

(1) INDIVIDUALS PRESENTLY RESIDING INAPPROPRIATELY IN LARGE STATE INSTITUTIONS WHO COULD BEST BE SERVED IN THEIR COUNTY OF ORIGIN;

(2) HISTORIC DATA; AND

(3) REASONABLE PROJECTIONS.

(C) THE DIRECTOR SHALL CONSULT WITH THE GOVERNING BODY OF THE COUNTY OR COUNTIES COMPRISING A REGION, CONSUMER GROUPS, LOCAL AND STATE BOARDS OF EDUCATION, AND OTHER PUBLIC OR PRIVATE AGENCIES IN PREPARING AN EVALUATION OF NEED.

40.

THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL, IN COMPLIANCE WITH THE ADMINISTRATIVE PROCEDURES ACT, ADOPT APPROPRIATE RULES AND REGULATIONS FOR THE ESTABLISHMENT AND OPERATION OF GROUP HOMES.

41.

(A) IF THE DIRECTOR DETERMINES AND CERTIFIES THAT THERE IS A PRESENT NEED FOR ONE OR MORE GROUP HOMES IN A COUNTY OR MULTICOUNTY REGION, THE COUNTY OR COUNTIES IN THE REGION, IN CONSULTATION WITH LOCAL CONSUMER GROUPS, SHALL PURSUE PROMPTLY APPROPRIATE PROCEDURES TO SELECT A SUITABLE SITE OR SITES FOR GROUP HOMES. THE DIRECTOR SHALL COOPERATE WITH AND ASSIST THE COUNTY OR COUNTIES IN THE SELECTION OF A SITE OR SITES WHICH WILL BE CONSISTENT WITH RULES AND REGULATIONS ADOPTED PURSUANT TO SECTION 40 OF THIS SUBTITLE. BEFORE SELECTING A SITE, THE COUNTY GOVERNING BODY SHALL HOLD AT LEAST ONE PUBLIC HEARING IN THE COUNTY IN WHICH ONE OR MORE SITES ARE PROPOSED.

(B) THE STATE MAY ACQUIRE BY LEASE, PURCHASE, OR OTHERWISE, INCLUDING CONDEMNATION, FACILITIES AND SITES FOR GROUP HOMES LOCATED IN THE COUNTY. THEY MAY ALSO CONSTRUCT AND RENOVATE FACILITIES OR SITES ACQUIRED BY THE STATE. HOWEVER, THE STATE MAY NOT EXERCISE THE AUTHORITY GRANTED IN THIS SECTION UNLESS THE DIRECTOR, WITH THE APPROVAL OF THE SECRETARY, HAS DETERMINED THAT:

(1) THERE IS A NEED IN THE COUNTY FOR THE GROUP HOME;

(2) THE PROPOSED SITE AND GROUP HOME ARE APPROPRIATE;

(3) THE GROUP HOME IS, OR UPON COMPLETION WILL BE, IN COMPLIANCE WITH RULES AND REGULATIONS ADOPTED PURSUANT TO SECTION 40 OF THIS SUBTITLE; AND

(4) THE GROUP HOME AND SITE ARE APPROVED BY THE BOARD OF PUBLIC WORKS.

(5) THE LOCAL GOVERNMENT HAVING JURISDICTION