

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 162 (Delegates Goodwin and Pugh)
Health and Government Operations

**Baltimore City - Old Goucher Area - Human Services Programs - Prior
Approval Required**

This bill prohibits a human services program licensed through the State from being established on or after October 1, 2006, in the Old Goucher area of Baltimore City unless the program obtains the approval of the Old Goucher Community Association, the Charles North Community Association, and the Charles Village Community Association. The Old Goucher area is bounded by 27th Street on the North, 20th Street on the South, Howard Street on the West, and Guilford Avenue on the East. A human services program includes any program providing supportive or correctional services for matters such as juvenile delinquency; detention, correction, parole, or probation; addictions; rehabilitation; health; mental health; therapy; disabilities; basic necessities such as housing, utilities, food, and clothing; aging; and crisis intervention. This bill only applies prospectively and does not apply to any human services program established in this area before the bill's effective date.

Fiscal Summary

State Effect: Any change in State activities would not materially affect State finances.

Local Effect: Any change in Baltimore City activities would not materially affect city finances.

Small Business Effect: Potentially significant to the extent that human services programs must pay higher rent as a result of this bill.

Analysis

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 human services programs may be located.

Title II of the federal Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in all public entity programs, activities, and services. It applies to all state and local governments, their departments and agencies, and any other instrumentalities or special purpose districts of state or local governments.

The federal Fair Housing Act prohibits discrimination by direct providers of housing as well as other entities whose discriminatory practices make housing unavailable to persons because of race or color, religion, sex, national origin, familial status, or disability. The act defines persons with a disability as individuals with mental or physical impairments that substantially limit one or more major life activities. A mental or physical impairment may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. A major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working.

One of the U.S. Department of Justice Civil Rights Division's Fair Housing Act enforcement priorities is ensuring that zoning and other land use regulations do not hinder where individuals with disabilities may live, including unnecessarily restricting communal, or congregate, residential arrangements, such as group homes.

Background: Baltimore City advises that 90% of the human services programs affected by this bill require either a city council ordinance or zoning board approval prior to program establishment. The current approval process allows for community input prior to a final decision by either the council or board, although a community association cannot veto the final decision. Baltimore City further advises that the remaining 10% of the human services programs affected by this bill would fall under ADA provisions prohibiting discrimination by restricting where these services may be located.

The Department of Juvenile Services (DJS) advises that it is planning to open a day and evening reporting center in the Old Goucher Neighborhood for youth referred to DJS but who have not been adjudicated by a court. This facility would be operated by DJS but not licensed through the State. It would serve up to 15 youth in a day program and up to another 15 youth in an evening program. This program would not be subject to the bill's

requirements because it is expected to open prior to the bill's effective date and because it is not a human services program licensed through the State. DJS further advises that it met with the three associations specified in this bill while planning the program.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Baltimore City, Department of Juvenile Services, Department of Health and Mental Hygiene, Department of Human Resources, U.S. Department of Justice, Department of Legislative Services

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Analysis by: Lisa A. Daigle

Direct Inquiries to:
(410) 946-5510
(301) 970-5510