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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE NO. **2324**

March 23, 2007

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The bill was read for the first time and referred to the Housing Policy and Finance and Public Health Finance Division

1.1 A bill for an act
1.2 relating to housing; modifying conditions related to housing with services
1.3 establishments; amending Minnesota Statutes 2006, sections 245A.11,
1.4 subdivisions 2, 3; 462.357, subdivisions 7, 8.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 245A.11, subdivision 2, is amended to read:

1.7 Subd. 2. **Permitted single-family residential use.** Residential programs with a
1.8 licensed capacity of six or fewer persons shall be considered a permitted single-family
1.9 residential use of property for the purposes of zoning and other land use regulations,
1.10 except that a residential program whose primary purpose is to treat juveniles who have
1.11 violated criminal statutes relating to sex offenses or have been adjudicated delinquent on
1.12 the basis of conduct in violation of criminal statutes relating to sex offenses shall not be
1.13 considered a permitted use. This exception shall not apply to residential programs licensed
1.14 before July 1, 1995. A township, municipal, or county zoning authority may require that a
1.15 residential program with a licensed capacity of six or fewer persons be located more than
1.16 1,320 feet from an existing residential program in order to prevent overconcentration and
1.17 to promote the dispersal of such uses in residential zones. Programs otherwise allowed
1.18 under this subdivision shall not be prohibited by operation of restrictive covenants or
1.19 similar restrictions, regardless of when entered into, which cannot be met because of the
1.20 nature of the licensed program, including provisions which require the home's occupants
1.21 be related, and that the home must be occupied by the owner, or similar provisions.

1.22 Sec. 2. Minnesota Statutes 2006, section 245A.11, subdivision 3, is amended to read:

2.1 Subd. 3. **Permitted multifamily residential use.** Unless otherwise provided in
2.2 any town, municipal, or county zoning regulation, a licensed residential program with a
2.3 licensed capacity of seven to 16 persons shall be considered a permitted multifamily
2.4 residential use of property for the purposes of zoning and other land use regulations. A
2.5 township, municipal, or county zoning authority may require that a licensed residential
2.6 program with a licensed capacity of seven to 16 persons be located more than 1,320 feet
2.7 from an existing residential program in order to prevent overconcentration and to promote
2.8 the dispersal of such uses in residential zones. A town, municipal, or county zoning
2.9 authority may require a conditional use or special use permit to assure proper maintenance
2.10 and operation of a residential program. Conditions imposed on the residential program
2.11 must not be more restrictive than those imposed on other conditional uses or special uses
2.12 of residential property in the same zones, unless the additional conditions are necessary to
2.13 protect the health and safety of the persons being served by the program. Nothing in this
2.14 chapter shall be construed to exclude or prohibit residential programs from single-family
2.15 zones if otherwise permitted by local zoning regulations.

2.16 Sec. 3. Minnesota Statutes 2006, section 462.357, subdivision 7, is amended to read:

2.17 Subd. 7. **Permitted single family use.** A state licensed residential facility or a
2.18 housing with services establishment registered under chapter 144D serving six or fewer
2.19 persons, a licensed day care facility serving 12 or fewer persons, and a group family day
2.20 care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or
2.21 fewer children shall be considered a permitted single family residential use of property
2.22 for the purposes of zoning, except that a residential facility whose primary purpose is to
2.23 treat juveniles who have violated criminal statutes relating to sex offenses or have been
2.24 adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to
2.25 sex offenses shall not be considered a permitted use. A township, municipal, or county
2.26 zoning authority may require that a residential program with a licensed capacity of six or
2.27 fewer persons be located more than 1,320 feet from an existing residential program in order
2.28 to prevent overconcentration and to promote the dispersal of such uses in residential zones.

2.29 Sec. 4. Minnesota Statutes 2006, section 462.357, subdivision 8, is amended to read:

2.30 Subd. 8. **Permitted multifamily use.** Except as otherwise provided in subdivision 7
2.31 or in any town, municipal or county zoning regulation as authorized by this subdivision, a
2.32 state licensed residential facility serving from 7 through 16 persons or a licensed day care
2.33 facility serving from 13 through 16 persons shall be considered a permitted multifamily
2.34 residential use of property for purposes of zoning. A township, municipal, or county

3.1 zoning authority may require that a licensed residential program with a licensed capacity
3.2 of seven to 16 persons be located more than 1,320 feet from an existing residential
3.3 program in order to prevent overconcentration and to promote the dispersal of such uses
3.4 in residential zones. A township, municipal or county zoning authority may require a
3.5 conditional use or special use permit in order to assure proper maintenance and operation
3.6 of a facility, provided that no conditions shall be imposed on the facility which are more
3.7 restrictive than those imposed on other conditional uses or special uses of residential
3.8 property in the same zones, unless the additional conditions are necessary to protect
3.9 the health and safety of the residents of the residential facility. Nothing herein shall be
3.10 construed to exclude or prohibit residential or day care facilities from single family zones
3.11 if otherwise permitted by a local zoning regulation.