

Bill No. 40-11
Concerning: Group Homes -
Developmentally Disabled Adults
Revised: December 1, 2011 Draft No. 2
Introduced: December 6, 2011
Enacted: March 6, 2012
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive and Councilmember Ervin

AN ACT to:

- (1) revise the licensing requirements for certain group homes for developmentally disabled adults; and
- (3) generally amend the law regarding regulation of group residential facilities.

By amending

Montgomery County Code
Chapter 23A, Group Homes
Section 23A-3

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 23A-3 is amended as follows:**


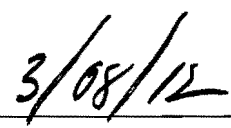
2 **23A-3. Applicability of chapter.**

3 This Chapter does not apply to a:

- 4 (a) facility which holds a valid license for institutional care, such as a
5 nursing home, hospital, child or adult day care facility, or domiciliary
6 care home for 5 or more residents;
- 7 (b) foster or respite care home for children which is approved by the
8 County Department of Health and Human Services, the State
9 Department of Juvenile Services, or any licensed child placement
10 agency, in accordance with standards set by the appropriate State
11 agencies;
- 12 (c) foster care or respite care home for adults for 3 or fewer elderly
13 persons or persons with disabilities, which is approved by the
14 Department of Health and Human Services;
- 15 (d) licensed residential or institutional facility whose total number of
16 residents at any one time will exceed 16 or the number of persons
17 allowed under a license for the facility issued by a state agency,
18 whichever is less;
- 19 (e) group home which does not routinely provide more than 50 hours of
20 on-site supervision a week, but a home exempted under this
21 subsection may apply for a license and be licensed if it meets the
22 requirements of this Chapter; [or]
- 23 (f) group home for developmentally disabled adults which is licensed by
24 the state Department of Health and Mental Hygiene; or
- 25 (g) group of persons, not related by blood or marriage, living together in a
26 dwelling unit as a family as defined in Chapter 59. Supportive care

27 services and treatment for individual residents or the group may be
28 provided by a person or agency that does not assume responsibility for
29 acquiring those services or treatments or for supervising, directing, or
30 controlling the residents.

31 *Approved:*

32  
33 _____
34 Roger Berliner, President, County Council Date

35 *Approved:*

36 _____
37 _____
38 Isiah Leggett, County Executive Date

39 *This is a correct copy of Council action.*

40 _____
41 _____
42 Linda M. Lauer, Clerk of the Council Date