



# Supportive Housing In Baltimore City

*Task Force Report  
March 14, 2005*

***Supportive Homes:***

- Not required to be licensed*
- Function just like other single-family dwellings*
- Must be in compliance with the same zoning, building, and health code regulations that are applied to single-family homes*





March 14, 2005

The Honorable City Council President Sheila Dixon and  
Members of the Baltimore City Council

Dear Madame President  
And Members of the Baltimore City Council:

We are pleased to present the findings and recommendations of the Supportive Homes Task Force. The Supportive Home Task Force was established by the adoption of Baltimore City Council Bill 04-1555 “for the purpose of establishing a Task Force to study the operation of supportive ...homes in Baltimore City and code enforcement” related to these homes to ensure safe conditions for the residents of these homes and the neighborhoods which surround them.

The Supportive Homes Task Force is comprised of four subcommittees:

- **Legal Subcommittee**
- **Funding Subcommittee**
- **Best Practices Subcommittee**
- **Operations and Enforcement Subcommittee**

Based on a series of 10 meetings held between December 1<sup>st</sup>, 2004 and February 22<sup>nd</sup>, 2005, the Task Force committees have proposed a final draft of three core recommendations, which encompass the suggestions of all 4 committees:

- 1) Develop and disseminate educational materials pertaining to Supportive Housing**
- 2) Develop a one-stop system for problem properties**
- 3) Find funding for an organizer to create an umbrella organization of supportive homes.**

Respectfully submitted by:

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SUBCOMMITTEE:  
ECONOMIC DEVELOPMENT  
AND PUBLIC FINANCING  
AGING

**Supportive Home Task Force**

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- Funding Committee:** Bill Driscoll, Policy Analyst, Baltimore City Council
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**Supportive Homes Task Force Report 2005  
March 7, 2005**

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## **Background on the Supportive Homes Task Force**

The Supportive Home Task Force was established by the adoption of Baltimore City Council Bill 04-1555 “for the purpose of establishing a Task Force to study the operation of supportive group homes in Baltimore City and code enforcement related to unlicensed group homes to ensure safe conditions for residents and neighborhoods”.

Supportive homes exist in virtually all residential neighborhoods in Baltimore City. They enable individuals who cannot live on their own or with their families to reside in residential communities with other similarly situated people. These group living arrangements provide residents with housing and support commonly found in a family unit. Residents adhere to household rules and participate in the same activities—meal preparation, house and property maintenance, and work—as members of any household.

Supportive housing, as used in this context, is not subject to state licensure or certification because no health care or other services subject to state licensure are provided. This distinguishes these homes from group living facilities that provide health and other assistance, depending upon the needs of residents.

Most supportive homes provide an invaluable source of housing to Baltimore’s citizens and are an important asset to the communities. Problems can arise for both residents and neighborhoods, however, when these supportive homes are overcrowded and do not meet building and sanitation codes. In those circumstances, public officials must investigate infractions and enforce code standards.



## **Timeline of the Supportive Home Task Force**

Introduction and adoption of Council Bill 04-1555	October 18, 2004
Supportive Home Task Force Leadership meeting	December 1, 2004
Convene meeting of first full Supportive Home Task Force	January 27, 2005
Best Practices Subcommittee Meeting	February 3, 2005
Operations and Enforcement Subcommittee Meeting	February 8, 2005
Legal Subcommittee Meeting	February 9, 2005
Operations and Enforcement Subcommittee Meeting	February 10, 2005
Funding Subcommittee Meeting	February 10, 2005
Supportive Home Public Meeting	February 17, 2005
Best Practices Subcommittee Meeting	February 23, 2005
Summarize Public Meeting and Recommendations Meeting	February 22, 2005
Draft of the Report Issued to Council Chair	February 28, 2005
Full draft report issued to Baltimore City Council	March 14, 2005



## **The Basics of Supportive Housing in Baltimore City**

Supportive housing exists in virtually all residential neighborhoods in Baltimore City and is a crucial source of housing for a wide range of Baltimore's citizens. Supportive houses help individuals who are recovering from drug and alcohol dependence, those who suffer from mental illness and ex-offenders reintegrate back into communities, but Supportive Housing is not limited to these individuals. These homes enable individuals who cannot live on their own or with their families to live in residential communities with other similarly-situated people. These group living arrangements provide residents with housing and support commonly found in a family unit. When supportive housing provides housing for individuals with disabilities, such as individuals with mental illness or who are recovering from drug and alcohol dependence, they are protected under federal civil rights laws.

### **What is supportive housing?**

- A supportive home is a non-medical residential environment for unrelated adults who function like a "family" for support and do not require assistance with activities of daily living. A supportive house is commonly referred to as a group house. In this document, the word "group" is not used when describing supportive housing because it creates confusion with licensed group homes. Supportive housing does not require a license because no treatment services are provided. However, houses must comply with building, housing, fire, and zoning laws.
  
- In well-run supportive housing, residents are expected to cook, clean, and perform other household chores just like residents of any other single-family home. They may also be encouraged or required to attend appropriate services, take classes, and/or find jobs.
  
- The chief difference between a single-family house and a supportive house is that people who live in a supportive house are unrelated individuals, often with disabilities, and who require a supportive environment to live in the community.

### **Who is protected under the federal anti-discrimination laws pertaining to supportive homes?**

The Americans with Disabilities Act (ADA) and Fair Housing Act (FHA) protect individuals with current and past physical or mental disabilities from discrimination. Individuals with disabilities who reside in supportive housing, including those in recovery from alcohol and drug dependence, are protected against discrimination based on their disability. Under federal law, zoning boards, municipalities, and other government entities are prohibited from implementing restrictive zoning policies and other standards that deny individuals with disabilities an equal opportunity to reside in the neighborhood of their choice. Generally, a city may not impose zoning or building requirements on a supportive home for individuals with disabilities that prevent it from locating like any other similarly sized single-family dwelling. Appendix 1, *Frequently Asked Questions: How Federal Disability Rights Laws Impact Supportive Homes*, provides guidance on the application of these federal civil rights laws to supportive housing.



## **How are supportive houses different from licensed residential facilities?**

### **Supportive Houses:**

- Are not required to be licensed by the State because they do not provide treatment services, counseling, or medical assistance to the residents.
- Function just like other single-family dwellings.
- Must be in compliance with the same zoning, building, and health code regulations that are applied to single-family homes. Subject to federal law, different requirements may apply when a supportive home has more than 8 residents.

### **Licensed Residential Facilities:**

- Licensed and regulated by the State of Maryland and may be eligible to receive public funding.
- Provide treatment and other services such as counseling, referrals, and 24-hour staffing.
- Must be in compliance with the zoning, building, and health code regulations that are applied to other residential care and assisted living facilities.
- Examples of licensed residential facilities include halfway houses, licensed group homes for persons with mental illness, assisted living facilities, and licensed homes for individuals with developmental disabilities.

## Community Input

### Introduction:

From the beginning, the Operations and Enforcement Committee of the Supportive Homes Task Force strongly believed that community input is vital to any recommendations set forth before City Council. We sent surveys to approximately 350 community contacts, and held two community input meetings, and a public hearing, *all of which provided* insight and opinions from some in the community as to what they see and would like to see for supportive homes. Below is a brief synopsis of what our outreach consisted of and a recounting of the community's views.

### Outreach:

The Mayor's Office of Neighborhood's Liaisons sent questionnaires to 350 community leaders via email. Community leaders were to fill them out and return them to their respective liaison as well as distribute the questionnaires to their neighbors. Eleven neighborhood associations responded to the survey. Additionally, two meetings were held February 8<sup>th</sup> and 10<sup>th</sup>, 2005 to discuss these concerns and possible solutions/suggestions. Approximately 10 community associations were represented at these meetings.

The Mayor's Office of Neighborhoods and the Planning Department also sent notices for a public hearing, which was televised on February 17, 2005, in which community members presented their concerns and suggestions to the Supportive Home Task Force committee. Approximately 30 people from the public attended this hearing.

Below is a bulleted list of *positive experiences* with supportive homes (what works), followed by a list of *concerns* (what communities would like to avoid), and finally a list of *suggestions* for supportive home operators and Baltimore City, that was offered at the public meetings, on how to make supportive homes more successful partners with the community.

### Positive Experiences

Community leaders and members were asked to list and discuss positive experiences they had with supportive homes in their neighborhoods. The following lists the positive experiences responses received from community leaders:

- Clean-up of neighborhoods
- Well-maintained houses, both externally and internally
- Give back to the community through volunteer work with local elementary schools, middle schools, and recreation centers
- Helped escorting the elderly
- Participated in Peace Patrols and Citizens On Patrol
- Provided snow removal assistance
- Provided home repairs
- Selective age criteria provided a more suitable environment
- Live-in home leaders or a full-time staff member assured responsiveness and coordination

One of the most prominent positive aspects discussed was when the supportive homes were associated with or participated in the local community organization. It appears that the relationship between the members of the home and the neighborhood is significantly better when supportive home members are introduced to community associations. They tend to be more involved with the community and have a better chance at a successful recovery, and neighbors feel more at ease when they meet the supportive home members.

**Concerns:**

Community leaders and members were asked to list and discuss any concerns they would seek to avoid with houses in their neighborhoods. The following is a list of issues raised and then below are two descriptive paragraphs on general concerns related to communication with both supportive homes and with city officials.

- Loitering, drinking, foul language, vandalism
- Poor upkeep of the grounds (trash, debris, etc.)
- Houses not up to code
- Overcapacity and overcrowding/no point of contact/owner may not live in or near the home
- Illegal substance related criminal activity
- High turnover, especially in leadership
- “Landlords” claiming non-profit status, but perceived to be clearing high profits and exploiting the tenants

Neighbors felt concern was increased if homes were perceived as “sneaking” into their community. The stress and concern associated with the stereotypes of such homes were alleviated when neighbors were able to learn about the homes and their members.

Concerns were also raised about Baltimore City’s information sharing when a community member calls a city agency. Community groups felt that it was difficult to access information regarding the zoning of supportive homes and responsibilities of city agencies in regards to supportive homes. Many agencies have different responses to the same issues. They were also concerned with blurred lines between zoning enforcement and housing codes as they pertain to supportive housing.

**Suggestions related to Supportive Homes Providers:**

After discussing the positive and negative experiences communities have had with supportive homes, a list of possible suggestions to the concerns was formulated. The list included the following suggestions that are primarily related to being more interactive and communicative with the neighborhood in which a home is established and the maintenance of the facilities. They also gave Baltimore City recommendations for how city officials can help ensure homes are effective community partners.

**A. Interaction with the Community**

- Prior to the establishment of the home, community groups recommended that it would improve relations if homes work in good faith with communities by notifying and meeting with the community association
- Encourage homes to work with community groups on establishing a working relationship (memorialized where appropriate in a written Memorandum of Understanding between the community and the home) to help forge a working

relationship and a working document from which groups can come to mutual agreement, similar to the CPHA Common Ground document for licensed treatment providers. (See Appendix 4)

- Encourage home members to join the surrounding community association(s)
- Encourage homes to sponsor a community event or periodically hold an open house
- Encourage home managers/owners, if they have more than one house, to take into account community goals and plans for development in deciding where to locate houses. For example, this could mean avoiding multiple houses in a one-block situation or an otherwise concentrated area.

#### **B. Maintenance Related Suggestions:**

- Suggest supportive homes allow an annual inspection of property by the Department of Housing and Community Development to ensure the homes are up to code
- Encourage supportive houses to establish rules and regulations of behavior for residents and sanitation outside of the building
- Recommend to the supportive homes that there be a responsible resident to which the community can address concerns and questions

#### **C. Suggestions for Baltimore City Government:**

- Continue enforcement of applicable city safety codes such as: space requirements and health and safety regulations
- Create a clearinghouse for concerns through 311 system
- Develop educational materials about the Legal and Housing Departments and the 311 processes
- Coordinate enforcement efforts between multiple agencies, e.g. between the Zoning and Housing Department, on supportive home issues

The Task Force has discussed and carefully considered these suggestions. Some Task Force members raised concerns about particular practices that would treat residents of supportive housing differently than families who reside in single-family dwellings. For example, families living in single family dwellings are not encouraged to provide prior notification, participate in annual open houses and inspections, or adhere to dispersal requirements. These practices could also interfere with the privacy interests of individuals who live in supportive housing. Other Task Force members noted that the suggestions did not strike the appropriate balance between community concerns and supportive housing operations and may, in fact, be of little use in determining whether a supportive house provides a safe living environment. Great care must be taken in formulating effective, balanced, and non-discriminatory practices to address community concerns.

What is clear is that existing health, safety, and zoning codes that apply to single-family dwellings also apply to supportive homes. Appendix 2, Baltimore City Code Standards: Single-Family dwellings, provides a summary of existing code standards and penalties for violations. Appendix 3, The Basics of Supportive Housing in Baltimore City, provides guidance for addressing concerns that arise about any property that is posing problems in a neighborhood.

## **Recommendations of the Supportive Home Task Force**

### **(1) Develop and Disseminate Educational Materials**

*The subcommittees found that sometimes the issues that pertained to a supportive home were simply a question of clear and concise information sharing between communities, supportive homes, and city agencies. Coordinating the education of all three of these entities will be instrumental in the success of the implementation of the Task Force report.*

The Mayor's Office of Neighborhoods and the Departments of Planning, Health, Public Works and Housing should widely distribute the following materials that have been created by the Task Force: The Basics of Supportive Housing in Baltimore City; Baltimore City Code Standards: Single Family Dwellings; and Frequently Asked Questions: How Federal Disability Rights Laws Impact Supportive Homes. These documents are attached as Appendices 1-3 of this report; this information should also be posted on a website that links with at least one of the above agencies. Staff of such agencies should participate in training programs on the legal standards that apply to supportive housing, including federal civil rights law and city building, zoning, and safety code standards, and enforcement of those local and federal standards.

Additionally, when this information is posted on a website hosted by one of these agencies, an automated phone service should also be made available that would be a viable source of information for those without web access. The Mayor's Office of Neighborhoods in partnership with the standing committee (described in Recommendation 3) should also distribute copies of Appendices 1-3 to all neighborhood associations.

The Task Force also recommends that the term "Supportive Housing" and its definition be incorporated into the Housing or Zoning Code through a written policy. This would further strengthen the educational materials and help ensure that city entities are operating in a consistent manner. Agencies and their staff have not provided consistent information to communities.

**Timeline:**     *Immediately:* The Supportive Homes Task Force report lays the foundation for educating city agencies, supportive housing and communities about supportive housing, their role in communities and the legal standards that apply to them.

*One to Three Months:* The appendices and any additional informational literature should be created, broadly disseminated and sent in hard copy to all neighborhood associations.

*In the next six months:* An informational website on supportive homes will serve as an online resource and should be created within the next six months.

Any modifications to Zoning or Housing Code policy should also be made within the next six months.

## **(2) Develop a One-Stop System for problem properties**

*The Mayor's Office of Neighborhoods along with the 311 system should develop a process for addressing problem property concerns through a multiple problems and multiple calls flagging system and collaborate with various city agencies to address these properties through the Mayor's Neighborhood Cabinet.*

The Supportive Homes Task Force recommends that Baltimore City be proactive and collaborative in its approach to alleviating concerns. Legally, under the Federal Fair Housing Act and Americans with Disabilities Act, small supportive homes for people with disabilities generally must be treated the same as any single-family dwelling would be treated. While federal law prohibits the City from taking enforcement measures that would deny disabled supportive home residents an equal opportunity to live in the neighborhoods of their choice, we found an overwhelming number of concerns involving supportive homes were related to potential city code violations that can be called into Baltimore City's 311 system and managed through interagency collaboration. This type of interagency collaboration should be conducted on "problem properties" regardless of who lives there and whether the properties are a supportive home or not. Appendix 2 identifies code standards for single-family dwellings, and Appendix 3 provides guidance to communities that want to report code violations.

The Task Force recommends that multiple 311 calls that are received about a particular property should be resolved systematically rather than on an individual agency level. The records for houses that are receiving five or more calls in a one-month period for various sanitation, housing and police related issues can be flagged and addressed on a monthly basis through a multi-agency collaboration via the Mayor's Neighborhood Cabinet meetings<sup>1</sup>. The Mayor's Office of Neighborhoods will ensure that all callers are made aware of all steps that will be taken to address the problem property.

Upon written receipt of a problem property from a community association president, priority will be given to that particular concern. A letter from the community association demonstrates that the surrounding residents are working closely within the framework of the wider community.

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<sup>1</sup> The Mayor's Neighborhood Cabinet is a monthly meeting of high-level agency personnel to discuss issues that affect Baltimore City's neighborhoods and require inter-agency collaboration. The Mayor's Office of Neighborhoods hosts these meetings.

Timeline:     *In One Month:* Develop and implement a 311 property flagging and reporting system for multiple calls and concerns.  
Begin reporting flagged concerns at the Mayor’s Neighborhood Cabinet upon implementation of system.

**(3) Create a standing committee for the development of a full-time organizer who would establish an independent umbrella organization of Supportive Home Providers**

*Baltimore City agencies or other non-profit entities should form a standing committee on supportive homes which would in turn seek full funding for an organizer of an independent umbrella organization that would create a Benefits Bank, a Welcome Packet, and a Supportive Home Trust.*

The Supportive Homes Task Force recommends the creation of a standing committee to oversee the work of Recommendations 1 and 2 and help guide the process for funding a supportive home organizer. The standing committee would continue to further investigate best practices in other cities and jurisdictions and create further recommendations for Baltimore City policy. This committee would consist of representatives from service providers, non-profit organizations, communities and Baltimore City agencies. Many of the same organizations that participated in the Supportive Homes Task Force would be invited to join the standing committee.

Once the funding has been found through the standing committee and an organizer has been hired, the responsibilities of this organizer would be to develop an independent umbrella organization of supportive homes for the purpose of exchanging information and coordinating services.

This umbrella organization should develop a voluntary annual “registration” program that could include a peer walk-through inspection as part of the registration process. This peer-to-peer walk-through of supportive homes by other supportive home providers would greatly contribute to the collaboration of these homes and perhaps be a driving force in supportive housing to provide the highest quality of service to its residences.

The organizer should create a Benefits Bank for Supportive Homes owner/operators who comply with a Memorandum of Understanding or other voluntary standards with the umbrella organization that delineates rules of being a good neighbor (exterior maintenance, snow removal, trash collection, neighborhood respect) and basic occupancy guidelines (smoke detectors, trash cans, operative and sanitary bathrooms and kitchens). Only members who comply with the Memorandum of Understanding or other voluntary standards will have access to the benefits bank. The benefits bank would be a compilation of resources (furniture, food stuffs, housing repair materials, etc.) that would be accessible to those who sign an MOU or agree to voluntary standards with the umbrella organization. This recommendation for the umbrella organization was delineated from the feed-back we received from community members and subcommittee reports. These

reports recommend that one way to have a supportive home comply with code standards is to provide incentives through a Benefits bank.

The organizer should also assemble a “Welcome Packet” of good neighbor information (a trash collection schedule, Where to Call for Help Cards, sanitation and loitering laws, free smoke detectors, etc.) that it would distribute to supportive housing. Neighborhood associations are encouraged to provide their own welcome packets to all neighbors, including supportive homes, regardless of who resides in the house. This recommendation is made so that there is a sense of welcome and willingness coming from the community to work with the supportive home. This packet would in turn encourage supportive homes to be more involved and engaged with the community. These welcome packets would also serve the purpose of communicating in a positive way the living standards that all houses in the community should seek to achieve and maintain.

This organizer/umbrella group should develop a Supportive Home Trust, where donations and grants could be collected and made available to all supportive homes to enhance their operation, for emergency capital improvements, low interest loans and other purposes. Their task would also be to identify and advocate for sources of revenue (i.e. confiscated drug related assets, savings from prisoners diverted from incarceration to treatment, bottle tax, lottery and \$1.00 added to parking fine, etc.) This recommendation was made so that supportive homes, which are struggling to provide a high level of service, can meet the demand and needs of Baltimore City.

Timeline:        *Immediately:* Create standing committee and hold first meeting within one month of the committee’s formation.

*In the next six months:* The standing committee should apply for foundation grants to fund a supportive home organizer position in the next six months. The organizer should work on a full-time basis and establish the independent umbrella organization within one year.



**Appendix 1**  
**Frequently Asked Questions: How Federal Disability Rights Laws**  
**Impact Supportive Homes**  
February 2005

The Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA) are two federal civil rights laws that ensure that individuals with disabilities have an equal opportunity to live in communities of their choice. Both laws protect individuals with disabilities who reside in supportive homes, including individuals who are recovering from alcohol or drug abuse.

**Who is protected under the ADA and the FHA?**

The FHA and the ADA protect persons with current or past disabilities from discrimination based on their disability. Persons in recovery from alcohol or drug dependence are protected under both the FHA and the ADA, unless they currently engage in illegal drug use or pose a direct threat to the health and safety of others.

**Who do the ADA and the FHA apply to?**

The FHA applies to property owners, landlords, real estate agents, and others involved in the sale or leasing of housing. Both the ADA and FHA apply to zoning boards, municipalities, and other government entities because they establish standards that regulate the zoning, building and operation of housing. Both laws prohibit restrictive zoning and other standards that target people because of their disabilities, or that impose disproportionate burdens on persons with disabilities that are not necessary to carry out the regulatory scheme.

**What are supportive homes and why does the FHA apply to supportive homes?**

A supportive home is a non-medical residential environment for unrelated adults who function like a “family” for support and do not require assistance with activities of daily living. A supportive home is commonly referred to as a group home. Supportive homes are protected under the FHA when they provide a home in the community for people with disabilities. Individuals in recovery often need support from other individuals to maintain sobriety and learn life skills that are necessary to live productive lives free of alcohol or drug use.

**How do the ADA and the FHA protect supportive homes?**

A city may not pass an ordinance or enforce policies that would deny people with disabilities an equal opportunity to reside in neighborhoods of their choice. The ADA and FHA may be violated regardless of whether a city actually intends to discriminate against people who reside in supportive homes. The three ways of violating these laws are by: (1) intentionally discriminating; (2) enforcing a neutral policy that has a discriminatory effect; or (3) violating a reasonable accommodation obligation.

Intentional discrimination exists where a rule or policy targets a group of people because of its characteristics. For recovery homes, this occurs when the residents are excluded or treated

differently just because they have a history of alcohol or drug dependence. A neutral policy has a discriminatory effect when it makes it more difficult for individuals in recovery to live in a community and the policy is not necessary to accomplish a legitimate purpose.

**What is a reasonable accommodation?**

The FHA and ADA require a city to make reasonable accommodations for individuals with disabilities when they are necessary for the individuals to have an equal opportunity to live in a home of their choice. A reasonable accommodation is a change, exception, or adjustment to a rule, policy, or practice. Examples of reasonable accommodations are listed below.

The city’s housing officials or zoning administrator may deny a request for an accommodation if it is (1) unreasonable or (2) unnecessary to afford the person equal access to housing. A request is unreasonable if it would impose an undue financial or administrative burden on the city, or fundamentally alter the nature of a neighborhood. Denying a reasonable accommodation because of fear, speculation, or stereotypes about a particular disability or group of persons with disabilities is prohibited by the FHA and ADA.

**Can the City regulate supportive homes?**

Yes. The city can regulate all housing through zoning, health, and safety regulations. This includes ordinances that create single-family districts, preserve the character of the neighborhood, prevent congestion, and mitigate the effects of automobile and other traffic. In general, when residents of a small supportive home function like a traditional “family,” the supportive home must be treated like a dwelling for a single family.

## How the FHA Applies to Supportive Homes

### **FHA and Public Notice**

In locating in a neighborhood, supportive homes cannot be required to provide advance notice to the community or neighbors if a notice requirement is not applied to other family dwellings. Courts have ruled that notice requirements violate the FHA when they are applied only to supportive homes because they are generally created with a discriminatory purpose of excluding the residents.

### **FHA and Building Requirements**

Building and fire codes that are enforced for all single-family dwellings also apply to small supportive homes for persons with disabilities. If a supportive home seeks to waive a particular requirement that is uniformly applied, the residents would have to show the change is reasonable and necessary for them to live in that home.

A city can impose separate building and fire requirements on supportive homes as long as the protection is tailored to the unique and specific needs and abilities of the persons who live in the house. But courts have invalidated stringent fire safety requirements that have no relationship to the abilities of the specific residents. In one case, a sprinkler requirement was waived where the residents were capable of quickly evacuating the house and other fire alert systems had been installed.

### **FHA and Occupancy Limits**

Capping the number of occupants permitted to live in a single-family dwelling based on square footage requirements is permitted to prevent over-crowded living conditions. The FHA requires a jurisdiction to enforce maximum occupancy standards uniformly and not target supportive homes.

Rules designed to preserve the “family” character of a neighborhood by limiting the number of unrelated people who may reside together have been found by some courts to have a discriminatory effect on persons with disabilities. These rules are also subject to reasonable accommodation requirements. For example, a zoning requirement that limits the number of unrelated individuals who may reside in a single-family dwelling but does not impose the same limit on related individuals would be subject to a waiver request. Not all waivers must be granted, however. Courts have denied an accommodation request to expand the number of people living in a supportive home where granting the request would exacerbate an already-existing problem with parking congestion.

### **FHA and Safety Concerns**

A city may impose regulations to preserve the safety of the public. Studies have shown that supportive homes have no appreciable negative effects on property values, crime or quality of life in a community. Nevertheless, the establishment of group recovery home often triggers

community fears about increased crime and efforts to exclude persons in recovery based on fears about increased crime.

The ADA and FHA permit a city to respond to individuals with disabilities who pose a “direct threat” to the community. A “direct threat” is a significant and real risk of harm to the health or safety of other individuals.

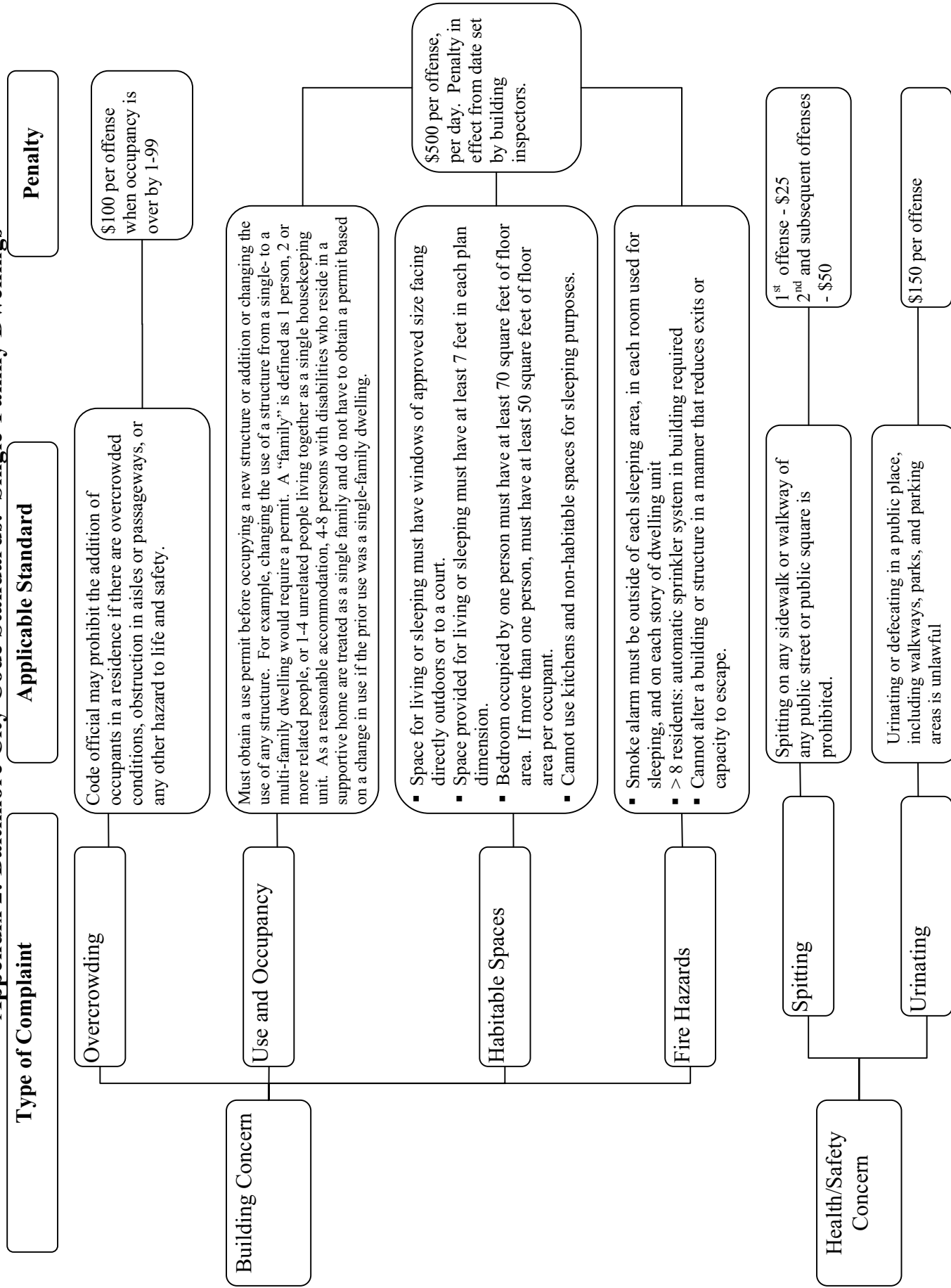
In determining whether an individual or group of individuals pose a direct threat to public safety, an individualized assessment based on objective evidence – not speculation -- must be performed. The assessment must examine: 1) the nature, duration, and severity of the risk of injury; 2) the probability that the injury will actually occur; and 3) whether there are any reasonable accommodations that will eliminate the direct threat. Courts have found that supportive homes and drug treatment services do not present a direct threat just because they house or assist recovering substance abusers.

### **FHA and Density Restrictions**

In response to community concerns about over-concentration of supportive group homes, some cities have imposed distance and density requirements that limit the number of supportive homes that can locate within a certain community. A city can impose such limitations only if an extreme clustering threatens to create an institutional setting within a community. An example of such clustering was found in a community in which twenty-one group homes were located in a one and a half block area. Courts have generally ruled that supportive homes are entitled to a waiver of distance requirements under the reasonable accommodation requirement, unless the city proves that such an exception would create a genuine public safety concern or completely change the neighborhood environment.

**Prepared by the Legal Committee of the Task Force on Supportive Group Homes:  
Baltimore City Department of Law; Community Law Center; and Drug Policy and Public  
Health Strategies Clinic, University of Maryland School of Law**

## Appendix 2: Baltimore City Code Standards: Single-Family Dwellings



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Type of Complaint	Applicable Standard	Penalty
Residents	Loitering Cannot loiter in any street, alley, sidewalk, or vacant lot and interfere with free passage of pedestrians, harass or threaten another, or make it clear that disorderly conduct may result.	Up to \$500 or imprisoned up to 10 days.
	Noise 9pm – 7am: Maximum amount of noise is 50dB(A), equal to the sound of rainfall. Vehicle horns are prohibited unless used as emergency signal. Power tools and garden equipment allowed 7am-9pm weekdays; 10am-10pm weekends.	\$100 per offense
Public Nuisance	Premises where prostitution, drugs, gambling, or possession of stolen property are occurring, and that has had two violations of those laws within the past two years.	Police Commissioner posts notice of hearing on premises, order may be issued after hearing
Weeds	No grass, weeds, and other vegetation higher than 8 inches	\$50 per offense
Outside of the Building	Litter Discarding any small amount of waste, or allowing litter to accumulate on property under a person’s control.	\$50 per offense
	Sidewalk Sidewalks and gutters must be free of obstruction and clean.	Up to \$500 penalty; increases to \$1,000 following notice.
Other	Appliances Unlawful to abandon refrigerator or other similar appliance with a door that cannot be opened on property.	Up to \$500, imprisoned up to 30 days, or both
	Vandalism Willfully destroy, spray, or splash with paint any public building or property of another.	Fine up to \$1,000 or imprisoned up to 90 days.

### **Appendix 3**

#### **The Basics of Supportive Housing in Baltimore City**

Supportive housing exists in virtually all residential neighborhoods in Baltimore City and is a crucial source of housing for a wide range of Baltimore's citizens. Supportive houses help individuals who are recovering from drug and alcohol dependence, those who suffer from mental illness and ex-offenders reintegrate back into communities, but Supportive Housing is not limited to these individuals. These homes enable individuals who cannot live on their own or with their families to live in residential communities with other similarly-situated people. These group living arrangements provide residents with housing and support commonly found in a family unit. When supportive housing provides housing for individuals with disabilities, such as individuals with mental illness or who are recovering from drug and alcohol dependence, they are protected under federal civil rights laws.

#### **What is supportive housing?**

- Non-medical residential environment for unrelated adults who function like a “family” for support and do not require assistance with activities of daily living. A supportive house is commonly referred to as a group house. Supportive housing does not require a license because no treatment services are provided. However, houses must comply with building, housing, fire and zoning laws.
- In well-run supportive housing, residents are expected to cook, clean, and perform other household chores just like residents of any other single-family home. They may also be encouraged or required to attend appropriate services, take classes, and/or find jobs.
- The chief difference between a single-family home and a supportive house is that people who live in a supportive house are unrelated individuals, many of whom have disabilities, and who require a supportive environment to live in the community.
- Supportive housing is not designed for residents who use illegal drugs or alcohol. Residents with histories of alcoholism or drug dependence, however, are protected against discrimination by federal civil rights laws because they are individuals with a disability. In general, federal law requires the city to treat supportive homes for persons with disabilities like similarly-sized single-family dwellings.

#### **How are supportive houses different from licensed residential facilities?**

- Supportive Houses
  - Not required to be licensed by state because they do not provide treatment services, counseling, or medical assistance to the residents
  - Function just like other single-family dwellings
  - Must be in compliance with the same zoning, building, and health code regulations that are applied to single-family homes. Subject to federal law, different requirements may apply when a supportive home has more than 8 residents.

- Licensed Residential Facilities
  - Licensed and regulated by the State of Maryland and may be eligible to receive public funding
  - Provide treatment and other services such as counseling, referrals, and 24-hour staffing
  - Must be in compliance with the zoning, building, and health code regulations that are applied to other residential care and assisted living facilities.
  - Examples of licensed residential facilities include halfway houses, licensed group homes for persons with mental illness, assisted living facilities, and licensed homes for individuals with developmental disabilities.

**What can I do about a supportive house that seems to be violating city codes?**

Contact your community association about the problem. It may already be taking action.

Report the violations as you would for any other residence.

- For problems that require immediate police attention, call 911.
- For non-emergency problems, such as a trash or loitering problem, call 311 and write down your complaint number. Code standards for supportive housing are listed in “Baltimore City Code Standards: Single-Family Dwellings.” To follow-up on a 311 complaint, contact the liaison to your district from the Baltimore City Office of Neighborhoods. For a list of liaisons for each district, visit the Office of Neighborhoods website at: [www.baltimorecity.gov/government/moon/staff.html](http://www.baltimorecity.gov/government/moon/staff.html).
- For suspected drug-related activity, also call (410) 666-DRUG.
- For a supportive house that is providing medical services without a license or for complaints about a state-certified residential program, call the Maryland Department of Health and Mental Hygiene, Office of Healthcare Quality, at (877) 402-8218.

Visit the Baltimore Housing website ([www.baltimorehousing.org](http://www.baltimorehousing.org)) to access a wealth of information related to housing. This resource allows you to send e-mails directly to the Code Enforcement Division to report potential housing, zoning, or building code violations.

If you know the owner or operator of the home, tell them about the problem.

Contact the Community Mediation Program. This program provides dispute resolution services for Baltimore residents. The goal is to have individuals work together to come to a solution about a particular problem. For more information, call them at (410) 467-9165 or visit their website at [www.communitymediation.org](http://www.communitymediation.org).