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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,



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