

[38.] 19A.

(1) There is a need for PUBLIC group homes for persons who are mentally retarded and whose development would be enhanced by residing in an appropriate community based PUBLIC group home in lieu of a large State institution OR OTHER PUELIC FACILITY.

(2) These community based PUBLIC group homes are [but one component] NECESSARY COMPONENTS in providing for the residential need of the mentally retarded.

(3) In order to assure that these PUBLIC group homes will be accepted in the community and to the maximum extent practicable, these PUEIC group homes should be located [by] AFTER CONSULTATION WITH local government, IN A MANNER consistent with the principles of normalization, statewide standards, and with State financial and technical support.

[39.] 19B.

(a) The director, under the direction of the Secretary, shall evaluate and determine the need, if any, for one or more PUBLIC group homes in each county or multicounty region of the State. ~~A COUNTY OR MULTICOUNTY REGION MAY REQUEST A COMPLETED NEEDS STUDY FROM THE DIRECTOR.~~ The completed needs study shall be a public document a copy of which shall be sent to each county or multicounty region as appropriate.

(b) In determining the needs for PUBLIC group homes in a county or multicounty region, the following factors shall be considered:

(1) Individuals presently residing inappropriately in large State institutions who could best be served in their county of origin;

(2) Historic data; [and]

(3) Reascnable projections[.];

(4) AVAILAABILITY OF PRIVATE GROUP HOMES TO MEET THE PROJECTED NEED; AND

(5) ZCNING CLASSIFICATIONS. ALTHOUGH THE PUBLIC GROUP HOME IS EXEMPT FROM ANY LOCAL ZONING RULE OR REGULATICN, PUBLIC GROUP HOMES MAY NOT BE LOCATED IN ANY AREA WHERE SPECIFICALLY PROHIBITED BY THE LOCAL ZONING LAW. HOWEVER, FOR THE PURPOSES OF THE MENTAL RETARDATION LAW, AND ZCNING, THE PUBLIC GROUP HOME CONCLUSIVELY SHALL BE DEEMED A SINGLE FAMILY RESIDENTIAL USE, PERMITTED IN ALL RESIDENTIAL ZONES, INCLUDING ANY ZCNE CLASSIFIED ONLY FOR SINGLE FAMILY DWELLINGS OF ANY KIND OR NATURE, AND MAY NOT BE SUBJECT TO A SPECIAL EXCEPTION OR CCNDITIONAL USE PERMIT OR PROCEDURE DIFFERENT FROM THOSE REQUIRED FOR A SINGLE FAMILY DWELLING OF SIMILAR DENSITY IN THE SAME ZONE.