GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

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HOUSE BILL 1220

(Public)

Short Title:	Community Residences/People With Disability.	
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Sponsors:	Representative Holliman.				
Referred to:	Health.				

April 12, 2001

1		A BILL TO BE ENTITLED			
2	AN ACT TO R	ENAME FAMILY CARE HOMES UNDER CHAPTER 168 OF THE			
3	GENERAL STATUTES AS COMMUNITY RESIDENCES FOR PERSONS WITH				
4	A DISABILITY; TO PROHIBIT SPACING LIMITATIONS ON COMMUNITY				
5	RESIDENCES FOR PERSONS WITH A DISABILITY; AND TO MAKE				
6	TECHNICAL CHANGES.				
7	The General Assembly of North Carolina enacts:				
8	8 SECTION 1. Article 3 of Chapter 168 reads as rewritten:				
9		"Article 3.			
10	"Family Care Homes.Community Residences for Persons With a Disability.				
11	1 "§ 168-20. Public policy.				
12	The General Assembly has declared in Article 1 of this Chapter that it is the public				
13	policy of this State to provide handicapped persons with <u>a disability</u> the opportunity to				
14	live in a normal residential environment.				
15	15 "§ 168-21. Definitions.				
16	As used in th	is Article:			
17	(1)	"Family care home" Community residence for persons with a			
18		disability' means an adult care home a community-based residence with			
19		support and supervisory personnel that provides room and board,			
20		personal care and habilitation services in a family environment for not			
21		more than six resident handicapped persons.persons with a disability.			
22	(2)	"Handicapped person" Person with a disability' means a person with a			
23		temporary or permanent physical, emotional, or mental disability			
24		including but not limited to mental retardation, cerebral palsy,			
25		epilepsy, autism, hearing and sight impairments, emotional			
26		disturbances and orthopedic impairments but not including mentally ill			
27		persons who are dangerous to others as defined in G.S. 122C-3(11)b.			

GENERAL ASSEMBLY OF NORTH CAROLINA

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"§ 168-22. Family care home;<u>Community residence for persons with a disability;</u> zoning and other purposes.

3 A family care home community residence for persons with a disability shall (a) 4 be deemed a residential use of property for zoning purposes and shall be a permissible 5 use in all residential districts of all political subdivisions. No political subdivision may 6 require that a family care home, community residence for persons with a disability, its owner, or operator obtain, because of the use, a conditional use permit, special use 7 8 permit, special exception or variance from any such zoning ordinance or plan; provided, 9 however, that a political subdivision may prohibit a family care home from being 10 located within a one-half mile radius of an existing family care home.plan, or comply 11 with any spacing requirement that limits the placement of a community residence for 12 persons with a disability within a certain distance from an existing community residence for persons with a disability. 13

14 (b) A family care home shall be<u>community residence for persons with a</u> 15 <u>disability is</u> deemed a residential use of property for the purposes of determining 16 charges or assessments imposed by political subdivisions or businesses for water, sewer, 17 power, telephone service, cable television, garbage and trash collection, repairs or 18 improvements to roads, streets, and sidewalks, and other services, utilities, and 19 improvements.

20 "§ 168-23. Certain private agreements void.

Any restriction, reservation, condition, exception, or covenant in any subdivision plan, deed, or other instrument of or pertaining to the transfer, sale, lease, or use of property which would permit residential use of property but prohibit the use of such the property as a family care home shall, community residence for persons with a disability is, to the extent of such prohibition, be-void as against public policy and shall be given no legal or equitable force or effect."

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SECTION 2. This act becomes effective October 1, 2001.