

# Senate Health and Human Services Committee

*Sophie Walsh 271-3469*

**HB 1763-FN**, establishing a committee to study siting and maintenance rules regarding certain intellectual and developmental disability (IDD) and acquired brain disorder (ABD) community residences.

**Hearing Date:** March 18, 2026

**Time Opened:** 10:43 a.m.

**Time Closed:** 11:19 a.m.

**Members of the Committee Present:** Senators Rochefort, Avard, Birdsell, Prentiss and Long

**Members of the Committee Absent:** None

**Bill Analysis:** This bill establishes a committee to study siting and maintenance rules regarding certain intellectual and developmental disability (IDD) and acquired brain disorder (ABD) community residences.

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**Sponsors:**

Rep. Drago

Rep. Bennett

Rep. Ford

Rep. Nadeau

Rep. Mazur

Rep. Perez

Rep. Bogert

Rep. Barbour

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**Who supports the bill:** Rep. Liz Barbour, Matthew Cordaro (One Sky Community Services), Jennifer Favreau, Cory Stone, Karen Collman, and Laurie McIntosh.

**Who opposes the bill:** Marissa Berg (Community Support Network, Inc.).

**Who is neutral on the bill:** Karen Rosenberg (Disability Rights Center of New Hampshire).

**Summary of testimony presented:**

Representative Liz Barbour, Hillsborough – District 35

- Representative Barbour introduced House Bill 1763-FN as a co-sponsor on behalf of Representative Drago.
- This bill establishes a legislative study committee to examine whether existing administrative rules governing the siting, operation, and maintenance of community residences for individuals with intellectual developmental disabilities and acquired brain disorders are clear, sufficient, and properly coordinated with applicable laws and neighborhood character.

- Representative Barbour emphasized the respect for federal protections afforded to individuals living in these homes and the importance of community-based residential settings.
- The goal is to find solutions to assist both the community housing residents and their neighbors create safe and supportive neighborhoods.
- Concerns have been raised in residential neighborhoods across the state where community residences exist.
- During the House hearing, it was explained that local in-state agencies are not the issue. Rather, it is often out-of-state providers abusing the New Hampshire system.
- Representative Barbour emphasized that we need a mechanism to deal with issues outside of the home that negatively impact the neighborhood, potentially putting both in-house residents and neighbors at risk. Such issues include trash removal, property management, excessively high fencing out of neighborhood character, and the parking of multiple cars on property and streets.
- Representative Barbour explained that neighbors reported over 18 cars parked along the street at a home in Hollis when staff threw a pool party that was not resident-focused.
- She also noted reports of unmonitored residents eloping from properties and wandering into adjacent homes. She emphasized that this is potentially endangering themselves and others who live in the neighborhood.
- Representative Barbour explained that there must be room within a lawful framework to consider neighborhood welfare in these complex situations.
- She emphasized that neighborhoods represent a significant personal and financial investment for the families that live there.
- At its essence, this bill is intended to support the Department of Health and Human Services (DHHS) and their vital work by providing clear, coordinated rules and better statewide guidance to enforce standards more effectively and reduce inconsistencies from out-of-state providers.
- By establishing a study committee, the legislature acknowledges that these concerns deserve review.

Marissa Berg, Community Support Network, Inc.

- Ms. Berg asked the Committee to find this bill inexpedient to legislate.
- There are over 1,000 programs in New Hampshire that serve people with developmental disabilities in a residential setting. Ms. Berg emphasized that it was a small amount of programs included in the initiation of this bill.
- The Fair Housing Act is very clear, and the Department of Justice has stated that municipalities cannot use zoning or land use decisions to exclude or discriminate against people with developmental disabilities.

- Ms. Berg expressed concern about any study committee whose aim is to change these rules leading New Hampshire into conflict with federal law.
- Ms. Berg referenced a 1980 New Hampshire Supreme Court ruling that found the statutory scheme of placing people with developmental disabilities throughout the state carries out a state policy that cannot be frustrated by local zoning restrictions. She emphasized that New Hampshire is a fully community-based state.
- Ms. Berg referenced the housing impact study committee created under House Bill 1168 from 2024 and expressed concern about capacity, noting that the Committee was disbanded due to inadequate staffing.
- Ms. Berg referenced Senator Rochefort's Senate Bill 670-FN-A and noted that the bill creates an oversight group assessing the quality of services for people with developmental disabilities. She noted that some of the concerns raised may be better suited for discussion within that body.
- These programs exist because there are individuals that are currently served out-of-state and there is an intent to bring them back to New Hampshire.
- Some of the individuals supported in this system experience behavioral health challenges in addition to developmental disabilities. Ms. Berg referenced fencing and cars, explaining that certain aspects of disability may be misunderstood. She emphasized that some individuals need additional staffing support.
- Senator Avard asked if this bill is simply creating a new study, and Ms. Berg confirmed.
- Senator Long referenced department staffing and asked if the issue was that there was no division overseeing this.
- Ms. Berg explained that there are existing rules in place that these programs fall under.
- Senator Long referenced Ms. Berg's comments about the HB 1168 study committee and asked why the committee disbanded.
- Ms. Berg said her understanding is that although there was a decision to continue for another year, the committee was disbanded because there wasn't legislative bandwidth to continue.
- Senator Rochefort noted that he has 3 communities within his district having issues. He explained that communities and public safety providers have questions, as there seems to be significant growth of these facilities in his district. He inquired what he should tell his constituents if they were to find the bill inexpedient to legislate.
- Ms. Berg responded that she would think about the individuals supported in certain homes with certain disabilities. Her recommendation is to look at it through a quality concern lens. She thinks there also may be confusion about

who is supported by these programs, as they all have intellectual disabilities or brain injuries.

- Senator Rochefort contended that this bill would accomplish that goal if it is a quality issue. He emphasized that this is a complex situation and this bill is a step to get people educated. He asked if Ms. Berg would agree with that.
- Ms. Berg said she fears this opens the door for communities to say they do not support having people with intellectual disabilities living in their community.
- Senator Rochefort emphasized that there is law in place and that this may be a way to bring these issues forward about quality.
- Senator Avard emphasized that this is just shedding some light on the issue and looking into it. He expressed his strong support for the developmental disability community and said he would like to see other avenues to help the community while addressing concerns. He asked if Ms. Berg would agree.
- Ms. Berg emphasized that the position of Community Support Network, Inc. is concern that this would turn into a situation where it is looked at as a zoning or municipal issue, as opposed to a quality issue. She emphasized some of the concerns raised, such trash removal and eloping, are quality issues. She emphasized that this may fit into the intent of SB 670-FN-A.
- Senator Avard stated that if a home is not being maintained properly, those residing there deserve better. He explained that having a committee to address this could allow us to look into these situations where quality of life is of concern. He emphasized that these situations can be overlooked.
- Ms. Berg explained that parking and fencing is what stands out to her. The fencing serves an important purpose and represents a significant investment for these agencies.
- She asked the Committee to consider that these investments are required for individuals to be able to live in the community.
- She agreed that nobody deserves to live in any sort of squalor and emphasized the concern is around the siting of some of these homes. She believes they would be open to that discussion as long as the focus is on quality.

Matthew Cordaro, One Sky Community Services

- Mr. Cordaro stated that he is speaking in support of the bill.
- He explained that while things like the trash issue can be easily fixed, there are people not receiving the services they were promised.
- He cited an incident in which an individual was allowed to leave their residence and entered into the residence of a neighbor. Luckily, they were not harmed.
- Three years ago, this system changed when area agencies lost their ability to suspend funding or pull certifications for community residences not following programs and failing to do the right thing for residents.

- Since then, new providers from out-of-state have started entering our system and began exploiting these loopholes that now exist. This issue cannot be presently fixed because what these providers are doing is outside of the scope and purpose of what they can be held accountable to.
- This study committee will allow everyone to sit at the table in a collaborative way to address these issues.
- Mr. Cordaro said he believes this is a very reasonable approach.
- Senator Avard asked if Mr. Cordaro would be okay with removing the senators from the study committee, and Mr. Cordaro said he would.

Karen Rosenberg, Disability Rights Center of New Hampshire

- Ms. Rosenberg noted that while she was not planning to take a position on the bill, some concerns have been raised about the focus of this effort and whether it is the best use of resources.
- She has heard that there have been troubling incidents occurring in some communities involving developmental services and those served by that system. From her perspective, those incidents occur due to a lack of oversight, supervision, and training.
- Ms. Rosenberg referenced SB 670-FN-A and explained that it provides an opportunity. She acknowledged the time and resources needed to do this work and said she thinks SB 670-FN-A provides a robust commission and may be a good place to address the concerns raised by this bill.
- Senator Rochefort said he believes this bill would be a perfect complement to SB 670-FN-A. He thinks that SB 670-FN-A addresses some of the more initial and immediate needs, but there are other issues and discussions that need to happen.
- Senator Long noted that Manchester had a similar issue and noted his concern about the situation. He said he leans toward this bill for the precise reason that it would be studying. He asked if Ms. Rosenberg sees SB 670-FN-A as being able to address this issue.
- Ms. Rosenberg said she does see SB 670-FN-A as being able to address the issue, as she believes the incidents provoking this bill are around oversight and quality. Terms like “neighborhood character” included in this bill concern her, as those kinds of terms were used in the past to exclude groups like Black people or Jewish people from being in certain neighborhoods.
- She emphasized that we cannot have people living in squalor or people interfering with others’ right to quiet enjoyment of their own premises. There is a balance that needs to be struck, but it cannot be on the basis of someone having a developmental disability.
- Senator Avard said he agrees that people need to be educated, and he thinks that it is beneficial to have more light shined on this community. He has been on

many study committees, and he finds it helpful to be able to tease out specific information and truly understand the situation. He emphasized that the intent is not to discriminate at all.

- Ms. Rosenberg emphasized that this is why the Disability Rights Center was not originally taking a position on the bill and was happy to be listed as an organization the committee would hear from. If this passes, they will happily participate.