

HOUSE RESEARCH

Bill Summary

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Version: The delete-everything amendment (H2497DE1)

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Subject: Temporary health care dwellings, zoning and regulation

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Overview

This bill makes “temporary family health care dwelling” a permitted or conditional or interim use in single-family residential zones. A “temporary family health care dwelling” essentially is a mobile home for a mentally or physically impaired person to live in that is placed on the property of a relative or caregiver, making it easier for the caregiver to provide care.

Section

1 Housing with services establishment or establishment. Adds “temporary health care dwellings” to the definition of “housing with services establishment.”

2 Zoning of temporary family health care dwelling (county zoning law).

Subd. 1. Definitions. Defines terms used in the new law, including “temporary family health care dwelling,” which is a “mobile residential dwelling.”

Subd. 2. Temporary family health care dwelling requirements. Specifies construction, size, capacity, and other elements to be a temporary family health care dwelling.

Subd. 3. County requirements. Requires a county to consider a temporary family health care dwelling a permitted accessory use in a single-family residential zone on lots zoned for single-family detached dwellings if the temporary family health care dwelling is on property where the caregiver or relative resides. (That is, it may be on the caregiver’s property or on one relative’s property with a different, nonresident relative providing care.) Limits one temporary family health care dwelling per lot. Prohibits requiring conditional or interim use permits unless other accessory use

Section

structures must have them. Requires temporary family health care dwellings to comply with setbacks.

Requires the caregiver or relative to get a permit from the county, for which the county may charge a fee. Allows for inspections and confirmation by a doctor of the need.

Requires removal within 60 days of the dwelling no longer being needed. Allows a county to revoke a permit under certain conditions.

States that the dwelling is taxable as a vehicle.

3 **Zoning of temporary family health care dwelling.** Same as section 2, but in the statute governing city and town planning and zoning.

4 **Transition.** Requires a caregiver of an impaired person who resides in a temporary family health care dwelling on the effective date of this act to apply for a permit within 30 calendar days of the effective date of this act, unless the dwelling is already permitted pursuant to other law or ordinance. The county or municipality must not impose a fee for the initial permit.

5 **Severability.** States that the provisions are severable.

Note: General law provides for severability as well: “Unless there is a provision in the law that the provisions shall not be severable, the provisions of all laws shall be severable. If any provision of a law is found to be unconstitutional and void, the remaining provisions of the law shall remain valid, unless the court finds the valid provisions of the law are so essentially and inseparably connected with, and so dependent upon, the void provisions that the court cannot presume the legislature would have enacted the remaining valid provisions without the void one; or unless the court finds the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent. Minn. Stat. § 645.20

6 **Effective date.** Day after enactment.