



Inserts

2007 BILL

SA ✓
X-REF ✓

residential ^{care centers} care centers for children and youth, group homes, and community-based residential facilities, and

residential care centers for children and youth (residential care centers) which are facilities operated by child welfare agencies for the care of four or more children

LPS - 2963/3ins
not in folder.

Regent

- 1 AN ACT to create 50.032 (1m) (c), 50.032 (1m) (d), 50.033 (1m) (c) and 50.033 (1m)
- 2 (d) of the statutes; relating to: community oversight of adult family homes.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) licenses certain facilities for the care and treatment in the community of certain children and adults. Those facilities include group homes, which may provide care for five to eight children, and community-based residential facilities (CBRFs), which may provide care for five or more adults. Under current law, DHFS or a county department of human services, social services, community programs, or developmental disabilities services (county department) also licenses or certifies adult family homes, which may provide care for three or four adults.

Currently, within ten working days after receipt of an application for initial licensure of a group home or CBRF, DHFS must notify the city, town, or village planning commission, or other appropriate city, town, or village agency if there is no planning commission, of receipt of the application and request that the planning commission or agency send to DHFS, within 30 days, a description of any specific hazards that may affect the health and safety of the residents of the group home or CBRF. DHFS may not grant a license to a group home or CBRF until the 30-day period has expired or until DHFS receives the response of the planning commission or agency, whichever is sooner. In issuing a license, DHFS must give full consideration to any hazards determined by the planning commission or agency.

Currently, before initial licensure of a group home or CBRF, the applicant for licensure must make a good faith effort to establish a community advisory committee

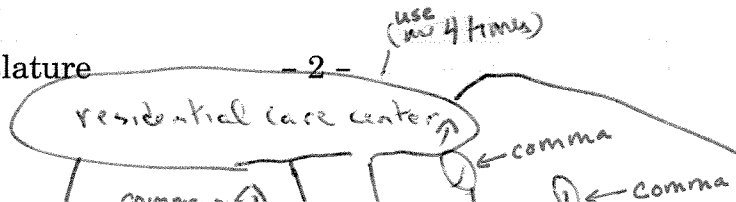
residential care centers

residential care centers

residential care centers

(use twice use twice)

BILL



consisting of representatives of the proposed group home or CBRF, the neighborhood in which the proposed group home or CBRF is to be located, and a local governmental unit. A community advisory committee must provide a forum for communication for persons interested in the proposed group home or CBRF and, after licensure, continues in existence to make recommendations regarding the impact of the group home or CBRF on the neighborhood.

This bill requires DHFS or a licensing or certifying county department, within ten working days after receipt of an application for initial licensure or certification of an adult family home, to notify the city, town, or village planning commission, or other appropriate city, town, or village agency if there is no planning commission, of receipt of the application and request that the planning commission or agency send to DHFS or the licensing or certifying county department, within 30 days, a description of any specific hazards that may affect the health and safety of the residents of the adult family home. DHFS or a licensing or certifying county department may not issue a license or certification to an adult family home until the 30-day period has expired or until DHFS or the licensing or certifying county department receives the response of the planning commission or agency, whichever is sooner. In issuing a license or certification, DHFS or a licensing or certifying county department must give full consideration to any hazards determined by the planning commission or agency.

The bill also requires an applicant for initial licensure or certification of an adult family home to ~~make a good faith effort to~~ establish a community advisory committee, consisting of representatives of the proposed adult family home, the neighborhood in which the proposed adult family home is to be located, and a local governmental unit, for the purpose of providing a forum for communication for persons interested in the proposed adult family home and, after licensure or certification, making recommendations regarding the impact of the adult family home on the neighborhood.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

Insert
A

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION ~~1~~. 50.032 (1m) ~~(c)~~ of the statutes is created to read:

50.032 (1m) ~~(c)~~ Within 10 working days after receipt of an application for initial certification of an adult family home, the department or certifying county department under par. (b) shall notify the city, town, or village planning commission, or other appropriate city, town, or village agency if there is no planning commission, of receipt of the application. The department or certifying county department shall

Insert
2-1

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)

BILL

1 request that the planning commission or agency send to the department or certifying
2 county department, within 30 days, a description of any specific hazards that may
3 affect the health and safety of the residents of the adult family home. No certification
4 may be issued to an adult family home until the 30-day period has expired or until
5 the department or certifying county department receives the response of the
6 planning commission or agency, whichever is sooner. In issuing a certification, the
7 department or certifying county department shall give full consideration to any
8 hazards determined by the planning commission or agency.

9 SECTION 2. 50.032 (1m) (d) of the statutes is created to read:

10 50.032 (1m) (c) Prior to initial certification of an adult family home, the
11 applicant for certification shall ~~make a good faith effort to~~ establish a community
12 advisory committee consisting of representatives from the proposed adult family
13 home, the neighborhood in which the proposed adult family home will be located, and
14 a local unit of government. The community advisory committee shall provide a forum
15 for communication for those persons interested in the proposed adult family home.
16 Any committee established under this ~~paragraph~~ subdivision shall continue in existence after
17 certification to make recommendations to the operator of the adult family home
18 regarding the impact of the adult family home on the neighborhood. The department
19 or certifying county department under par. (b) shall determine compliance with this
20 ~~paragraph~~ subdivision both prior to and after initial certification.

21 SECTION 3. 50.033 (1m) (c) of the statutes is created to read:

22 50.033 (1m) (c) Within 10 working days after receipt of an application for initial
23 licensure of an adult family home, the department or licensing county department
24 under par. (b) shall notify the city, town, or village planning commission, or other
25 appropriate city, town, or village agency if there is no planning commission, of receipt

Insert
3-20

subdivision

subdivision

(c)

applying for

~~make a good faith effort to~~

subdivision

(c)

(c)

BILL

SECTION 3

1 of the application. The department or licensing county department shall request
 2 that the planning commission or agency send to the department or licensing county
 3 department, within 30 days, a description of any specific hazards that may affect the
 4 health and safety of the residents of the adult family home. No license may be issued
 5 to an adult family home until the 30-day period has expired or until the department
 6 or licensing county department receives the response of the planning commission or
 7 agency, whichever is sooner. In issuing a license, the department or licensing county
 8 department shall give full consideration to any hazards determined by the planning
 9 commission or agency.

10 SECTION 4. 50.033 (1m) ~~(d)~~ of the statutes is created to read:

11 50.033 (1m) ~~(c)~~ Prior to initial licensure of an adult family home, the applicant
 12 for licensure shall ~~make a good faith effort to~~ establish a community advisory
 13 committee consisting of representatives from the proposed adult family home, the
 14 neighborhood in which the proposed adult family home will be located, and a local
 15 unit of government. The community advisory committee shall provide a forum for
 16 communication for those persons interested in the proposed adult family home. Any
 17 committee established under this ~~paragraph~~ ^{subdivision} shall continue in existence after
 18 licensure to make recommendations to the licensee regarding the impact of the adult
 19 family home on the neighborhood. The department or licensing county department
 20 under par. (b) shall determine compliance with this ~~paragraph~~ ^{subdivision} both prior to and after
 21 initial licensure.

22 SECTION 5. Initial applicability.

23 (1) COMMUNITY OVERSIGHT OF ~~ADULT FAMILY HOMES~~ ^{or continued}. This act first applies to
 24 applications for initial licensure or certification of a ~~proposed~~ adult family home
 25 received by a county department under section 46.215, 46.22, 46.23, 51.42, or 51.437

and to applications for ~~initial~~ approval of a change in the client group
 served by a residential care ~~center~~ ^{client} center for children and youths, group homes,
 community-based residential facilities, or

Insert
4-21
22

(5) COMMUNITY LIVING ARRANGEMENTS ✓

BILL

1 of the statutes or by the department of health and family services on the effective
2 date of this subsection.

3

✓
(END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2963/3ins

GMM:.....

g Lbjk

(INSERT 2-1)

X ✓
SECTION 1. 48.66 (2r) of the statutes is created to read:

✓48.66 (2r) An application for initial licensure of a child welfare agency to operate a residential care center for children and youth or of a group home shall identify the client group to be served. A residential care center for children and youth or group home may not change the client group served unless it notifies the department and the community advisory committee established under s. 48.68 (4) (a) of that change not less than 30 days before the change is implemented and the department, after considering any issues raised by the community advisory committee under s. 48.68 (4) (b), approves that change.

X ✓ ✓
SECTION 2. 48.68 (4) of the statutes is renumbered 48.68 (4) (a) and amended to read:

✓48.68 (4) (a) Prior to applying for initial licensure of a residential care center for children and youth operated by a child welfare agency or of a group home, the applicant for licensure shall ~~make a good faith effort to~~ establish a community advisory committee consisting of representatives from the child welfare agency or proposed group home, the neighborhood in which the proposed residential care center for children and youth or group home will be located, and a local unit of government. The community advisory committee shall provide a forum for communication for those persons interested in the proposed residential care center for children and youth or group home. Any committee established under this subsection paragraph shall continue in existence after licensure to make recommendations to the licensee regarding the impact of the residential care center for children and youth or group home on the neighborhood. The department shall

determine compliance with this subsection paragraph both prior to and after initial licensure.

History: 1977 c. 205, 418; 1981 c. 72; 1991 a. 39; 1993 a. 375, 395, 491; 1995 a. 27, 77; 1997 a. 27; 1999 a. 9; 2001 a. 59.

SECTION 3. 48.68 (4) (b) of the statutes is created to read:

48.68 (4) (b) At the same time that an application is submitted to the department for initial licensure of a child welfare agency to operate a residential care center for children and youth or of a group home, for continuance of a license to operate a residential care center for children and youth or group home, or for approval of a proposed change in client group served under s. 48.66 (2r), the applicant shall notify the community advisory committee of submission of the application and shall request the community advisory committee to inform the department, within 30 days after the date of the notice, about any issues that the community advisory committee may have concerning the general operations of the residential care center for children and youth or group home. Before issuing or continuing the license or approving the change in client group served, the department shall consider any issues raised by the community advisory committee and provide a written response to the community advisory committee addressing those issues. No license to operate a residential care center for children and youth or group home may be issued or continued and no change in client group served may be approved until that 30-day period has expired or until the department receives the response of the community advisory committee, whichever is sooner.

SECTION 4. 50.03 (3) (cm) of the statutes is created to read:

50.03 (3) (cm) An application for initial licensure of a community-based residential facility shall identify the client group to be served. A community-based residential facility may not change the client group served unless it notifies the

department and the community advisory committee established under sub. (4) (g) 1. of that change not less than 30 days before the change is implemented and the department, after considering any issues raised by the community advisory committee under sub. (4) (g) 2., approves that change.

SECTION 5. 50.03 (4) (g) of the statutes is renumbered 50.03 (4) (g) 1. and amended to read:

50.03 (4) (g) 1. Prior to applying for initial licensure of a community-based residential facility, the applicant for licensure shall ~~make a good faith effort to~~ establish a community advisory committee consisting of representatives from the proposed community-based residential facility, the neighborhood in which the proposed community-based residential facility will be located, and a local unit of government. The community advisory committee shall provide a forum for communication for those persons interested in the proposed community-based residential facility. Any committee established under this paragraph subdivision shall continue in existence after licensure to make recommendations to the licensee regarding the impact of the community-based residential facility on the neighborhood. The department shall determine compliance with this paragraph subdivision both prior to and after initial licensure.

History: 1975 c. 413; 1977 c. 29, 170, 205, 272, 418, 447; 1979 c. 221; 1981 c. 20, 72, 121; 1981 c. 314 s. 146; 1985 a. 29 ss. 1058, 3202 (56) (a); 1985 a. 176; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (1), (3); 1987 a. 27, 127, 399; 1989 a. 31, 359; 1991 a. 39, 221; 1993 a. 27, 112, 375, 491; 1995 a. 27 ss. 3227 to 3232, 9126 (19); 1997 a. 27, 114; 2001 a. 16; 2003 a. 33; 2005 a. 264, 387.

SECTION 6. 50.03 (4) (g) 2. of the statutes is created to read:

50.03 (4) (g) 2. At the same time that an application is submitted to the department for initial licensure of a community-based residential facility, for continuance of a license to operate a community-based residential facility, or for approval of a proposed change in client group served under sub. (3) (cm), the applicant shall notify the community advisory committee of submission of the

application and shall request the community advisory committee to inform the department, within 30 days after the date of the notice, about any issues that the community advisory committee may have concerning the general operations of the community-based residential facility. Before issuing or continuing the license or approving the change in client group served, the department shall consider any issues raised by the community advisory committee and provide a written response to the community advisory committee addressing those issues. No license to operate a community-based residential facility may be issued or continued and no change in client group served may be approved until that 30-day period has expired or until the department receives the response of the community advisory committee, whichever is sooner.

SECTION 7. 50.032 (1m) (c) of the statutes is created to read:

50.032 (1m) (c) An application for initial certification of an adult family home shall identify the client group to be served. An adult family home may not change the client group served unless it notifies the department or certifying county department and the community advisory committee established under par. (e) 1. of that change not less than 30 days before the change is implemented and the department or certifying county department, after considering any issues raised by the community advisory committee under par. (e) 2., approves that change.

(END OF INSERT)

(INSERT 3-20)

~~SECTION 8.~~ 50.032 (1m) (e) 2. of the statutes is created to read:

50.032 (1m) (e) 2. At the same time that an application is submitted to the department or a certifying county department for initial certification of an adult

family home, for continuance of a certification to operate an adult family home, or for approval of a proposed change in client group served under par. (c), the applicant shall notify the community advisory committee of submission of the application and shall request the community advisory committee to inform the department or certifying county department, within 30 days after the date of the notice, about any issues that the community advisory committee may have concerning the general operations of the adult family home. Before issuing or continuing the certification or approving the change in client group served, the department or certifying county department shall consider any issues raised by the community advisory committee and provide a written response to the community advisory committee addressing those issues. No certification to operate an adult family home may be issued or continued and no change in client group served may be approved until that 30-day period has expired or until the department or certifying county department receives the response of the community advisory committee, whichever is sooner.

SECTION 9. 50.033 (1m) (c) of the statutes is created to read:

50.033 (1m) (c) An application for initial licensure of an adult family home shall identify the client group to be served. An adult family home may not change the client group served unless it notifies the department or licensing county department and the community advisory committee established under par. (e) 1. of that change not less than 30 days before the change is implemented and the department or licensing county department, after considering any issues raised by the community advisory committee under par. (e) 2., approves that change.

(END OF INSERT)

(INSERT 4-21)



Insert 4-21

~~SECTION 10. 50.033 (1m) (e) 2. of the statutes is created to read:~~

50.033 (1m) (e) 2. At the same time that an application is submitted to the department or a licensing county department for initial licensure of an adult family home, for continuance of a license to operate an adult family home, or for approval of a proposed change in client group served under par. (c), the applicant shall notify the community advisory committee of submission of the application and shall request the community advisory committee to inform the department or licensing county department, within 30 days after the date of the notice, about any issues that the community advisory committee may have concerning the general operations of the adult family home. Before issuing or continuing the license or approving the change in client group served, the department or licensing county department shall consider any issues raised by the community advisory committee and provide a written response to the community advisory committee addressing those issues. No license to operate an adult family home may be issued or continued and no change in client group served may be approved until that 30-day period has expired or until the department or licensing county department receives the response of the community advisory committee, whichever is sooner.

(END OF INSERT)

(INSERT A)

In addition, the bill requires a residential care center, group home, CBRF, or adult family home, when it applies for initial licensure or certification, for continuance of a license or certification, or for approval of a change in client group served, to notify the community advisory committee of submission of the application and to request the community advisory committee to inform DHFS or the licensing or certifying county department, within 30 days after the date of the notice, about any issues that the community advisory may have concerning the general operations of the residential care center, group home, CBRF, or adult family home. Under the bill, DHFS or a licensing or certifying county department must consider any issues

committee

raised by the community advisory committee and provide a written response to the community advisory committee addressing those issues before issuing or continuing a license or approving a change in client group served and may not issue or continue a license or certification or approve a change in client group served until that 30-day period has expired or until receiving the response of the community advisory committee, whichever is sooner. ✓

(END OF INSERT) ✓

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

8/21/07

14

Comme

Do not let operator "cherry pick"

Neighborhood reps on community advisory committee

Malaise, Gordon

From: Schulze, Connie
Sent: Wednesday, August 22, 2007 11:45 AM
To: Malaise, Gordon
Subject: RE: LRB2963/4 Relating to Community Oversight of Community Living Arrangements

OK. That sounds like a good way to approach things.

From: Malaise, Gordon
Sent: Wednesday, August 22, 2007 10:10 AM
To: Schulze, Connie
Subject: LRB2963/4 Relating to Community Oversight of Community Living Arrangements

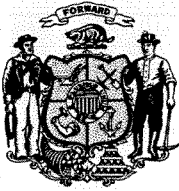
<< File: 07-2963/4 >>

Connie:

Attached is the latest redraft. As you will see, rather than appointing everybody who is interested to the committee, which could get unwieldy, the draft requires the adult family home to appoint its representatives and the city, village, or town to appoint the neighborhood and local government representatives. Also, to ensure that the committee isn't just a rubber stamp, the draft requires a majority of the committee to consist of representatives of the neighborhood and the local government.

Please let me know if you have any questions.

Gordon



State of Wisconsin
2007 - 2008 LEGISLATURE

Wed 8/21 Noon !!

LRB-2963/3
GMM:bjk&jld:sp
stays
4
DMR

2007 BILL

SA ✓
X-ref ✓

regen. act.

1 AN ACT to renumber and amend 48.68 (4) and 50.03 (4) (g); and to create 48.66
2 (2r), 48.68 (4) (b), 50.03 (3) (cm), 50.03 (4) (g) 2., 50.032 (1m) (c), 50.032 (1m) (d),
3 50.032 (1m) (e), 50.033 (1m) (c), 50.033 (1m) (d) and 50.033 (1m) (e) of the
4 statutes; relating to: community oversight of residential care centers for
5 children and youth, group homes, community-based residential facilities, and
6 adult family homes.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) licenses certain facilities for the care and treatment in the community of certain children and adults. Those facilities include residential care centers for children and youth (residential care centers), which are facilities operated by child welfare agencies for the care of four or more children, group homes, which may provide care for five to eight children, and community-based residential facilities (CBRFs), which may provide care for five or more adults. Under current law, DHFS or a county department of human services, social services, community programs, or developmental disabilities services (county department) also licenses or certifies adult family homes, which may provide care for three or four adults.

Currently, within ten working days after receipt of an application for initial licensure of a residential care center, group home, or CBRF, DHFS must notify the city, town, or village planning commission, or other appropriate city, town, or village

2 - 1

BILL

the bill requires that the majority of the members of a community advisory committee be representatives of the neighborhood and of the city, village or town

agency if there is no planning commission, of receipt of the application and request that the planning commission or agency send to DHFS, within 30 days, a description of any specific hazards that may affect the health and safety of the residents of the residential care center, group home, or CBRF. DHFS may not grant a license to a residential care center, group home, or CBRF until the 30-day period has expired or until DHFS receives the response of the planning commission or agency, whichever is sooner. In issuing a license, DHFS must give full consideration to any hazards determined by the planning commission or agency.

Currently, before initial licensure of a residential care center, group home, or CBRF, the applicant for licensure must make a good faith effort to establish a community advisory committee consisting of representatives of the proposed residential care center, group home, or CBRF, the neighborhood in which the proposed residential care center, group home, or CBRF is to be located, and a local governmental unit. A community advisory committee must provide a forum for communication for persons interested in the proposed residential care center, group home, or CBRF and, after licensure, continues in existence to make recommendations regarding the impact of the residential care center, group home, or CBRF on the neighborhood.

This bill requires DHFS or a licensing or certifying county department, within ten working days after receipt of an application for initial licensure or certification of an adult family home, to notify the city, town, or village planning commission, or other appropriate city, town, or village agency if there is no planning commission, of receipt of the application and request that the planning commission or agency send to DHFS or the licensing or certifying county department, within 30 days, a description of any specific hazards that may affect the health and safety of the residents of the adult family home. DHFS or a licensing or certifying county department may not issue a license or certification to an adult family home until the 30-day period has expired or until DHFS or the licensing or certifying county department receives the response of the planning commission or agency, whichever is sooner. In issuing a license or certification, DHFS or a licensing or certifying county department must give full consideration to any hazards determined by the planning commission or agency.

The bill also requires an applicant for initial licensure or certification of an adult family home to establish a community advisory committee, consisting of representatives of the proposed adult family home, the neighborhood in which the proposed adult family home is to be located, and a local governmental unit, for the purpose of providing a forum for communication for persons interested in the proposed adult family home and, after licensure or certification, making recommendations regarding the impact of the adult family home on the neighborhood.

Moreover, in addition, the bill requires a residential care center, group home, CBRF, or adult family home, when it applies for initial licensure or certification, for continuance of a license or certification, or for approval of a change in client group served, to notify the community advisory committee of submission of the application and to request the community advisory committee to inform DHFS or the licensing

paren. (Community living arrangement)

community living arrangement

residential care center, group home, CBRF or

community living arrangement (has 4 times)

(use 4 times)

me

The bill specifies that the members of the community advisory committee who are representatives of the proposed community living arrangement are appointed by the proposed community living arrangement and that the members of the committee who are representatives of the neighborhood and of the city, village or town are appointed by the mayor or city manager, village president or town board chairperson or his or her designee. In addition,

BILL

community living arrangement

or certifying county department, within 30 days after the date of the notice, about any issues that the community advisory committee may have concerning the general operations of the ~~residential care center, group home, CBRE, or adult family home~~. Under the bill, DHFS or a licensing or certifying county department must consider any issues raised by the community advisory committee and provide a written response to the community advisory committee addressing those issues before issuing or continuing a license or approving a change in client group served and may not issue or continue a license or certification or approve a change in client group served until that 30-day period has expired or until receiving the response of the community advisory committee, whichever is sooner.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.66 (2r) of the statutes is created to read:

2 48.66 (2r) An application for initial licensure of a child welfare agency to
3 operate a residential care center for children and youth or of a group home shall
4 identify the client group to be served. A residential care center for children and youth
5 or group home may not change the client group served unless it notifies the
6 department and the community advisory committee established under s. 48.68 (4)
7 (a) of that change not less than 30 days before the change is implemented and the
8 department, after considering any issues raised by the community advisory
9 committee under s. 48.68 (4) (b), approves that change.

10 **SECTION 2.** 48.68 (4) of the statutes is renumbered 48.68 (4) (a) and amended
11 to read:

12 48.68 (4) (a) Prior to applying for initial licensure of a residential care center
13 for children and youth operated by a child welfare agency or of a group home, the
14 applicant for licensure shall ~~make a good faith effort to~~ establish a community
15 advisory committee consisting of representatives from the child welfare agency or

BILL

appointed by the child welfare agency or group home operator, representatives of

Committee shall be representatives of the neighborhood and representatives of the city/village/town in which the proposed residential care center for children and youth or group home will be located

1 proposed group home, the neighborhood in which the proposed residential care
 2 center for children and youth or group home will be located, ~~and a local unit of~~
 3 ~~government.~~ The community advisory committee shall provide a forum for
 4 communication for those persons interested in the proposed residential care center
 5 for children and youth or group home. Any committee established under this
 6 subsection paragraph shall continue in existence after licensure to make
 7 recommendations to the licensee regarding the impact of the residential care center
 8 for children and youth or group home on the neighborhood. The department shall
 9 determine compliance with this subsection paragraph both prior to and after initial
 10 licensure.

11 SECTION 3. 48.68 (4) (b) of the statutes is created to read:

12 48.68 (4) (b) At the same time that an application is submitted to the
 13 department for initial licensure of a child welfare agency to operate a residential care
 14 center for children and youth or of a group home, for continuance of a license to
 15 operate a residential care center for children and youth or group home, or for
 16 approval of a proposed change in client group served under s. 48.66 (2r), the applicant
 17 shall notify the community advisory committee of submission of the application and
 18 shall request the community advisory committee to inform the department, within
 19 30 days after the date of the notice, about any issues that the community advisory
 20 committee may have concerning the general operations of the residential care center
 21 for children and youth or group home. Before issuing or continuing the license or
 22 approving the change in client group served, the department shall consider any
 23 issues raised by the community advisory committee and to provide a written
 24 response to the community advisory committee addressing those issues. No license
 25 to operate a residential care center for children and youth or group home may be

appointed by the mayor or city manager, village president, or townboard chairperson or his or her designee, and representatives of the city, village or town appointed by the mayor or city manager, village president, or townboard chairperson or his or her designee. A majority of the members of the community advisory

BILL

1 issued or continued and no change in client group served may be approved until that
2 30-day period has expired or until the department receives the response of the
3 community advisory committee, whichever is sooner.

4 **SECTION 4.** 50.03 (3) (cm) of the statutes is created to read:

5 50.03 (3) (cm) An application for initial licensure of a community-based
6 residential facility shall identify the client group to be served. A community-based
7 residential facility may not change the client group served unless it notifies the
8 department and the community advisory committee established under sub. (4) (g) 1.
9 of that change not less than 30 days before the change is implemented and the
10 department, after considering any issues raised by the community advisory
11 committee under sub. (4) (g) 2., approves that change.

12 **SECTION 5.** 50.03 (4) (g) of the statutes is renumbered 50.03 (4) (g) 1. and
13 amended to read: appointed by the operator of the community-based
residential facility, the representatives of

14 50.03 (4) (g) 1. Prior to applying for initial licensure of a community-based
15 residential facility, the applicant for licensure shall ~~make a good faith effort to~~
16 establish a community advisory committee consisting of representatives from the
17 proposed community-based residential facility, ~~the neighborhood in which the~~
18 proposed community-based residential facility will be located, ~~and a local unit of~~
19 government. The community advisory committee shall provide a forum for
20 communication for those persons interested in the proposed community-based
21 residential facility. Any committee established under this paragraph subdivision
22 shall continue in existence after licensure to make recommendations to the licensee
23 regarding the impact of the community-based residential facility on the
24 neighborhood. The department shall determine compliance with this paragraph
25 subdivision both prior to and after initial licensure.

The neighborhood and representatives of the city, village or town in which the proposed community-based residential facility will be located

appointed by the mayor or city manager, village president or town board chairperson or his or her designee, and representatives of the city, village or town appointed by the mayor or city manager, village president or town board chairperson or his or her designee. A majority of the members of the community advisory committee shall be representatives.

BILL

1 **SECTION 6.** 50.03 (4) (g) 2. of the statutes is created to read:

2 50.03 (4) (g) 2. At the same time that an application is submitted to the
3 department for initial licensure of a community-based residential facility, for
4 continuance of a license to operate a community-based residential facility, or for
5 approval of a proposed change in client group served under sub. (3) (cm), the
6 applicant shall notify the community advisory committee of submission of the
7 application and shall request the community advisory committee to inform the
8 department, within 30 days after the date of the notice, about any issues that the
9 community advisory committee may have concerning the general operations of the
10 community-based residential facility. Before issuing or continuing the license or
11 approving the change in client group served, the department shall consider any
12 issues raised by the community advisory committee and provide a written response
13 to the community advisory committee addressing those issues. No license to operate
14 a community-based residential facility may be issued or continued and no change
15 in client group served may be approved until that 30-day period has expired or until
16 the department receives the response of the community advisory committee,
17 whichever is sooner.

18 **SECTION 7.** 50.032 (1m) (c) of the statutes is created to read:

19 50.032 (1m) (c) An application for initial certification of an adult family home
20 shall identify the client group to be served. An adult family home may not change
21 the client group served unless it notifies the department or certifying county
22 department and the community advisory committee established under par. (e) 1. of
23 that change not less than 30 days before the change is implemented and the
24 department or certifying county department, after considering any issues raised by
25 the community advisory committee under par. (e) 2., approves that change.

BILL

SECTION 8. 50.032 (1m) (d) of the statutes is created to read:

50.032 (1m) (d) Within 10 working days after receipt of an application for initial certification of an adult family home, the department or certifying county department under par. (b) shall notify the city, town, or village planning commission, or other appropriate city, town, or village agency if there is no planning commission, of receipt of the application. The department or certifying county department shall request that the planning commission or agency send to the department or certifying county department, within 30 days, a description of any specific hazards that may affect the health and safety of the residents of the adult family home. No certification may be issued to an adult family home until the 30-day period has expired or until the department or certifying county department receives the response of the planning commission or agency, whichever is sooner. In issuing a certification, the department or certifying county department shall give full consideration to any hazards determined by the planning commission or agency.

SECTION 9. 50.032 (1m) (e) of the statutes is created to read:

50.032 (1m) (e) 1. Prior to applying for initial certification of an adult family home, the applicant for certification shall establish a community advisory committee consisting of representatives from the proposed adult family home, the neighborhood in which the proposed adult family home will be located, and a local unit of

~~government.~~ The community advisory committee shall provide a forum for communication for those persons interested in the proposed adult family home. Any committee established under this subdivision shall continue in existence after certification to make recommendations to the operator of the adult family home regarding the impact of the adult family home on the neighborhood. The department

appointed by the mayor or city manager, village president, or town board chairperson or his or her designee, and representatives of the city, village, or town appointed by the mayor or city manager, village president, or town board chairperson or his or her designee. A majority of the members of the community

Advisory committee shall be representatives of the neighborhood and representatives of the city, village or town in which the proposed adult family home will be located.

appointed by the operator of the adult family home representatives of

delete comma

and a local unit of

government

BILL**SECTION 9**

1 or certifying county department under par. (b) shall determine compliance with this
2 subdivision both prior to and after initial certification.

3 2. At the same time that an application is submitted to the department or a
4 certifying county department for initial certification of an adult family home, for
5 continuance of a certification to operate an adult family home, or for approval of a
6 proposed change in client group served under par. (c), the applicant shall notify the
7 community advisory committee of submission of the application and shall request
8 the community advisory committee to inform the department or certifying county
9 department, within 30 days after the date of the notice, about any issues that the
10 community advisory committee may have concerning the general operations of the
11 adult family home. Before issuing or continuing the certification or approving the
12 change in client group served, the department or certifying county department shall
13 consider any issues raised by the community advisory committee and provide a
14 written response to the community advisory committee addressing those issues. No
15 certification to operate an adult family home may be issued or continued and no
16 change in client group served may be approved until that 30-day period has expired
17 or until the department or certifying county department receives the response of the
18 community advisory committee, whichever is sooner.

19 **SECTION 10.** 50.033 (1m) (c) of the statutes is created to read:

20 50.033 (1m) (c) An application for initial licensure of an adult family home shall
21 identify the client group to be served. An adult family home may not change the
22 client group served unless it notifies the department or licensing county department
23 and the community advisory committee established under par. (e) 1. of that change
24 not less than 30 days before the change is implemented and the department or

BILL

1 licensing county department, after considering any issues raised by the community
2 advisory committee under par. (e) 2., approves that change.

3 **SECTION 11.** 50.033 (1m) (d) of the statutes is created to read:

4 50.033 (1m) (d) Within 10 working days after receipt of an application for
5 initial licensure of an adult family home, the department or licensing county
6 department under par. (b) shall notify the city, town, or village planning commission,
7 or other appropriate city, town, or village agency if there is no planning commission,
8 of receipt of the application. The department or licensing county department shall
9 request that the planning commission or agency send to the department or licensing
10 county department, within 30 days, a description of any specific hazards that may
11 affect the health and safety of the residents of the adult family home. No license may
12 be issued to an adult family home until the 30-day period has expired or until the
13 department or licensing county department receives the response of the planning
14 commission or agency, whichever is sooner. In issuing a license, the department or
15 licensing county department shall give full consideration to any hazards determined
16 by the planning commission or agency.

17 **SECTION 12.** 50.033 (1m) (e) of the statutes is created to read:

18 50.033 (1m) (e) 1. Prior to initial licensure of an adult family home, the
19 applicant for licensure shall establish a community advisory committee consisting
20 of representatives from the proposed adult family home, the neighborhood in which
21 the proposed adult family home will be located, ~~and a local unit of government.~~ The
22 community advisory committee shall provide a forum for communication for those
23 persons interested in the proposed adult family home. Any committee established
24 under this subdivision shall continue in existence after licensure to make
25 recommendations to the licensee regarding the impact of the adult family home on

appointed by the operator of the adult family home, representatives &

The neighborhood representatives & the city, village or town in which the proposed adult family home will be located

delete comma

appointed by the mayor or city manager, village president or town board chairperson or his or her designee and representatives of the city, village or town appointed by the mayor or city manager, village president or town board chairperson or his or her designee. A majority of the members of the community advisory committee shall be representatives of

BILL

1 the neighborhood. The department or licensing county department under par. (b)
2 shall determine compliance with this subdivision both prior to and after initial
3 licensure.

4 2. At the same time that an application is submitted to the department or a
5 licensing county department for initial licensure of an adult family home, for
6 continuance of a license to operate an adult family home, or for approval of a proposed
7 change in client group served under par. (c), the applicant shall notify the community
8 advisory committee of submission of the application and shall request the
9 community advisory committee to inform the department or licensing county
10 department, within 30 days after the date of the notice, about any issues that the
11 community advisory committee may have concerning the general operations of the
12 adult family home. Before issuing or continuing the license or approving the change
13 in client group served, the department or licensing county department shall consider
14 any issues raised by the community advisory committee and provide a written
15 response to the community advisory committee addressing those issues. No license
16 to operate an adult family home may be issued or continued and no change in client
17 group served may be approved until that 30-day period has expired or until the
18 department or licensing county department receives the response of the community
19 advisory committee, whichever is sooner.

SECTION 13. Initial applicability.

20
21 (1) COMMUNITY OVERSIGHT OF COMMUNITY LIVING ARRANGEMENTS. This act first
22 applies to applications for initial or continued licensure or certification of, and to
23 applications for approval of a change in the client group served by, a residential care
24 center for children and youth, group home, community-based residential facility, or
25 adult family home received by a county department under section 46.215, 46.22,

BILL

1 46.23, 51.42, or 51.437 of the statutes or by the department of health and family
2 services on the effective date of this subsection.

3 (END)

Duerst, Christina

From: Schulze, Connie
Sent: Tuesday, September 11, 2007 4:39 PM
To: LRB.Legal
Cc: Schulze, Connie
Subject: Draft Review: LRB 07-2963/4 Topic: Community oversight of adult family homes

Please Jacket LRB 07-2963/4 for the SENATE.