

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 761 (Senator Conway)
Education, Health, and Environmental Affairs

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 nine 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political subdivision that conflicts with the bill or any rule or regulation that carries out the bill's purposes is superseded by the bill to the extent of any conflict.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 22 certified halfway houses: 3 in Anne Arundel County, 7 in Baltimore City, 1 in Cecil County, 2 in Frederick County, 1 in Harford County, 2 in Montgomery County, 2 in Prince George's County, 1 in St. Mary's County, 2 in Washington County, and 1 in Wicomico County.

Local Fiscal Effect: Baltimore City and Montgomery County advise that the bill's provisions are consistent with their current practice. Worcester county advises the bill would not affect its finances. Kent County advises that the bill conflicts with its provisions for group homes and assisted living facilities and may be of great concern to the towns.

Additional Information

Prior Introductions: None.

Cross File: HB 1115 (Delegate Murray, *et al.*) – Health and Government Operations.

Information Source(s): Montgomery County, Kent County, Worcester County, Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2004
ncs/jr

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