

Prince George's County Council

Agenda Item Summary

Meeting Date: 7/24/2012
Reference No.: CB-029-2012
Draft No.: 3
Proposer(s): Patterson
Sponsor(s): Patterson, Davis, Franklin, Lehman
Item Title: An Ordinance concerning Juvenile Group Residential Facilities for the purpose of permitting group residential facilities in certain residential zones subject to specific requirements in order to implement the important public purpose of protecting the public safety, health, and welfare; providing local reporting requirements for juvenile group facilities in residential zones, providing enforcement provisions, and repealing the requirement that group residential facilities obtain a special exception as a condition to operating in certain residential zones.

Drafter: Kathleen H. Canning, Legislative Officer
Resource Personnel: Maurene Epps-Webb, Chief Zoning Hearing Examiner
Jacqueline W. Brown, PZED Committee Director

LEGISLATIVE HISTORY:

Date Presented:	5/15/2012	Executive Action:	
Committee Referral:	5/15/2012 - PZED	Effective Date:	9/10/2012
Committee Action:	6/6/2012 - FAV(A)		
Date Introduced:	6/19/2012		
Public Hearing:	7/24/2012 - 10:00 AM		
Council Action (1)	7/24/2012 - ENACTED		
Council Votes:	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-107.01, 27-360, 27-441, 27-445.14, 27-515

COMMITTEE REPORTS:

PZED Committee Report

Date 6/6/2012

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Franklin, Harrison, Olson and Patterson)

Staff gave an overview of the legislation and informed the committee of written referral comments that were received. CB-29-2012 amends the Zoning Ordinance to require local reporting for juvenile group residential facilities. The Legislative Officer presented a Proposed Draft-2 (DR-2) of the legislation prepared in consultation with the sponsor and Maryland-National Capital Park and Planning Commission (M-NCPPC), Planning Department staff.

Proposed DR-2 addresses suggestions made by M-NCPPC staff to clarify the intent of the legislation as it relates to the existing term defined in the Zoning Ordinance as "Group Residential Facility" and also to clarify the reporting

requirements. The Legislative Officer also indicated that Proposed DR-2 amends the Zoning Ordinance use tables in accordance with State law regulations for certain group residential facilities as this section had not been amended since the State law changes concerning this use.

The bill title and purpose clause were amended in Proposed DR-2 from: “An Ordinance concerning Juvenile Group Residential Facility for the purpose of requiring local reporting, amending the residential use tables, and generally relating to juvenile group residential facilities” to “An Ordinance concerning Group Residential Facilities for the purpose of permitting group residential facilities in certain residential zones subject to specific requirements in order to implement the important public purpose of protecting the public safety, health, and welfare; providing local reporting requirements for juvenile group facilities in residential zones, providing enforcement provisions, and repealing the requirement that group residential facilities obtain a special exception as a condition to operating in certain residential zones.” The use tables on pages 4-6 were revised accordingly to reflect that the use is permitted by right in the residential zones. In addition, a new section, 27-445.14, for Group Residential Facility additional requirements was included in Proposed DR-2. The Legislative Officer noted that the brackets in the use tables in Proposed DR-2 for “Group residential facility for not more than 8 mentally handicapped dependent persons” should be deleted, as that language should remain in the tables.

Council Member Patterson, the bill’s sponsor, informed the committee that he proposed this legislation in the best interest of the County citizens to address juvenile crime issues. Mr. Patterson commented that Major James Harper, County Police Department, informed him that there is currently no way for his Department to know where the facilities are located. The sponsor indicated that CB-29-2012 is the first step in addressing this issue, and given that the authority for group residential facilities lies with the State, the next step is to request enabling legislation from the General Assembly for additional County authority.

The Office of Law reviewed CB-29-2012 and determined that it is in proper legislative form with no legal impediments to its enactment. The Department of Environmental Resources submitted correspondence indicating no position on the legislation. Kerry Watson, representing the County Executive’s Office, indicated that the Executive is in support of CB-29-2012.

David Thompson, County Department of Social Services, was present to address the Committee in support of the legislation with the additional amendment to strike the following language in lines 1-4, page 3, of Proposed DR-2 in the definition of “Group Residential Facility”: “(i) A “Foster Home” where there are four (4) or less persons unrelated by blood, adoption, or marriage to their foster parents; (ii) A “Foster Home” where there are not more than six (6) foster children who are unrelated to their foster parents, but are related by blood or marriage to each other.”

Based upon Council Member Patterson’s inquiry regarding the insertion of a date when the report required by Section 27-445.14 is due, the Committee determined that specifics as to a timeframe is permitted at the time of introduction of the legislation or even at the time of public hearing.

The committee voted favorable on Proposed DR-2 including the additional amendments discussed during the committee.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This bill requires that all public and private operators of juvenile group residential facilities report to the County.

7/24/2012 - CB-29-2012 (DR-2) was amended on the floor as follows:

1. On page 8, in line 25, after “approval” insert “on or before March 15, 2013”.

CB-29-2012 (DR-3) was enacted.

CODE INDEX TOPICS:

INCLUSION FILES:
