

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 529
Finance

(Senator Ready)

Carroll County - Sober Living Houses - Authorization

This bill requires that a sober living house element be included in Carroll County’s comprehensive plan and establishes conditions for the authorization of a sober living house in the county.

Fiscal Summary

State Effect: None.

Local Effect: Carroll County expenditures increase by \$154,100 in FY 2024, and by \$100,100 annually thereafter. Revenues are not affected.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The bill requires the planning commission for Carroll County to include a sober living house element in the county’s comprehensive plan. On a schedule that extends as far into the future as is reasonable, a sober living house element must propose the most appropriate and desirable patterns for the general location, character, and the concentration of sober living houses adjacent to or in close proximity to a residential zone. A sober living house (1) may not be authorized or constructed in the county until the planning commission has approved the location and character as consistent with the comprehensive plan and (2) may only be authorized in the county by special exception.

“Sober living house” means a building that provides alcoholism and drug abuse recovery services to a group of two or more unrelated individuals.

“Residential zone” means any area in the regional district that is designated on a zoning map as residential.

“Special exception” means a grant of a specific use that:

- would not be appropriate generally or without restriction; and
- must be based on a finding that (1) the requirements of the zoning law governing the special exception on the subject property are satisfied and (2) the use on the subject property is consistent with the plan and is compatible with the existing neighborhood.

Current Law:

Comprehensive Plans

The Maryland Department of Planning describes a comprehensive plan as “a document, officially adopted by the local governing body, which spells out the manner in which a municipality, county, or sub-area of a county must develop.” Local jurisdictions are required to enact, adopt, amend, and execute a comprehensive plan in accordance with State law. Certain elements must be included in a comprehensive plan and additional permissive elements may be included. A comprehensive plan also must include and implement specified visions stated in the law. At least once every 10 years, the planning commission of a local jurisdiction must review the comprehensive plan and, if necessary, revise or amend the plan to include all required elements and the specified visions. A planning commission may prepare comprehensive plans for one or more geographic sections or divisions of the local jurisdiction if each plan is reviewed and, if necessary, revised or amended at least once every 10 years.

Noncharter counties and municipalities must include in their comprehensive plans a community facilities element, an area of critical State concern element, a goals and objectives element, a housing element, a land use element, a development regulations element, a sensitive areas element, a transportation element, and a water resources element. If current geological information is available, the plan must include a mineral resources element. The plan for a municipal corporation that exercises zoning authority must include a municipal growth element, and the plan for a county that is located on the tidal waters of the State must include a fisheries element.

Halfway Houses – Zoning

Provisions under the Health-General Article of the Maryland Code address the treatment of halfway houses under zoning laws. “Halfway house” means a clinically managed, low intensity residential treatment service for individuals with substance-related disorders who

are capable of self-care but are not ready to return to independent living. “Small halfway house” means a halfway house that admits at least 4 but not more than 8 individuals. “Large halfway house” means a halfway house that admits at least 9 but not more than 16 individuals.

A small halfway house is deemed conclusively a single-family dwelling for purposes of zoning and is permitted to locate in all residential zones. A large halfway house is deemed conclusively a multifamily dwelling and is permitted to locate in zones of similar density.

A halfway house is not 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.

A general zoning ordinance that conflicts with these provisions is superseded by these provisions, to the extent of the conflict.

Local Expenditures: Carroll County estimates that its expenditures increase by \$154,100 in fiscal 2024 and by at least \$100,100 annually thereafter to implement the bill. This estimate reflects (1) a salary and fringe benefits for one planner to assist with modifying the county’s comprehensive plan to include the sober living house element and perform associated administrative tasks (\$100,100); (2) a one-time cost for a consultant familiar with group homes and sober living arrangements to assist the planning commission with implementing the bill (\$30,000); and (3) one-time operating expenses associated with the comprehensive plan update process (\$24,000).

Small Business Effect: The bill may have a meaningful effect on small business opportunities in Carroll County to the extent the bill affects the ability of a new, for profit sober living house to operate in the county.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Carroll County; Maryland Department of Planning; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2023
km/sdk

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