

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.

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.