

SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION

S.F. No. 3839

(SENATE AUTHORS: BOLDON, Port, Abeler and Hoffman)

DATE	D-PG	OFFICIAL STATUS
02/19/2024	11632	Introduction and first reading Referred to Human Services
03/07/2024		Comm report: To pass as amended and re-refer to State and Local Government and Veterans

1.1A bill for an act

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

1.3amending Minnesota Statutes 2022, section 245A.11, subdivision 2.

1.4BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5Section 1. Minnesota Statutes 2022, section 245A.11, subdivision 2, is amended to read:

1.6Subd. 2. **Permitted single-family residential use.** (a) Residential programs with a

1.7licensed capacity of six or fewer persons shall be considered a permitted single-family

1.8residential use of property for the purposes of zoning and other land use regulations, except

1.9that a residential program whose primary purpose is to treat juveniles who have violated

1.10criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis

1.11of conduct in violation of criminal statutes relating to sex offenses shall not be considered

1.12a permitted use. This exception shall not apply to residential programs licensed before July

1.131, 1995. Programs otherwise allowed under this subdivision shall not be prohibited by

1.14operation of restrictive covenants or similar restrictions, regardless of when entered into,

1.15which cannot be met because of the nature of the licensed program, including provisions

1.16which require the home's occupants be related, and that the home must be occupied by the

1.17owner, or similar provisions.

1.18~~(b) Unless otherwise provided in any town, municipal, or county zoning regulation,~~

1.19~~licensed residential services provided to more than four persons with developmental~~

1.20~~disabilities in a supervised living facility, including intermediate care facilities for persons~~

1.21~~with developmental disabilities, with a licensed capacity of seven to eight persons shall be~~

1.22~~considered a permitted single-family residential use of property for the purposes of zoning~~

1.23~~and other land use regulations. A town, municipal, or county zoning authority may require~~

2.1 ~~a conditional use or special use permit to assure proper maintenance and operation of the~~  
2.2 ~~residential program. Conditions imposed on the residential program must not be more~~  
2.3 ~~restrictive than those imposed on other conditional uses or special uses of residential property~~  
2.4 ~~in the same zones, unless the additional conditions are necessary to protect the health and~~  
2.5 ~~safety of the persons being served by the program. This paragraph expires July 1, 2023.~~

2.6 (b) A residential program as defined in section 245A.02, subdivision 14, paragraph (b),  
2.7 with a licensed capacity of six or fewer persons must not be regulated as a rental property  
2.8 by any town, municipal, or county zoning regulation, unless the program is not actively  
2.9 serving any residents the commissioner licensed the program to serve.