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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **1074**

02/13/2017 Authored by Christensen  
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act  
1.2 relating to human services; modifying the zoning requirements for residential  
1.3 programs licensed by the commissioner of human services; amending Minnesota  
1.4 Statutes 2016, section 245A.11, subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2016, section 245A.11, subdivision 4, is amended to read:

1.7 Subd. 4. **Location of residential programs.** In determining whether to grant a license,  
1.8 the commissioner shall specifically consider the population, size, land use plan, availability  
1.9 of community services, and the number and size of existing licensed residential programs  
1.10 in the town, municipality, or county in which the applicant seeks to operate a residential  
1.11 program. The commissioner shall not grant an initial license to any residential program if  
1.12 the residential program will be within 1,320 feet of an existing residential program unless  
1.13 one of the following conditions apply: (1) the existing residential program is located in a  
1.14 hospital licensed by the commissioner of health; (2) the town, municipality, or county zoning  
1.15 authority grants the residential program a conditional use or special use permit; (3) the  
1.16 program serves six or fewer persons and is not located in a city of the first class home rule  
1.17 charter or statutory city under section 410.015; or (4) the program is foster care, or a  
1.18 community residential setting as defined under section 245D.02, subdivision 4a.