

2017 SESSION

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HOUSE JOINT RESOLUTION NO. 720

Offered January 11, 2017

Requesting the Department of Behavioral Health and Developmental Services to study the placement of group homes, residential care facilities, and detention centers. Report.

Patron-- Pogge

Referred to Committee on Rules

WHEREAS, in recent years, national policy regarding persons with mental illness, developmental disabilities, brain injury, or substance abuse issues has shifted from serving these individuals in institutions to serving them in more integrated, community-based settings; and

WHEREAS, this policy shift has led to the creation of many group homes and residential care facilities that are licensed and regulated by the Department of Behavioral Health and Developmental Services to provide mental health, developmental, brain injury, or substance abuse services for these individuals; and

WHEREAS, many group homes and residential care facilities are located in residential neighborhoods throughout the Commonwealth in an effort to ensure that these individuals experience the full benefits of life in a regular community, including interaction and friendships with their neighbors; and

WHEREAS, in light of the increasing number of group homes and residential care facilities, it may serve the best interest of such individuals, their neighbors, and members of the surrounding community to improve the process through which the locations of such group homes and residential care facilities, as well as detention centers, are selected and to improve the laws, regulations, and other rules regarding restrictions on their locations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Behavioral Health and Developmental Services be requested to study the placement of group homes, residential care facilities, and detention centers.

In conducting its study, the Department of Behavioral Health and Developmental Services shall (i) identify and make recommendations for the content and timing of notices that should be given prior to locating a group home, residential care facility, or detention center, including notice to the locality and the homeowners' association of the neighborhood in which the group home, residential care facility, or detention center is to be located of (a) the proposed location; (b) contact information for the community liaison of the group home, residential care facility, or detention center; (c) a description of the services to be provided; and (d) a description of the population to be served, including whether such population may include persons who may present a threat to the health or safety of other individuals in the locality and neighborhood on the basis of prior criminal convictions, or findings of not guilty by reason of insanity, involving harm to persons or property; (ii) make recommendations for other improvements to public notices and hearings that are required when a person seeks to establish a group home, residential care facility, or detention center, including opportunities for comment from nearby property owners and other citizens; (iii) assess the appropriateness of restrictive covenants that prohibit homeowners from using, or renting a

dwelling for another to use, their premises to house one or more persons who may present a threat to the health or safety of other individuals in the neighborhood on the basis of prior criminal convictions, or findings of not guilty by reason of insanity, involving harm to persons or property; (iv) make recommendations for appropriate restrictions on the location of group homes, residential care facilities, and detention centers, including whether such homes, facilities, and centers that house one or more persons who may present a threat to the health or safety of others should be prohibited from being located within one-half mile of a child-welfare agency, as defined in § [63.2-100](#) of the Code of Virginia, or school; (v) identify staff-to-resident ratio requirements that should be imposed on group homes, residential care facilities, and detention centers that house one or more persons who have a prior record of civil or criminal mental health commitment on the basis of being a danger to themselves; and (vi) review and make recommendations to improve licensure and other regulatory requirements for group homes, residential care facilities, and detention centers.

All agencies of the Commonwealth shall provide assistance to the Department of Behavioral Health and Developmental Services for this study, upon request.

The Department of Behavioral Health and Developmental Services shall complete its meetings by November 30, 2017, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2018 Regular Session of the General Assembly and shall be posted on the General Assembly's website.