

TASK FORCE TO STUDY THE ZONING OF TEMPORARY HEALTH CARE STRUCTURES

MEETING MINUTES

Monday, November 21, 2016

1:30 PM in Room 2B of the LOB

The meeting was called to order at 1:40pm by Chairman, Sen. Osten C. S19.

The following committee members were present: Senator Cathy Osten, John Guskowski, and Amanda Kennedy

Senator Osten stated that her expectation for the task force was that they would be able to come up with a workable legislative recommendation in a few short meetings of the task force.

The Senator then asked that the members and support staff to introduce themselves. John Guskowski introduced himself as a co-chair of the legislative relations committee of the CT chapter of the American Planning Association.

Amanda Kennedy also introduced herself as a co-chair of the legislative relations committee of the CT chapter of the American Planning Association.

Julia Bansal and Rute Pinho introduced themselves as support staff from the office of Legislative Research.

Senator Osten then moved on she explained again that she wanted to come up with model ordinances that could be written into legislation. She brought up the four states that have thus far adopted model ordinances these being Virginia, Minnesota, North Carolina, Tennessee and Fairfax County.

Senator Osten then gave the floor to John Guskowski who pointed out that the CT town of Deep River had also adopted an ordinance related to temporary health care structures.

He commented that the legislative research staff had done an excellent job in anticipating the questions that would be asked regarding how these structures would be treated under statute.

John stated that the process for developing the proposal could be summarized by a matrix of questions on how these structures would be treated.

Amanda asked a question about the proposal itself. Whether the proposal model ordinance would be something that would be developed and municipalities could adopt at their own volition or whether the proposal would be presented as state statute. She also asked if the ordinance was adopted as statute would the municipalities then need to opt out of should their communities dislike the ordinance.

Senator Osten asked for clarification and stated that they she believed that the model ordinance needed to have opt out/in mechanisms to allow municipalities flexibility. John stated that there would only need to be a state wide ordinance with an opt out mechanism because the opt in would be the same as a standard model ordinance. John stated that this model ordinance would be similar to a group homes ordinance that is to say that the ordinance would make it clear that the home would need to comply with proper set back requirements and such. He noted the main difference would be that municipalities cannot opt out of having group homes.

Amanda brought up that almost all Minnesota's Counties had opted out of having the Temporary Healthcare Structure ordinance, so the local government had little risk and the benefit would be that if a citizen had a need for this type of structure they could go back to the town and have them reverse the opt out.

Julia mentioned that Tennessee's law was also optional. Senator Osten asked whether the Tennessee law was similar to the Minnesota law.

Julia clarified that there were several differences including length of time allotted for the structure to be in place and allowed maximum size of the structure 500 square feet for Tennessee and 300 square feet for the other three states.

Amanda stated several questions that should be addressed in the statute.

- What the duration of use for the structure will be?
- How often will a home owner need to recertify the structure?
- What the maximum size of the structure should be?
- How quickly does the structure need to be removed after the duration of use?
- What property will the structures be allowed on?

Senator Osten asked the question of whether the distinction between a Tiny home and Temporary Health Care Structure would need to be made.

Amanda stated that the distinction would come into play naturally due to the restrictions on who and for how long the structure would be in place.

Senator Osten stated that tiny homes had great merit in today's society and economy but wanted to make it clear that the discussion about these structures was about the issue of aging in place. She stated that the issue of tiny homes should be addressed at a later date and not by this task force.

John stated that an issue of mandating this ordinance on local municipalities would be that local zoning commission may have means of circumventing those zoning requirements such as altering their setback requirements to prevent people from installing these structures.

Senator Osten stated that she hoped that this would not be the case because these structures were a great opportunity for Connecticut's aging population to remain in an independent residential setting during later years of life or periods of illness.

Senator Osten asked whether any other appointments had made to the taskforce. She then asked for suggestions for appointments from Amanda and John.

Amanda stated that she had heard that the Commissioner of the Commission on Women, Children, and Seniors was interested.

John stated that the AARP were interested in being represented at the meetings as well.

Senator Osten stated that she would hope that the next meeting would be at a smaller location. She then asked whether John or Amanda had questions for OLR while they were available.

John stated that he would like some time to go over the material OLR provided and stated that it was an excellent overview of what some of the more fundamental decision type questions would need to be addressed by the taskforce.

Amanda stated that she had found some material produced by Roanoke County West Virginia regarding the approval process for the Temporary Health Care Structures.

Amanda asked whether it would make sense to include someone from DPH due to the unknowns of septic hook ups which are outside of the expertise of the current membership.

Senator Osten stated that the next meetings would need to be soon as the recommendations would need to be in by January. She suggested meeting first week of December. The members settled on having the next meeting Monday December 5th and schedule the third meeting for December 12th

John asked what the timeframe for coming up with the task-force recommendations would be?

Senator Osten stated that she would like to put in a full working draft based on the task-forces recommendations and that she would invite state COG's in for a comment period as well as the CT planner's organization.

Amanda asked if the task-force members were expected to draft the recommendations in full legal language. Senator Osten deferred to the Legislative Research staff. Julia Bansal explained that they would work with the Legislative Commissioners office for drafting.

Amanda also stated that if the task-force could get a boilerplate draft to work with prior to the legislative session this would facilitate constructive feedback from relevant organizations.

Senator Osten reiterated that the senior groups in her district were interested in having this model zoning ordinance. She explained that this would provide valuable flexibility to the housing challenges of aging seniors.

Senator Osten asked that the Planning and Development LCO attorney be invited to the next meeting.

John asked if he could expect the OLR staffers Julia and Rute to be present at the next meetings and whether they could be considered part of the team.

Senator Osten stated that they would be. He stated that there were some questions regarding how costly it would be for these structures to be hooked up to electric and sewer from a construction stand point just so the taskforce could have that information.

Senator Osten agreed that would be something they would need to look into. She asked for any further comments. There being none she announced the next meeting on December 5th at 1:30pm and adjourned the meeting.

The meeting was adjourned at 2:16pm.

Wade Packer
Committee Clerk