

20101148D

**HOUSE BILL NO. 828**

Offered January 8, 2020

Prefiled January 7, 2020

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

---

Patron—Sullivan

---

Referred to Committee on Counties, Cities and Towns

**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, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident 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. 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. 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. *Localities shall require that any such residential facility as defined in subsection A or B approved by the locality on or after July 1, 2020, not be located within one-quarter mile of an existing residential facility as defined in subsection A or B, provided such enforcement is in compliance with applicable state and federal fair housing laws.*

INTRODUCED

HB828