



MEMORANDUM

STEPHANIE
RAWLINGS-BLAKE,
Mayor

PAUL T. GRAZIANO,
Executive Director, HABC
Commissioner, HCD

To: The Honorable President and Members of the Baltimore City Council
c/o Karen Randle, *Executive Secretary*

From: Paul T. Graziano, *Commissioner*

Date: May 4, 2012

Re: **City Council Bill 12-0055 – Residential Substance-Abuse Treatment Facilities**

The Department of Housing and Community Development has reviewed City Council Bill 12-0055, which was introduced for the purpose of allowing in certain zoning districts residential substance-abuse treatment facilities as a conditional use requiring an ordinance or, under certain circumstances, as a permitted use; requiring a certain number of off-street parking spaces for these facilities; authorizing the Zoning Administrator, under certain circumstances, to provide reasonable accommodation in the application of the Zoning Code to individuals protected under certain federal laws; defining certain terms; repealing certain obsolete or obsolescent references to non-bedridden alcoholics; repealing certain obsolete or obsolescent provisions governing the authorization of health facilities; providing for a special effective date; and generally relating to the siting, development, and use of residential substance-abuse treatment facilities.

This bill is a response to a federal court ruling in two related cases, Nos. JFM 09-1049 and JFM 09-1766, which require the City of Baltimore to amend its Zoning Code so that certain language be changed to reflect certain practices. In short, certain facilities for residential substance-abuse will continue to be able to locate by-right where a dwelling unit is allowed, subject to the lot-size requirements as currently in the Zoning Code. For any such facilities seeking to increase capacity up to sixteen (16) patients, the petitioner will need to request and obtain from the Zoning Administrator a reasonable accommodation; for any such facilities seeking to increase capacity above and beyond that number (generally speaking, for seventeen (17) or more patients), the petitioner will need to apply for a conditional use ordinance.

The Department of Housing and Community Development supports the adoption of City Council Bill 12-0055.

PTG:nb

cc: Ms. Angela Gibson, *Mayor's Office of Government Relations*
Ms. Kaliop Parthemos, *Deputy Mayor*

