

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1537

By: Representatives Ladyman, McGruder

By: Senator Dees

For An Act To Be Entitled

AN ACT TO REPEAL THE LOCATION ACT FOR COMMUNITY HOMES
FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL
DISABILITIES; AND FOR OTHER PURPOSES.

Subtitle

TO REPEAL THE LOCATION ACT FOR COMMUNITY
HOMES FOR INDIVIDUALS WITH INTELLECTUAL
AND DEVELOPMENTAL DISABILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 9-28-402(12)(F), concerning the definition of "exempt child welfare agency" within the Child Welfare Agency Licensing Act, is amended to read as follows:

(F) Human development centers regulated by the Board of Developmental Disabilities Services ~~pursuant to the Location Act for Community Homes for Individuals with Intellectual and Developmental Disabilities, § 20-48-601 et seq.;~~

SECTION 2. Arkansas Code Title 20, Chapter 48, Subchapter 6, is repealed.

~~Subchapter 6 — Location Act for Community Homes for Individuals with Intellectual and Developmental Disabilities~~

~~20-48-601. Title.~~

~~This subchapter shall be known as the "Location Act for Community Homes for Individuals with Intellectual and Developmental Disabilities".~~



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~~20-48-602. Purpose.~~

~~(a) The General Assembly declares that it is the goal of this subchapter to improve the quality of life of all individuals with intellectual or other developmental disabilities and to integrate individuals with intellectual or other developmental disabilities into the mainstream of society by ensuring them the availability of community residential opportunities in the residential areas of this state.~~

~~(b) In order to implement this goal, this subchapter should be liberally construed toward that end.~~

~~20-48-603. Definitions.~~

~~As used in this subchapter, unless the context otherwise requires:~~

~~(1) "Individual with an intellectual and developmental disability" means a person with an intellectual and developmental disability as defined in this section;~~

~~(2) "Intellectual and developmental disability" means the same as defined in § 20-48-101;~~

~~(3) "Division" means the Division of Developmental Disabilities Services or the staff of the division where the context so indicates;~~

~~(4) "Family Home I" means a community based residential home licensed by the division that provides room and board, personal care, habilitation services, and supervision in a single family environment for not more than eight (8) individuals with developmental disabilities;~~

~~(5) "Family Home II" means a community based residential home licensed by the division that provides room and board, personal care, habilitation services, and supervision in a multifamily environment for more than eight (8) but fewer than sixteen (16) individuals with developmental disabilities;~~

~~(6) "Permitted use" means a use by right that is authorized in residential zoning districts; and~~

~~(7) "Political subdivision" means a county or municipal corporation and includes any boards, commissions, or councils governing land use on behalf of the political subdivision.~~

~~20-48-604. Zoning — Permitted use.~~

~~(a) A Family Home I is a residential use of property for the purposes of zoning and shall be treated as a permitted use in all residential zones or districts, including all single family residential zones or districts of all political subdivisions. No political subdivision may require that a Family Home I or its owner or operator obtain a conditional use permit, special use permit, special exception, or variance.~~

~~(b) A Family Home II is a multifamily residential use of a property for the purpose of zoning and shall be treated as a permitted use in all zoning districts of all political subdivisions allowing multifamily uses. No political subdivision may require that a Family Home II or its owner or operator obtain a conditional use permit, special use permit, special exception, or variance.~~

~~20-48-605. Issuance and renewal of licenses.~~

~~(a) For the purposes of safeguarding the health and safety of individuals with intellectual or other developmental disabilities and avoiding over-concentration of Family Homes I and Family Homes II, either alone or in conjunction with similar community-based residences, the Division of Developmental Disabilities Services shall inspect and license the operation of family homes and may renew or revoke their licenses.~~

~~(b) A license is valid for one (1) year from the date it is issued or renewed although the division may inspect the homes more frequently, if needed.~~

~~(c) The division shall not issue or renew and may revoke the license of a family home not operating in compliance with this section and rules adopted hereunder.~~

~~20-48-606. Rules — Density control.~~

~~(a) The Division of Developmental Disabilities Services shall promulgate rules pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., which shall encompass the following matters:~~

~~(1)(A) Limits on the number of new Family Homes I and Family Homes II to be permitted on blocks, block faces, and other appropriate geographic areas taking into account the existing residential population density and the number, occupancy, and location of similar community residential facilities serving persons 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.~~

~~(B) Density limits as follows:~~

City Population	Total Number of Homes I and II
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—249,000	1 for every 10,000
250,000—	1 for every 20,000

~~(C) There shall be three hundred feet (300') between family homes unless otherwise permitted by local ordinance. There shall be three thousand feet (3,000') between family homes in cities over thirty thousand (30,000) population unless otherwise permitted by local ordinance;~~

~~(2) Assurance that adequate arrangements are made for the residents of family homes to receive such care and habilitation as are necessary and appropriate to their needs and to further their progress towards independent living and that they have access to appropriate services such as public transportation, health care, recreation facilities, and shopping centers;~~

~~(3) Protection of the health and safety of the residents of Family Homes I and Family Homes II, however, compliance with these rules shall not relieve the owner or operator of any Family Home I or Family Home II of the obligation to comply with the requirements or standards of a political subdivision pertaining to setback, 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 Homes I or multifamily use districts for Family Homes II. No requirements for business licenses, gross receipt taxes, environmental impact studies, or clearances may be imposed on the homes if those fees, taxes, or clearances are not imposed on all structures in the zoning district housing a like number of persons; and~~

~~(4)(A) Procedures by which any resident of a residential zoning district or the governing body of a political subdivision in which a Family Home I or Family Home II is or is to be located may petition the division to deny an application for a license to operate a Family Home I or Family Home~~

~~II on the grounds that the operation of the home would be in violation of the limits established pursuant to subdivision (a)(1)(A) or subdivision (a)(1)(B) of this section or that the proposed location is an area of high risk to the health and safety of the residents of the family home.~~

~~(B) Petitions claiming the high risk area basis for denial must set forth and document one (1) or more of the following high risk rationales:~~

- ~~(i) High crime area;~~
- ~~(ii) Close proximity to stored hazardous materials;~~
- ~~(iii) Dangerous traffic pattern;~~
- ~~(iv) Frequent flooding; or~~
- ~~(v) Insufficient fire protection.~~

~~(b) The division shall furnish a copy of proposed rules promulgated hereunder to the Arkansas Municipal League, the Association of Arkansas Counties, and the Capitol Zoning District Commission at least thirty (30) days before the public hearing to be held thereon.~~

~~20-48-607. Application for license.~~

~~(a) All applicants for a license to operate a Family Home I or Family Home II shall apply to the Division of Developmental Disabilities Services for the license and shall file a copy of the application with the governing body of the political subdivision having jurisdiction over the zoning of the land on which the Family Home I or Family Home II is to be located.~~

~~(b) Notice of the application shall be sent by mail addressed to the resident as listed in the city directory or occupant of all buildings located within two hundred feet (200') of the proposed site.~~

~~(c)(1) All applicants shall post a sign not less than twelve inches by eighteen inches (12" x 18") at the site.~~

~~(2) The sign shall contain such statements as required by rules promulgated pursuant to this subchapter.~~

~~(d) All applications must include population and occupancy statistics reflecting compliance with the limits established pursuant to § 20-48-606(a)(1)(A) and (B).~~

~~(e) The division may not issue a license for a family home until the applicant has submitted proof of filing with the governing body of the political subdivision having jurisdiction over the zoning of the land on~~

~~which the home is to be located a copy of the application at least thirty (30) days before the granting of the license and any amendment of the application increasing the number of residents to be served at least fifteen (15) days before the granting of a license.~~

~~20-48-608. List of family homes.~~

~~In order to facilitate the implementation of § 20-48-606(a)(1)(A) and (B), the Division of Developmental Disabilities Services of the Department of Human Services shall maintain a list of the location, capacity, and current occupancy of all Family Homes I and Family Homes II. The division shall ensure that this list shall not contain the names or other identifiable information about any residents of the homes and that copies of this list shall be available to any resident of this state and any state agency or political subdivision upon request.~~

~~20-48-609. Comprehensive plans.~~

~~(a) Any political subdivision which currently has zoning restrictions or hereafter adopts zoning restrictions may develop a comprehensive plan for providing adequate sites for Family Homes I and Family Homes II and submit the plan to the Division of Developmental Disabilities Services of the Department of Human Services along with population and occupancy statistics reflecting compliance with the limits established pursuant to § 20-48-606(a)(1)(A) and (B).~~

~~(b) The plan may also delineate unsuitable sites due to high risks set forth in § 20-48-606(4).~~

~~(c) The division shall thereafter consult the comprehensive plan filed by the political subdivision in considering licensure of Family Homes I and Family Homes II for that political subdivision.~~

~~20-48-610. Compliance with appearance or structural requirements in certain districts.~~

~~Nothing in this subchapter shall be construed as relieving the owner or operator of any Family Home I or Family Home II of the obligation to comply with outside appearance requirements or structural requirements for location of a Family Home I or Family Home II within a local historic district or within the Capitol Zoning District.~~

~~20-48-611. Restriction by private property agreement void.~~

~~(a) Any restriction, reservation, condition, exception, or covenant in any subdivision plan, deed, or other instrument of or pertaining to the transfer, sale, lease, or use of property that would permit residential use of property but prohibit the use of the property as a Family Home I or Family Home II for individuals with intellectual or other developmental disabilities, to the extent of the prohibition, shall be void as against the public policy of this state and shall be given no legal or equitable force or effect.~~

~~(b) Nothing in this subchapter shall be construed directly or analogously to affect the rights of property owners to exclude by express or judicially implied agreements other property uses which are not the subject of this subchapter.~~

SECTION 3. Arkansas Code § 20-48-702(a)(2), concerning the reimbursement rate structure for contracting with community programs, is amended to read as follows:

(2) By January 1, 2002, the department will design and conduct a rate and cost-of-service review of the reasonable and efficient prospective costs necessarily incurred to provide Medicaid-covered and state-covered services within the community to individuals with developmental disabilities. Subject to federal and state funding restrictions, the department will fund Medicaid services for persons with developmental disabilities in accordance with findings contained in the review and provide state funds for those services to which the individuals are entitled under federal and state laws that are not covered by the Medicaid program. By June 30, 2002, the department will adopt regulations and standards, approved pursuant to this subchapter, which clearly define the state's responsibility to individuals eligible for services under federal laws, including, but not limited to, the Americans With Disabilities Act of 1990, Pub. L. No. 101-336; Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112; and state laws, including §§ 20-14-502, and 20-48-101, ~~and 20-48-603~~, and more specifically:

(A) The categories of services and service limits on each category which will be provided through the Medicaid state plan; and

(B) The categories of services and service limits which

will be provided with state general revenue funds or funds that are applicable for provider client services, or both.