

1989

## Session Law 89-372

Florida Senate & House of Representatives

Follow this and additional works at: <https://ir.law.fsu.edu/staff-analysis>



Part of the Legislation Commons

---

### Recommended Citation

House of Representatives, Florida Senate &, "Session Law 89-372" (1989). *Staff Analysis*. 1165.  
<https://ir.law.fsu.edu/staff-analysis/1165>

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact [efarrell@law.fsu.edu](mailto:efarrell@law.fsu.edu).

B  
I  
L  
L  
  
H  
I  
S  
T  
O  
R  
Y

**H 1269 GENERAL BILL/CS/CS by Rules & Calendar; Health & Rehabilitative Services; Frankel; Press; Sansom; Canady; Tobin; Holzendorf; Ireland; Bloom; Stone; Friedman; Wise; Abrams and others (Compare CS/S 1061)**  
**Community Residential Homes; provides siting requirements for certain community residential homes, including certain required notice; provides duties & authority of district administrators of H.R.S. Dept. & local govts. with respect thereto; provides for mediation of conflicts; provides for certain denial or nullification of license to operate such home; requires dept. to establish statewide registry of all licensed community residential homes, etc. Effective Date: 10/01/89.**

03/23/89 HOUSE Prefiled  
 03/27/89 HOUSE Referred to Health & Rehabilitative Services; Appropriations  
 04/04/89 HOUSE Introduced, referred to Health & Rehabilitative Services; Appropriations -HJ 122  
 04/07/89 HOUSE On Committee agenda—Health & Rehabilitative Services, 04/11/89, 3:30 pm, 314-HOB—For ratification to subcommittee  
 04/11/89 HOUSE Subreferred to Subcommittee on Social, Economic and Developmental Services  
 04/13/89 HOUSE On subcommittee agenda—Health & Rehabilitative Services, 04/17/89, 3:45 pm, 314-HOB  
 04/17/89 HOUSE Subcommittee Recommendation: Favorable as a proposed CS  
 04/21/89 HOUSE On Committee agenda—Health & Rehabilitative Services, 04/25/89, 8:30 am, 314-HOB  
 04/25/89 HOUSE Preliminary Committee Action by Health & Rehabilitative Services: Favorable as a CS  
 05/02/89 HOUSE Comm. Report: CS by Health & Rehabilitative Services -HJ 338; CS read first time -HJ 336; Now in Appropriations -HJ 338  
 05/15/89 HOUSE Also referred to Rules & Calendar -HJ 483; On Committee agenda—Appropriations, 05/16/89, 8:00 am, 21-HOB—Temporarily passed  
 05/18/89 HOUSE Withdrawn from Appropriations -HJ 530; Now in Rules & Calendar  
 05/23/89 HOUSE On Committee agenda—Rules & Calendar, 05/23/89, 1:30 pm, 413-C  
 05/24/89 HOUSE On Committee agenda—Rules & Calendar, 05/24/89, 8:00 am, 413-C—Not considered; Comm. Report: CS/CS by Rules & Calendar, placed on Calendar -HJ 630; CS read first time -HJ 629  
 05/26/89 HOUSE Placed on Special Order Calendar; Read second time -HJ 661; Read third time; CS passed; YEAS 73 NAYS 36 -HJ 662  
 05/26/89 SENATE In Messages  
 05/30/89 SENATE Received, referred to Community Affairs; Health and Rehabilitative Services; Appropriations -SJ 563  
 05/31/89 SENATE Withdrawn from Community Affairs; Health and Rehabilitative Services; Appropriations; Substituted for CS/SB 1061 -SJ 683; CS passed as amended; YEAS 37 NAYS 0 -SJ 684  
 05/31/89 HOUSE In Messages: Refused to concur, requested Senate to recede -HJ 983  
 06/01/89 SENATE In Messages: Recoded; CS passed; YEAS 23 NAYS 14 -SJ 748  
 06/01/89 Ordered enrolled  
 06/20/89 Signed by Officers and presented to Governor  
 07/06/89 Became Law without Governor's Signature; Chapter No. 89-372

**NOTES:** Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: h1269f.his/en/sg  
DATE: June 8, 1989

HOUSE OF REPRESENTATIVES  
COMMITTEE ON HEALTH & REHABILITATIVE SERVICES  
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/CS/HB 1269

RELATING TO: Community Residential Homes

SPONSOR(S): Committee on Rules and Calendar, Committee on Health and  
Rehabilitative Services, Representative Frankel and others

EFFECTIVE DATE: October 1, 1989

DATE BECAME LAW: July 6, 1989

CHAPTER #: 89-372, Laws of Florida

COMPANION BILL(S): SB 1061

OTHER COMMITTEES OF REFERENCE: (1)  
(2)

\*\*\*\*\*

1. SUMMARY:

133

Committee Substitute for Committee Substitute for House Bill 1269 provides for the establishment of community residential homes. It applies only to homes for the elderly, handicapped, physically disabled, developmentally disabled, nondangerous mentally ill, children in need of services or dependent children. Homes that are otherwise a community residential home but have six or fewer residents must notify local government of the siting of such home in a single-family or multi-family zoning district. A community residential home is a dwelling unit for 7 to 14 residents licensed by the Department of Health and Rehabilitative Services which provides a living environment for those residents. A sponsoring agency must notify local government of its intent to establish a community residential home in a multi-family zoning district. Local government then reviews the proposed siting in accordance with local zoning applicable to other multi-family uses. Local government must act within 60 days. Local government may only deny the siting if it does not comply with local zoning applicable to other multi-family uses, it does not meet HRS licensing criteria, or it would result in an overconcentration of homes that would substantially alter the area. An overconcentration of homes is determined by whether the home is located within a 1200 foot radius of another community residential home. Such homes must also be more than 500 feet from a single-family zoning district. Informal mediation procedures are provided. Disputes between local government and the agency would be resolved in the courts as they are now. The Department of HRS may not license a community residential home unless it has followed the procedures provided for in this act. A community residential home is considered a noncommercial residential use for the purpose of local laws and ordinances and these other ordinances, such as limitations on square

footage or number of occupants would still apply. Persons who present a threat to the health and safety of others or who would damage the property of others are not permitted in community residential homes.

The Department of HRS is required to establish a statewide registry of licensed community residential homes in order to improve planning for such homes. The Department of HRS is also required to provide technical assistance to local government to assist in their planning and education with respect to community residential homes. The registry may not release confidential information.

**A. PRESENT SITUATION:**

One of the purposes of HRS is to "prevent or reduce inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care". (See s. 20.19(1)(e), F.S). Throughout chapters 39, 393, 394, 400, 409, and 410 this theme is reiterated many times in the form of legislative findings as to the need for "deinstitutionalization", for placement of persons with special needs in the "least restrictive setting", and for placement of such individuals in "community residential facilities".

The development of homes that meet the definition of community residential homes is now determined by local ordinances. Zoning requirements vary by county and municipality. Placement of group homes has caused conflicts and misunderstandings within some local communities. Those jurisdictions with relatively open zoning have had more than their fair share of community residential homes while other jurisdictions have avoided having such homes developed within their jurisdiction. The state has a significant interest in the development of community residential homes. These homes provide a living environment for many of the clients of HRS. They include children who may be dependent and are placed in licensed child caring agencies. These agencies provide a significant service to the state by providing group homes for these children. Other group homes may serve the developmentally disabled in a licensed residential facility under s. 393.067, F.S. Still other homes may provide a living environment for the elderly in an adult congregate living facility. All of these facilities provide a service which is important to the state. Florida has recognized the benefits of providing services to these populations in the community. If such residences are not available in the community, the state's goal of providing community residences as established in s. 187.201(2)(b)14, (4)(b)4, and (6)(b)4, F.S., will not be met.

Under the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, s. 163.3161, F.S., local governments are required to address these issues in writing in their comprehensive plans. Local governments are not required to adopt specific ordinances. Plans already submitted to the Department of Community Affairs indicate that compliance with this provision has been "spotty, at best". Rule 9J-5.010, Florida Administrative Code, has several requirements related to

community residential homes. Rule 9J-5.010(1)(e) requires local governments to develop an inventory of group homes licensed by the department. Rule 9J-5.010(2)(f)(4) requires policies on the provision of adequate sites in residential areas or areas of residential character for group homes and foster care facilities. Rule 9J-5.010(3)(c)(6) requires policies which address implementation activities for the establishment of principles and criteria guiding the location of group homes and foster care facilities.

The Federal Fair Housing Act, P.L. 100-430, prohibits discrimination in housing on the basis of handicap. It is unclear whether the federal law includes zoning matters.

Community residential homes are not listed in any centralized fashion which would provide information to local governments to assist in the development of these homes. Further, HRS does not provide uniform assistance to local governments in their consideration of further development of community residential homes.

**B. EFFECT OF PROPOSED CHANGES:**

Committee Substitute for Committee Substitute for House Bill 1269 provides a uniform approach to the development of community residential homes for the aged, handicapped, physically disabled, developmentally disabled, children in need of services and dependent children; provides that homes with less than six residents are a permitted use in single-family or multi-family zoning districts; provides that in order to establish a home for 7 - 14 residents, agencies must notify local government of a site they have selected; provides for local government review of the site in accordance with local zoning; provides grounds for denial of the home; provides for mediation; provides that the Department of HRS shall not license community residential homes unless they comply with this process; provides that community residential homes are considered noncommercial residential uses and must comply with other applicable local ordinances; provides for grandfathering of existing homes; provides that persons who constitute a threat to the health and safety of others or whose residency would result in damage to the property of others would not be permitted in community residential homes; provides that siting of community residential homes in single-family zoning districts is governed by local law; provides that local governments are not required to adopt a new ordinance; provides for a statewide registry of community residential homes in the Department of HRS; and provides for technical assistance to local government by HRS.

134

**C. SECTION-BY-SECTION ANALYSIS:**

Section 1. Provides for site selection for community residential homes. Subsection (1) provides for definitions. A community residential home is limited to dwelling units which are licensed to serve clients of HRS and provide a living environment for 7 to 14 unrelated residents, not including caretakers. Local

**STORAGE NAME:** h1269f.hrs/en/sg

**DATE:** June 8, 1989

**PAGE:** 4

government means a county or municipality. A resident is limited to persons who are elderly, physically disabled, handicapped, developmentally disabled, nondangerous mentally ill, children in need of services, or dependent children. A sponsoring agency means anyone intending to establish or operate a community residential home.

Subsection (2) provides that homes for six or fewer residents which would otherwise be a community residential home are single-family units and are a noncommercial, residential use. They are allowed in single-family or multi-family zoning districts without approval by local government but may not be located within a radius of 1000 feet of another existing such home. Local government must be notified of the existence of the home at the time it is occupied.

Subsection (3) requires agencies, when they have selected a site for a community residential home, to notify the local government in writing. The notice must include the address of the site; the category of the license for the residential home, e.g., a licensed child caring agency; the number of residents in the home; the community support requirements of the program; a statement from the District Administrator of HRS indicating the need for and the licensing status of the proposed community residential home, specifying how the home meets the applicable licensing criteria for the safe care and supervision of the clients in the home, and including the most recently published data that identifies all community residential homes in the HRS district in which the proposed site is to be located. Local government reviews the site in accordance with local zoning. Local government may:

- (1) approve the site selected by the agency,
- (2) fail to respond within 60 days which allows the home to be sited, or
- (3) deny the siting.

Local government may deny the siting of the home only if:

- (1) it does not otherwise conform to zoning regulations applicable to other multi-family uses,
- (2) it does not meet applicable HRS licensing criteria, or
- (3) it would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, that the nature and character of the area would be substantially altered. An overconcentration of homes is determined by whether the home is located within a radius of 1200 feet of another community residential home. Community residential homes may not be within a 500 foot radius of a single-family zoning district.

Subsection (4) provides that all distance requirements are measured from the nearest point of an existing home or single-family zone to the nearest point of a proposed home.

Subsection (5) provides that if both parties agree, any conflict may be resolved through mediation. Whether the parties choose mediation or not, they still have all other remedies available under existing law.

Subsection (6) prohibits HRS from issuing a license to an agency for a community residential home unless the procedures under this act are followed. Any license issued without complying with this act is null and void and the operation of the home may be enjoined.

Subsection (7) provides that any dwelling unit housing a community residential home is subject to the same local laws and ordinances applicable to other noncommercial, residential family units.

Subsection (8) provides a grandfather clause for existing community residential homes.

Subsection (9) provides that persons who constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to property are prohibited from residing in a community residential home.

Subsection (10) provides that the siting of community residential homes in areas zoned for single family is governed by local zoning ordinances and that local government may authorize the development of community residential homes in single family zones.

Subsection (11) provides that local governments are not required to adopt new ordinances if they have an ordinance which meets the criteria in this section. State law preempts local ordinances but local government may provide for more liberal siting of community residential homes.

Section 2. Provides for a statewide registry of community residential homes. Subsection (1) requires HRS to establish a registry of all licensed community residential homes for planning purposes. The registry must include certain information for each home.

Subsection (2) requires HRS, within available resources, to provide technical assistance to local governments to assist in their planning and in community education programs with respect to community residential homes.

Subsection (3) provides that nothing in this act is to be construed to allow HRS to release confidential information.

Section 3. Provides an effective date of October 1, 1989.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

For the Department of HRS to establish a registry: \$12,134

2. Recurring or Annualized Continuation Effects:

For the Department of HRS to maintain a registry:

FY 89-90	FY 90-91
\$43,657	\$47,065

3. Long Run Effects Other Than Normal Growth:

None anticipated.

4. Appropriations Consequences:

The failure to establish community residential homes will result in increased costs to the state by providing services to many of these populations in higher cost institutional settings. Known costs to the Department of HRS are indicated in 1. and 2. above.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None anticipated.

2. Recurring or Annualized Continuation Effects:

Most local governments already review proposed community residential homes and such homes with less than six persons. Since homes with less than six persons would no longer be subject to review, there may be some cost savings to local government. If the criteria for the establishment of community residential homes in multi-family zoning districts has the anticipated affect of reducing litigation, there will be a savings to local government.

3. Long Run Effects Other Than Normal Growth:

None anticipated.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Agencies which wish to establish a community residential home are required to notify local government in writing of the site they have selected.



2. Direct Private Sector Benefits:

Agencies which wish to establish a community residential home are provided a consistent method by which to obtain approval for the home. Communities will benefit from the placement of community residential homes on a equitable basis throughout the state.

3. Effects on Competition, Private Enterprise, and Employment Markets:

Community residential homes should become spread more evenly among different communities. Studies in New York have shown that the placement of community residential homes does not have an adverse impact on surrounding property values.

D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:

This bill is consistent with the State Comprehensive Plan, s. 187.201(2)(b) 14., (4)(b) 4. and (6)(b) 4., F.S., by encouraging development of community residential alternatives to institutionalization.

136 IV. COMMENTS:

This legislation was originally based upon a similar law enacted in New York, Chapter 469 of the Laws of 1978. It still contains some elements based upon the New York law. In 1986, an analysis of the New York state law after it had been in effect for eight years was conducted. (After Eight Years, An analysis of the use, impact and effectiveness of the 1978 New York State Site Selection Law governing community residences for the mentally disabled). It found that in 8 out of 9 proposed new homes for the developmentally disabled, site selection occurred without a hearing. In proposed homes for the mentally ill site selection occurred without a hearing in two out of three cases. The New York law has been challenged on several grounds but has been consistently upheld.

The definition of community residential home includes homes which are licensed to serve clients of HRS but does not necessarily require that HRS clients reside in the home.

Even though local government can provide for more liberal siting of community residential homes, the concept behind this legislation is to prevent an overconcentration of homes or the development of "social welfare ghettos".

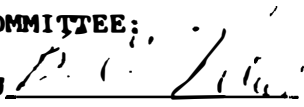
The statewide registry of community residential homes should be updated continuously so that local government is provided current information. The registry should assist local government in determining whether the distance requirements are met.

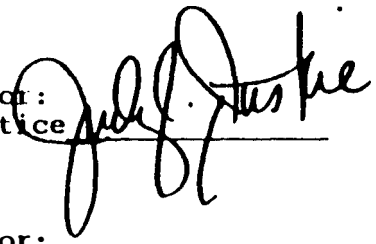
**STORAGE NAME:** hl269f.hrs/en/sg  
**DATE:** June 8, 1989  
**PAGE:** 8

It should also be useful in emergencies so that the home can be contacted directly.

Committee Substitute for Committee Substitute for House Bill 1269 is consistent with the Mission Statement for the HRS Committee and with the Policy Statement, Human Resource Development, III. C. 3 by helping to ensure the availability of alternative residential facilities.

**V. SIGNATURES:**

**SUBSTANTIVE COMMITTEE:**  
Prepared by: Elaine New/sg 

Staff Director:   
Judy C. Justice

**SECOND COMMITTEE OF REFERENCE:**  
Prepared by:

Staff Director:  
\_\_\_\_\_

**APPROPRIATIONS:**  
Prepared by:  
\_\_\_\_\_

Staff Director:  
\_\_\_\_\_

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Buck <sup>DB</sup></u>	<u>Buck <sup>DB</sup></u>	1. <u>CA</u>	_____
2. _____	_____	2. <u>HRS</u>	_____
3. _____	_____	3. <u>AP</u>	_____
4. _____	_____	4. _____	_____

SUBJECT: Community Residential Homes BILL NO. AND SPONSOR: SB 1061 by Senator Forman

I. SUMMARY:

A. Present Situation:

One of the purposes of HRS is to "prevent or reduce inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care." (See s.20.19(1)(e), Florida Statutes. Throughout chapters 39, 393, 394, 396, 397, 400, and 409, Florida Statutes, this theme is reiterated many times in the form of legislative findings as to the need for "deinstitutionalization," for placement of persons with special needs in the "least restrictive setting," and for placement of such individuals in "community residential facilities."

The development of homes that meet the definition of community residential homes is now determined by local ordinances. Zoning requirements vary by county and municipality. Placement of group homes has caused conflicts. Those jurisdictions with relatively open zoning have had community residential homes while other jurisdictions have avoided having such homes developed within their jurisdiction. The state has stated an interest in the development of community residential homes. These homes provide a living environment for many of the clients of HRS. They include children who may be dependent or delinquent and are placed in licensed child caring agencies. These agencies provide a service to the state by providing group homes for these children. Other group homes may serve the developmentally disabled in a licensed residential facility under s.393.067, F.S., or persons who are mentally ill, alcoholic or drug dependent. Still other homes may provide a living environment for the elderly in an adult congregate living facility. All of these facilities provide a service which is important to the state. Florida has recognized the benefits of providing services to these populations in the community. If such residences are not available in the community, the state's goal of providing community residences as established in s.187.201(2)(b)14, (4)(b)4, and (6)(b)4, F.S., will not be met.

Under the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, s.163.3161, F.S., local governments are required to address these issues in writing in their comprehensive plans.

Community residential homes are not listed in any centralized fashion which would provide information to local governments to assist in the development of these homes. Further, HRS does not provide uniform assistance to local governments in their department. Rule 9J5.010(3)(c)(6) requires policies which address implementation activities for the establishment of principles and criteria guiding the location of group homes and foster care facilities.

The Federal Fair Housing Act, P.L. 100-430, prohibits discrimination in housing on the basis of handicap. It is unclear whether the federal law includes zoning matters.

**B. Effect of Proposed Changes:**

SB 1061 provides a uniform approach to the development of community residential homes by requiring agencies to notify local government of a site they have selected; providing the opportunity for a public hearing; providing that local government may accept the site, offer an alternative site, or object to the site; providing that an objection may be filed with the Secretary of DCA; providing for mediation; providing for a hearing pursuant to s.120.57, F.S.; providing for appeal; providing that HRS shall not license community residential homes and homes that otherwise meet the definition of community residential homes, except when they house less than five person, are considered noncommercial residential uses; providing for grandfathering of existing homes; exempting jurisdictions that have adopted certain model zoning ordinances; providing that persons who constitute a threat to the health and safety of others or whose residency would result in damage to the property of others would not be permitted in community residential homes; providing for a statewide registry of community residential homes in HRS and providing for technical assistance to local government by HRS.

Section 1. Provides for site selection for community residential homes. Subsection (1) provides for definitions. A community residential home is limited to dwelling units which are licensed to serve clients of HRS and provide a living environment for 6 to 14 unrelated residents. Local government means a county or municipality. A sponsoring agency means anyone intending to establish or operate a community residential home.

Subsection (2) allows an agency, if it does not have a site selected, to notify local government of its intentions to establish a community residential home. Presumably this puts the local government on notice of some further action by the agency. Local government is not required to take any action when an agency provides this notification.

Subsection (3) requires agencies, when they have selected a site for a community residential home, to notify the local government in writing. The notice must include the address of the site; the category of the license for the residential home, e.g., a licensed child caring agency; the number of residents in the home; the community support requirements of the program; a statement from the District Administrator of HRS indicating the need for and the licensing status of the proposed community residential home and the most recently published data that identifies all community residential homes in the district in which the proposed site is to be located. Local government has 30 days in which to respond. Local government may:

- (1) approve the site selected by the agency,
- (2) suggest one or more alternative sites, or
- (3) object to the establishment of the community residential home.

The objection to the home must be based upon the grounds that the establishment of the home would result in such a concentration of community residential homes in the area in proximity to the site selected, or a combination of such homes with other community residences or similar homes licensed by HRS, that the nature and character of the area would be substantially altered. If the local government does not

respond within 30 days, the agency can establish the community residential home at the site selected.

Subsection (4) provides that local government may provide for a public hearing before a response is made to the request from the agency.

Subsection (5) provides that should the local government approve the site the agency may establish the community residential home at the site approved.

Subsection (6) provides that should the local government offer alternative sites that are satisfactory to the agency, the agency may seek to establish its home at one of the alternative sites designated by local government. If local government offers alternative sites that are unsatisfactory to the agency, the agency must notify local government which then has 15 days to offer another alternative site.

Subsection (7) provides that if local government objects to a proposed site or if local government and the agency cannot agree upon an alternative site that either party may submit an objection to the Secretary of the DCA. The secretary has 15 days to make a determination unless both parties agree to mediation or unless a request for a formal hearing is made.

If both parties request it, the Secretary of DCA is to provide that the conflict be resolved through mediation. The mediation process established by a regional planning council pursuant to s.186.509, F.S., may be used. Time periods for the resolution of the issue through mediator are not established. The resolution of any issue through mediation does not alter any person's right to a judicial determination if that person is entitled to such a determination under statutory or common law.

A party may request a formal hearing pursuant to s.120.57, F.S., within the 15 days before the secretary makes a determination. A party may also be entitled to a s. 120.51, F.S., hearing after the secretary makes a decision since that would be a determination by a state agency that affects a party's substantial interests. If a s.120.57, F.S., hearing is requested, a final order must be entered within 45 days of the request for the hearing. The DCA is to adopt rules to meet this time period. The HRS is given the right to intervene on behalf of an agency in a s.120.57, F.S., proceeding.

The standard by which the Secretary of DCA determines whether or not to sustain an objection is whether the nature and character of the area in which the home is to be sited would be substantially altered as a result of the establishment of the home. The secretary must consider the need for such homes and the existing concentration of such homes and other similar homes licensed by HRS in the area.

Subsection (8) provides for judicial review of the final order in accordance with s.120.68, F.S., to the District Court of Appeal.

Section (9) prohibits HRS from issuing a license to an agency for a community residential home unless the procedures under this act are followed. Any license issued without complying with this act is null and void and the operation of the home may be enjoined.

Subsection (10) provides that a community residential home established in accordance with this act is deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes of five or fewer residents which would otherwise meet the definition of a community residential home are also considered a single-family unit and a noncommercial, residential use. Any dwelling unit

housing a community residential home is subject to the same local laws and ordinances applicable to other noncommercial, residential family units.

Section 2. Provides for a statewide registry of community residential homes. Subsection (1) requires HRS to establish a registry of all licensed community residential homes for planning purposes. The registry must include certain information for each home.

Subsection (2) requires HRS, within available resources, to provide technical assistance to local governments to assist in their planning and in community education programs with respect to community residential homes.

Subsection (3) provides that nothing in this act is to be construed to allow HRS to release confidential information.

Section 3. Provides an effective date of October 1, 1989.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The siting of community residential homes has historically caused disruption. However, the economic impact of that disruption must be balanced against the benefit of those individuals placed in those residential homes. The economic impact cannot be determined.

B. Government:

HRS estimates the recurring impact at \$43,657.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.