

Planning and Development Committee

AN ACT CONCERNING TEMPORARY HEALTH CARE STRUCTURES

SUMMARY: This act establishes conditions under which property owners may place temporary health care structures on residential property to care for individuals with qualifying mental or physical impairments. It prohibits municipal zoning regulations from barring such structures unless the municipality follows a specified process to opt out of the act's requirements. The act establishes various requirements for the structures, including maximum size and maximum occupancy requirements and a permit approval process for individuals seeking to install one. It also authorizes municipalities to oversee and enforce the act's requirements.

EFFECTIVE DATE: October 1, 2017

MUNICIPAL OPT OUT

The act allows municipalities, by vote of their legislative bodies (or board of selectmen if the legislative body is a town meeting), to opt out of the act's provisions requiring them to authorize temporary health care structures. To do so, the municipality's zoning or combined planning and zoning commission must:

1. first hold a public hearing on the proposed opt-out, subject to the standard notice requirements and timeframes for such hearings;
2. affirmatively decide to opt out within the statutory time limit (generally within 65 days of the hearing's completion);
3. state on the record the reasons for its decision; and
4. publish notice of the decision within 15 days in a newspaper that has substantial circulation in the municipality.

REQUIREMENTS FOR TEMPORARY HEALTH CARE STRUCTURES

Qualifying Lots

Under the act, unless a municipality opts out of the requirement, it must allow the structures as an accessory use in any single-family residential zoning district on a lot (1) zoned for single-family detached homes, (2) owned by a caregiver or “mentally or physically impaired person,” and (3) used as his or her residence. The structures must comply with all setback requirements, coverage limits, and maximum floor area ratio limitations applying to accessory structures in the zone as of October 1, 2017.

Qualifying Occupants, Caregivers, and Structures

The act defines a “mentally or physically impaired person” as someone who a Connecticut-licensed physician has certified in writing as requiring assistance with two or more daily living activities, including bathing, dressing, grooming, eating, meal preparation, shopping, housekeeping, transfers, bowel and bladder care, laundry, communication, ambulation, and self-administration of medication.

Under the act, a caregiver is a relative, legal guardian, or health care agent responsible for the unpaid care of

a mentally or physically impaired person.

Temporary health care structures are mobile residential structures in which a caregiver can provide care for the impaired person. The structures may not be placed on or attached to a permanent foundation and must be:

1. primarily assembled at a location other than the installation site,
2. occupied by a mentally or physically impaired person,
3. 500 gross square feet or less, and
4. in compliance with the applicable provisions of the State Building Code, Fire Safety Code, and Public Health Code.

Only one temporary health care structure may be installed on a lot zoned for a single-family detached home. Municipalities may require the structures to be accessible to emergency vehicles and connected to private water or septic systems or water, sewer, and electric utilities serving the primary residence.

The act prohibits any signage advertising or promoting the structure on the property or structure's exterior.

Application and Approval Process

Individuals seeking to install a temporary health care structure must obtain a permit from the municipality in which it will be installed. Applicants must send notice of the permit application, by certified or registered mail, to abutting property owners no later than three business days after submitting the application.

Municipalities may charge fees of up to \$250 for initial permits and \$100 for annual permit renewals. Municipalities are not required to hold a public hearing on permit applications. They must approve or deny a permit within 15 business days after its submission, but they cannot deny a permit if the applicant provides proof of compliance with the act.

Oversight and Enforcement

The act authorizes municipalities to:

1. require permittees to provide written evidence of compliance with the act for as long as the structure remains on the property;
2. inspect the structures, at reasonable times convenient to the caregiver, to ensure compliance; and
3. revoke a permit if the permittee violates any of the act's requirements.

The act requires that the structures be removed within 120 days after the qualifying individual no longer occupies the structure or qualifies to occupy it. It authorizes municipalities to require permittees to post a bond of up to \$50,000 to ensure compliance with this requirement.