



LEGISLATIVE SUMMARY

To: All Councilmembers of the Anne Arundel County Council

From: Linda M. Schuett, Legislative Counsel

Date: February 18, 2020

Subject: Bill No. 16-20 – Zoning – Residential Districts – Community Based Assisted Living Facilities I and II, Group Homes I and II, Recovery Residences I and II, and Rooming Houses

Bill No. 16-20 creates two categories of community based assisted living facilities, group homes, and recovery residences. Those with eight residents or less are designated as community based assisted living facilities I, group homes I, and recovery residences I. These facilities are a permitted use in all residential zoning districts. Those with between nine and sixteen residents are designated as community based assisted living facilities II, group homes II, and recovery residences II. These facilities are a conditional use in all residential zoning districts. *See the definitions in §18-1-101 and the chart in §18-4-106.*

The condition for the conditional use is that the owner of the facility may not own two facilities that adjoin each other and, if a proposed adjoining facility is owned by a business entity, the owner, the owner's family, and the owner's business associates may not have an interest, financial or otherwise, in the business entity. The purpose of the condition is to help ensure that persons with disabilities or disorders live and interact with individuals without disabilities or disorders to the fullest extent possible. As set forth in a November 10, 2016 Joint Statement of the Department of Housing and Urban Development and the Department of Justice entitled "*State and Local Land Use Laws and Practices and the Application of the Fair Housing Act,*" the "Fair Housing Act does not prevent state or local governments from taking into account concerns about the over-concentration of group homes that are located in close proximity to each other."

The existing Code provides that "rooming houses" are a permitted use in the R15 and R22 residential zoning districts. Bill No. 16-20 makes "rooming houses" a conditional use in the R10 and R15 zoning districts. The condition is that the owner of the facility may not own two facilities that adjoin each other and, if a proposed adjoining facility is owned by a business entity, the owner,

the owner's family, and the owner's business associates may not have an interest, financial or otherwise, in the business entity.

Bill No. 16-20 addresses parking requirements. Community based assisted living facilities I and II and recovery residences I and II require the number of parking spaces required for the applicable type of dwelling unit. Group Homes I require the number of spaces required for a single-family dwelling. Group Homes II require the number of spaces required for a multifamily dwelling. Rooming houses require one space for every two beds and one space for each resident owner or resident manager.

Finally, Bill No. 16-20 makes several technical changes.