



MARYLAND DEVELOPMENTAL DISABILITIES COALITION

Dedicated to the rights and quality of life for people with developmental disabilities in Maryland

Health and Government Operations Committee

March 05, 2025

HB1136: Community-Based Residential Facilities - Licensing Entities - Provision of Licensing Criteria and Single Point of Contact Position: Oppose



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The Maryland Developmental Disabilities Coalition (DD Coalition) is comprised of five statewide organizations that are committed to improving the opportunities and outcomes for people with intellectual and developmental disabilities (IDD) and their families. As such, the DD Coalition opposed HB1136.

WHAT does this legislation do?

Requires the Developmental Disabilities Administration (DDA):

1. Provide any interested party the criteria for licensing or renewing a license of a DDA residential setting; and
2. Assign a point of contact to respond to any complaints, concerns, or issues regarding a DDA residential setting.

WHY is this legislation concerning?

- **People with IDD are being singled out.** DDA licensed residential facilities are being treated differently than similar community residential facilities that serve people with disabilities, such as assisted living facilities (ALFs). Pursuant to 42 CFR § 441.530(a)(1), Maryland must ensure DDA funded residential facilities have particular qualities, including:
“(iii) Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.”
- **Limited resource.** There are hundreds of community-based residential settings throughout the state. Having to provide a dedicated person to not only review but respond to all complaints, concerns, or issues anyone may have related to a DDA residential community setting is an unnecessary strain on DDA's limited resources.
- **Complaint system already exists.** DDA has designated the Office of Health Care (OHCQ) to monitor and inspect its licensed providers, which includes investigating complaints. OHCQ already has a robust complaint system, that anyone may utilize.
- **Licensing criteria is already available to the public.** Any interested party can obtain the licensing and renewal criteria from DDA's "[Partnering with Providers](#)" webpage, which includes a link to the relevant state regulations. This information is also available through a Public Information Act request, where there is already a designated individual to process these requests for DDA as part of the [Maryland Department of Health](#).

For more information, contact:

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Thank you for the opportunity to testify on House Bill 1136. Disability Rights Maryland (DRM) is the state-designated Protection and Advocacy agency, authorized under federal law to protect and advocate for the rights of individuals with disabilities.

HB1136 would require Maryland's Developmental Disability Administration (DDA) and the Behavioral Health Administration (BHA) to: 1. Provide any interested party the criteria for licensing or renewing a license of a DDA or BHA residential settings, including substance disorder settings licensed by BHA; and 2. Assign a point of contact to respond to any complaints, concerns, or issues regarding a DDA residential setting.

People with a need for supported housing to live in their communities, including those with intellectual and developmental disabilities, mental health conditions, and substance abuse disorders are being singled out. The Federal Fair Housing Act of 1968 guarantees a person the right to equal access to housing opportunities and seeks to eliminate discrimination in housing, based on certain protected characteristics. The primary goal is to ensure that all individuals, regardless of their background, can live in a safe and affordable home without facing unfair barriers or discriminatory practices. Additionally, these community settings residents must have their privacy respected, and not be at risk of their status as a person with a disability receiving services be readily accessible to any "interested party."

“Interested parties” who want to know more about their neighbor should first be encouraged to be neighborly, and resolve any neighbor-to-neighbor disputes in a civil and respectful manner as they would with any other neighbor not living in a licensed home. By creating a mechanism for interested parties to circumvent this natural activity, we run the risk of encouraging NIMBY-ism and discriminatory behavior toward individuals residing in one of the licensed settings named in this bill.

Complaint system already exists. DDA has designated the Office of Health Care (OHCQ) to monitor and inspect its licensed providers, which includes investigating complaints. OHCQ already has a robust complaint system, that anyone may utilize. Similarly, BHA has a robust, accessible complaint system.

Finally, the licensing criteria is already available to the public. Any interested party can obtain the licensing and renewal criteria from MDH’s relevant provider webpages, which include links to the relevant state regulations. This information is also available through a Public Information Act request, where there is already a designated individual to process these requests for DDA as part of the Maryland Department of Health.

For these reasons, DRM strongly opposes House Bill 1136.

Respectfully,

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