

HOUSE BILL NO. 28

Introduced: 01/03/83

Referred to Committee on Human services: 01/03/83

Hearing: 1/12/83

Report: 01/20/83, Do Pass, As Amended

2nd Reading: 01/22/83, Do Pass

3rd Reading: 01/25/83, Do Pass

Transmitted to Senate: 1/25/83

Referred to Committee on Public Health, Welfare, & Safety:

01/26 83

Hearing: 3/2/83

Report: 03/05/83, Be Not Concurred In. Report Adopted.

Bill Killed

1 HOUSE BILL NO. 28
2 INTRODUCED BY KITSELMAN
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE AN
5 INFORMATIONAL HEARING PRIOR TO THE CONSTRUCTION OR OCCUPANCY
6 OF ANY FOSTER OR BOARDING HOME OR COMMUNITY RESIDENTIAL
7 FACILITY LICENSED BY THE STATE; AMENDING SECTION 76-2-314,
8 MCA."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 Section 1. Section 76-2-314, MCA, is amended to read:
12 "76-2-314. Relationship of foster homes, boarding
13 homes, and community residential facilities to zoning. (1) A
14 foster or boarding home operated under the provision of
15 41-3-501 through 41-3-504 or community residential facility
16 serving eight or fewer persons is considered a residential
17 use of property for purposes of zoning if the home provides
18 care on a 24-hour-a-day basis.
19 (2) The homes are a permitted use in all residential
20 zones, including but not limited to residential zones for
21 single-family dwellings. Any safety or sanitary regulation
22 of the department or any other agency of the state or
23 political subdivision thereof which is not applicable to
24 residential occupancies in general may not be applied to a
25 community residential facility serving eight or fewer

1 persons.

2 ~~(3) Prior to the construction or initial occupancy,~~
3 ~~whichever is earlier, of a facility permitted under this~~
4 ~~section, the zoning commission shall hold a hearing to~~
5 ~~facilitate the exchange of information about such facility.~~
6 ~~Notice of the hearing shall be given to the licensing~~
7 ~~agency, the owner or operator of the home, and all owners of~~
8 ~~real property located within 300 feet of the property of the~~
9 ~~facility. The hearing shall be held within the neighborhood~~
10 ~~of the facility at a time convenient to the property owners.~~
11 ~~(3)(4)~~ Nothing in this section shall be construed to
12 prohibit a city or county from requiring a conditional use
13 permit in order to maintain a home pursuant to the
14 provisions of this section provided such home is licensed by
15 the department of health and environmental sciences and the
16 department of social and rehabilitation services."

-End-

INTRODUCED BILL

HB 28

Approved by Comm. On Human Services

HOUSE BILL NO. 28

INTRODUCED BY KITSELMAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE AN INFORMATIONAL HEARING MEETING PRIOR TO THE CONSTRUCTION OR OCCUPANCY OF ANY FOSTER OR BOARDING HOME OR COMMUNITY RESIDENTIAL FACILITY LICENSED BY THE STATE; AMENDING SECTION 76-2-314, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-2-314, MCA, is amended to read:

"76-2-314. Relationship of foster homes, boarding homes, and community residential facilities to zoning. (1) A foster or boarding home operated under the provision of 41-3-501 through 41-3-504 or community residential facility serving eight or fewer persons is considered a residential use of property for purposes of zoning if the home provides care on a 24-hour-a-day basis.

(2) The homes are a permitted use in all residential zones, including but not limited to residential zones for single-family dwellings. Any safety or sanitary regulation of the department or any other agency of the state or political subdivision thereof which is not applicable to residential occupancies in general may not be applied to a community residential facility serving eight or fewer

persons.

~~(3) Prior (A) EXCEPT AS PROVIDED IN SUBSECTION (B), PRIOR to the construction or initial occupancy, whichever is earlier, of a facility permitted under this section, the zoning commission shall hold a hearing MEETING to facilitate the exchange of information about such facility. Notice of the hearing MEETING shall be given to the licensing agency, the owner or operator of the home, and all owners of real property located within 300 feet of the property of the facility. THE EXPENSES FOR THE MEETING, INCLUDING THE NOTICE, SHALL BE BORNE BY THE OPERATOR OF THE HOME. The hearing shall be held within--the--neighborhood--of--the facility--at-a-time-convenient-to-the-property-owners DURING THE EVENING IN A PUBLIC BUILDING.~~

~~(B) ADULT FOSTER FAMILY CARE HOMES LICENSED PURSUANT TO TITLE 53, CHAPTER 5, PART 3, AND YOUTH FOSTER CARE HOMES LICENSED PURSUANT TO TITLE 42, CHAPTER 3, PART 5 ARE EXEMPT FROM THE HEARING REQUIREMENT PROVIDED IN SUBSECTION (A).~~

~~(3)(4) Nothing in this section shall be construed to prohibit a city or county from requiring a conditional use permit in order to maintain a home pursuant to the provisions of this section provided such home is licensed by the department of health and environmental sciences and the department of social and rehabilitation services."~~

-End-

HOUSE BILL NO. 28

INTRODUCED BY KITSELMAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE AN INFORMATIONAL HEARING ~~MEETING~~ PRIOR TO THE CONSTRUCTION OR OCCUPANCY OF ANY FOSTER OR BOARDING HOME OR COMMUNITY RESIDENTIAL FACILITY LICENSED BY THE STATE; AMENDING SECTION 76-2-314, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-2-314, MCA, is amended to read:

"76-2-314. Relationship of foster homes, boarding homes, and community residential facilities to zoning. (1) A foster or boarding home operated under the provision of 41-3-501 through 41-3-504 or community residential facility serving eight or fewer persons is considered a residential use of property for purposes of zoning if the home provides care on a 24-hour-a-day basis.

(2) The homes are a permitted use in all residential zones, including but not limited to residential zones for single-family dwellings. Any safety or sanitary regulation of the department or any other agency of the state or political subdivision thereof which is not applicable to residential occupancies in general may not be applied to a community residential facility serving eight or fewer

persons.

~~(3) Prior (4) EXCEPT AS PROVIDED IN SUBSECTION (8), PRIOR to the construction or initial occupancy, whichever is earlier, of a facility permitted under this section, the zoning commission shall hold a hearing MEETING to facilitate the exchange of information about such facility. Notice of the hearing MEETING shall be given to the licensing agency, the owner or operator of the home, and all owners of real property located within 300 feet of the property of the facility. THE EXPENSES FOR THE MEETING, INCLUDING THE NOTICE, SHALL BE BORNE BY THE OPERATOR OF THE HOME. The hearing shall be held within--the--neighborhood--of--the facility--at-a-time-convenient-to-the-property-owners DURING THE EVENING IN A PUBLIC BUILDING.~~

~~(8) ADULT FOSTER FAMILY CARE HOMES LICENSED PURSUANT TO TITLE 53, CHAPTER 5, PART 3, AND YOUTH FOSTER CARE HOMES LICENSED PURSUANT TO TITLE 43, CHAPTER 3, PART 5 ARE EXEMPT FROM THE HEARING REQUIREMENT PROVIDED IN SUBSECTION (4).~~

~~(3)(4) Nothing in this section shall be construed to prohibit a city or county from requiring a conditional use permit in order to maintain a home pursuant to the provisions of this section provided such home is licensed by the department of health and environmental sciences and the department of social and rehabilitation services."~~

-End-