2023 HOUSE HUMAN SERVICES

HB 1049

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

HB 1049
1/10/2023

Relating to an agency foster home for adults zoning area.

Chairman Weisz called the meeting to order at 2:00 PM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz , Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Rep. Fegley not present.

Discussion Topics:

- Agency providers
- Adult foster homes
- Local zoning requirements

Nancy Nikolas Maier, Director of the Aging Services Section with the Department of Health and Human Services, introduced HB 1049 with supportive testimony (#12700).

Chairman Weisz closed the hearing on HB 1049.

Representative Rohr moved a DO PASS on HB 1049.

Seconded by Representative Dobervich.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	AB
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries: 13-0-1.

Carried by Representative Frelich.

Additional written testimony:

Rebecca Quinn, Program Director at the Center for Rural Health at the University of North Dakota School of Medicine and Health Sciences, provided written testimony in support of HB 1049 (#12517).

Chairman Weisz adjourned the meeting at 2:07 PM

Phillip Jacobs, Committee Clerk By: Leah Kuball

REPORT OF STANDING COMMITTEE

HB 1049: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1049 was placed on the Eleventh order on the calendar.

2023 SENATE HUMAN SERVICES

HB 1049

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1049
3/6/2023

Relating to an agency foster home for adults zoning area.

10:04 AM **Madam Chair Lee** called the hearing to order. Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan are present.

Discussion Topics:

- Community behavioral centers
- Permanent zoning rules
- Consistent settings
- Individual based care
- Adult foster care
- Shared living care model

10:04 AM **Nancy Maier, Director, ND Department of Health and Human Aging Services** introduced HB 1049 testimony in favor #22120

10:15 AM **Rebecca Quinn, Program Director, ND Brain Injury Network** testimony in favor #21923

10:21 AM **Madam Chair Lee** adjourned the meeting.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1049
3/6/2023

Relating to an agency foster home for adults zoning area.

11:17 AM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, K. Roers, Weston, Hogan** are present. **Senator Clemens** was absent.

Discussion Topics:

- Community behavioral centers
- Permanent zoning rules
- Committee action

Senator Lee asks for discussion.

Senator Cleary moves DO PASS.

Senator Hogan seconded the motion.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	AB
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Kent Weston	Y

The motion passed 5-0-1.

Senator Cleary will carry HB 1049.

11:18 AM **Madam Chair Lee** adjourned the meeting.

Patricia Lahr, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1049: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1049 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1049

68th Legislative Session

House Human Services Committee

Chairman Weisz and other members of the Committee. I am Rebecca Quinn and serve a program director at the Center for Rural Health at the University of North Dakota School of Medicine and Health Sciences. The Center for Rural Health is contracted by the Department of Human Services to operate the North Dakota Brain Injury Network.

I am writing in favor of HB 1049. This bill will clarify the zoning requirements for agency foster homes for adults. Agency foster home for adults are a new service in North Dakota developed in 2019 to provide community support services or residential habilitation. So far ND has had 2 homes open and more are in various stages of opening. This level of care will fill a much-needed gap in the continuum of care for individuals with brain injury in our state. It is my hope that clarification of the zoning regulations will assist in paving the way for more homes to open.

Respectfully submitted,

Rebecca Quinn

Center for Rural Health

University of North Dakota, School of Medicine and Health Sciences

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Testimony
House Bill No. 1049
House Human Services Committee
Representative Robin Weisz, Chairman

January 10, 2023

Chairman Robin Weisz, and members of the House Human Services Committee, I am Nancy Nikolas Maier, Director of the Aging Services Section with the Department of Health and Human Services (Department). I appear before you in support of House Bill No 1049, which was introduced at the request of the Department.

An agency adult foster home is defined in North Dakota Century Code chapter 50-11, Foster Care for Children and Adults, as a residential home in which services for Medicaid eligible adults is regularly provided by professional staff, to four or fewer adults who are not related by blood or marriage to the owner or lessee, for hire or compensation.

Agency providers who wish to develop agency adult foster homes in North Dakota must adhere to all state law and city ordinances that may apply, including city zoning ordinances. Because this setting is relatively new, and the current law does not include any language about zoning, there have been some questions raised about how these homes fit into local zoning ordinances.

House Bill 1049 would require agency adult foster care homes to be considered a permitted use in a single-family or equivalent least-density residential zone.

Adding this provision would clarify how local zoning requirements would apply to agency adult foster care homes. The language in this Bill would create consistency with the zoning language that is currently in place for group homes that serve individuals with intellectual and developmental disabilities governed under subsection 2 of section 25-16-14 of the North Dakota Century Code.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

68th Legislative Session

Senate Human Services Committee

Chair Lee and other members of the Committee. I am Rebecca Quinn and serve a program director at the Center for Rural Health at the University of North Dakota School of Medicine and Health Sciences. The Center for Rural Health is contracted by the Department of Health and Human Services to operate the North Dakota Brain Injury Network.

I am writing in favor of HB 1049. This bill will clarify the zoning requirements for agency foster homes for adults. Agency foster home for adults are a new service in North Dakota developed in 2019 to provide community support services or residential habilitation. So far North Dakota has had three homes open and more are in various stages of opening. This level of care will fill a much-needed gap in the continuum of care for individuals with brain injury in our state. It is my hope that clarification of the zoning regulations will assist in paving the way for more homes to open.

Respectfully submitted,

Rebecca Quinn

Center for Rural Health

University of North Dakota, School of Medicine and Health Sciences

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Be Legendary.

Testimony
House Bill No. 1049
Senate Human Services Committee
Senator Judy Lee, Chairman
March 06, 2023

Chairman Judy Lee, and members of the Senate Human Services Committee, I am Nancy Nikolas Maier, Director of the Aging Services Section with the Department of Health and Human Services (Department). I appear before you in support of House Bill No 1049, which was introduced at the request of the Department.

An agency adult foster home is defined in North Dakota Century Code chapter 50-11, Foster Care for Children and Adults, as a residential home in which services for Medicaid eligible adults is regularly provided by professional staff, to four or fewer adults who are not related by blood or marriage to the owner or lessee, for hire or compensation.

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