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HOUSE BILL NO. 1307

Offered January 22, 2010

A *BILL to amend the Code of Virginia by adding a section numbered 15.2-2292.1, relating to temporary family healthcare structures.*

Patrons—Griffith, Edmunds, Surovell and Wright

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2292.1 as follows:

§ 15.2-2292.1. Zoning provisions for temporary family healthcare structures.

A. Zoning ordinances for all purposes shall consider temporary family healthcare structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures.

B. For purposes of this section:

"Caregiver" means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

"Mentally or physically impaired person" means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § 63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth.

"Temporary family healthcare structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that is primarily assembled at a location other than its site of installation and that complies with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401-5426).

C. Any temporary family healthcare structure installed pursuant to this section shall be removed within 90 days after the need for such structure concludes.

INTRODUCED

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