



**BALTIMORE CITY COUNCIL
ECONOMIC AND COMMUNITY DEVELOPMENT
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities. ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

The Honorable Sharon Green Middleton

PUBLIC HEARING

November 28, 2023

2:10 PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

23-0425

**Improving Safety and Habitability in Supportive and Other
Residential Housing**

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BILL SYNOPSIS

Committee: Economic and Community Development

Bill: 23-0425

Improving Safety and Habitability in Supportive and Other Residential Housing

Sponsor: *The Council President & Councilmember Ramos*

Introduced: *September 18, 2023*

Purpose:

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.

Effective: The 30th day after the date it is enacted

Agency Reports

City Solicitor	Approve for Form and Sufficiency
Dept Housing & Community Development	Favorable
Planning Commission	Favorable with Amendments
BMZA	No Comment
BDC	No Objection
Dept Transportation	
Parking Authority	

Analysis

Current Law

2-103 of the Building, Fire, and Related Codes deals specifically with City modifications (additions, deletions, amendments, and other modifications adopted by the City) –

Section 105.1 describes permits in the city – particularly when a permit is required:

1. construct, alter, add to, repair, rehabilitate, demolish, or move any structure,
2. change the use of any structure or land,
3. install or alter any equipment subject to this Code,
4. move a lot line that affects any structure,
5. perform any grading or excavating,
6. undertake, cause, or allow any addition, alteration or other action described in either of the following provisions of City Code Article 6 {"Historical and Architectural Preservation"}:
 - a. § 8-2(a) {"Building permit required: Exterior structures"}, describing actions for or with respect to any structure:
 - i. Within an Historical and Architectural Preservation District,
 - ii. on the Landmark List: Exteriors, or
 - ii. on the potential-Landmark List: Exteriors, or
 - b. § 8-2(b) {"Building permit required: Public interiors"}, describing actions for or with respect to any structure:
 - i. on the Landmark List: Public Interiors, or
 - ii. on the potential-Landmark List: Public Interiors, or

Or when ownership is transferred section 105 describes which uses must require a permit to also transfer to continue operations:

- banquet hall,
- body art establishment,
- carry-out food shop,
- day-care center: adult or child,
- drive-through facility,
- entertainment: live or indoor,
- gas station,
- health-care clinic,
- lodge or social club,
- lounge,
- pawn shop,
- personal services establishment,
- restaurant,
- retail goods establishment – with or without alcoholic beverage sales, or
- tavern.

Article 13 of The City Code – Housing and Urban Development Subtitle 5 describes licensing of rental dwellings. It describes Rental Dwelling as:

- (1) any multiple-family dwelling;
- (2) any rooming house; and
- (3) any non-owner-occupied dwelling unit in a 1- or 2-family dwelling that is leased or rented or offered.

Bill Summary

This bill would require a permit on the transfer of ownership or operation of property the following:

- Congregate Living Facilities (using the definition found in the zoning code § 202.1)
- Residential Care Facility (using the definition found in the zoning code § 1-321(P))
- Rooming house (as defined in Baltimore city zoning code § 1-313(b))
- Supportive housing facility (as defined in § 202.2.56 of the Building Fire and Related Codes)

It would also add to Chapter 3 of the Building, Fire, and Related Codes article a Residential Group R-4 Occupancy definition which would be defined as - more than 5 but not more than 16 persons (not including staff) living in a residential environment and receiving custodial care and includes all supportive housing facilities. It lists the following (not limited to):

1. Alcohol and drug centers,
2. Assisted living facilities,
3. Congregate care facilities,
4. Group homes,
5. Halfway houses,
6. Residential board and care facilities,
7. Social rehabilitation facilities, and
8. Supportive housing facilities.

Residential Group R-4 Occupancy would have 2 conditions:

- Condition 1 - would be a facility where all occupants were receiving custodial care – but able to evacuate the building in response to an emergency.
- Condition 2 - would be where any of the occupants needed limited verbal or physical assistance to evacuate the building in response to an emergency.

Additional Information

Fiscal Note: Not Available

Information Source(s): Baltimore City Code, Reporting Agencies, Bill 23-0425.

Analysis by: Anthony Leva

Direct Inquiries to: 410-396-1091

Analysis Date: December 1, 2023

**CITY OF BALTIMORE
COUNCIL BILL 23-0425
(First Reader)**

Introduced by: The Council President and Councilmember Ramos
At the request of: The Administration (Department of Housing and Community Development)
Introduced and read first time: September 18, 2023

Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community Development, Planning Commission, Board of Municipal and Zoning Appeals, Baltimore Development Corporation, Department of Transportation, Parking Authority of Baltimore City

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Improving Safety and Habitability in Supportive and Other Residential Housing**

3 FOR the purpose of defining the term “supportive housing facility” in the Baltimore City Building
4 Code; requiring a permit before any person may transfer ownership or operation of certain
5 property in certain circumstances; updating use and occupancy classifications; and
6 categorizing congregate living facilities as rental dwellings and requiring their licensing.

7 BY repealing, and reordaining, with amendments

8 Article - Building, Fire, and Related Codes
9 Sections 2-103 (IBC §§ 105.1, and 202.2.54 through 202.2.58)
10 Baltimore City Revised Code
11 (2020 Edition)

12 BY adding

13 Article - Building, Fire, and Related Codes
14 Sections 2-103 (IBC §§ 202.2.56, 202.2.57, and 310.5)
15 Baltimore City Revised Code
16 (2020 Edition)

17 BY repealing, and reordaining, with amendments

18 Article 13 - Housing and Urban Renewal
19 Section 5-1(g)
20 Baltimore City Code
21 (Edition 2000)

22 BY adding

23 Article 13 - Housing and Urban Renewal
24 Section 5-1(j)
25 Baltimore City Code
26 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 23-0425

1 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
2 Laws of Baltimore City read as follows:

3 **Baltimore City Revised Code**
4 **Article – Building, Fire, and Related Codes**

5 **Part II. International Building Code**

6 **§ 2-103. City modifications.**

7 The additions, deletions, amendments, and other modifications adopted by the City are as
8 follows:

9 **Chapter 1**
10 **Scope and Administration**

11 **Section 105 Permits**

12 **105.1 Required.** A permit issued by the Building Official is required before any person may
13 do any of the following work:

14 . . .

15 7. on transfer of ownership or operation of property, continue any of the following uses
16 [, as defined in City Code Article 32 {"Zoning"}]:

17 a. banquet hall (AS DEFINED IN BALTIMORE CITY ZONING CODE § 1-303(C)
18 {"BANQUET HALL. "}),

19 b. body art establishment (AS DEFINED IN BALTIMORE CITY ZONING CODE
20 § 1-303(J) {"BODY ART ESTABLISHMENT. "}),

21 c. carry-out food shop (AS DEFINED IN BALTIMORE CITY ZONING CODE
22 § 1-303(T) {"CARRY-OUT FOOD SHOP. "}),

23 d. CONGREGATE LIVING FACILITIES (AS DEFINED IN § 202.1 OF THE BALTIMORE
24 CITY BUILDING CODE),

25 E. [d.] day-care center: adult or child (AS DEFINED IN BALTIMORE CITY ZONING
26 CODE §§ 1-304(Z) AND 1-305(A) {"DAY-CARE CENTER: CHILD. " AND
27 {"DAY-CARE CENTER: ADULT"}),

28 F. [e.] drive-through facility (AS DEFINED IN BALTIMORE CITY ZONING CODE
29 § 1-305(H) {"DRIVE-THROUGH FACILITY. "}),

30 G. [f.] entertainment: [live or] indoor OR LIVE (AS DEFINED IN BALTIMORE CITY
31 ZONING CODE §§ 1-306(B) AND 1-306(C) {"ENTERTAINMENT: INDOOR. "
32 AND {"ENTERTAINMENT: LIVE"}),

Council Bill 23-0425

- 1 H. [g.] [gas] FUEL station (AS DEFINED IN BALTIMORE CITY ZONING CODE
2 § 1-306(T) {"*FUEL STATION.*"}),
- 3 I. [h.] health-care clinic (AS DEFINED IN BALTIMORE CITY ZONING CODE
4 § 1-307(F) {"*HEALTH-CARE CLINIC.*"}),,
- 5 J. [i.] lodge or social club (AS DEFINED IN BALTIMORE CITY ZONING CODE
6 § 1-308(Q) {"*LODGE OR SOCIAL CLUB.*"}),
- 7 K. [j.] lounge (AS DEFINED IN BALTIMORE CITY ZONING CODE § 1-309(H-1)
8 {"*LOUNGE.*"}),
- 9 L. [k.] pawn shop (AS DEFINED IN BALTIMORE CITY ZONING CODE § 1-311(L)
10 {"*PAWN SHOP.*"}),
- 11 M. [l.] personal services establishment (AS DEFINED IN BALTIMORE CITY ZONING
12 CODE § 1-311(O) {"*PERSONAL SERVICES ESTABLISHMENT.*"}),
- 13 N. RESIDENTIAL-CARE FACILITY (AS DEFINED IN BALTIMORE CITY ZONING CODE
14 § 1-312(P) {"*RESIDENTIAL-CARE FACILITY*"})
- 15 O. [m.] restaurant (AS DEFINED IN BALTIMORE CITY ZONING CODE § 1-312(S)
16 {"*RESTAURANT.*"}),
- 17 P. [n.] retail goods establishment – with our without alcoholic beverage sales (AS
18 DEFINED IN BALTIMORE CITY ZONING CODE § 1-312(U) {"*RETAIL GOODS*
19 *ESTABLISHMENT.*"}), [or]
- 20 Q. ROOMING HOUSE (AS DEFINED IN BALTIMORE CITY ZONING CODE § 1-313(B)
21 {"*ROOMING HOUSE.*"}),
- 22 R. SUPPORTIVE HOUSING FACILITY (AS DEFINED IN § 202.2.56 OF THIS CODE), OR
- 23 S. [o.] tavern (AS DEFINED IN BALTIMORE CITY ZONING CODE § 1-314(A)
24 {"*TAVERN.*"}).

Chapter 2 Definitions; Rules of Construction

Section 202 Definitions

28 **202.2 Supplemental definitions.** Notwithstanding any different definition in the
29 International Building Code, the following terms have the meanings given in this § 202.2.

30 . . .

31 **[202.2.54 Transfer.** "Transfer", when used with respect to property subject to this
32 Code, has the meaning stated in § 114.23 {"*Responsibility of transferee*"}.]

Council Bill 23-0425


1 (J) *SUPPORTIVE HOUSING FACILITY*.

2 “SUPPORTIVE HOUSING FACILITY” HAS THE MEANING STATED IN § 202.2.56 OF THE
3 BALTIMORE CITY BUILDING CODE.

4 **SECTION 2. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th day
5 after the date it is enacted.

**ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE**

**23-0425
AGENCY REPORTS**

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #23-0425 / IMPROVING SAFETY AND HABITABILITY IN SUPPORTIVE AND OTHER RESIDENTIAL HOUSING		

TO

The Honorable President and
 Members of the City Council
 City Hall, Room 400
 100 North Holliday Street

DATE: December 1, 2023

At its regular meeting of November 30, 2023, the Planning Commission considered 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.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #23-0425 and adopted the following resolutions, with nine members being present (nine in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #23-0425 be **amended and approved** by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Ms. Nina Themelis, Mayor’s Office
 The Honorable Eric Costello, Council Rep. to Planning Commission
 Mr. Colin Tarbert, BDC
 Ms. Rebecca Witt, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Stephanie Murdock, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Liam Davis, DOT
 Ms. Natawna Austin, Council Services



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

November 30, 2023

REQUEST: City Council Bill #23-0425/ Improving Safety and Habitability in Supportive and Other Residential Housing:

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.

RECOMMENDATION: Amendment and approval, with the following amendment:

- On Page 3, in Line 17, correct a typo in the existing code by striking “our” and replace with “or” to read: P. [n.] retail goods establishment – with [our] OR without alcoholic beverage sales (AS DEFINED IN BALTIMORE CITY ZONING CODE § 1-312(U) {“RETAIL GOODS ESTABLISHMENT.”}), [or]

STAFF: Eric Tiso

INTRODUCED BY: The Council President at the request of: The Administration (Department of Housing and Community Development)

SITE/GENERAL AREA: Citywide

HISTORY

This bill amends the Building, Fire, and Related Codes of Baltimore City, 2020 Edition (based on the 2018 International Code Council set), and Article 13 – *Housing and Urban Renewal* as last amended by Ord. #22-124 and Ord. #22-125 (annual corrective bills).

ANALYSIS

Background:

This bill amends the Building, Fire, and Related Codes (BFR) and Article 13 – *Housing and Urban Renewal* principally related to creating a definition for “supportive housing facility” on Page 4 of the bill, as well as conforming definitions and references.

Effects of the Bill:

In the Building, Fire, and Related Codes, under Part II of the International Building Code, definitions are coordinated by referencing their definitions in Article 32 – *Zoning*. Most of the definitions already exist in that location, but are being conformed to the Zoning Code Definition (including a couple of recent changes in Zoning), but also include two newly added definitions. Definitions include: banquet hall, body art establishment, carry-out food shop, day-care center:

adult or child, entertainment: indoor or live, fuel station, health-care clinic, lodge or social club, lounge, pawn shop, personal services establishment, residential-care facility, restaurant, retail goods establishment – with or without alcoholic beverage sales, rooming house, and tavern. Two new definitions for “congregate living facilities” (incorporated by reference from the International Building Code) and for “supportive housing facility” (newly created in the BFR as the new § 202.2.56). Since the bill is making changes to this section, the definition for “Transfer” that now appears at § 202.2.54 in the current code, is kept the same but relocated to a new § 202.2.57 below the newly created definition for “supportive housing facility.” These changes put the definitions in the correct alphabetical order, and renumber accordingly.

The bill amends Chapter 3, under Use and Occupancy Classification, by adding a new definition for Section 310.5 Residential Group R-4, which is nearly identical to the IBC text, except that it now adds “supportive housing facility” to the list of uses. Since the definition is being amended, the entire section has to be added to our Building Code. Two conditions are also created under new Sections 310.5.1 and 310.5.2 regarding residents and their ability to evacuate during an emergency without additional assistance, or only limited assistance.

In Article 13 – *Housing and Urban Renewal* under Subtitle 5. *Licensing of Rental Dwellings*, the definition of Rental Dwelling is amended to include any supportive housing facility. In turn, a reference to the definition of Supportive Housing under § 202.2.56 of the Building Code is added.

Equity: Staff does not believe that there will be any negative impacts to our communities as a result of these code amendments. We do not believe there was any significant outreach to the public prior to introduction of the bill, so it is difficult to estimate whether there are any undue impacts to any communities that may have been historically excluded from planning processes. In any case, we do not expect any impact on staff time or resources if the proposed amendments are adopted.

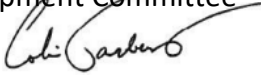
Notification: Notice of this item has been sent to over 18,500 subscribers via GovDelivery.



Chris Ryer
Director



MEMORANDUM

DATE: November 29, 2023
TO: Economic and Community Development Committee
FROM: Colin Tarbert, President and CEO 
POSITION: No Objection
SUBJECT: 23-0425: Improving Safety and Habitability in Supportive and Other Residential Housing

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 23-0425 introduced by Councilmember Ramos on September 18, 2023.

PURPOSE

This bill would define the term “supportive housing facility” in the Baltimore City Building Code. It would further require a permit before any person may transfer ownership or operation of certain property in certain circumstances, update use and occupancy classifications, and categorize congregate living facilities as rental dwellings and requiring their licensing.

BRIEF HISTORY

This bill proposes to change several sections in the Building, Fire, related codes, and Article 13 (Housing and Urban Renewal) of the Baltimore City Code. Specifically, it would add the following to the existing list of certain uses that require a permit to be issued on transfer of ownership or operation of property: congregate living facilities, residential-care facility, rooming house and supportive housing facility. The bill also proposes to create 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.

FISCAL IMPACT (to BDC)

None.

AGENCY POSITION

The Baltimore Development Corporation respectfully takes a position of **no objection** to the passage of City Council Bill 22-0425. If you have any questions, please contact Kim Clark at 410-837-9305 or KClark@baltimoredevelopment.com.

cc: Nina Themelis, Mayor’s Office of Government Relations
[MJF]

CITY OF BALTIMORE

Brandon M. Scott, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

Rebecca Lundberg Witt, *Executive Director*

11/7/2023

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

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

Ladies and Gentlemen:

City Council Bill No. 23-0425 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

Pursuant to Article 32, Section 5-507 (b) the BMZA shall provide reports on legislation submitted to the City Council Section per Section 5-501 (2) which includes the following: (i) a variance; (ii) a conditional use; (iii) a map amendment; (iv) an educational campus master plan; (v) a hospital general development plan; (vi) an area of special sign control; and (vii) a planned unit development. The BMZA, as a quasi-judicial agency, will not be providing a report or comment.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca R. Witt".

Rebecca Lundberg Witt
Executive Director

CC: Mayor's Office of Council Relations
City Council President
Legislative Reference

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON, ACTING SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

October 11, 2023

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 23-0425 – Improving Safety and Habitability in
Supportive and Other Residential Housing

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 23-0425 for form and legal sufficiency. The bill would change several sections in the Building Code and Article 13 (Housing and Urban Development) of the City Code. Specifically, it would add the following to the existing list of certain uses that require a permit before continuation after ownership change: congregate housing, residential care facility, rooming house and supporting housing facility. It would also put these properties into a new Residential Group R-4 Use and Occupancy permit and further divide them in two subsets: 1) occupants can complete building evacuations in an emergency without assistance and 2) at least one occupant requires some verbal or physical assistance to evacuate in an emergency. Finally, it adds supporting housing facilities to the list of “rental dwellings” that need to be licensed under Subtitle 5 of Article 13 of the City Code.

The Mayor and City Council of Baltimore has the express power to pass laws that promote the general welfare and to regulate the “construction, use, operation, maintenance and removal of buildings and structures, or any part thereof, of every kind.” City Charter, Art. II, §§ (1), (47).

Adding the additional building permit classification to identify structures that may have residents that need assistance in an evacuation and requiring licensing of congregate housing, residential care facilities, rooming houses and supporting housing facilities could be challenged as violating the Fair Housing Act or the Americans with Disability Act by creating additional hurdles for these groups. 42 U.S.C. § 3604(f)(1) (FHA makes it illegal to “discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap.”); 42 U.S.C. § 12132 (the ADA provides “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”). To prevail in either context, however, a plaintiff would have to show that another similarly situated group was treated differently (*McDonnell Douglas Corp. v. Green*, 411 U.S.

792, 802-03 (1973)) or that there was discriminatory intent (*Trans World Airlines, Inc. v. Thurston*, 469 U.S. 111, 121 (1985)).

In this bill, the specified intent to is to include these uses in the existing licensing scheme for properties that furnish dwellings to tenants and to promote classification of these uses as ones in which there is a likelihood that the occupants may need additional help in an evacuation. This is distinguishable from local governmental regulations that disparately impact these groups or in prevent their access to their choice of housing. For example, a federal court found that a Montgomery County regulation requiring group home occupants be able to exit a building independently in event of a fire, although ostensibly for safety, was discriminatorily overbroad. See, e.g., *Potomac Group Home Corp. v. Montgomery County, Md.*, 823 F. Supp. 1285, 1292, 1300 (D. Md. 1993). In that case, the group homes were to evict residents that would need assistance exiting in an emergency. *Id.* at 1288. In contrast, the City merely seeks to classify uses where residents may need additional assistance. The licensing scheme in the *Potomac Group Home* case required neighborhood input as part of the licensing process with the goal of continuing neighbor input and compatibility with the use of the property for congregate living. *Id.* at 1289-90. In this bill, the licensing requirement will be the same as those done already for residential tenancies.

These code changes do not prevent residents from living in any facilities or burden their receipt of any government benefits in violation of the ADA or FHA. However, at the hearing on the bill, it would behoove the Mayor and City Council to provide additional testimony or facts that demonstrate why the permits and licenses are now being required, assurances that the new government processes are the minimal required to meet these goals and the anticipated benefits because of these changes.

The Law Department can approve the bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Ebony M. Thompson, Acting City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Ashlea Brown, Chief Solicitor
Jeffery Hochstetler, Chief Solicitor
Teresa Cummings, Assistant Solicitor
Michelle Toth, Assistant Solicitor



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

Brandon M. Scott, Mayor • Alice Kennedy, Housing Commissioner

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*

**ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE**

23-0425

ADDITIONAL DOCUMENTS



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Testimony

23-0425 Improving Safety and Habitability in Supportive and Other Residential Facilities

SUPPORT

December 5, 2023

Honorable Chair Middleton and Distinguished Members of the Economic and Community Development Committee:

Thank you for the opportunity to testify before you in favor of 23-0425 Improving Safety and Habitability in Supportive and Other Residential Facilities. The bill before you is the result of over 2 years of examination and work by the Department of Housing and Community Development, the Law Department and my office. We have check in with disability rights advocates as well. It is our attempt to address the concerns regarding group homes in our neighborhoods. I am humbly requesting your favorable report for this legislation.

Background and Need:

Group homes and residential substance abuse rehabilitation facilities are essential to allowing Baltimore's residents who are suffering from substance abuse to continue their recovery. However, as many in Baltimore know, there are operators that are not meeting the needs of our neighbors, their clients. These facilities are operated in a way that harms both their clients and the community. Similar comments exist on other types of residential group home uses.

Current law in Baltimore and in Maryland prevents four or more unrelated people in the same housing unit. This prevents landlords from overcrowding residential units. Unless they are able to obtain an exception to this rule – through the reasonable accommodation process – this limits the number of persons allowed in a group home or residential substance abuse rehabilitation facility.

Addiction is a disease, and as such it is seen as a disability. Individuals who are recovering from addiction are therefore a protected class, and are entitled to a reasonable accommodation to permit more than four unrelated people to live together, which is commonly accepted as beneficial for individuals recovering from addiction and other health issues. This allows for group homes and residential substance abuse rehabilitation facilities to be granted certain accommodations under the Americans with Disability Act. For years, group homes have proliferated through this reasonable accommodation process. While this is entirely consistent with the zoning code, many of these homes have opposed enforcement efforts intended to hold them to the most basic standards regarding safety and habitability, unlike a rental residential property that must meet routine inspections. This leaves some of our most vulnerable residents in unsafe and substandard living conditions and is entirely unacceptable.

Our proposed legislation attempts to address this issue by ensuring these facilities are meeting residential unit standards. It only creates the definition of the facility and requires them to meet building code standards just like any other residential property or facility.

Definition of supportive housing facility:

The legislation creates a definition of these facilities as supportive housing facilities and defines them 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 a semi-independent lifestyle, and do not require constant supervision or intensive health care as provided by an institution.”

This means it is a home where residents live where treatment or medical care is not provided on site. If the facility is associated with a medical facility that is licensed by the state of Maryland, they are not considered a supportive housing facility in this legislation.

Technical additions in the legislation:

In the building code, there are types of residential housing that are classified in groups. This legislation creates a new classification of properties (R-4 - which is not a zoning classification but a building classification) that includes residential care facilities and supportive housing facilities.

This legislation also ensures that supportive housing facilities are subject to the rental licensing law - which they are currently not. The residential licensing law that was passed in 2019 requires that every rental property be licensed by the City of Baltimore and the license is only provided when the inspections are done and repairs made to pass inspections. This ensures that residents who live in rental properties are living in quality and safe housing.


The legislation also requires that a building permit and Use and Occupancy permit must be obtained before the supportive housing facility can be occupied. We also added Congregate living facilities, residential care facilities and rooming houses for this requirement.

Addressing concerns:

The legislation is not designed to remove or hinder supportive housing facilities from existing. It does, however, require that the building code requirements are met. Some may say that less of this housing will be available. On the contrary, this will allow good operators to succeed and make it harder to operate dangerous and substandard facilities. This will allow us to ensure that our residents are living in good quality conditions.

Thank you for considering our request for approval of this legislation.

Respectfully Submitted,



Odette Ramos
Baltimore City Councilwoman, District 14