

CORRECTIVE REPRINT
HOUSE AMENDED

PRIOR PRINTER'S NOS. 94, 847, 1564,
1705

Printer's No. 1706

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 94

Session of
1977

INTRODUCED BY NOLAN, MURRAY, LYNCH AND SMITH, JANUARY 4, 1977

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 14, 1978

AN ACT

- 1 Providing that a community residential facility serving no less
2 than three nor more than eight ~~mentally-ill~~, DEPENDENT <--
3 CHILDREN OR mentally retarded, ~~emotionally-disturbed~~, <--
4 ~~mentally-disabled~~ or physically handicapped persons be
5 considered a residential use of property and permitted in all
6 residential zones of all cities, counties, and other
7 political subdivisions AND PROVIDING FOR PAYMENTS IN LIEU OF <--
8 TAXATION.
- 9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:
- 11 Section 1. A community residential facility means a facility
12 providing residence for a minimum of three but no more than
13 eight ~~mentally-ill~~, DEPENDENT CHILDREN OR mentally retarded, <--
14 ~~emotionally-disturbed~~, ~~mentally-disabled~~ or physically
15 handicapped persons and providing residence for one or two other
16 persons who provide services for such residents.
- 17 Section 2. A community residential facility shall be
18 considered a residential use of property in all residential
19 zones, including but not limited to residential zones for single
20 family dwellings within all cities, counties, and other

1 political subdivisions.

2 Section 3. No community residential facility, as defined in
3 section 1, shall be established within 2,000 feet of any other
4 such facility. Agents of a facility may apply for an exception
5 to these requirements and such exceptions may be granted at the
6 discretion of the local political subdivision.

7 Section 4. Each political subdivision shall maintain
8 appropriate records indicating the location and number of
9 residents served by each community residential facility within
10 its jurisdiction; such information shall be available to the
11 public. Each community residential facility shall register its
12 location, capacity, and agent with the appropriate officials of
13 the political subdivision. THE AGENT SHALL BE RESPONSIBLE FOR <--
14 MAINTAINING THE FACILITY TO ENSURE THAT IT IS SIMILAR IN
15 APPEARANCE AND CONDITION TO OTHER HOMES IN THE COMMUNITY. THE
16 MUNICIPALITY MAY REQUIRE THAT ALL THE OCCUPANTS OF THE COMMUNITY
17 RESIDENTIAL FACILITY SHALL BE RESIDENTS OF THAT MUNICIPALITY OR
18 A MUNICIPALITY IMMEDIATELY CONTIGUOUS THERETO. FOR PURPOSES OF
19 THIS SECTION MUNICIPALITY SHALL MEAN A BOROUGH, TOWNSHIP, CITY,
20 OR LOCAL HOME RULE COMMUNITY.

21 Section 5. Nothing in this act shall effect the status of
22 community residential or similar facilities established prior to
23 the effective date of this act, however, those community
24 residential facilities established prior to the effective date
25 of this act shall register with the appropriate political
26 subdivision.

27 Section 6. This act shall not limit or restrict the
28 authority of appropriate State agencies to approve or license
29 community residential facilities.

30 SECTION 7. A POLITICAL SUBDIVISION MAY IMPOSE A CHARGE IN <--

1 LIEU OF TAXES UPON REAL PROPERTY OCCUPIED BY A COMMUNITY
2 RESIDENTIAL FACILITY EVEN THOUGH SUCH FACILITY IS OWNED BY A
3 PRIVATE INSTITUTION OF LEARNING, BENEVOLENCE OR CHARITY SO LONG
4 AS THE CHARGE IMPOSED DOES NOT EXCEED THE AMOUNT THAT WOULD HAVE
5 BEEN REALIZED BY THE POLITICAL SUBDIVISION AND THE SCHOOL
6 DISTRICT LOCATED THEREIN IF THE REAL PROPERTY WERE NOT EXEMPT
7 FROM TAXATION. SAID CHARGE COLLECTED FOR SCHOOL DISTRICT
8 PURPOSES SHALL BE PAID BY THE POLITICAL SUBDIVISION TO THE
9 SCHOOL DISTRICT.

10 Section 7 8. This act shall take effect immediately.

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