STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2346 By: Key

COMMITTEE SUBSTITUTE

An Act relating to property; amending 60 O.S. 1991, Section 863, as amended by Section 44, Chapter 354, O.S.L. 1996 (60 O.S. Supp. 1997, Section 863), which relates to the Community Residential Living for Persons with Developmental or Physical Disabilities Act; requiring notice; specifying time period; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 60 O.S. 1991, Section 863, as amended by Section 44, Chapter 354, O.S.L. 1996 (60 O.S. Supp. 1997, Section 863), is amended to read as follows:

Section 863. A. 1. A group home is a residential use of property for the purposes of zoning and shall be treated as a permitted use in all residential zones or districts, including all single-family residential zones or districts of all political subdivisions of this state. No political subdivision may require that a group home, its owner, or operator obtain a conditional use permit, special use permit, special exception, or variance different from those required for other dwellings of similar density in the same zone; provided, however, prior to the establishment of a group home in any residential area within a political subdivision, the owner of such home shall file with the political subdivision an application for the establishment of such group home in such residential area. The political subdivision shall ~~provide for notice to be given~~ <u>require the group home applicant to give notice at least thirty (30) days prior to the</u>

action taken on such application to all affected real property owners. The notice shall contain a legal description of the property and the street address or approximate location of the group home.

2. For the purposes of this section, the term "affected real property owners" shall mean all owners of real property which is located within three hundred (300) feet of the exterior boundary of the property on which the group home is to be located. The political subdivision may deny the application if the owner of the group home fails to obtain a license from the Department of Human Services or if the group home fails to comply with the spacing requirements of subsection B of this section.

~~2.~~ 3. After the initial approval process, the political subdivision shall have the right to require a rezoning application, special exception, or variance filing and a public hearing, if such procedures are normally required for any other similar use in the zoning district.

B. 1. Any rules promulgated by the State Board of Health for purposes of implementing the Community Residential Living for Persons with Developmental or Physical Disabilities Act shall remain in effect until such rules are superseded by rules promulgated by the Commission for Human Services, pursuant to this section. At such time, rules promulgated by the State Board of Health shall terminate.

2. For the purposes of safeguarding the health and safety of persons with developmental or physical disabilities and avoiding an over-concentration of group homes, either along or in conjunction with similar community-based residences, within one hundred eighty (180) days of the effective date of the Community Residential Living for Persons with Developmental or Physical Disabilities Act, the Commission for Human Services shall promulgate rules which shall encompass the following matters:

a. limitations on the number of new group homes to be permitted on blocks, block faces, and other appropriate geographic areas, to one thousand two hundred (1,200) feet between group homes, or similar

community residential facilities serving persons in drug, alcohol, juvenile, child, parole, and other programs of treatment, care, supervision, or rehabilitation in a community setting,

b. assurance that adequate arrangements are made for the residents of group homes to receive such care and habilitation as is necessary and appropriate to their needs and to further their progress towards independent living,

c. protection of the health and safety of the residents of group homes. Compliance with these rules shall not relieve the operator of any group home of the obligation to comply with the requirements or standards of a political subdivision pertaining to building, housing, health, fire, safety, and motor vehicle parking space that generally apply to single-family residences in the zoning district. No requirements for business licenses, gross receipt taxes, environmental impact studies, or clearances may be imposed on such homes if such fees, taxes, or clearances are not imposed on all structures in the zoning district housing a like number of persons. A group home shall not be excluded from a single family zone as a result of requirements promulgated by the Commission,

d. procedures by which a resident of a residential zoning district or the governing body of a political subdivision in which a group home is, or is to be, located may petition the Department of Human Services to deny an application for a license to operate a group home on the grounds that the operation of such a home would be in violation of the limits established pursuant to the provisions of subparagraph a of this paragraph ~~2 of subsection B of this section~~, and

e. fees for licenses or renewal of licenses required by this section.

C. In order to facilitate the implementation of subparagraph a of paragraph 2 of subsection B of this section, the Department shall maintain a list of the location, capacity, and current occupancy of all group homes. The Department shall ensure that this list shall not contain the names or other identifiable information about any residents of such home and that copies of this list shall be available upon request to any resident of this state and any state agency or political subdivision.

SECTION 2. This act shall become effective November 1, 1998.

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