

Amendment to HB 731-FN

1 Amend the bill by inserting after section 1 the following and renumbering the original section 2 to
2 read as 3:

3
4 2 Department of Health and Human Services; Community Living Facilities. Amend RSA 126-
5 A:19 to read as follows:

6 126-A:19 Community Living Facilities.

7 **I.** The commissioner shall develop a statewide program of community living facilities for
8 persons with developmental disabilities or mental illnesses. The commissioner shall be responsible
9 for the selection, certification, and monitoring of such community living facilities in accordance with
10 rules adopted by the commissioner pursuant to RSA 541-A.

11 **II.** The commissioner shall also be responsible for prior approval of all individual residential
12 placements and shall adopt rules relative to monitoring the care, treatment, and habilitation
13 provided to all residents of community living facilities.

14 **(a)** Rates for enhanced family care residents shall be set according to the severity of the
15 resident's disability.

16 **(b)** Placements of children shall be consistent with RSA 170-A, 170-C, and 170-E, as
17 appropriate.

18 **(c)** Approval by the commissioner of an individual for placement in a community living
19 facility shall be based on a finding by the commissioner that the community living facility is the least
20 restrictive environment appropriate to the needs of the individual. "Least restrictive environment"
21 means the facility, program, or service which least inhibits a person's freedom of movement, freedom
22 of choice, and participation in the community, while achieving the purposes of habilitation and
23 treatment.

24 **III.** *No community living facility certified under this section shall be exempt from*
25 *state or local zoning ordinances, or exempt from state or local safety ordinances.*

Amendment to HB 731-FN
- Page 2 -

2025-1632s

AMENDED ANALYSIS

This bill provides a limited license exemption for certain supportive housing options for individuals with disabilities located within a larger facility or apartment building. The bill also clarifies that community living facilities certified by the department of health and human services are not exempt from state and local zoning and safety ordinances.