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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2497

03/08/2016 Authored by Peterson, Loonan, Newton, Pugh and Laine

The bill was read for the first time and referred to the Committee on Aging and Long-Term Care Policy

1.1 A bill for an act
1.2 relating to local government; regulating zoning of temporary family health care
1.3 dwellings; proposing coding for new law in Minnesota Statutes, chapters 394;
1.4 462.

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

1.6 Section 1. [394.307] ZONING OF TEMPORARY FAMILY HEALTH CARE
1.7 DWELLING.

1.8 Subdivision 1. Definitions. (a) For purposes of this section, the following terms
1.9 have the meanings given.

1.10 (b) "Activities of daily living" means bathing, dressing, personal hygiene,
1.11 ambulation or locomotion, transferring, toileting, medication management, meal
1.12 preparation, and eating.

1.13 (c) "Caregiver" means an individual 18 years of age or older who (1) provides
1.14 care for a mentally or physically impaired person, and (2) is a relative of the mentally or
1.15 physically impaired person for whom the individual is caring.

1.16 (d) "Mentally or physically impaired person" means a person who is a resident
1.17 of this state and who requires assistance with two or more activities of daily living as
1.18 certified in writing by a physician licensed to practice in this state.

1.19 (e) "Relative" means a spouse, parent, child, sibling, uncle, aunt, nephew, or niece
1.20 of the mentally or physically impaired person. Relative includes half, step, and in-law
1.21 relationships.

1.22 (f) "Temporary family health care dwelling" means a mobile residential dwelling
1.23 that provides an environment facilitating a caregiver's provision of care for a mentally or
1.24 physically impaired person and that meets the requirements of subdivision 2.

2.1 Subd. 2. **Temporary family health care dwelling requirements.** A temporary
2.2 family health care dwelling must:

- 2.3 (1) be primarily assembled at a location other than its site of installation;
2.4 (2) be limited to one occupant who must be a mentally or physically impaired person;
2.5 (3) be no more than 300 gross square feet;
2.6 (4) not be placed on a permanent foundation;
2.7 (5) be universally designed and meet state-recognized accessibility standards;
2.8 (6) be connected to the water, sewer, and electric utilities that are serving the
2.9 principal dwelling on the lot;
2.10 (7) have exterior materials that are compatible in composition, appearance, and
2.11 durability to the exterior materials used in standard residential construction;
2.12 (8) have a minimum insulation rating of R-15;
2.13 (9) be able to be installed, removed, and transported by a vehicle; and
2.14 (10) have a measurement height from ground level to interior floor that does not
2.15 exceed 15 inches.

2.16 Subd. 3. **County requirements.** (a) A county must consider a temporary family
2.17 health care dwelling as a permitted accessory use in any single-family residential zoning
2.18 district on lots zoned for single-family detached dwellings if the temporary family health
2.19 care dwelling is located on property where a caregiver or relative resides.

2.20 (b) Only one temporary family health care dwelling is allowed on a lot.

2.21 (c) A county must not require a conditional use permit or interim use permit for a
2.22 temporary family health care dwelling, unless required for other accessory use structures.
2.23 A temporary family health care dwelling must comply with all setback requirements
2.24 that apply to the primary structure and with any maximum floor area ratio limitations
2.25 that may apply to the primary structure.

2.26 (d) Prior to installing a temporary family health care dwelling, a caregiver or relative
2.27 must first obtain a permit from the county. The county may charge a fee of up to \$100 for
2.28 the initial permit and an annual renewal fee of up to \$50. The county may not withhold
2.29 a permit if the applicant provides proof of compliance with this section. The county
2.30 may require that the applicant provide evidence of compliance with this section on an
2.31 annual basis as long as the temporary family health care dwelling remains on the property.
2.32 The evidence may involve the inspection by the county of the temporary family health
2.33 care dwelling at reasonable times convenient to the caregiver, not limited to an annual
2.34 compliance confirmation, and annual renewal of the doctor's certification.

3.1 (e) A temporary family health care dwelling installed under this section must comply
 3.2 with all applicable state laws, local ordinances, and other requirements, as if the temporary
 3.3 family health care dwelling were permanent real property.

3.4 (f) Any temporary family health care dwelling installed pursuant to this section
 3.5 must be removed within 60 days after the mentally or physically impaired person is no
 3.6 longer receiving or is no longer in need of the assistance described in this section. If
 3.7 the temporary family health care dwelling is needed for another mentally or physically
 3.8 impaired person, the temporary family health care dwelling may continue to be used, or
 3.9 may be reinstated on the property.

3.10 (g) The county may revoke the permit granted pursuant to paragraph (d) if the permit
 3.11 holder violates any requirement of this section.

3.12 (h) Temporary family health care dwellings must be personally taxed based on
 3.13 proper application of chapter 168.

3.14 **Sec. 2. [462.3593] ZONING OF TEMPORARY FAMILY HEALTH CARE**
 3.15 **DWELLING.**

3.16 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms
 3.17 have the meanings given.

3.18 (b) "Activities of daily living" means bathing, dressing, personal hygiene,
 3.19 ambulation or locomotion, transferring, toileting, medication management, meal
 3.20 preparation, and eating.

3.21 (c) "Caregiver" means an individual 18 years of age or older who (1) provides
 3.22 care for a mentally or physically impaired person, and (2) is a relative of the mentally or
 3.23 physically impaired person for whom the individual is caring.

3.24 (d) "Mentally or physically impaired person" means a person who is a resident
 3.25 of this state and who requires assistance with two or more activities of daily living as
 3.26 certified in writing by a physician licensed to practice in this state.

3.27 (e) "Relative" means a spouse, parent, child, sibling, uncle, aunt, nephew, or niece
 3.28 of the mentally or physically impaired person. Relative includes half, step, and in-law
 3.29 relationships.

3.30 (f) "Temporary family health care dwelling" means a mobile residential dwelling
 3.31 that provides an environment facilitating a caregiver's provision of care for a mentally or
 3.32 physically impaired person and that meets the requirements of subdivision 2.

3.33 Subd. 2. **Temporary family health care dwelling requirements.** (a) A temporary
 3.34 family health care dwelling must:

3.35 (1) be primarily assembled at a location other than its site of installation;

- 4.1 (2) be limited to one occupant who must be a mentally or physically impaired person;
 4.2 (3) be no more than 300 gross square feet;
 4.3 (4) not be placed on a permanent foundation;
 4.4 (5) be universally designed and meet state-recognized accessibility standards;
 4.5 (6) be connected to the water, sewer, and electric utilities that are serving the
 4.6 principal dwelling on the lot;
 4.7 (7) have exterior materials that are compatible in composition, appearance, and
 4.8 durability to the exterior materials used in standard residential construction;
 4.9 (8) have a minimum insulation rating of R-15;
 4.10 (9) be able to be installed, removed, and transported by a vehicle; and
 4.11 (10) have a measurement height from ground level to interior floor that does not
 4.12 exceed 15 inches.

4.13 Subd. 3. **Municipal requirements.** (a) A municipality must consider a temporary
 4.14 family health care dwelling as a permitted accessory use in any single-family residential
 4.15 zoning district on lots zoned for single-family detached dwellings if the temporary family
 4.16 health care dwelling is located on property where a caregiver or relative resides.

4.17 (b) Only one temporary family health care dwelling is allowed on a lot.

4.18 (c) A municipality must not require a conditional use permit or interim use permit
 4.19 for a temporary family health care dwelling, unless required for other accessory use
 4.20 structures. A temporary family health care dwelling must comply with all setback
 4.21 requirements that apply to the primary structure and with any maximum floor area ratio
 4.22 limitations that may apply to the primary structure.

4.23 (d) Prior to installing a temporary family health care dwelling, a caregiver or relative
 4.24 must first obtain a permit from the municipality. The municipality may charge a fee of up
 4.25 to \$100 for the initial permit and an annual renewal fee of up to \$50. The municipality
 4.26 may not withhold a permit if the applicant provides proof of compliance with this section.
 4.27 The municipality may require that the applicant provide evidence of compliance with this
 4.28 section on an annual basis as long as the temporary family health care dwelling remains on
 4.29 the property. The evidence may involve the inspection by the municipality of the temporary
 4.30 family health care dwelling at reasonable times convenient to the caregiver, not limited to
 4.31 an annual compliance confirmation, and annual renewal of the doctor's certification.

4.32 (e) A temporary family health care dwelling installed under this section must comply
 4.33 with all applicable state laws, local ordinances, and other requirements, as if the temporary
 4.34 family health care dwelling were permanent real property.

4.35 (f) Any temporary family health care dwelling installed pursuant to this section
 4.36 must be removed within 60 days after the mentally or physically impaired person is no

5.1 longer receiving or is no longer in need of the assistance described in this section. If
5.2 the temporary family health care dwelling is needed for another mentally or physically
5.3 impaired person, the temporary family health care dwelling may continue to be used, or
5.4 may be reinstated on the property.

5.5 (g) The municipality may revoke the permit granted pursuant to paragraph (d) if
5.6 the permit holder violates any requirement of this section.

5.7 (h) Temporary family health care dwellings must be personally taxed based on
5.8 proper application of chapter 168.

5.9 Sec. 3. **SEVERABILITY.**

5.10 If any provision of this act is found to be unconstitutional and void, the remaining
5.11 provisions of this act are valid.

5.12 Sec. 4. **EFFECTIVE DATE.**

5.13 This act is effective and applies to a temporary family health care dwelling
5.14 existing on or after that date, except that no county or municipality may impose a fee as
5.15 authorized by sections 1 and 2 on any temporary family health care dwelling in place
5.16 on or before the effective date.