

Legislative History for Connecticut Act

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House of Representatives

Tuesday, May 15, 1979

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SPEAKER ABATE:

The bill as amended passes.

REP. GROppo: (63rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Groppo.

REP. GROppo: (63rd)

Mr. Speaker, I ask for suspension of the rules for the immediate transmittal to the Governor's office, please.

SPEAKER ABATE:

The question is on the suspension of the rules for immediate transmittal of Calendar 816, Substitute for House Bill No. 7840. Is there objection to a suspension of the rules for immediate transmittal to the Governor? Is there objection? Hearing none, it is so ordered.

CLERK:

Calendar No. 1079, File 621, Substitute for Senate Bill No. 710, AN ACT CONCERNING COMMUNITY RESIDENCES FOR MENTALLY RETARDED PERSONS. Favorable report of the Committee on Planning and Development.

REP. FARRICIELLI: (102nd)

Mr. Speaker,

SPEAKER ABATE:

Rep. Joseph Farricielli.

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REP. FARRICIELLI: (102nd)

I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

SPEAKER ABATE:

The question is on acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence. Will you remark, sir?

REP. FARRICIELLI: (102nd)

Yes, Mr. Speaker. This bill states that no zoning regulations shall treat any community resident which houses six or fewer mentally retarded persons and two staff persons and which is licensed under the provision of section 19-574 of the Connecticut General Statutes in any manner different from a single family residence. It would protect the right of an important segment of our population to choose their place of residence free from discriminatory anti-zoning laws. The legislation would affirm our commitment to the deinstitutionalization of the developmentally disabled persons in our state. The American Bar Association on mentally disabled persons has stated that the deinstitutionalization of mentally handicapped persons requires that alternative living arrangements be available.

There are seventeen states that have already adopted this type of legislation and I would hope that Connecticut would be number eighteen. I move passage of the bill.

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SPEAKER ABATE:

Will you remark further on this bill?

REP. JOYNER: (12th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Walter Joyner of the 12th.

REP. JOYNER: (12th)

Thank you, Mr. Speaker. I rise to oppose this bill for several reasons. First of all, under the Home Rule Acts, one of the duties of the towns is to provide their own zoning ordinances. This would pre-empt the towns and force the zoning changes into the towns. If you are familiar with the newspapers, Manchester recently had a 3 to 1 referendum and one of the questions on that referendum which caused that vote was the fact that the people from HUD said that we needed to revise our zoning regulations to allow for more low-cost housing.

And I think that this again is mandating programs for towns and it's pre-empting part of the Home Rule Act. I urge rejection. Thank you, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on this bill?

REP. ROGERS: (69th)

Mr. Speaker.

SPEAKER ABATE:

Rep. William Rogers.

REP. ROGERS: (69th)

Mr. Speaker, I must stand to support this bill. I was a bit ambivalent about it because I feel very strongly that this would impinge on local zoning regulations, and I've been trying to protect those for a long time. I think the final decisions on zoning should be left to the individual town or city. However, I have some years of experience with the mental retardation program, having been for four years a member of the Board of Trustees at the Southbury Training School because I was Grassoed in 1975. But I've come to know Garret Thorn, the Commissioner of Mental Retardation and the rest of the staff and I know that the main problem today in establishing or trying to establish group homes is what is being run into because of zoning.

It's sort of like saying oh yes we must have the town dump, but for heaven's sweet sake don't put it next to me. I think most of these attempts that have been made by Commissioner Thorn and his Department to establish group homes for the mentally retarded have run into blank walls because for some reason, the opposition is very misguided, feel that this would be some kind of a bad part of the town to put up with.

I think a small institution such as this, individually in the towns, must be and it's the only way to establish that freedom for these group homes to be brought into existence, is to do it this way. I must say I think the rights and the privileges of the mentally retarded will have to take precedence over local

zoning in this respect. I squarely support the bill.

REP. PARKER: (31st)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on this bill? Rep. Antonina

Parker of the 31st.

REP. PARKER: (31st)

Thank you, Mr. Speaker. Through you a question to the

proponent.

SPEAKER ABATE:

State your question, please, madam.

REP. PARKER: (31st)

The bill states simply that the home should be treated

in a manner no different than single-family residences, and yet

in various communities there are differentiations in the interpretation and in fact written in laws, in regard to single family

residences. I'm thinking in particular of an instance where a

particular zone describes single family residence as related

members of a single household. Will this bill in effect supercede that zoning?

REP. FARRICIELLI: (102nd)

Through you, Mr. Speaker.

SPEAKER ABATE:

Rep. Farricielli, will you respond, sir?

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REP. FARRICIELLI: (102nd)

Yes, it will supercede that, but only, only in the case of mentally retarded persons licensed under the provisions of 19-574. I understand what your question is. I am, have always been a strong proponent of Home Rule. I feel that if anything, it's somewhat of a miscarriage that the communities themselves in some instances, and it isn't all of our communities, have made this necessary. I would have hoped that the compassion of the individual towns and communities in our state would have been such that this would not be necessary today.

But in answer to your question, yes this would supercede that section of the local zoning.

REP. CONN: (67th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on this bill?

REP. CONN: (67th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on this bill? Rep. Walter Conn.

REP. CONN: (67th)

Mr. Speaker, I must rise in deference to my good friend Bill Rogers and oppose this bill. I'm afraid that what this bill does is the first crack in the wall on State zoning. I would like to point out to you that in my town we do have a group

home and as Mr. Rogers referred to, we do have a disposal area. And I think it's through the bargaining of our towns and institutions they can come to terms where they can find places. I think that because there is a little stall with our local zoning laws is no reason to mandate privileges which we are taking away from our towns. I believe in Home Rule and I believe we should stick with it. I think this bill should be defeated.

REP. RITTER: (6th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on this bill? Rep. George Ritter.

REP. RITTER: (6th)

Mr. Speaker, the sixth district of Hartford has, I believe more group homes than any other district in the State. And what we've discovered is that each time that we are interested, or a group is in setting up a group home, there's a battle. And I think that it's about time that we put an end to that. I think that this bill, and I commend the chairman of the Committee and the Committee for coming out with it, and I commend Mr. Rogers for his position, because we have no alternative.

This has to be done and we shouldn't have to have a battle each time that it needs to be done. And I think is a minimum that we as a responsible legislature are required to put on our books. And Mr. Rogers, I want to take my hat off to you and thank you for your position.

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REP. TRUGLIA: (145th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on this bill?

REP. TRUGLIA: (145th)

Mr. Speaker, Mr. Speaker.

SPEAKER ABATE:

Rep. Anthony Truglia.

REP. TRUGLIA: (145th)

Thank you, Mr. Speaker. I rise to support this particular bill. I'm in full sympathy with Home Rule, local ordinances and zoning and so forth. But I feel this is one time there should be made an exception to that whole concept of Home Rule. I feel that in one way or another these people have to be helped. And if this is a new direction that we're going in in mental retardation, having group homes, then I don't believe the General Assembly should stand in their way.

We have a group home in my home town. We're hoping to open up a second one. And you should see the joy in the faces of these young people who are now living away and they're on a somewhat independent and they're being mainstreamed into our society. And you should see the appreciation of the homes, of the parents, the mothers and fathers. If we're going to make an exception, I would say this is one time we should do it with this particular bill. Thank you very much.

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REP. RAPOPORT: (73rd)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on this bill? Rep. Natalie Rapoport.

REP. RAPOPORT: (73rd)

Thank you, Mr. Speaker. I, too, rise in support of this bill, and if the ladies and gentlemen of the Assembly will take the time to look at the bill, it does not create what hasn't been or what isn't created. It merely requests the zoning board not to discriminate against this type of housing and make it different from any other type of dwelling in the city or municipality or town in which it becomes a reality.

And let me tell you, ladies and gentlemen, one of the best things we can do with our community is to welcome a group home for the mentally retarded. They learn from us. We teach them many things that they never would be able to envision if it wasn't for a group home within the community. And keep in mind they come from our community. They don't come from outer space. They're our children. They're our families. And they belong in the community. They don't belong ex-communicated.

We are responsible and we're responsible to teach and to show and to act with government in their favor. They make up our citizenry. And this bill only says that they shall be treated no different from any single family resident. This is

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our responsibility. This is our moral obligation. We owe it.

I'm in support of the bill.

SPEAKER ABATE:

Will you remark further on this bill? Rep. Janet Polinsky
of the 38th.

REP. POLINSKY: (38th)

Thank you, Mr. Speaker. I think as with several others,
many others in the chamber, nobody is stronger for Home Rule
than I am. Rep. Conn said that this would be a foot in the door.
Well maybe, but I think morally, ethically, I think we must. I
think there is a time when you look at an individual bill, an
individual situation and you say maybe, maybe it does fly in the
face of Home Rule just a wee bit, but I'm going to tell you some-
thing. In my town we have Seaside. We're also opening up a
unit such as this bill addresses.

Rep. Rapoport said we teach them. We teach the mentally
ill. In my town we learn from them. I think that a group home,
a facility like this. I think it makes the community that much
better. I know that my children went to an elementary school
where some of these children were mainstreamed for a few hours a
day and my children and the children they went to school with are
better for it. I think this bill is not just a good bill, I
think it's an essential bill. I urge its passage.

REP. MATTIES: (20th)

Mr. Speaker.

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SPEAKER ABATE:

Will you remark further on this bill? Rep. Charles Matties.

REP. MATTIES: (20th)

Thank you, Mr. Speaker. Mr. Speaker, this is a very difficult bill to oppose, but I feel that I must. We do have this type of home, one of them in West Hartford and yes there was a good deal, there were a good many problems connected with having it initially established and yes it is working out very well. But I'm concerned about the overall process, and many people have said that this is a very worthwhile reason to overcome Home Rule. I disagree. We can continue to find many worthwhile reasons to overcome Home Rule, local zoning, and I would fight any effort to do so. I think this may even turn out to be counter-productive, where you may find communities passing laws not permitting a certain number of unrelated people to live together in a home and there aren't many of those laws in local municipalities now.

This is a subject that is taking more time than we'd like to see addressed, but it is coming about. People have learned that, yes we're thinking of human beings, as somebody said, family, friends, but I object strenuously to overriding local zoning for any reason. Thank you.

SPEAKER ABATE:

Will you remark further on this bill? Rep. Richard Varis

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of the 90th.

REP. VARIS: (90th)

Mr. Speaker, through you, I'd like to address a couple of questions to the proponent of the bill.

SPEAKER ABATE:

State your first question, please, sir.

REP. VARIS: (90th)

I'd like to ask how many community residences such as this bill addresses are currently in the State of Connecticut.

SPEAKER ABATE:

Rep. Farricielli, would you care to respond to that question, please, sir?

REP. FARRICIELLI: (102nd)

Through you, Mr. Speaker, I am not aware of the number of residences now.

SPEAKER ABATE:

Rep. Varis, you still have the floor.

REP. VARIS: (90th)

Yes, Mr. Speaker. Rep. Farricielli, can you tell me how many instances that the Department has been thwarted in their attempts to establish community homes?

SPEAKER ABATE:

Rep. Farricielli, have there been instances where they have been thwarted?

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REP. FARRICIELLI: (102nd)

Through you, Mr. Speaker, I do not have an exact number for you, but if I can expound on something to try to clarify it.

There are many problems in creating these, as I've heard many speakers get up and even those that are opposed have indicated that these types of facilities exist within their communities. And indeed they do.

The problem comes with trying to uniform some type of requirements or regulations. If such a proposal as this is passed, then regulations can be adopted or proposed to make all the provisions uniform. And there are many other things that come before a community. When a community is addressed for this, and many communities even permit this already, what happens is there are terms like community training house, license, facility, placing facility, residence, means of egress and agress that are not uniformly adopted throughout the State.

By adopting this bill, by passage of this bill we would permit the Department of Mental Retardation to promulgate regulations that each of the communities could then use for uniformity. Rather than running into individual problems in each of the different communities we would be able to try to establish some type of uniformity. And I think that it is hard to determine how many times there have been problems because there may have been problems that have been resolved in one way or other.

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So, I don't even think that a definitive number that you are asking for is even available. Thank you.

SPEAKER ABATE:

Rep. Varis, you still have the floor, sir.

REP. WAVIS: (90th)

Mr. Speaker, I have been an advocate of assistance to the mentally retarded in my years up here and I have also been a strong opponent of local zoning ordinances. It puts some of us in a betwixt and between position. However, I think until we can substantiate that this has been a problem, that we have more definitive data on why we should pass this at this time, perhaps there have been a number of situations in different communities, at this time I only know of one instance. I think we act precipitously and at this time I would oppose the bill.

SPEAKER ABATE:

Will you remark further on this bill?

REP. ROBERTI: (126th)

Mr. Speaker,

SPEAKER ABATE:

Rep. Vincent Roberti.

REP. ROBERTI: (126th)

Mr. Speaker, if I might just share an experience with the members of the House. Back in 1974 in a related subject, I was asked to do a study for the Human Services Subcommittee on Youth

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on the subject of group towns and deinstitutionalization for youth. At that time as I proceeded to do study, I came in contact with this same type of group town system in regard to mentally retarded and did a specific in depth study on zoning regulations and on the problems that these types of systems were having in being accepted in the individual communities that make up this great state, 169 towns and cities.

I can tell you in answer to both Rep. Varis and as an aside to some of the comments made by Rep. Conn, that there is a tremendous amount of problems in each community in accepting this kind of alternative to institutionalization. And, that is because that this kind of law is not presently on the books. So, I would suggest to the members of this House that if they are truly concerned in a, deinstitutionalization and b, providing a proper environment for the mentally retarded citizens of the state, the only way we are truly going to be able to do it is through this bill. Because, if they don't do it, as I found in my study, there are over 60 communities of which various organizations had put out feelers in terms of establishing, again, this type of facility, were denied, before they even put in their applications. They were told by zoning people to forget about it. There is no way possible they will allow this kind of facility to be in their towns. So, I think this bill is needed and I would urge support for it.

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SPEAKER ABATE:

Will you remark further on this bill?

REP. MIGLIARO: (80th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Eugene Migliaro.

REP. MIGLIARO: (80th)

Thank you, Mr. Speaker. I rise in support of this bill.

We've had a problem within our town where one such group home, if you want to call it that, many of the residents took exception to the fact that a family were big enough to take in some retarded children for the state, five to be exact, and they were there for maybe three or four years and as the new neighbors moved in, they immediately started to challenge the legality and whether they had a right to have a group home.

I've been thinking of what effect it would have on the children that were involved. This bill is a good bill. I think we have been trying to educate the people in the State of Connecticut that in order to get more group homes growing in the State of Connecticut, you first have to educate the towns people and you have to let them know and make them aware of the fact that these people are human beings and they are about as harmless as anybody can be. All they are looking for is love.

I can take a family of six or five in a regular family and

you will probably have five devils. But, when you take retarded children, you've got five wonderful people. I think it is a good bill and we need it. We need it bad. The Home Rule Act is something that everyone is concerned about but in this specific instance, I think what we are doing is setting a precedent but in a good area. We are going into an area that is going to be good for a selected group of people and that is the retarded people. We are not opening it up to everybody and that is what we have to weigh in our minds.

SPEAKER: Mansfield and Southbury Training Schools, when originally opened, these kids were put out there and society in those days treated them as freaks of nature and did not want anything to do with them. Well, I think it is about time we reversed that and this bill is exactly what it will accomplish. We will start bringing these children back into society where they belong and I think that society itself will learn to accept them at a better life. It is a great bill and I hope everyone votes for it.

SPEAKER ABATE: Will you remark further on this bill?

REP. WALL: (95th) Mr. Speaker.

SPEAKER ABATE: I am going to have some amendments to this bill.

Rep. Thomas F. Wall Jr. of the 95th.

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REP. WALL: (5th)

Thank you, Mr. Speaker. I think if the City of Hartford allows the General Assembly to exist in their jurisdiction, I don't think any other town should disallow a group of similarly retarded people to exist in their jurisdiction. (Laughter)

SPEAKER ABATE:

Will you remark further on this bill?

REP. MANNIX: (142nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Mannix of the 142nd.

REP. MANNIX: (142nd)

Mr. Speaker, I'd like to make an observation if I may. I believe it is germane to this bill. However, I'll leave it up to you if someone challenges it. I've heard some statements here about, on this bill, such as the children will be better for it, Home Rule, they learn from us, local zoning, all they look for is love, it is only a selected group of people. Frankly, I'm a little surprised. When you are in the minority as I mentioned last week, the chance and the opportunity for the minority really comes when you can put an amendment on and I thought we were going to have some amendments on this bill.

I checked and I don't think we have any amendments. What we are doing with this bill is in effect, number one, saluting

the fact that we do have local zoning in this state. Well, the zoning is a police power in the State of Connecticut and that police power some years ago, was delegated to the towns and it is surprising to me that a bill such as this, which of course is a good bill, it is surprising to me that we only have this kind of a concept. If we truly have state zoning and most people only want love, there should have been another amendment on this bill that permitted perhaps people without as much money as some people to move into a town, people who work for towns can move into the town that they work for. There is something missing in this concept. It is unfortunate. Maybe next year.

SPEAKER ABATE:

Will you remark further on this bill? Will you remark further on the bill?

REP. LEONARD: (111th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Elizabeth M. Leonard.

REP. LEONARD: (111th)

Thank you, Mr. Speaker. Mr. Speaker, I believe I heard correctly and if I did not, would someone please correct me that there was no hard figure as to the types of the number of problems that have been encountered. There have been isolated, scattered instances where communities have in fact resisted the

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group home. I believe Rep. Varis questioned that and the answer, as I understood it, was that the reason for this legislation was so that regulations could be established to institute these group homes on a uniform basis. Now, under that instruction and I am assuming that that is correct according to what I have heard today, I'd like to know perhaps why are we selling our towns so short? We heard that it is a matter of education. Well, I suspect the best way to educate is not with the club of state zoning or a state statute enforcing or permitting a particular type of zoning. That is not the way to educate. I submit that we are selling our towns short. If there has not been a great number of refusals by towns, one can only presume then that that is not the problem we are trying to address. Lacking information, other than what I have just suggested, based on testimony that was given previously, I say that we are calling for the adoption or the intrusion by the State Legislature into a matter which as Rep. Mannix stated so eloquently, we did delegate to the towns and I really cannot sit still and listen to, I believe in Home Rule but.

There is no outrageous compelling abuse of the right to zone locally. There is no great abuse to that according to the information furnished by Rep. Faricielli. Our towns are not abusing this right. There are several isolated instances from the information I have been supplied. If this is the case, then

the point, the tack to take is one of education. We take care of our mentally retarded children. God bless them. We take care of them through the budget, we take care of them through institutions and we take care of them, I hope, through group homes to bring them into society. That is where they belong. They are human beings, flesh and blood. They should not be shunted off into a dark corner somewhere.

REP. ABATE: Speaking against this bill or voting against this bill is not, and I repeat is not, a vote against our disadvantaged children but very much loved children. That is not why I plan to vote against this bill. I do not and I will not be railroaded into a bill that would infringe on a town's right to zone which has been duly delegated by the State of Connecticut to these towns. It has not been abused or it has not been demonstrated that it is abused. I will not be railroaded into voting for this bill. That will indeed do violence to Home Rule because somebody wants to adopt a regulation that will help create these group homes and I would bring Rep. Faricielli's attention to the bill and if I may through you, sir, a question to him.

Where in the bill does it provide for regulations to be adopted?

SPEAKER ABATE: (101st) It is kind of an answer giving Rep. Faricielli, will you respond sir?

REP. FARICIELLI: (102nd) If we are going to take it away

Through you, Mr. Speaker, nowhere in the bill does it

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provide for regulations.

SPEAKER ABATE:

Rep. Leonard.

REP. LEONARD: (111th)

Through you again, Mr. Speaker, in your response, Rep. Faricielli to Rep. Varis, was that not the major reason or the major need for this bill?

REP. FARICIELLI: (102nd)

Through you, sir.

SPEAKER ABATE:

Rep. Faricielli.

REP. FARICIELLI: (102nd)

Through you, Mr. Speaker, no. But that is one of the points that I did make in addressing Rep. Varis.

REP. LEONARD: (111th)

Thank you, Mr. Speaker. Thank you Rep. Faricielli. I repeat sir, and I will not burden the assembly, voting against this bill is not a vote against bringing our disadvantaged mentally retarded but much loved fellow human beings into community and into society. My vote will be against this bill because it is an outright, deliberate encroachment. It is kind of an indian giving type of thing, with due respects to Rep. Weiss, we gave the towns the right to zone. If we are going to take it away from them, let's take it all away from them. Let's not chip away

piece by piece and next year there will be another piece of legislation up here, or maybe even this session, another piece of legislation for "very good cause" and for that good cause, we will further erode the right to handle zoning matters on a local level. Thank you very much, sir.

SPEAKER ABATE:

Will you remark further on this bill?

REP. MORTON: (129th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Margaret Morton.

REP. MORTON: (129th)

Mr. Speaker, if the lady from the 111th is really serious on her last statement about taking all zoning away from the localities in cosponsoring such an amendment, Mr. Speaker, I'm strongly in favor of this legislation and I would just like to say that I believe this is another case of pure discrimination where we take a group of people that are not like the rest of us and we put them off in a corner somewhere where we don't have to look at them.

Mr. Speaker, the only way we are ever going to learn to live with all human beings is by having them around us. The further they are from us, the less our chances are of learning about them, learning to respect them, learning to love them and care for them and to realize that their needs are just the same as our needs.

I think this is what has happened in far too many instances such as Mr. Mannix said, Mr. Speaker, that we separate the people too many times and I think we need to move to allow the people to come back together and I would strongly support this piece of legislation.

SPEAKER ABATE:

Will you remark further on this bill?

REP. YACAVONE: (9th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Muriel Yacavone.

REP. YACAVONE: (9th)

Thank you, Mr. Speaker. Speaking in support of the bill, I would like to remind the members that there is a suit pending against the State of Connecticut by the Connecticut Association of Retarded Citizens. The suit may very well succeed. And, if it does, Mansfield and Southbury would be shut down and the mentally retarded would have to live among us in the communities. There presently are perhaps 25 group homes or more, I'm not sure of the number, but the mentally retarded have proven that they can live in the community quite well. That it is mutually beneficial to society to have them live with us. And, I would like to say too, that every community should share in the responsibility. It is the wave of the future. Thank you.

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SPEAKER ABATE:

Will you remark further on this bill?

REP. GLASSMAN: (14th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Abraham Glassman.

REP. GLASSMAN: (14th)

Thank you, Mr. Speaker. I urge the members of the House to support this legislation. Even though there is a court suit pending, I think the State of Connecticut made a commitment several years ago to bring about the deinstitutionalization of our retarded citizens in the State of Connecticut and there is no other way of deinstitutionalizing these people unless we go into resident homes. And, although I don't have any statistics, I'm willing to bet with anyone here today, that every single one of these residential facilities has met with strenuous opposition in every community that they attempted to start these residential facilities. In any peice of legislation there are pros and cons. I would urge you very seriously to consider the pros. They far outweigh the disadvantages in what we are talking about here today.

These are God's most beautiful people. I don't know how many of you have had the opportunity to be in contact with people, these people. They are beautiful beautiful characters. Beautiful

people. They are an advantage to any community and anyone who has not had the opportunity to live with them and meet with them and have them among you is missing a beautiful experience. They are no threat. They can add and you can learn from having them amongst you. So, think about the pros and the cons as we do on every piece of legislation that is presented to us here and I think in your hearts you will realize that the advantages of this type of legislation far outweigh the disadvantages.

SPEAKER ABATE: Will you remark further on this bill? Will you remark

further on this bill? Will you remark further on this bill?

REP. SMOKO: (91st) Mr. Speaker, I have a question.

Mr. Speaker, I have a question.

SPEAKER ABATE: Those problems are the responsibility of the

Rep. Ronald Smoko of the 91st.

REP. SMOKO: (91st) Mr. Speaker, very briefly, because I think most of the

relevant things have already been said, I would like to respond just very quickly to Rep. Leonard who questioned whether or not there was any structure for licensing and regulation within the bill in file and I would direct her to 19574 which this legislation in file would have to live under, it calls for the licensing and regulation of residential facilities for mentally retarded persons so this would also fall under the jurisdiction of the Department

rep. usually reflect.

of Mental Retardation. I can assure her that those regulations are in place and have been promulgated.

Also, very briefly again, Mr. Speaker, I have been working in the area of group homes for the mentally retarded for some time, having been served with the location of two such group homes in the town of Hamden. I am personally convinced that this is the most proper and reasonable and responsible residential facility for a mildly retarded citizen in our community. I witnessed first hand, Mr. Speaker, the problems that can arise in trying to find a suitable location for these facilities and the very real human fears people have as to the propriety of locating one of these facilities in their neighborhood.

We were successful in locating two group homes in the town of Hamden. Those problems, after the neighbors in that area witnessed these facilities over a number of months and years, were obviated to a great extent. They wholly recognized these facilities as good neighbors, an asset to the community.

I feel that the legislation we have in file is good legislation, important, much needed, and I urge its adoption.

SPEAKER ABATE:

Will you remark further on this bill?

REP. BARNES: (21st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Dorothy Barnes.

REP. BARNES: (21st)

Thank you, Mr. Speaker. I'd like to point out several things in a very difficult piece of legislation. The suit that Connecticut Association of Retarded Citizens has brought has certainly caused a great deal of concern and consternation among people involved in the Department of Mental Retardation. The effect of the suit, as Rep. Glassman said, I believe it was he, would be to close Mansfield and Southbury Training facility. I think anyone who has been familiar with the profoundly retarded, particularly where multiple handicaps are involved and I regret to say that I have, know that as much as we would like to find alternative facilities, there are other people with these tragic anomalies. There is no other facility available for that kind of problem. A group home simply cannot offer the kind of care, the kind of treatment that is involved in that kind of problem.

At the time this bill came out of committee, I asked that retarded be defined in the bill so that in dealing with this problem and dealing rationally with deinstitutionalization, the towns, the state, the parents and indeed the children or adults themselves, would be protected to the best possible extent. That was not done and I think it is a flaw in the bill. It is certainly true that if these facilities, that is Mansfield and Southbury, are closed, that the institutions that will have to absorb the

three
1 profoundly retarded with multiple handicaps, will be group
2 many of the children who are placed in group homes.
3 homes. That in cases such as that a ratio of six to two will
4 social workers and other staff will be able to provide care
5 provide a very inadequate level of care to the tragic victims
6 over the years as they are being treated for the problems
7 of those problems.

8 I think that being the case, the bill should be defeated
9 become a law. It should be rewritten to deal with the very serious
10 possible
11 problems that are inherent in the complications of retardation
12 and the bill should come before us again after there is some
13 resolution of the litigation pending and I emphasize the word
14 retarded, that there has been some litigation against the State of Connecticut. As far as I know, this bill
15 would be the only exception to local zoning approval based on
16 with the zoning laws and so on and so on. I think that
17 specific classifications. I think because of drafting inadequacies,
18 important to the State Assembly to be clear that we want
19 that it raises more problems than it solves.

20 SPEAKER ABATE:

21 Will you remark further on this bill?

22 REP. CARBONE: (96th)

23 Mr. Speaker.

24 SPEAKER ABATE:

25 Rep. Joseph Carbone of the 96th.

26 REP. CARBONE: (96th)

27 Mr. Speaker, my wife and I are fortunate to serve on a
28 committee in the City of New Haven, actually the Greater New
29 Haven area, that raises money each year for the Southbury
30 Training School in Southbury, Connecticut. We visit the school

three or four times a year and we have a good relationship with many of the persons who work at the school, the doctors and social workers and I think one point that they have made clear over the years is that the best treatment for mildly retarded persons is to be submitted to a group home, smaller homes and becoming as close to the natural and normal environment as possible.

We all know that anywhere in Connecticut, cities and towns, whenever there has been an effort to create a group home for the retarded, that there has been some problems. There have been some groups that have objected and there have been problems with the zoning laws and so on and so forth. I think it is important for the General Assembly to recognize that we ought to have a commitment. There are persons that are considered to be retarded that are only just a slight bit. You know, just a little bit retarded and for that reason, that their association in a group home environment, in almost all cases, will help to normalize their conduct in the relations with other people and I think that it will also help the community to better understand what they are like and what their problems are like. I think that is the one thing that has been lacking and it is certainly very difficult for a person to normalize their ability to relate to others after having lived in the environment of the Mansfield Training School or the School in Southbury. I think we can best

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FD correct this by enabling the legislation that is before us today
BH that would require that when group homes are brought to be
DE created, that the zoning laws are not going to prohibit them.

VO I think it is extremely important and it is a step in
EQ the right direction, Mr. Speaker. Thank you.

SD SPEAKER ABATE:

QJ Will you remark further on this bill? Will you remark
further on the bill?

DW REP. JOYNER: (12th)

ER Mr. Speaker.

OA SPEAKER ABATE:

IW Rep. Walter Joyner addressing this issue for the second
MI time, sir.

OJ REP. JOYNER: (12th)

ED Thank you, Mr. Speaker. For the second time, I think that
II the Honorable Eugene Migliaro has the track record for endurance
NI and I promise that I will not try to tie it or break it today but
ON there are a couple of points that I would like to make on this.

QJ First of all, there is a federal court decision handed
DW down over 100 years ago by Judge Dillon out in Iowa, and he states
SI that municipal corporations owe their origin to and derive their
ID powers and rights wholly from the legislature. It breathes into
SO them the breath of life without which they cannot exist. As it
MT creates, so may it destroy. If it may destroy, it may abridge and

control.

Ladies and gentlemen, what this piece of legislation does is entirely within the jurisdiction of this state legislature. We are not breaking the law. However, we have also discussed zoning and we have Supreme Court decisions in this state that uphold the zoning laws. Under the Home Rule Act, under section 7194, it says that the powers of the towns are to create, provide for, construct, regulate and maintain all things in the nature of public works and improvements and this is the part that we are getting into.

Now the issue here is not the good or the bad of the group homes. Manchester has a tremendous track record for group homes. In fact, I was one of the ongoing contributors for the first group home in Manchester, New Hope Manor, which was for girls with drug habits. That home is still in existence. We have four more homes. In fact, through our Manchester Area Conference of Churches, we have just made application for one of the grants for these mentally retarded group homes under the Governor's proposed plans for this year. We have opened up our arms to all these groups. The issue is not whether it is good or evil to have these homes in the community. Obviously they have got to be in the community. The deinstitutionalization program of the Mental Health Department is totally wrong because they are kicking these people out into the communities. If they

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are fortunate to be old enough to go into a rest home, they get on Medicare and Medicaid. That is great. Mental Health gets them off their budget. Until they do something that is wrong and they are shipped back into the mental institution, they are off the state roles. When they are shipped out into the community, many of these people are not able to cope. I have seen this. I have worked with them. I have called our own deputy commissioners.

The issue, really, is whether some official working out of the State of Connecticut who is totally not responsible to the electorate of any town, has the right to preempt the local rules, regulations and zoning, bypass all semblance of local town order and law and determine when and where these group homes are going to be placed. Most of these communities, if they are educated in these things, will open up their arms. They will take them.

We have just experienced this with HUD. HUD told us you have to relax your zoning laws. You've got to cut down on your restrictions and your requirements. The community responded. They were terribly angry. Two months later another federal official said, well, no, we guess you have done all you need to. You don't have to alter your zoning laws. Now, we've seen what federal and state officials can do. How many of you are happy with the no turn on red light signs? I urge you to think carefully before you vote for this legislation. I urge opposition. Thank

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you, Mr. Speaker.

SPEAKER ABATE:

Chamber: Will you remark further on this bill?

REP. ROGERS: (6th)

The Mr. Speaker.

SPEAKER ABATE:

The Cle Rep. William Rogers for the second time.

REP. ROGERS: (6th)

For the second time, I would like to point out that mental health is not the same as mental retardation. There is a big difference. Also, Garreth Thorne and his Department have no intentions of having the profoundly retarded going into group homes. There are all stages of mental retardation. From a little bit to a severely profound degree of mental retardation. The severely retarded will not be going into group homes. They will not have the medical attention and facilities to take care of them. I think this bill should definitely supported and I would like to repeat what our Majority Leader said a week ago on another bill, let's let them try it. They may like it.

SPEAKER ABATE:

Will you remark further on this bill? If not, would all the members please be seated. Would all staff and guests please come to the Well of the House. The machine will be opened.

The House of Representatives is voting by roll at this time.

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Members please return to the Chamber immediately. The House is voting by roll at this time. Members please return to the Chamber immediately.

SPEAKER: Have all the members voted? Have all the members voted? The members please check the roll call machine to determine if their vote is properly recorded. The machine will be locked and the Clerk will take the tally.

REP. BALDUCCI: (27th)

Mr. Speaker, in the affirmative, please.

SPEAKER ABATE: The Journal will so note, sir.

The Clerk please announce the tally.

CLERK: Senate Bill 710.
Total number voting 141
Necessary for passage 71
Those voting yea 109
Those voting nay 32
Those absent and not voting 10

SPEAKER ABATE: The bill passes.

CLERK: Calendar 1086, File 719, Senate Bill 870, AN ACT CONCERNING TRAFFIC VIOLATIONS AT THE UNIVERSITY OF CONNECTICUT HEALTH CENTER,

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GEN. ASSEMBLY
SENATE

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on the consent calendar.

THE CHAIR:

Will you remark further? The motion's been made to consent. There's no objection? It's moved to the consent calendar.

THE CLERK:

Continuing on page 14, calendar no. 653, File 621, Substitute for Senate Bill no. 710. An Act Concerning Community Residences For Mentally Retarded Persons.

THE CHAIR:

Is Senator Cloud in here? Senator we're on page 14, second item, 653, Community Residences for Mentally Retarded Persons.

SENATOR CLOUD:

Mr. President, I move acceptance of the committee's joint favorable report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR CLOUD:

Yes, Mr. President. Mr. President, this bill states simply that no zoning regulation shall treat any community residence which houses six or fewer mentally retarded persons and two staff persons and which is licensed under the provisions of sec. 19574 of the Connecticut General Statutes in a manner different from any single family residence. Mr. President,

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I'm very proud to bring this bill before the Circle today, for it will protect the right of a segment of our population to choose their place of residence free from discriminatory anti-zoning laws. This legislation will affirm our commitment to the deinstitutionalization of developmentally disabled persons in our State. The American Bar Association of the Mentally Disabled has stated that the deinstitutionalization of mentally handicapped persons require that alternative living arrangements be available. It is indeed a sad fact of life, that a major obstacle to the development of these homes in the State has been restrictive zoning ordinances. Community residence afford mentally disabled persons the right to live in a normal home environment, near their families, with the limited assistance they may need in every day activities and without the excessive cost of institutional care. Testimony before the committee has indicated that 17 states have already affirmed this right. It is my belief that Connecticut should be the next State to do so. Mr. President, I believe it is a very good bill, and if there's no objection, I would move it to the consent calendar.

THE CHAIR:

Will you remark further? The motion's been made to place the bill on the consent calendar. If there's no objection, it's so ordered.

~~HB 5464, HB 74, HB 5880, HB 7661, SB 133, SB 790, SB 132, HB 6550, HB 6564,
 SB 575, HB 7920, HB 7810, HB 5452, HB 7200, HB 7755, SB 1496, SB 710, SB 1509,
 SB 15, B 16, SB 1618, SB 647, S 0, 70, 23, 7,
 SB 1602, SB 1604, SB 364, SB 545, SB 1369, SB 1432, SB 1566, HB 7787, HB 7904,
 HB 7624, HB 7900, HB 7619, HB 6001, HB 6835, HB 6977, HB 7742, HB 7751,
 HB 7754, HB 7756, HB 5365, HB 5653, HB 5712, HB 5750, Thursday, May 3, 1979
 HB 7843, HB 7319, SB 1593, SB 1556, SB 1483, HB 7617, HB 6752,
 HB 6275, HB 7707, HB 5230, HB 7840, HB 7846, HB 7860, HB 7897,
 HB 7618~~

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calendars 754, 755, 756. On page 26, calendar 760. On page
 27, calendar 767, 769. On page 28, calendar 772. On page 29,
 calendars 782, 783, 785. On page 30, all items, 787, 788, 789,
 790, 791, 792 and on page 31, calendar 794.

SENATOR POST:

Mr. President.

THE CHAIR:

Senator Post.

SENATOR POST:

Mr. President, I would request that calendar No. 510 on SB 132
 the bottom of page 7, File No. 488 be removed from the consent
 calendar, Sir, ^{as} I would like to vote against that proposal.

THE CHAIR:

Bottom of page 7, calendar 510 is requested to be removed
 from the consent calendar. It is so ordered. Senator Prete.

SENATOR PRETE:

Calendar No. 510 was never on the consent calendar. Oh,
 yes, it was. Yes, it was. Sorry. That's my mistake.

THE CHAIR:

We will roll call that item first. Announce an immediate
 roll call in the Senate. Will all Senators take their seats,
 please. Announce an immediate roll call.

THE CLERK:

Immediate roll call in the Senate. Would all Senators
 please take their seats.

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THE CHAIR:

We are voting on an item removed from the consent calendar at the bottom of page 7, calendar 510. The machine is open. Have all Senators voted? Machine is closed. The Clerk will take a tally. The vote is 32 yea, 1 nay. The bill is passed. We shall now vote on today's consent calendar. Will all Senators please take their seats. The machine is open. Have all Senators voted on the consent calendar?

THE CLERK:

Senator Murphy.

THE CHAIR:

Have all Senators voted? Machine will closed. The Clerk will take a tally. The vote is 33 yea, 0 nay. Consent calendar is passed.

SENATOR LIEBERMAN:

Mr. President.

THE CHAIR:

Senator Lieberman.

SENATOR LIEBERMAN:

I move for suspension of the rules to allow for immediate transmittal to the House of those items that should go to the House.

THE CHAIR:

Question is suspending the rules for the immediate transmittal of all items that need further House action. Is there

JOINT
STANDING
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MR. DOBER (Continued): Recently increased community and governmental support for the concept of de-institutionalization has led to a substantial increase in the need for alternative housing opportunities for handicapped persons. Unfortunately, because of the specialized needs of handicapped individuals and a variety of bureaucratic problems, so far there has been little development or implementation of housing alternatives. Organizations such as the Corporation for Independent Living are then essential to help make theoretical discussions of "least restrictive alternatives" into working realities for Connecticut's handicapped citizens. Furthermore, the funds allocated under this bill will be recovered, probably many times over, by the savings realized by moving handicapped individuals from expensive institutional situations to less costly community alternatives as well as from the opportunities presented by wide range of federal funds available to such housing development organizations. I, therefore, strongly urge your support for SB 709.

Like 709, Bill No. 710 addresses the need for non-institutional housing and one of the most substantial difficulties encountered in setting up alternatives. Even when all other contingencies are met in the development of group homes, zoning restrictions frequently present a final, and often insurmountable, barrier to the establishment of such homes. Six or fewer mentally retarded individuals living in a group home certainly do not present any of the usual problems, such as increased traffic or overcrowding in local schools, that are usually used as rationale for restricting an area to single-family residences. In fact, such group homes should not present any new or unusual problems for the neighborhood. I, therefore, ask your support for Bill No. 710.

Bill No. 6560 requiring public meetings to be accessible to handicapped persons, presents a different issue but one as vitally important to Connecticut's handicapped citizens as those already mentioned. The Freedom of Information Act has mandated that public meetings should be open to all interested individuals. For handicapped people, however, such a mandate is meaningless unless such meetings are also fully accessible. Hence the need for 6560. As originally written, however, 6560 would do relatively little to help alleviate the current problem. I, therefore, support the changes suggested by Speaker Abate and urge this committee to do the same.

In conclusion, I urge this committee's support for Bills No. 709, 710, 6560 as amended - all of which are needed to make the basic intent of previous legislation into a reality for Connecticut's handicapped citizens. Are there any questions?

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PLANNING & DEVELOPMENT

March 8, 1979

MS. FITCH: Good afternoon, Senator Cloud.

SEN. CLOUD: Very nice to see you.

MS. FITCH: Members of the committee. I am Chairman of the North Branford Planning & Zoning Commission and here to represent the commission on a number of bills. I've been asked to speak in favor and will do so briefly on House Bill 1352 regarding penalties for zoning violations, 5161 regarding the subject of state zoning -- the state complying with zoning regulation, 5366 considering historic factors, 5878 establishment of architectural review boards, 5879 post of Information Coordinator, 5950 recovery of costs of willful violations for zoning, 6564, an act concerning nonconforming signs, 7009 concerning ridge top zoning and 7391 definition of hardship. All of those bills are strongly supported by the North Branford Planning & Zoning Commission.

However, we do oppose one of the bills that's being heard this afternoon - 6177, an act concerning the powers of the zoning board of appeals. We feel that by defining a hardship, it would enable the zoning boards of appeal to clearly understand and to unify throughout the state the needs of people regarding zoning. However, if the zoning board of appeals were allowed to consider those things that do not involve unusual hardship or unusual difficulty, Planning Commission of North Branford feels that the commission's time in making zoning regulations would be a little bit fruitless.

The act concerning nonconforming signs is one that's very dear to us. We have a community that's kind of grown and grown with a lot of hodge-podge signs. We feel very strongly that by encouraging people to discontinue signs that are old and do not meet the zoning regulations with just compensation would be a fair way to handle this situation.

It would also like to propose some personal testimony on Bill 710 which is regarding the community residences for mentally retarded persons. As a parent of a mentally retarded child, I feel very strongly that these kind of community houses meet a need that the rest of the public would not understand, except for families who do have persons who are retarded and would like to help them to be a little bit more independent. Thank you.

SEN. CLOUD: Thank you very much. Are there any questions by members of the committee? Representative McClusky.

REP. MC CLUSKY: Joan, I would just like to thank you for taking the time to come up here and give us your commission's testimony. I'm glad you didn't have to wait as long as last time you came up.

MS. FITCH: Thank you.

SEN. CLOUD: She signed in early. Ed Marcarelli. Mr. Marcarelli, as the committee has a full statement of your testimony, I would hope that you would be considerate and summarize the testimony since we do have an awful lot of people here from around the state who have come to testify before this hearing today.

MR. MARCARELLI: I'll do that. I want to point out that along with the testimony there is a more lengthy statement on zoning and group homes and also a copy of the ABA model statute for zoning which I hope will give the committee some assistance in drafting the statute.

My name is Ed Marcarelli and I'm Assistant Director of the Office of Handicapped Services in New Haven. We are, as I said, testifying in support of Senate Bill 710, zoning for group homes.

As members of the committee may recall, there was a controversy in New Haven regarding the possibility that a Catholic parish in an affluent neighborhood would be leased to the State Department of Mental Retardation for use as a group home. This did not occur and it was instructive in several ways and my written testimony goes into that. One of the things I would like to point out is that one of the lessons we learned from this is that persons opposing group homes generally rely heavily on the argument that property values will be reduced if such a facility is placed in a neighborhood. This is simply not true and there have been several studies, one of them was quoted in the New York Times on January 15, 1978. It was done by Dr. Julien Wolpert of Princeton University. And he studied this subject and found that property values are not reduced and that turnover is not increased so the major argument opposing this statute is really has been exaggerated and there's really not much fact to it. However, the American Bar Association has pointed out that like the rest of us, mentally retarded persons have the right to live in homes of normal size located in normal neighborhoods that provide opportunities for societal integration and interaction. Seventeen states have already affirmed this right and Connecticut should not hesitate to do the same. You have the full testimony. If there are any questions?

SEN. CLOUD: Thank you. Eleanor Caplan.

MS. CAPLAN: Thank you, Senator. I'm Eleanor Caplan, Legislative liaison for the Commission on Human Rights and Opportunities. As you know, the physical disabled and the mentally retarded are protected from discrimination under the Human Rights Law of this State. Therefore, the Commission, which administers these laws supports proposed Bill 709 an act concerning independent living for handicapped and developmentally disabled persons. We see enactment of this bill as an affirmative action, which the state should undertake to expand the kinds of housing opportunities available to handicapped persons.

For the same reason, we support proposed Senate Bill 710, an act concerning community residences for mentall retarded persons, and also a way to insure that mentally handicapped persons do not suffer from housing discrimination on the basis of their handicap. Thank you.

SEN. CLOUD: Thank you very much, Mrs. Caplan. Any questions from the members of this Committee? Thank you.
Pamela Krause.

MS. KRAUSE: Good afternoon. I'm Pamela Krause, and I represent the Ridgefield Preservation Trust in Richfield. I have a very short statement, which somewhat amplifies the written one just submitted to you.

The Ridgefield Preservation Trust heartly endorses the proposed Bill 5366, introduced by Representative Elizabeth Leonard of the 11th District. This is the bill to change the consideration of historic factors from a permissive to a mandatory one in planning and zoning regulations. There is a parallel bill, number 1137, introduced by Senator Skowronski of the 17th District, pending in the State Senate, which also receives our warm support as indeed does all the preservation bills now before this Committee. Shall I give you the numbers?

SEN. CLOUD: Certainly.

MS. KRAUSE: 6398, 7387, 5775, 6568, 557 and the other bills that the architectural, and the Connecticut Historical Commission. I think I've forgotten some of them, but those ones too please.

These bills will do a great deal to support local efforts --

MR. MC DERMOTT (Continued): From a visual point of view, at the present time, the state of the art, in quantifying visual quality is very weak. It is becoming very strong. There is significant research being produced at Harvard, University of Massachusetts, some at the University of Connecticut, and universities in the west, being supported by federal government through the United States Forest Service and I think in the near future, we will have quantitative methods available to us. But at the present time, it is not there. I think that if you begin to be arbitrary, it will really will -- of the principles of zoning.

The question concerning definition of hardship in zoning matters in 7391 in a sense it is an opposite position from what I have given you before. Hardship is clearly defined in state law and in all the manuals presented before this zoning boards of appeals. I don't - they should have some discretion, but I think we begin to really define hardship as we may not cover all the examples of hardship that would come before a board. I would certainly recommend that you not consider this bill any further.

Question on Senate Bill 710 about community residences for mentally retarded. I have a little bit of problem, I certainly would agree with the intent, but the language as expressed here says provide the opportunity for housing in "any residential zone and the discretion of the Commission of Mental Health with no provision for discussion with the community. I would suggest that policies be set up for encouraging the definition. I have no problem with that, but I really wonder about the discretion given to a state commissioner without consultation to the local community.

And finally, I would just say I would like to support Senate Bill 758 concerning housing development corporations for independent living for handicapped people.

If there are any questions, I would be happy to respond.

REP. ROGERS: Thank you, Mr. McDermott.

MR. MC DERMOTT: Thank you Mr. Rogers.

REP. ROGERS: Are there any questions of the committee? If not, thank you. Next is Hank Sepanik.

MR. NERNEY (Continued): able to be financial successful in the long run. Through this comprehensive approach, we hope to ensure viability and ability to produce housing throughout the State of Connecticut. This, however, requires money.

The second major area for use of funds is the capitalization of the corporation in order to make it a mortgagable entity. We intend to utilize several forms of federal subsidy. However, the subsidy is simply that and, in order to provide a facility, mortgage funds will be required. Today's lenders look for good and necessary ideas for facilities. Additionally, lenders will require mortgage stability, net worth, and the ability to assure that a reasonable amount of assistance will be available should the facility experience financial difficulty. I must stress that every possible measure will be taken to ensure that financial difficulties not occur. However, the necessarily pessimistic nature of lenders will require financial stability.

The most exciting prospect of this proposal is that it will leverage a substantial amount of funding which will be able to provide and subsidize housing facilities.

Thank you.

REP. MC CLUSKEY: The next speaker is Betsy Cammann, HARC.

MS. CAMMANN: Good afternoon. My name is Betsy Cammann of SB 710 Hartford, Residential Advocate for The Greater Hartford Association for Retarded Citizens. Our agency serves over 3,000 citizens with mental retardation, their families and friends each year in the Greater Hartford Region, consisting of nine towns.

There is a tremendous need for a greater number of community-based residential facilities. As an agency, we have hundreds of requests every year from parents and families of mentally retarded citizens, asking for the availability of community residential resources. Without any options, sometimes these families are forced into a crisis situation while waiting for an opening to occur. We offer assistance in helping these families to explore the various resources, but a few alternatives are not enough to meet all their needs. When I receive a contact, I must tell the families that, yes, there are group homes but there are no available beds. So more names are added to the waiting lists. Philosophically, community-based residential facilities have proven themselves, both from the point of view of human services and

MS. CAMMANN (Continued): economically. Not all persons with mental retardation are alike or have the same needs. We need a complete spectrum of services, including supportive services, to help to best meet the needs of each individual.

I called each of the nine towns we serve to ask about the zoning laws and to find out what the maximum number of unrelated people is permitted to live in a single dwelling. Three towns allowed two residents, two towns allowed three, one town allows four, two towns allow five, and only one town permits six. These are inconsistent figures for a potential group home developer. Our agency is constantly contacted by people interested in developing residential facilities for handicapped persons. It becomes clear as they explore the possibilities that the funds and resources are confusing, that there is the lack of an effective program to encourage further development. They lose interest in providing housing and it is the person who could have benefited from this housing who loses in the long run.

In summary, these bills, No. 709 and 710, will stimulate the development of a greater number of community-based residential facilities. By stimulating a greater variety of facilities, including group homes, supervised apartments, and independent living situations, the needs of all of our citizens and their families will be better met. We know the need is there but, without the resources and availability of facilities, we are denying the right to services within the community.

I urge this Committee to act favorably on these bills that will stimulate a more accessible system of community residences for mentally retarded persons and independent living for handicapped and developmentally disabled persons.

Thank you.

REP. MC CLUSKEY: Are there any questions? The next speaker on the list is Luella Horan.

MS. HORAN: Mr. Chairman and members of the Committee, your stamina is remarkable. I am Luella Horan of Guilford, President of the Connecticut Association for Retarded Citizens. I'm also past-president of the Shoreline Association for the Retarded and Handicapped, and the parent of a teen-age retarded daughter who lives at home.

I also would like to just comment for two of our Greenwich ARC people who were here and were -- they had to leave.

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MS. HORAN (Continued): One of the persons was a Miss Emily Dunn, who is a resident of the Greenwich Association for Retarded Citizens group home. Emily was a resident of Southbury Training School from 1948 until September of 1978. That's 30 years. She's -- it's very likely that she will be able to move into a supervised department within a year. The reason that Emily had to leave early because she's taking an American Red Cross first aid course and she had to be there on time. And another comment she made which I thought was extremely enlightening: after being at the group home for a short period of time, she went to the director and she said, "I want to thank you for letting me come here". She said, "You can't imagine how wonderful it is to decide what it is that I have to eat". That's just an aside.

We must... I am here today to express strong support of CARC for the proposed Senate Bill 710, an act concerning community residences for mentally retarded persons. This bill will provide that, notwithstanding any law to the contrary, a licensed community residence, housing six or fewer unrelated mentally retarded persons and appropriate staff, will be considered a single family dwelling for the purpose of zoning state-wide. It is our hope that, if enacted, this measure would clearly prohibit restrictive town zoning ordinances already on the books from preventing the development of community residences. It would also prohibit excessive concentration of such residences in one area. Experience in Connecticut and elsewhere clearly demonstrates the beneficial effects of community living for mentally retarded people. Unfortunately, however, some people still cling to old myths and stereotypes about retarded people and have used local zoning ordinances to block the development of urgently needed small group homes.

There's a lot more here and I'll include with my testimony a New York Times story which was written in February 14, 1979, entitled "Residences for Retarded Earn Wider Acceptance" and it explains how -- the typical reaction to almost all of the 280 residences now open in New York. That they had initial opposition but later, as the people live there, the resistance is withdrawn. And in fact here in Connecticut some of you may have seen an article in the Hartford Current recently reporting a public hearing on the renewal of a zoning variance for a West Hartford community residence, which had been bitterly opposed four years ago, drew no opposing speakers at all this year.

Of course, the irony of all these zoning disputes is that we all have retarded people as neighbors. Over 95% of our

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MS. HORAN (Continued): retarded citizens do not live in institutions. They live at home with their families in independent or supervised apartments in the community residences which do exist now. Generally, they blend almost invisibly into the larger population. Most of us already know and accept the fact that mentally retarded people are much more like us than unlike us. They cannot learn as quickly or as much, but they are not emotionally disturbed, they are not violent, they are not criminals. If they've been in large institutions, it is not because they were ever convicted or even accused of any criminal behavior; it's simply because they're not quite capable of living totally on their own without assistance, and there's been too few supervised living arrangements in the community for them. We must -- our society must change that situation and allow mentally retarded people to remain in or to return to their rightful place in the community.

And one final point. You'll notice the bill refers to homes of six unrelated mentally retarded people. We prefer community residences of this size or smaller, for two reasons. First, of course, it's better for the retarded people -- provides a homelike family atmosphere that retarded people, like you and I, prefer. Secondly, homes of this size blend easily into the character of most neighborhoods. We do not want community residences to be intrusive, both for the good of the residents and for the good of the neighborhood. We know by now that the bulk of neighborhood opposition stems from the size of proposed residences. Unfortunately, here in Connecticut some residences are for 12 to 15 people, resembling not so much a home but rather a mini-institution. And this is not what we're striving for.

On that survey that they previously mentioned, there are some towns that allow up to five or six unrelated people to live in a home to be treated as a single family for zoning purposes. But what concerns us is that many towns have separate ordinances, specifically excluding homes for certain groups, such as the elderly, the handicapped and so forth.

The previous speaker, a young man from New Haven, gave you -- furnished you, I believe, a copy of a model state zoning statute which was drafted by the Commission on the Mentally Disabled for the American Bar Association and which proposed statute could be drafted to prohibit this sort of exclusionary language. And you may note that at least 17 other states have already adopted such laws. And we urge this Committee to help bring Connecticut back into the forefront of humane

MS. HORAN (Continued): and constitutional treatment of its mentally retarded citizens by enacting this simple, and yet vital, piece of legislation. Thank you.

REP. McCLUSKEY: Thank you. Are there any questions from members of the Committee? The next speaker, if she is still here, is Linda Bailurt. She has gone? All right thank you. The next speaker then is Janet Fiske, followed by Roger Nelson. Is Roger Nelson here. If not, the next speaker would be Jim Morris.

MR. MORRIS: Mr. Chairman, members of the Committee, my name is Jim Morris. I come from Madison, Connecticut. I am the parent of a retarded person, and I am also very active in our local Retarded Association and, for the past five years, I've been very active as chairperson for the Shoreline Residential Committee, which is dedicated to setting up residential alternatives for handicapped people. I want to speak in favor of a Bill, Number 710.

In our initial planning for our residential program, we had to do some research and I think it would be interesting if I gave you a few of the facts that we found in our research. We found that approximately two percent of the handicapped -- of the population is handicapped which is unable to live alone without some assistance. In keeping with this, we felt that we wanted to have our people live in as normal a situation as possible and a normal situation and neighborhood would be not to have a large, large residence with fifteen or twenty people in any one neighborhood because they overload the neighborhood and it would change the character of the neighborhood and it wouldn't be an integration type of thing.

We further found that, as we looked for different residential facilities to move our people into, that the normal person lives in a house and the average house can accommodate four to six people, but through restrictive zoning regulations, we were not allowed to use these facilities and, in spite of the fact, that's what most of the living facilities in our country are, homes which will accommodate four to six people. We further found that we all, in our society, we generally have looked to the married person, that's the family unit, our homes are built that way, even an individual single person, an individual single person finds it very difficult to find a place to live. We just are not geared to that sort of thing and the handicapped persons or the persons who needed some help and supervision, were barred from the individual homes in the neighborhood had to go into commercial and industrial areas, which are really not normal. We normally don't live in industrial or commercial areas and our handicapped people

MR. MORRIS (Continued): feel they have a right to live among -- in the normal living area as the rest of us do. We, therefore, went ahead with our plan to see if it was feasible to have four or five people living in a home. We had to come to grips with the economics of the problem. We couldn't possibly feel, in due respect to ourselves and to the community that had to help support it, we couldn't have one person living in a hours with one person who is an assistant.

We worked up with the numbers to keep in keeping with the normal home situation and we were able to come to an economics base which allowed us to have four or five persons live in one home with one person to live in as the assistant or the supervisor. This was in conformity with -- we could buy within reason, most of the homes in our community and move in, almost as they were, without extensive renovations and extensive expense to be non-conforming. We've done this in three instances, we have three homes that are operating. Of course, I should have prefaced it, we come from the shoreline communities, which is small communities, there is no big residential -- there are no big commercial areas in our area at all. We're from Branford, North Branford, Guilford, Madison, Clinton and Chillingworth. Most of the situations there are totally residential and they are totally homes for family units. We have three homes functioning now. They each have four persons and one live-in person as the supervisor/assistant and we have been very well received in the communities and in our own homes there have been in operation now for a year, approximately two years, some of the neighbors were a little apprehensive when we first came in, moved into the neighborhood, but I can tell you, within a year or less, they are very satisfied with our performance and a recent open house we had in Clinton, every neighbor, for quite a distance around, came to see us and they were quite happy and pleased with our performance and that we weren't a blight or a problem to them in any way at all.

I felt I should bring these points up to you because basically we have to face up to moving our people out of the institution. This is done because it's been mandated and the upper conscious is to move people out of the institution and we parents who are a little more enlightened today, who have handicapped people, who don't want to see our handicapped sons or daughters in an institution. So we feel it is essential that we're allowed to use the same residential facilities as all other people use because they're the most plentiful and they're the most normal and we want to be as normal as we possibly can. Thank you very much.

REP. McCLUSKEY: Thank you, is there a question?

MR. McGUIRE: How does -- how is this kind of thing financed?

MR. MORRIS: Well, we have a lot of volunteers and we beg and borrow and steal as much -- but we have fundraisers. What we are really up to at this point, we're working with the Commissioner of Mental Retardation, at this point, but in having a small -- if you have a big facility like a nursing home, because of the laws in the State, that is at the present time, you can get total reimbursement for a person living. We have people in a nursing home -- we don't, but I know people in nursing homes that are getting \$23 to \$30 per day for a person to live in there and they don't get any day programs, they just live there. Daytime they have nothing for them.

Our program is -- because we only have four persons living in a house, because of the State regulations, they are not able to get -- they may change them for us, they consider this a foster home. A foster home situation is one where somebody who has a house or a parent will take a person in because they're nice and the reimbursement is based on what they need to eat only.

The -- since we're in that category, we are only receiving something like \$299 a month per person to do this. At the present time, it is costing us \$22 per day per person to maintain them, but this includes us buying a house, paying the mortgage payment, paying a staff person to be in it, all the living expenses of the clients plus their food. We have done this because we are part of a strong association, a shoreline association, which had to go on a pilot program to prove that this thing could be done, because when we went to anybody with a piece of paper and showed them our plans, we were laughed right out of the room, so we borrowed money, we're in deficit at the present time, and we borrowed money but we've got a pilot program going, we've got three homes in operation and it took us three years for us to get this in place for the powers that be to really see that we could do this. We have an excellent quality of life and our people are just growing every day, they're getting -- it's just remarkable how they're coming along and I must say that the Commissioner is speaking to us now and addressing to hopefully to change the regulations so that we may become an administrative unit rather than a foster home and file our total cost so that we can get reimbursement. We're coming closer but it's because the parents of our organization were willing to fundraise, to put volunteer work in and do a lot of these things and put their

MR. MERRIAM (Continued): the concept. We'd be willing to work with this Committee, in the ensuing months, in making operational those provisions of the Model Land Development Code that address the issue.

The same with 6861, the Inland Wetlands. We support the concept of regional review, but question the efficacy of the bill.

6862, which is the impact zoning bill and the ridgetop zoning, 7709, presents some problems for us as planners. Again, we support the concept. Towns do impact zoning, if you can define what it is and I'm working on ridge top zoning regulations for the town now. We think that it's enabled by the existing legislation and that it would be duplicitous to have these particular provisions. In addition, the way the present bill for impact zoning reads, we think that there is a potential for some exclusionary impact from this all too brief list of considerations of impacts. We would recommend an unfavorable report by the Committee on those two bills but with an indication that the Committee already believes that the enabling legislation permits such planning and zoning at the local level.

7391, definite of hardship in zoning matters, as we have said before, we are strongly opposed to that. That would cause a great deal of difficulty.

And 709710 and 758 regarding housing opportunities for mentally retarded and handicapped people and people that are developmentally disabled, we support those three bills. We were concerned that in 709, the \$250,000 is grossly inadequate for that program and under 710, the community residence for mentally retarded persons, as many of you may already know, that this type of definition is already judicially made in other jurisdictions. We are concerned that the proposal does not indicate contact -- early contact with the planning and/or zoning commission to begin a dialogue. We agree that the location of the authority is correct, but we would like to see a dialogue, at least, with the local commission early on.

It is my understanding that that is contemplated, but not indicated in the proposal. Okay.

Now, as to 5988, which was apparently discussed earlier, an act concerning the recording of zoning variances, I am going to consult with the Director of the Connecticut Federation of Planning and Zoning Agencies, and make available to the Committee, a critique of that proposal by letter.

JOINT
STANDING
COMMITTEE
HEARINGS

PLANNING &
DEVELOPMENT
PART 3
689-1018

1979

Dear Senator Cloud:

March 8, 1979
2 PM

I signed to speak in behalf of bills #709, and 710 and would appreciate a favorable consideration of these bills before your committee.

I am unable to stay long enough to testify.

Thank you

Edith Kelly
President

Int'l Hlth Assoc. for Retarded Citizens
Home Address

37 Carriage Drive
Avon, CT, 06001

673-0741

Designate
Room 412

Room 412 - State Capitol
Take elevator on right near coffee shop

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Janet Fisk - Simsbury

On Board of Directors of Farmington Valley
Assn for Retarded and Handicapped -
Parent of a 25 year old son who lived
at Mansfield for 14 years from age 5 to 19.

Speaking in support of ^{Senate} Bills 709 and 710
both of which would enable my son and
others like him to live ^{independently} in their own
community or area but still maintain close
family contact. → ①

② Most children leave home between 18 and
21 and are eager to be on their own. This is
as it should be and I think most parents
welcome the lessening of responsibilities.

① Community residences are certainly less
expensive than institutions. Private non-
profit groups with their untold numbers of
volunteers donating time & expertise can help
keep costs down. There's also a terrific
benefit ^{to residents} from local involvement with the
residents ^{to be who would be} served by this housing. → ②

③ I think you should know that ^{families and} marriages
are affected and sometimes destroyed by the
care of a handicapped child. It becomes
more of a strain as the person grows
older and parents face retirement or
eventual death with no living arrangements
available.

I believe very strongly that I am primarily responsible for my own child. But as a parent who has had a child in an institution as well as at home I have seen the great advantage for him to be in his own home again. I can't face his returning to that setting if no alternative is developed.

Assistance from the state is something I urgently need and I ask for your support for ^{Bills 7094710} ~~these bills~~.

TESTIMONY BEFORE THE COMMITTEE ON PLANNING AND DEVELOPMENT - March 8, 1979
In support of Proposed S.B. 710

Mr. Chairmen, Members of the Committee:

I am Luella Horan of Guilford, President of the Connecticut Association for Retarded Citizens. I am also past President of the Shoreline Association for the Retarded and Handicapped, and the parent of a teen-aged retarded daughter who lives at home.

I am here today to express the strong support of CARC for Proposed S.B. 710, "An Act Concerning Community Residences for Mentally Retarded Persons." This bill would provide that, notwithstanding any law to the contrary, a licensed community residence housing six or fewer unrelated mentally retarded persons and appropriate staff will be considered a single family dwelling for the purpose of zoning statewide. It is our hope that, if enacted, this measure would clearly prohibit restrictive town zoning ordinances already on the books, from preventing the development of community residences. It would also prohibit excessive concentration of such residences in one area.

Experience in Connecticut and elsewhere clearly demonstrates the beneficial effects of community living for mentally retarded people. Unfortunately, however, some people still cling to old myths and stereotypes about retarded people, and have used local zoning ordinances to block the development of urgently needed small group homes. When such zoning disputes reach the courts, the right of the community residence to open is invariably upheld. But in the meantime, bitter, wasteful and expensive zoning fights have caused delays, confusion, and hard feelings. I must point out, however, that again, almost invariably, neighborhood opposition becomes neighborhood acceptance, after the home opens and things settle down. In a New York Times story on February 14, 1979, headlined, "Residences for Retarded Earn Wider Acceptance," Frances Cerra reports that neighborhood acceptance, even after some of the typical reaction to almost all of the 280 residences now in the state, which I will submit with my testimony, cites some

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dramatic turn-about in attitude once homes are open, and quotes the Associate Commissioner of Mental Retardation of New York as saying, "I don't know of any case where things didn't stabilize and become positive once the homes were open."

The New York Times article cites, for example, the case of Queens Planning Board 11, which three years ago had vehemently opposed the opening of a home in Little Neck. The board recently voted unanimously to support the opening of a home in the Bayside section. Right here in Connecticut, some of you may have seen an article in the Hartford Courant recently, reporting that a public hearing on renewal of a zoning variance for a West Hartford community residence that had been bitterly opposed four years ago, drew no opposing speakers at all this year.

Of course, the irony in all of these zoning disputes is that we all have retarded people as neighbors. Over 95% of our citizens do not live in institutions. They live at home with their families, in independent or supervised apartments, in the community residences that do now exist, etc. Generally, they blend almost invisibly into the larger population. Most of us already know and accept the fact that mentally retarded people are much more like us than unlike us. They cannot learn as quickly or as much, but they are not emotionally disturbed, they are not violent, they are not criminals. If they have been in large institutions, it is not because they were ever convicted, or even accused, of any criminal behavior. It is simply because they are not quite capable of living totally on their own, without assistance, and there have been too few supervised living arrangements in the community for them. We must, our society must, change that situation and allow our retarded people to remain in, or return to, their rightful place in the community of our State.

One final point: you will note that this bill refers to homes of six or fewer mentally retarded people. We prefer community residences of this size, or smaller, for two reasons: first, of course, it is better for the retarded people - it provides the home-like, family atmosphere that retarded people, like you and I, prefer. Secondly, homes of this size blend easily into the character of most neighborhoods. We do not want community residences to be intrusive - both for the good of the

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and the good of the neighborhood. We know by now, that the bulk of neighborhood opposition stems from the size of the proposed residences. Unfortunately, here in Connecticut, some of the residences are for 12 to 15 people - resembling not so much a home, but rather a mini-institution. This is not what we are striving for.

In a random survey of towns in the Greater Hartford and Farmington-Avon area, we have learned that many towns now allow up to five and six unrelated people living in a home to be treated as a single family for zoning purposes. What also concerns us, however, is that many towns have separate ordinances specifically excluding homes for certain groups - such as the elderly, handicapped, and even orphanages. We know that a speaker from New Haven who is here today will be more explicit about how Connecticut's proposed statute can be drafted to prohibit this type of exclusionary language. We are also submitting a model State zoning statute carefully drafted by the Commission on the Mentally Disabled of the American Bar Association, and we call to your attention that at least seventeen other states have already adopted such laws.

We urge this Committee to help bring Connecticut back into the forefront of humane and Constitutional treatment of its mentally retarded citizens by enacting this simple, and yet vital, piece of legislation.

Thank you.

WEDNESDAY, FEBRUARY 14, 1979
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Residences for Retarded Earn Wider Acceptance

By FRANCES CERRA
Special to The New York Times

SB710

VALLEY STREAM, L.I. — Gary Shaw did everything he could to prevent the opening of a community residence for the retarded next door to his parents' home here.

He spearheaded petition drives, wrote newspaper advertisements exhorting the community to mobilize against the supposed threat, and even tape-measured the building that was to be used for the residence to see if it might be in technical violation of local zoning ordinances.

Catholic Charities opened the Christopher residence anyway, promising only a year later to poll the neighborhood to see if the opposition was still as vehement. It wasn't. Mr. Shaw, for example, is now giving speeches in other communities urging acceptance of the residences.

Opposition in Watertown

Similarly, most of the 10 hostels in and around Watertown, N.Y., drew public opposition when they were proposed. Perhaps the stiffest came last May when the local chapter of the Association for Retarded Children announced plans to open a hostel in the town's residential district. Mayor EARL Burns said at the time that "if there's any way of stopping" the association's director, "I'll stop him."

But there was no legal way, the hostel opened, and Mayor Burns says he has not received a single complaint since the new hostel began operation two months ago.

State mental-retardation officials and leaders of voluntary organizations say that the neighborhood acceptance gained

by the Christopher residence or the hostels in and around Watertown in Jefferson County is typical of the reaction to almost all the 230 such residences now open in the state, 78 of them in New York City. They cite, for instance, the case of Queens Planning Board 11, which three years ago had vehemently opposed opening a home on Gaskell Road in Little Neck. The board recently voted unanimously to support the opening of a second home in the Bayside section.

And they hope a new state law requiring advance warning to communities before a residence can be opened will ease some fears and avoid new confrontations.

"The community residence program for the retarded is forcing middle-class and affluent communities for the first time to accept different people that they can't exclude through zoning," said Paul R. Dolan, of One-to-One, a nonprofit organization begun by a coalition — including the American Broadcasting Companies — that has financed 50 community residences. "The community residences become a focal point for a lot of vague fears about urban sprawl, property values, sexual assaults and crime. But the barrier is temporary."

Dr. Jennifer L. Howse, associate commissioner of mental retardation for New York City and Long Island, said, "I don't know of any case where things didn't

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Residences for Retarded Earn Acceptance

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Continued From Page B1.

stabilize and become positive once the doors were open."

The push for deinstitutionalization received its greatest impetus from a case involving Staten Island's Willowbrook State School. Parents of residents living at what is now known as the Staten Island Developmental Center filed a class action suit in federal court in 1972 charging that rights of patients there were being violated by neglect, a lack of rehabilitation

programs and unsanitary living conditions.

By 1975, when the state signed a consent agreement in the case, a new philosophy had taken hold aimed at reversing the century-old method of treating the retarded in institutions set apart from the community. This thinking was encouraged by new Federal regulations upgrading standards for institutionalized patients.

Almost simultaneously with the signing of the Willowbrook agreement, the state elected to meet the new Federal standards by placing 8,500 of the 19,500 retarded persons then living in 20 state institutions in homelike settings in local communities. Because of protests over "dumping" of former institutionalized mental patients into communities such as Long Beach, L.I., where they could be seen wandering around, purposeless and unsupervised, the program for the retarded called for scattering the residences all over the state so that no area would become saturated.

The latest court order in the Willowbrook case, negotiated last September, called for the state to place 50 residents a month in small community residences. However, according to Dr. Howse, "we have been making half that number." Cora Hoffman, special assistant to the Commissioner of Mental Retardation, said the state was about 15 percent behind in its timetable for emptying the other state institutions.

Opposition Upsets Timetable

Nonetheless, opposition preceding the opening of many of the residences has been a major cause of the state's inability to meet the court-ordered timetable for emptying Willowbrook, and federally mandated schedules for cutting by nearly one-half the population of the other 20 institutions for the learning disabled.

The state is also fighting a suit seeking to close the Suffolk Developmental Center in Melville, L.I., whose population was to have been cut to 1,375 by next March 31, but which still houses 1,630 persons. Murray Schneps, the attorney who filed that suit on behalf of the parents of residents there, said "there is no aggressive community placement plan at all."

The most successful effort to move the retarded into the community has been upstate, in Jefferson County, where the local chapter of the Association for Retarded Children has removed 334 persons from state institutions. Two months ago the association made Jefferson County the first in the state to have taken all its retarded residents out of institutions.

Of the 445 people in the program, about 250 live at home; another 75 live with

other families; six have their own apartments, and more than 100 reside in hostels run by the association.

More than 300 of the retarded work at paying jobs, some as custodians at public and commercial buildings, some at the association's farm, and most at Production Unlimited, an association-run industry. The two sheltered workshops produce the examination blue books used by 72 universities in the Northeast, every three-ringed binder used by the state bureaucracy, and about five million plastic information tags sold each year to the United States Army.

The community opposition took an especially virulent form in January 1975, a planned residence in Greenvale, L.I., was burned to the ground by arsonists, according to the police. That incident prompted a freeze of the state's community residence efforts on Long Island, and a campaign by state retardation officials to meet with every local government body on the Island to enlist their cooperation.

Alternative Was Rejected

In September, a new state law designed to prevent further confrontations took effect, according to its primary sponsor, Senator Frank Padavan, the Queen's Republican. It requires that local communities be notified in advance of planned residences and given an opportunity to suggest alternative sites. If no consensus is reached, the law calls for a hearing by the Commissioner of Mental Retardation, Thomas Caughlin 3d, whose ruling can still be reviewed by the courts.

Among the cases already taken to the Commissioner are one involving Community Planning Board 3 in Jackson Heights, Queens, and another in Commack, L.I. In the Commack case, the Smithtown Town Board offered as an alternative empty professional residences on the grounds of Kings Park Psychiatric State Hospital. The state and the voluntary group that would run the residence rejected that alternative as totally inappropriate.

No ruling on the Commack site has been made yet by the Commissioner, but an order has been issued to move ahead on the proposed residence in Jackson Heights. In that instance, Community Planning Board 3 suggested alternatives including a building sandwiched between a discotheque and a topless bar.

"The opposition comes from a fear of the unknown," said Mr. Shaw, the former leader of the Valley Stream operation. "We didn't really know the difference between the retarded and emotionally disturbed people. We thought they were going to molest our children, wander the streets and destroy our property values."