

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-2291 of the Code of Virginia, relating to assisted living facilities*  
3 *and group homes.*

4  
5 Approved

[S 338]

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

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

8 § 15.2-2291. Assisted living facilities and group homes of eight or fewer single-family residence.

9 A. Zoning ordinances for all purposes shall consider a residential facility in which no more than  
10 eight individuals with mental illness, mental retardation, or developmental disabilities reside, with one or  
11 more resident counselors or other staff persons, as residential occupancy by a single family. For the  
12 purposes of this subsection, mental illness and developmental disability shall not include current illegal  
13 use of or addiction to a controlled substance as defined in § 54.1-3401. No conditions more restrictive  
14 than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be  
15 imposed on such facility. For purposes of this subsection, "residential facility" means any group home or  
16 other residential facility for which the Department of Behavioral Health and Developmental Services is  
17 the licensing authority pursuant to this Code.

18 B. Zoning ordinances in the Counties of Arlington and York for all purposes shall consider a  
19 residential facility in which no more than eight ~~aged, infirm~~ elderly or disabled persons reside, with one  
20 or more resident counselors or other staff persons, as residential occupancy by a single family. No  
21 conditions more restrictive than those imposed on residences occupied by persons related by blood,  
22 marriage, or adoption shall be imposed on such facility. For purposes of this subsection, "residential  
23 facility" means any ~~group home~~ assisted living facility or residential facility in which ~~aged, infirm~~  
24 elderly or disabled persons reside with one or more resident counselors or other staff persons and for  
25 which the Department of Social Services is the licensing authority pursuant to this Code.

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