the determination that an existing DDS group home was out of compliance with the revision to the existing 1,000 foot rule, then potentially the home for individuals with intellectual disability would have to be relocated or closed, which would disrupt the lives of individuals residing in this home in profound ways. Any closure or relocation of a home also would have a serious financial and programmatic impact on the qualified private provider agency that owns and provides services in the home.

I would be happy to discuss any clarification of section 8-3f with the proponents of the bill and with members of the Planning and Development Committee. But, as in years past, I must express concerns about any legislation which might potentially hinder DDS's ability to support families in community settings. Policy makers should understand that an individual with intellectual disability, and his or her family, has a right to choose where the individual wishes to live, often close to friends, family and community resources that they rely on and have a right to access as a contributing citizen of Connecticut.

As the committee considers any legislation affecting group homes this session, please be aware that DDS, through its public employees and in its extensive community provider network, supports individuals with intellectual disability in 885 licensed group homes across Connecticut, as well as in a variety of other types of residential settings across the state. 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 885 Community Living Arrangements (CLAs), or "group homes" of which 34 are operated by DDS and 851

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are operated by qualified community providers. These individuals live and work, go to school, and enjoy the many opportunities that Connecticut communities provide.

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.

Legislation that creates boundaries for where an individual with intellectual disability may live violates an 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.

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) CGS8-3e 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.

As noted above, if a DDS group home is not run properly there is recourse available under state statute, although these situations 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 885 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.

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 the department'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 submit testimony on **Proposed [H.B. No. 6352](#) AN ACT CONCERNING THE ZONING OF COMMUNITY RESIDENCES AND CHILDCARE RESIDENTIAL FACILITIES**. Please contact Krista Ostaszewski, DDS Director of Legislative Affairs at (860) 418-6066 with any follow up questions.