



## Senate Bill 532

### *Temporary Family Health Care Structures – Permits*

MACo Position: **OPPOSE**

To: Finance Committee

Date: February 22, 2017

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **OPPOSES** SB 532. While well intentioned, the bill would unnecessarily usurp local land use autonomy.

SB 532 would require a local legislative body to acknowledge a temporary family health care structure as a permitted accessory use in areas with single-family detached dwellings if the structure is used by a family member for the care of a related mentally or physically impaired individual. The legislative body may not require a caregiver to obtain a special use permit for the structure or impose any zoning law on the structure (subject to certain exceptions).

The bill also defines the size, design, and requirements the structure must meet and limits a local government to charging a \$100 application fee and a \$50 annual renewal fee. Finally, the bill exempts the services provided by the caregiver from being included as an “assisted living program” under the Health – General Article.

The care of a physically or mentally impaired relative affects many families and counties will typically work with an individual who is in such unfortunate circumstances. However, the bill imposes a “one size fits all” solution and usurps local land use control rather than acknowledge that a variety of approaches exist.

There certainly may be times where a temporary structure is the best solution, but it should not be mandated in all circumstances. Public safety, hygiene, neighborhood characteristics, and other factors can create a reasonable case where a temporary structure is not the best or even a viable option.

SB 532 seeks to address an important health care issue but does so by imposing an unnecessary mandate on local zoning when other options may provide better solutions. Accordingly, MACo requests the Committee give SB 532 an **UNFAVORABLE** report.