

category than single family residences, by local authorities, acting at the behest of organized community groups opposed to having these homes in their midst. By requiring that a group home for the mentally retarded be considered the same as a single family residence, the bill would eliminate, at one stroke, the legal impediment to their establishment in any neighborhood.

The bill would also remove the ability of a community effectively to voice its concern over the establishment of such a home in its midst, by eliminating a proper forum for the expression and consideration of that concern. Moreover, no provision is made for the input of either local or State government into the placement of such homes.

The General Assembly has recognized that problem, and, in addition to House Bill 1955, has enacted Senate Bill 1087. Senate Bill 1087 also provides for the establishment of these group homes, but proceeds upon the premise, as stated in the bill, that, "in order to assure that these group homes will be accepted in the community ... to the maximum extent practicable, these group homes should be located by local government, consistent with the principles of normalization, statewide standards, and with State financial and technical support."

The Senate Bill is patterned largely after the approach taken by the General Assembly last year with respect to community adult rehabilitation centers. It requires first that the Director of Mental Retardation determine the need for group homes throughout the State, after consulting with the local governments, consumer groups, education agencies, and other public and private agencies. Once a need is determined, the local governing bodies, in consultation with local consumer groups, must "pursue promptly appropriate procedures to select a suitable site or sites" for the needed homes. The Director is required to assist in this endeavor. Before selecting a site, the local governing body must hold at least one public hearing in the county in which a proposed site is situated. If, within nine months after a certification of need, the local government has failed to select suitable sites, the State is empowered to choose a site and construct or renovate a facility.

Obviously, the two bills are, programatically, inconsistent with each other. Indeed, the Attorney General has advised me that "the two bills are basically irreconcilable and only one should be signed into law." The carefully constructed plan for determining the need for these homes and allowing public input into their placement, provided for in Senate Bill 1087, would be meaningless and of no avail if House Bill 1955 were to become law. I believe that, to have a reasonable chance