

# 2010 SESSION

## HOUSE SUBSTITUTE

10104793D

### HOUSE BILL NO. 967

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on Counties, Cities and Towns  
on January 29, 2010)

(Patron Prior to Substitute—Delegate Peace)

A *BILL to amend and reenact § 15.2-2291 of the Code of Virginia, relating to assisted living facilities and group homes.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-2291 of the Code of Virginia is amended and reenacted as follows:**

§ 15.2-2291. Assisted living facilities and group homes of eight or fewer single-family residence.

A. Zoning ordinances for all purposes shall consider a residential facility in which no more than eight individuals with mental illness, mental retardation, or developmental disabilities reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family. For the purposes of this subsection, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in § 54.1-3401 or any offense for which a sex offender is listed on the registry pursuant to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.). No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this subsection, "residential facility" means any group home or other residential facility for which the Department of Behavioral Health and Developmental Services is the licensing authority pursuant to this Code.

B. Zoning ordinances in the Counties of Arlington and York for all purposes shall consider a residential facility in which no more than eight aged elderly, infirm or disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this subsection, "residential facility" means any ~~group home~~ assisted living facility or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the Department of Social Services is the licensing authority pursuant to this Code. *For purposes of this subsection, disabled persons shall not include those currently engaged in the illegal use of or addiction to a controlled substance as defined in § 54.1-3401 or a registered sex offender pursuant to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.).*

C. Zoning ordinances in the Cities of Lynchburg and Suffolk for all purposes shall consider a residential facility in which no more than four aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage or adoption shall be imposed on such facility. For purposes of this subsection, "residential facility" means any group home or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the Department of Social Services is the licensing authority pursuant to this Code.

HOUSE  
SUBSTITUTE

HB967H1