

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

House Bill 564

(Delegate Rosenberg, *et al.*)

Environmental Matters

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**Baltimore City - Fairmount Neighborhood - State Projects or Programs - Prior Approval**

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This bill prohibits any State project or program from being established in the Fairmount neighborhood in Baltimore City unless the State first obtains the approval of the Fairmount Neighborhood Association. A State project or program includes any program administered or funded by a State agency for any purpose and any capital improvement by or for a State agency. The bill is to be applied only prospectively and may not have any effect on or application to any State project or program established in the Fairmount neighborhood before the bill's effective date.

The bill takes effect July 1, 2006.

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**Fiscal Summary**

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

**Local Effect:** Requiring prior approval of the neighborhood association before the establishment of any State project or program would not directly affect city operations or finances.

**Small Business Effect:** Potentially significant to the extent that State programs or projects must pay higher rent as a result of the bill.

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## **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.

**Background:** The Department of Human Resources advises that this bill could impact the establishment of new group homes or congregate care facilities in the area.

Title II of the federal Americans with Disabilities Act 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.

**State Fiscal Effect:** This bill could affect any State project or program funded or administered by the State which would be located in the neighborhood. As a result, requiring the State to obtain the approval of the Fairmount Neighborhood Association could potentially result in a delay of establishing State projects or programs within the defined area. In the event that the neighborhood association does not grant approval, the State could be blocked from establishing the project or program altogether in the area. If the State is compelled to establish a project or program elsewhere, the State may have to pay a higher rent for the premises in another area.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 775 (Senator Gladden) – Education, Health, and Environmental Affairs.

**Information Source(s):** Department of Human Resources, Department of Juvenile Services, Department of General Services, Department of Health and Mental Hygiene, Department of Budget and Management, Baltimore City, Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2006  
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