

#### 6.19.24 Elder care facility and related **Definitions (Section 7)**

**Supported housing** - A residential facility that provides housing and may also provide assistance, care, supervision or services such as medical, educational, training, personal services, meals, or life management to the residents. This housing may be temporary, ~~(as in a rehabilitation facility, substance abuse treatment facility,~~ **housing for those in transition from a major life disruption, ~~or~~ temporary housing for persons at risk of ~~houselessness~~ **homelessness**, or permanent, ~~(such as a nursing home or assisted living facility per 33 V.S.A. §7102).~~ **This category includes facilities required to be licensed under 33 VSA 7102-7103 as a “therapeutic community residence” or a “residential care home.”** *(amended current)***

**Elder care facility** - a type of supported housing in which a majority of the beds are occupied by persons aged 60 or over. This category includes nursing homes, assisted living residences and homes for persons who are terminally ill (hospice) facilities, with definitions as per 33 V.S.A. §7102. *(new definition)*

**Group Home (also called a residential care home)** - A residential facility to be operated under state licensing or registration, that serves not more than eight persons, not including caregivers, who have a handicap or disability as defined by ~~the state (9 V.S.A. §4501),~~ **or a recovery residence serving not more than 8 persons.** In accordance with the ~~Act (24 V.S.A. §4412)~~ **a group home either of these** shall be considered by right to constitute a permitted single-family residential use of property, unless it is to be located within 1,000 feet of another group home. *(amended current)*

**Recovery residence** – A residential facility which provides shared living accommodations supporting persons recovering from a substance use disorder, that provides tenants with peer support and assistance accessing available support services and community resources, and is certified by an organization approved by the Vermont Department of Health as provided by 24 VSA 4412[1][G]. *(new definition from state statute)*

---

**State statutes for “elder care” and related definitions:**

24 VSA 4412[1][G]

*A residential care home or group home to be operated under State licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501, or a recovery residence serving not more than eight persons, shall be considered by right to constitute a permitted single-family residential use of property. This subdivision (G) does not require a municipality to allow a greater number of residential care homes or group homes on a lot than the number of single-family dwellings allowed on the lot. As used in this subdivision, “recovery residence” means a shared living residence supporting persons recovering from a substance use disorder that:*

*(i) Provides tenants with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders.*

*(ii) Is certified by an organization approved by the Department of Health and that is either a Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification. If certification is pending beyond 45 days, the municipality shall retain its right to consider the residence pursuant to zoning bylaws adopted in compliance with 24 V.S.A. § 4411.*

**9 VSA 4501**

*Disability,” with respect to an individual, means:*

- (A) a physical or mental impairment that limits one or more major life activities;*
- (B) a history or record of such an impairment; or*
- (C) being regarded as having such an impairment.*

*(3) “Physical or mental impairment” means:*

*(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; or endocrine.*

*(B) Any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental condition, and specific learning disabilities.*

*(C) The term “physical or mental impairment” includes diseases and conditions such as orthopedic, visual, speech, and deafness or being hard of hearing, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes,*

*developmental disability, emotional disturbance, and substance use disorders, including drug addiction and alcoholism. An individual with a disability does not include any individual with a substance use disorder who, by reason of current alcohol or drug use, constitutes a direct threat to property or safety of others.*