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SENATE BILL NO. 340

Offered January 8, 2014

Prefiled January 7, 2014

A *BILL to amend and reenact § 15.2-2291 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 36-99.5:2, relating to group homes.*

Patron—Puller

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2291 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 36-99.5:2 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, intellectual disability, 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. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility, *except as provided in subsection C*. 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 for all purposes shall consider a residential facility in which no more than eight 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, *except as provided in subsection C*. For purposes of this subsection, "residential facility" means any 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.

C. A locality may by ordinance provide that any party desiring to establish a public or private residential facility as defined in subsection A or B, including a residential facility in which no more than eight individuals live with one or more resident staff persons, must first provide public notice and participate in a public hearing in accordance with § 15.2-2204.

§ 36-99.5:2. Smoke detectors and other fire detection and suppression systems in group homes.

A. Battery- or AC-powered smoke detector devices shall be installed in each assisted living facility and group home of eight or fewer as defined in § 15.2-2291, regardless of when the building was constructed. The location and installation of the smoke detectors shall be determined by the Uniform Statewide Building Code.

The operator of the facility or group home shall obtain a certificate of compliance from the building official of the locality in which the facility or home is located, or in the case of state-owned buildings, from the Department of General Services.

The operator shall maintain the smoke detector devices in good working order.

B. The Board of Housing and Community Development shall adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) establishing standards for requiring (i) smoke detectors and (ii) such other fire detection and suppression systems as deemed necessary by the Board to increase the safety of persons in assisted living facilities and group homes of eight or fewer as defined in § 15.2-2291. All such facilities and homes that are already equipped with sprinkler systems shall comply with regulations relating to smoke detectors.

INTRODUCED

SB340