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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3938

- 02/19/2024 Authored by Curran, Fischer, Pursell and Hanson, J.,
The bill was read for the first time and referred to the Committee on Human Services Policy
- 02/28/2024 Adoption of Report: Amended and re-referred to the Committee on State and Local Government Finance and Policy
- 03/11/2024 Adoption of Report: Amended and re-referred to the Committee on Health Finance and Policy

1.1 A bill for an act

1.2 relating to human services; modifying certain licensing and zoning requirements;

1.3 amending Minnesota Statutes 2022, sections 144G.45, subdivision 3; 245A.11,

1.4 subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2022, section 144G.45, subdivision 3, is amended to read:

1.7 Subd. 3. **Local laws apply.** Assisted living facilities shall comply with all applicable

1.8 state and local governing laws, regulations, standards, ordinances, and codes for fire safety,

1.9 building, and zoning requirements, except a facility with a licensed resident capacity of six

1.10 or fewer is exempt from rental licensing regulations imposed by any town, municipality,

1.11 or county.

1.12 Sec. 2. Minnesota Statutes 2022, section 245A.11, subdivision 2, is amended to read:

1.13 Subd. 2. **Permitted single-family residential use.** (a) Residential programs with a

1.14 licensed capacity of six or fewer persons shall be considered a permitted single-family

1.15 residential use of property for the purposes of zoning and other land use regulations, except

1.16 that a residential program whose primary purpose is to treat juveniles who have violated

1.17 criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis

1.18 of conduct in violation of criminal statutes relating to sex offenses shall not be considered

1.19 a permitted use. This exception shall not apply to residential programs licensed before July

1.20 1, 1995. Programs otherwise allowed under this subdivision shall not be prohibited by

1.21 operation of restrictive covenants or similar restrictions, regardless of when entered into,

1.22 which cannot be met because of the nature of the licensed program, including provisions

2.1 which require the home's occupants be related, and that the home must be occupied by the
2.2 owner, or similar provisions.

2.3 ~~(b) Unless otherwise provided in any town, municipal, or county zoning regulation,~~
2.4 ~~licensed residential services provided to more than four persons with developmental~~
2.5 ~~disabilities in a supervised living facility, including intermediate care facilities for persons~~
2.6 ~~with developmental disabilities, with a licensed capacity of seven to eight persons shall be~~
2.7 ~~considered a permitted single-family residential use of property for the purposes of zoning~~
2.8 ~~and other land use regulations. A town, municipal, or county zoning authority may require~~
2.9 ~~a conditional use or special use permit to assure proper maintenance and operation of the~~
2.10 ~~residential program. Conditions imposed on the residential program must not be more~~
2.11 ~~restrictive than those imposed on other conditional uses or special uses of residential property~~
2.12 ~~in the same zones, unless the additional conditions are necessary to protect the health and~~
2.13 ~~safety of the persons being served by the program. This paragraph expires July 1, 2023.~~

2.14 (b) A residential program as defined in section 245D.02, subdivision 4a, with a licensed
2.15 capacity of six or fewer persons that is actively serving residents for which it is licensed is
2.16 exempt from rental licensing regulations imposed by any town, municipality, or county.