

Facilities for People with Developmental Disabilities

FACT SHEET

Types of Homes for Individuals with Developmental Disabilities

Individual Residential Services and Supports and/or Residential Home

This type of residence is defined by the state of Colorado as a community living situation where services and supports are provided to no more than three individuals with developmental disabilities. The service setting can be a host home, an individual's personal residence or a 24 hour staffed residence. This type of facility is not required to be licensed by the State. However, in order for this type of facility to receive payment from the state for residents the overseeing Service Agency does need to be approved by the State. The approval process involves an application to and review by the Community Centered Board, such as Mesa Developmental Services (MDS), with approval by the Colorado Department of Human Services, Division for Developmental Disabilities. The Service Agency is reviewed for financial stability, ability to provide services and supports, training, and adherence to Department rules and regulations. The particular setting is reviewed by the Approved Service Agency, case management, and the interdisciplinary team of developmental disabilities professionals for things related to the facility itself such as the home being in good repair and protecting the health, comfort and safety of persons residing in the home. Background checks, including experience of the individual providers are conducted. These homes are monitored by Case Management, the Service Agency, and the Community Centered Board. The Division for Developmental Disabilities does bi-annual reviews of the services focusing on quality of care and renewal of approval.

A team of professionals that work with individuals that are developmentally disabled and Case Managers review and approve placements. If a person to be placed in a home presents risks of sexually deviant behavior, the County's role as defined by a recent Written Interpretation under the Mesa County Land Development Code is an administrative review, which involves an initial check to determine if any of the residents are registered sex offenders or have had a criminal conviction in the last ten years. In some cases residents have no criminal record because they may have been found incompetent to stand trial. This administrative review occurs when the facility is opened and is based upon the statements given by the Applicant. The County is not permitted to check on any specific resident that may live there because of the strict confidentiality rules set out in Colorado Statutes.

Community Residential Home/Group Home

This is defined by the State of Colorado as a group living situation that includes at least four but less than eight individuals with developmental disabilities, and is required to following the zoning of the County.

Facilities must obtain a license from the State by applying to Colorado Public Health and Environment. The application is reviewed by both the CDPHE and the Division for Developmental Disabilities. Following the approval of the license, an annual review is conducted by either CDPHE or the DDD. The license review includes programs to assure the health and safety of the residents, reviewing the individual plans, delivery of the services to the individuals, and any rights restrictions.

Facilities that apply for a Conditional Use Permit (CUP) from the County must first be correctly zoned. Per State Statute, group homes are single family residences. If the facility is correctly zoned, then the facility owner must apply for the Conditional Use Permit. The Conditional Use Permit process must include a review by the planning staff and other review agencies, public notice, a review before the Planning Commission, and a Public Hearing before the County Commissioners. The County Commissioners ultimately make the decision whether to approve the Conditional Use Permit or not.

What this means to neighborhoods.

Mesa County understands that the vast majority of individuals with developmental disabilities, just like the vast majority of the general population, are not sex offenders nor do they have any of this type of tendencies. Individuals with developmental disabilities enjoy many of the same things that we all enjoy such as family activities, friends, good food, hobbies and special activities. Individuals with developmental disabilities should not be feared or discriminated against. They deserve the same opportunities that we all do.

However, similar to the general population there are a few individuals with developmental disabilities who have sexually inappropriate behaviors. If these individuals reside in an Individual Residential Support Services facility, they could live in any neighborhood and will be supervised and receiving treatment. These services are overseen by the local Community Centered Board (Mesa Developmental Services), the Approved Service Agency, and the State Department of Human Services, Division for Developmental Disabilities. The County has been granted little jurisdiction by the State to impose regulations on this type of facility.

Options

Legislation

In 2007, Mesa County worked with Representative Steve King to draft legislation that would allow counties to have additional oversight over the Individual Residential Support Services facilities. The House Bill would have required the facilities to be licensed by the State and to be subject to the zoning requirements of the County or other local entity. The bill failed to come out of committee.

County

Mesa County is currently working with Mesa Developmental Services to form an Agreement which would place guidelines on facilities that serve individuals who are found by the Court to present a risk to the community to assist in community safety to the best of our current abilities.