



## MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Housing Commissioner

Date: December 5, 2023

### **Re: City Ordinance 23-0425 Improving Safety and Habitability in Supportive and Other Residential Housing**

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 23-0425 for the purpose of defining the term “supportive housing facility” in the Baltimore City Building Code; requiring a permit before any person may transfer ownership or operation of certain property in certain circumstances; updating use and occupancy classifications; and categorizing congregate living facilities as rental dwellings and requiring their licensing.

If enacted, City Council Bill 23-0425 would make changes to several sections in Article 13 of the Housing and Urban Renewal Code and the Building, Fire, and Related Codes (BFRC).

The Bill defines the term Supportive Housing as a “non-institutional, shared living environment which integrates shelter, service, and support needs of socially isolated persons who are otherwise in good health, can maintain semi-independent lifestyle, and do not require constant supervision or intensive health care as provided by an institution.” This definition is from the International Building Code IBC and currently referred to by reference in our BFRC. Since the definition is being amended, the entire section would be added to our Building Code by this Ordinance.

The Bill requires a new permit for transfer of ownership or operation. Specifically, it would add congregate living facilities, residential-care facility, rooming house and supportive housing facility to the existing list of certain uses that already require a permit to be issued on the transfer of ownership or operation of a property. A new permit for transfer of ownership of these 4 uses is not currently required by the Code. These changes put the definitions in the correct alphabetical order, and renumber accordingly. DHCD is supportive of this requirement, it will help us to better identify the current property owner/operator should the need arise.

The Bill creates a new Residential Group R-4 - Use and Occupancy Classification to encapsulate the following uses: alcohol and drug centers, assisted living facilities, congregate care facilities, group homes, halfway houses, residential board and care facilities, social rehabilitation facilities, and supportive housing facilities. The International Fire Code (“IFC”) places buildings into “Occupancy Classifications” based on their proposed use. One such Occupancy Classification is

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the R-4 Residential Group, defined as “buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. This definition will be incorporated into our code by this Ordinance.

Council Bill 23-0425 would further put the subject properties into a new Residential Group R-4 Use and Occupancy Classification and divide them in two subsets: Occupants who can complete building evacuations in an emergency without assistance and properties with at least one occupant who requires some verbal or physical assistance to evacuate in an emergency.

DHCD is supportive of this change, it bolsters the work that DHCD presently undertakes to ensure that properties meet basic safety and maintenance requirements and gives us a separate use category for locations we can respond to.

Finally, the Bill adds supportive housing facilities to the already existing list of “rental dwellings” that need to be licensed under Subtitle 5 of Article 13 of the City Code. DHCD is supportive of this change, it will match those already required for multi-family residential tenancies.

#### Conclusion:

DHCD appreciates the opportunity to weigh in on this Bill, we have a genuine interest in ensuring the safety of all structures and the people who live in them. The city requires periodic licensing and inspections on all non-owner occupied residential rental units. However, the City has not always applied these rules equally to Supportive Housing Facilities. Expanding existing inspection and licensing requirements to include Supportive Housing Facilities along with all other dwellings occupied by individuals other than the owner may help achieve the City's interest in ensuring minimum life/safety standards for all non-owner-occupied dwellings. This Bill helps to coordinate, conform and clarify the work that we are already doing under the code.

DHCD **supports the passage** of Council Bill 23-0425 and respectfully request a favorable report.

AK/sm

cc: Ms. Nina Themelis, *Mayor's Office of Government Relations*