



April 1, 2026

House Health Committee

SB876 - Recovery Residences - Certification - Requirement

POSITION: INFO

On behalf of the Recovery Housing and Treatment Center Coalition of Maryland (RHTC), we respectfully submit this Letter of Information regarding Senate Bill 876. RHTC represents recovery housing and treatment providers across Maryland that serve individuals with substance use and co-occurring disorders along the full continuum of care, including certified recovery residences.

RHTC appreciates the General Assembly's continued focus on strengthening oversight and accountability within recovery housing. Ensuring safe, high-quality environments for individuals in recovery is a shared priority. However, it is critical to recognize that Maryland has already established a comprehensive statutory and regulatory framework governing certified recovery residences, one that was thoughtfully enacted through House Bill 1411 (Chapter 711 of 2016), signed into law on May 28, 2016.

That law created §19-2502 of the Health—General Article, requiring the Maryland Department of Health to designate a credentialing entity to develop and administer a certification program for recovery residences. This framework includes defined standards, application requirements, and ongoing oversight mechanisms, including inspections and compliance monitoring. These requirements are further implemented through COMAR 10.63.08, which governs certification, operational standards, and enforcement for recovery residences across the State.

Maryland's approach is intentionally structured as a certification-based system, not a universal licensure mandate. This distinction is both deliberate and necessary. Certification ensures accountability for providers that choose to participate—particularly those receiving State referrals or funding—while preserving access to recovery housing in alignment with federal law.

Importantly, any expansion of statutory requirements must be evaluated in light of the Americans with Disabilities Act (ADA) and the federal Fair Housing Act (FHA). Individuals residing in recovery housing are considered a protected class under federal law, and courts have consistently held that state and local governments may not impose requirements that effectively restrict or discourage the operation of such housing. Legislative or regulatory changes that increase



barriers, impose differential standards, or indirectly limit where and how recovery housing may operate could expose the State and potentially local jurisdictions to significant legal risk.

Additionally, efforts that move beyond certification into broader regulatory control raise serious concerns regarding preemption of local zoning authority. Land use decisions have long been the purview of local governments, and any State action that inadvertently overrides or conflicts with local zoning frameworks could create unintended legal and operational consequences.

From a practical standpoint, it is also important to acknowledge a fundamental limitation: bad actors are not the providers participating in the certification system. Responsible operators are already seeking certification, undergoing inspections, and complying with established standards.

Expanding requirements on certified providers will not meaningfully address operators who choose to remain outside of the system. Instead, such changes risk increasing administrative burden on compliant providers while leaving the underlying issue unresolved.

Maryland's existing framework established under Chapter 711 (2016) and implemented through COMAR was designed to strike a careful balance between oversight, access, and legal compliance. RHTC respectfully urges the Committee to consider whether additional statutory changes advance that balance, or whether they risk creating unintended consequences, including legal exposure under federal disability law and disruption to local land use authority.

RHTC remains committed to working collaboratively with the General Assembly, the Maryland Department of Health, and other stakeholders to strengthen oversight in a manner that is both effective and legally sound, while preserving access to critical recovery housing across the State.

For more information call or email:

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