

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
DDS DIRECTOR'S OFFICE POLICY MANUAL

<u>Policy Type</u>	<u>Subject of Policy</u>	<u>Policy No.</u>
Administrative	Certificate to Locate and Construct Community Homes	1060

1. Purpose. This policy has been prepared to implement the intent of Act 611 of 1987 regarding the right to locate community homes for individuals with a developmental disability in the residential neighborhoods of this state.

2. Scope. This policy is directed to all programs providing community-based residential services to individuals with a developmental disability except those which are licensed and certified by the Office of Long Term Care. Nothing stated herein relieves the applicant of the obligation to comply with the requirements or standards of a political subdivision pertaining to set-back, lot size, flood zones, outside appearance, building, housing, health, fire, safety, and motor vehicle parking space that generally apply to single family residences in the zoning district for Family Home I's or multi-family use districts for Family Home II's and provided further that no requirements for business licenses, gross receipt taxes, environmental impact studies or clearance may be imposed on such homes if such fees, taxes, studies, or clearances are not imposed on all structures in the zoning district housing a like number of persons.

3. Definition of Terms. As used in this policy:
 - A. "Developmental Disabilities" means a disability of an individual which:
 - (1.) (a) is attributable to mental retardation, cerebral palsy, epilepsy or autism; (b) is attributable to any other condition of an individual found to be closely related to mental retardation because it results in impairment of general intellectual functioning or adaptive behavior similar to those of individuals with mental retardation or requires treatment and services similar to those required for such individuals; (c) is attributable to dyslexia resulting from, mental retardation, cerebral palsy, epilepsy, or autism; and (d) has continued or can be expected to continue indefinitely. "Developmental Disability" does not refer to other forms of mental disease or defect not defined herein.

Replacement Notation:

Effective Date: June 1, 1988

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References: Act 611 of 1987 "Location Act for Community Homes for Developmentally Disabled Persons"; Act 513 of 1985; DDS Director's Office Policy 3009-I; and DDS Minimum Standards for Community Programs.

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- B. "Individual with a developmental disability" means an individual with a developmental disability as defined above.
 - C. (1) "Family Home I" means a community-based residential home to be licensed by Developmental Disabilities Services that provides room and board, personal care, habilitation services, and supervision in a single-family environment for not more than eight (8) individuals with a developmental disability.

 (2) "Family Home II" means a community-based residential home to be licensed by Developmental Disabilities Services that provides room and board, personal care, habilitation services, and supervision in a multi-family environment for more than eight (8) but less than sixteen (16) individuals with a developmental disability.
 - D. "Permitted Use" means a use by right which is authorized in residential zoning districts.
 - E. "Political Subdivision" means a county or municipal corporation and includes any boards, commissions, or councils governing land use on behalf of the political subdivision.
 - F. "Certificate to Locate and Construct" means a certificate to locate and construct a community residence for individuals with a developmental disability.
 - G. "Licensure Certificates to Operate a Family Home I or II" means a license issued for each specified component in the physical location reviewed which authorizes a private non-profit organization to provide services to individuals with a developmental disability. (See DDS Director's Office Policy 3009-I for further information on license definitions.)
4. Procedural Guidelines for Application for Certificate to Locate and Construct Community Homes:
- A. Applicants shall request certificate to locate and construct a Family Home I or Family Home II by making application with Developmental Disabilities Services and submitting the following information to the Facility Program Evaluator Supervisor, Program Support Services:

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(1.) Statement of compliance with Act 611 of 1987 to include:

- (a) Documentation of location of existing similar community residential facilities serving individuals in drug, alcohol, juvenile, child, parole, and other treatment programs as well as any other dissimilar facilities such as public housing, soup kitchens at churches, and boarding homes within 300 ft. (3,000 ft., in cities over 30,000 population) of proposed site(s).
- (b) Documentation of existing Family Homes I and II with respect to density limits as follows:

<u>City Population</u>	<u>Total Number of Homes I & II</u>
1,000 or fewer	1
1,001 - 9,999	1 for every 2,000
10,000 - 49,000	1 for every 3,000
50,000 - 249,999	1 for every 10,000
250,000 -	1 for every 20,000

(c) There shall be 300 ft. (3,000 ft. in cities over 30,000 population) between Family Homes.

- B. Statement of intent to comply with Developmental Disabilities Services Minimum Standards for Community Programs.
- C. Documentation of filing of copy of application with the governing body of the political subdivision having jurisdiction over the zoning of the proposed site of the Family Home I and/or II and sending of notice of application by mail to residents or occupants of all buildings located within two hundred (200) feet of the proposed site.
- D. A sign not less than twelve (12) inches by eighteen (18) inches in size must be posted at proposed site to include intent to build home for children or adults with a developmental disability and occupancy number.
- E. Applicant must furnish all required documentation at least thirty (30) days prior to the granting of the certificate. Any amendments increasing number of individuals to be served must be filed at least fifteen (15) days prior to certificate to locate and construct approval.

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- F. After construction of a Family Home I or II, applicant shall request licensure to operate Family Home I or II from Facility Program Evaluator Supervisor, Program Support Services Developmental Disabilities Services, following procedures as outlined in Developmental Disabilities Services Director's Office Policy 3009-I.
5. Procedural Guidelines for Petition to DDS to Deny an Application for Certificate to Locate and Construct a Community Home:
- A. Any resident of a residential zoning district or the governing body of a political subdivision in which a proposed Family Home I or II is to be located may petition the Assistant Deputy Director, Program Support Services, Developmental Disabilities Services to deny an application for a certificate to locate and construct a community home based on the grounds that operation of the Family Home I or II would be in violation of limits established in 4. A (1) (a) (b).
 - B. Petition to deny application for certificate to locate and construct may also be made on the basis that the proposed site is an area of high risk to the health and safety of the individuals residing in the Family Home I or II.
 - C. These petitions must set forth and document one or more of the following high risk rationales:
 - 1) High crime area,
 - 2) Close proximity to stored hazardous materials,
 - 3) Dangerous traffic pattern,
 - 4) Frequent flooding,
 - 5) Insufficient fire protection
 - D. Petitions by residents or governing body of political subdivision to deny an application must be filed with the Assistant Deputy Director, Program Support Services, Developmental Disabilities Services within thirty (30) days of receipt of notice of application by applicant.

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- E. A public hearing to present comments from applicant and petitioner to deny will be held within thirty (30) days after receipt of petition.
 - F. A written decision by the Assistant Deputy Director, Program Support Services, Developmental Disabilities Services will be sent to all concerned parties within ten (10) days of the public hearing.
6. Procedural Guides for Submission of Comprehensive Plan by a Political Subdivision:
- A. Any political subdivision which currently has zoning restrictions or hereafter adopts zoning restrictions may submit comprehensive plans for providing adequate sites for Family Homes I and II to Facility Program Evaluator Supervisor, Division of Developmental Disabilities Services with population and occupancy statistics within the limits set in 4. A. (1) (a) (b) of this policy.
 - B. Plan may delineate unsuitable sites due to high risk factors set in 5. C. (1) (2) (3) (4) (5).
 - C. After submission, Developmental Disabilities Services will consult comprehensive plan in considering certificate to locate and construct Family Homes I and II in that political subdivision.

