

Community Living Arrangements

Group Homes provide 24-hour care, supervision and maintenance for 5-8 children and Residential Care Centers for Children and Youth (RCCs-formerly called Child Care Institutions) are child welfare agencies which provide residential care, supervision and treatment for children. Group Homes(GH) and RCCs are included in the definition of a community living arrangement (CLA) in current Wisconsin law.

State law allows community living arrangements such as Group Homes and RCCs to be located in communities and neighborhoods, urban and rural. This is established in state law under s. 46.03(22), Stats., which defines community living arrangements and s. 59.69(15), Stats., which governs the location of community living arrangements. "Community Living Arrangement" (CLA) as defined in s. 46.03(22), Stats., includes Group Homes (as defined by 48.02(7)) and child welfare agencies (including RCCs).

State law governing community living arrangements contains provisions for community involvement and decision making. Local municipalities play a critical role and the municipality where a prospective facility is being planned has jurisdiction of the zoning issues. Under s. 59.69(15)(a), Wis. Stats., no community living arrangement may be established within 2,500 feet, or any lesser distance established by an ordinance of a city, town or village, of any other such facility. The facility may apply for an exception to this requirement, and such exceptions may be granted only at the discretion of the local municipality. There is a provision regarding density of CLAs under s. 59.69(15)(b), Wis. Stats., and the municipality has authority to prohibit additional CLAs from locating in an area when the density specified in statute (1% ratio) is reached.

Section 48.68 of state law requires that the applicant make a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home or RCC, the neighborhood and a local unit of government prior to initial licensure. This process requires the license applicant to notify area neighbors about their plans for a proposed facility. The intent of the community advisory committee is to provide a forum for communication for those individuals interested in the proposed facility. The Department licensing staff are required to determine compliance with these provisions prior to and after initial licensure.

Section 48.68(3), Wis. Stats., requires the Department, within ten days of receiving an application for initial licensure of a Group Home or RCC, to notify the city, town or village planning commission of its receipt of the application. This notification alerts municipal officials of the address of the proposed facility, the license applicant, the target group of the proposed facility and the number of residents to be served. When a group home or RCC application is received, Department licensing staff sends a notice to the municipality informing it of the application to operate a licensed facility in its community and a request that any specific hazards be identified which may affect the health and safety of the facility's residents. In accordance with s. 48.68(3), Stats., in determining whether to issue a license, the Department gives full consideration to any hazards identified.

There are additional protections for the community in the state zoning law. Section 59.69(15)(i) and (j) of state law outlines a formal process that municipalities may follow one year after initial licensure of a community living arrangement and every year thereafter to review the effect of the facility on the health, safety or welfare of residents of the municipality.

Statutes [46.03\(22\) Community Living Arrangements](#), [48.02\(7\) Definitions](#), [59.69\(15\) Planning and Zoning Authority](#), provide further information regarding community living arrangements.

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