

**9525.0935 RESIDENTIAL LOCATION STANDARDS.**

Subpart 1. **Choice, population, and location.** Services provided must meet the requirements in items A to C:

A. the participant or the participant's legal representative has made an informed choice of a residential location which meets the requirements of items B and C;

B. a residential location must not be adjacent to or within a group residential program licensed under Minnesota Statutes, chapter 245B, except as permitted under part 9525.0950, subpart 5, and a residential location where more than four participants reside must not be adjacent to another SILS residential location where more than four participants reside; and

C. no more than eight participants may be served per residential location, unless fewer than 25 percent of its residents are receiving SILS.

Subp. 2. **Effective date.** For participants who are determined eligible for SILS after August 16, 1993, counties will receive reimbursement only for the provision of SILS to participants who live in a residential location which meets the requirements of subpart 1.

For participants who were determined eligible for SILS before the effective date of parts 9525.0900 to 9525.1020, counties will receive reimbursement only for the provision of SILS to participants that live in a residential location which meets the requirements of subpart 1, by August 16, 1994.

Subp. 3. **Variance from residential location standards.** A county board may submit a written request to the commissioner for a variance from subpart 1, item C, according to the requirements of part 9525.0995. The commissioner's determination must be based on the following:

A. that there is no other housing available in the same community which complies with the standards under subpart 1 and which meets the needs of the participant; and

B. that granting the variance would not result in a high concentration of persons with developmental disabilities at any residential location or within any town, municipality, or county of the state.

**Statutory Authority:** *MS s 252.275*

**History:** *18 SR 506; L 2005 c 56 s 2; L 2010 c 382 s 86*

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