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**State of Connecticut
Department of Developmental Services**

DDS

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**TESTIMONY OF THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
TO THE
PLANNING AND DEVELOPMENT COMMITTEE**

On Proposed Bills 5142 and 5259

**ACTS REQUIRING PUBLIC HEARINGS
ON THE LOCATION OF GROUP HOMES**

February 7, 2011

Senator Cassano, Representative Gentile and members of the Planning and Development Committee. I am Commissioner Peter O'Meara of the Department of Developmental Services (DDS). Thank you for the opportunity to express our opposition to Proposed Bills 5142 and 5259, which would require a public hearing prior to the approval by DDS or other state agencies of any "group home" within a municipality. I strongly oppose this proposed requirement.

The Department of Developmental Services (DDS) supports approximately 20,000 individuals with intellectual or developmental disabilities in Connecticut. They reside in family homes, community training homes and in more than 870 Community Living Arrangements (CLAs) (or "group homes") that DDS licenses, funds, or directly operates. These individuals live and work, go to school, and enjoy the many opportunities that our communities provide.

The Department understands the need for transparency in government, but these bills pose several problems that could weaken important programs for people with intellectual disabilities.

Legal Concerns

Federal **HIPAA laws and state laws do not permit DDS to discuss the individuals to whom we provide services**; however, each person has an individualized service plan that identifies their specific needs. As a result of their planned services and supports, staff decisions are made to assure the person is successful and receives the appropriate level of supervision and support.

It would be **contrary to the established legal rights of individuals with intellectual or other disabilities to require notice** to communities when a group home first moves into an area. This would clearly violate these individual's rights to live freely in the community.

Individuals with disabilities share the same rights as every other citizen in choosing where to live. **The Federal Fair Housing Act, originally created to protect the rights of minority groups to live where they choose, was extended in 1988 to specifically include people with disabilities.** Everyone benefits from this right and each of us has an obligation to abide by this federal law protecting everyone's right to live where they choose, without discrimination.

A list of pertinent state and federal laws is below.

Rigorous Oversight

DDS CLAs are subject to rigorous licensing regulations. There is recourse available under state statute if a group home is not run properly -- but such situations, as noted above, are almost non-existent. Private providers must comply with detailed contractual obligations as well as DDS licensing regulations. These regulations are available online at the following link:

<http://www.ct.gov/dds/cwp/view.asp?a=2839&q=331634>

Any resident of a municipality in which a DDS licensed CLA is located may, with the approval of the legislative body of such municipality, petition the DDS Commissioner to revoke the license of such CLA on the grounds that such community residence is not in compliance with the provisions of any statute or regulation concerning the operation of such residences. To date, there have been few such petitions as CLAs, licensed by DDS, are enormously successful in providing and maintaining a quality of life to which their residents and neighbors are entitled.

Public Information Available

Specific addresses, as well as copies of all CLA inspection report summaries are available by town on the DDS website:

<http://www.ct.gov/dds/cwp/view.asp?a=2839&q=331624>

DDS works closely with regional and municipal emergency response and management organizations to ensure proper planning and response for individuals with intellectual disabilities, with their authorization, as does any household with a family member who may have special needs.

The following laws apply to the siting of a DDS CLA in Connecticut:

The Federal Fair Housing Act (42 U.S.C.3601 et seq.) prohibits local zoning rules to discriminate in housing opportunities for the disabled and makes it unlawful to deny a dwelling to any buyer or renter because of a handicap;

The Americans With Disabilities Act prohibits discrimination on the basis of disability in employment, state and local government services, public transportation, public accommodations, commercial facilities, and telecommunications and requires that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity;

Connecticut General Statute 8-3e requires that no zoning regulation shall treat "any community residence which houses six or fewer mentally retarded persons and necessary staff persons and which is licensed under the provisions of section 17a-227" in a manner different from any "single family residence"; and

The Connecticut Constitution, Article XXI of Amendments provides for equal protection and non-discrimination for persons with physical or mental disabilities.

Summary

In the more than 870 CLAs that are funded, licensed or directly operated by DDS, the Department will continue to encourage our providers to be good neighbors while respecting the legally protected privacy rights, and other legal rights, of individuals with intellectual disabilities. We respectfully request and encourage all members of the legislature, as representatives for all Connecticut cities and towns, to do the same; by not supporting these bills moving forward.

Thank you again for the opportunity to testify before you today and for hearing the Department's concerns on this issue. I would be happy to answer any questions that you might have, or you may contact Christine Pollio Cooney, DDS Director of Legislative Affairs at (860) 418-6066.