2013

1	H.143
2	Introduced by Representative Johnson of Canaan
3	Referred to Committee on
4	Date:
5	Subject: Land use; municipal planning and development; local bylaws;
6	residential care or group homes
7	Statement of purpose of bill as introduced: This bill proposes to enable
8	municipalities to require residential care or group homes to obtain site plan
9	approval or provide evidence of adequate water supply and wastewater
10	treatment capacity, or both.
11 12	An act relating to municipal land use bylaws and residential care or group homes
13	It is hereby enacted by the General Assembly of the State of Vermont:
14	Sec. 1. 24 V.S.A. § 4412 is amended to read:
15	§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS
16	Notwithstanding any existing bylaw, the following land development
17	provisions shall apply in every municipality:
18	(1) Equal treatment of housing and required provisions for affordable
19	housing.
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1	(G) A residential care home or group home to be operated under state
2	licensing or registration, serving not more than eight persons who have a
3	handicap or disability as defined in 9 V.S.A. § 4501, shall be considered by
4	right to constitute a permitted single-family residential use of property, except
5	that <u>:</u>
6	(i) no such home shall be so considered if it is located within
7	1,000 feet of another existing or permitted such home; and
8	(ii) a municipality may require such a home to comply with one or
9	both of the following:
10	(I) obtain site plan approval under section 4416 of this title;
11	(II) provide evidence of adequate water supply and wastewater
12	treatment capacity. The provision of a permit issued under 10 V.S.A. chapter
13	64 (potable water and wastewater system permit) shall constitute such
14	evidence if the permit approves systems for the home that have the capacity to
15	serve the expected number of persons.
16	* * *
17	Sec. 2. EFFECTIVE DATE
18	This act shall take effect on July 1, 2013.