

1 **"§ 168-22. ~~Family care home;~~Community residence for persons with a disability;**
2 **zoning and other purposes.**

3 (a) A ~~family care home~~community residence for persons with a disability shall
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
7 owner, or operator obtain, because of the use, a conditional use permit, special use
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
13 for persons with a disability.

14 (b) A ~~family care home shall be~~community residence for persons with a
15 disability is 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.**

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

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