

## CHAPTER 55

## ( HB 122 )

AN ACT relating to local ordinances concerning residential care facilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Cabinet" means the Cabinet of Health and Human Services;*
- (b) *"Local government" means a city, county, charter county, urban-county government, consolidated local government, or unified local government;*
- (c) *"Persons with a disability" has the same meaning as in KRS 100.982; and*
- (d) *"Residential care facility" means a residence, including a group home or staffed residence, operated and maintained by:*
  - 1. *A private agency receiving state or federal funds; or*
  - 2. *A government agency;*

*that provides services in a homelike setting for persons with disabilities.*

- (2) *A local government shall not adopt or enforce any licensing or other requirements specifically applicable to residential care facilities providing services for persons with a disability beyond those required by statutes or administrative regulations of the Commonwealth of Kentucky or the federal government.*
- (3) (a) *A local government may adopt a resolution by its legislative body requesting the cabinet to provide information on each residential care facility within the requesting local government's boundaries. The cabinet shall provide information to the local government within thirty (30) days of the receipt of the resolution requesting this information. The information provided by the cabinet shall be limited to:*
  - 1. *The physical location of the residential care facility or facilities; and*
  - 2. *The name and contact information for the individual or organization primarily responsible for the oversight of the facility or facilities.*
- (b) *Once a resolution has been filed by a local government the cabinet shall:*
  - 1. *Provide that local government updated information if:*
    - a. *The number of residential facilities within the jurisdiction changes;*
    - b. *The physical location changes; or*
    - c. *The name and contact information for the individual or organization primarily responsible for the oversight changes; or*
  - 2. *Provide an annual update of the information provided in this subsection, in the event that the provisions of subparagraph 1. of this subsection do not occur.*
- (c) *The information provided in this subsection shall only be for the use of the local government's law enforcement agencies, fire protections services, or emergency service providers. The information provided by the cabinet shall not be subject to the provisions of KRS 61.872 thru KRS 61.884. This exemption applies solely to the local government receiving the information.*
- (4) *This section shall not be construed to exempt residential care facilities from compliance with local government ordinances that apply generally within the jurisdiction, including but not limited to business licensing requirements, occupational license taxes, nuisance and property maintenance codes, public and fire safety ordinances, health and sanitation ordinances, zoning requirements as provided under KRS 100.984, or any other type of local ordinance of general application.*

Signed by Governor April 11, 2012.

