

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1412 (Delegate Murray)
Health and Government Operations

Alcohol and Drug Abuse Administration - Halfway Houses - Zoning Classification

This bill provides that a halfway house regulated by the Alcohol and Drug Abuse Administration (ADAA) may not be subject to any special exception, conditional use permit, or procedure that differs from that required for a single-family dwelling or a multifamily dwelling of similar density in the same zone.

Fiscal Summary

State Effect: The bill would not substantively change State activities or operations.

Local Effect: While the bill would limit a local jurisdiction's authority with respect to zoning, it is not anticipated to have a significant direct effect on local finances.

Small Business Effect: None.

Analysis

Bill Summary: A halfway house that admits at least four but not more than eight individuals is deemed conclusively to be a single-family dwelling and is permitted to be located in all residential zones. A halfway house that admits at least 9 but not more than 16 individuals is deemed conclusively to be a multifamily dwelling and is permitted to be located in zones of similar density. A general zoning ordinance, rule, or regulation of any political subdivision that conflicts with the bill or any rule or regulation that carries out the bill's purposes is superseded by the bill to the extent of any conflict.

Current Law: In general, county and local jurisdictions implement zoning ordinances. In certain circumstances, such as providing for public utilities, State law may preempt

local zoning requirements. State law does not regulate where halfway houses may be located.

Background: A halfway house is a residence for formerly institutionalized individuals that is designed to facilitate their readjustment to private life. ADAA provides an integrated statewide service delivery system through a variety of treatment and prevention modalities for Marylanders who need assistance with drug and alcohol addictions. Maryland’s community-based addiction treatment programs include: (1) primary and emergency care; (2) intermediate care facilities; (3) halfway houses and long-term programs; (4) outpatient care; and (5) prevention programs.

ADAA currently has 46 certified halfway houses in the following counties.

<u>County or City</u>	<u>Males Only</u>	<u>Females Only</u>	<u>Both</u>	<u>Total</u>
Allegany	1	0	0	1
Anne Arundel	2	0	0	2
Baltimore City	14	2	5	21
Baltimore County	1	1	1	3
Cecil	1	0	0	1
Frederick	1	1	0	2
Harford	1	2	1	4
Howard	1	0	0	1
Montgomery	0	1	1	2
Prince George’s	0	0	1	1
St. Mary’s	0	1	1	2
Washington	2	1	0	3
Wicomico	1	2	0	3
Total	25	11	10	46

Local Fiscal Effect: Carroll, Cecil, Harford, Montgomery, and Prince George’s counties advise the bill has no impact as written.

Additional Information

Prior Introductions: An identical bill, HB 1115 of 2004, was not reported by the Health and Government Operations Committee.

Cross File: None.

Information Source(s): Cecil County, Montgomery County, Prince George's County, Harford County, St. Mary's County, Department of Health and Mental Hygiene (Alcohol and Drug Abuse Administration), Carroll County, Department of Legislative Services

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