

Subsection (b) of this section is revised to incorporate certain factors referenced by the former requirement for conforming "with the factors to be considered under §§ 20B and 20C". The rest of those factors are revised as qualifications for a certificate. See § 7-416 of this subtitle.

Defined terms: "Director" § 7-101
"Group home" § 7-101 "Private facility" § 7-101

7-415. CERTIFICATE OF APPROVAL REQUIRED.

IN ADDITION TO HOLDING ANY OTHER LICENSE REQUIRED BY LAW, A PERSON SHALL OBTAIN A CERTIFICATE OF APPROVAL FROM THE DIRECTOR BEFORE THE PERSON MAY ESTABLISH A PRIVATE GROUP HOME.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Article 59A, § 20(b) and the first sentence of § 20A. It is rephrased in the standard language used to state affirmatively that a person must hold a certificate of approval to establish a private group home.

There is no parallel provision prohibiting the establishment of a private group home without holding the certificate, since there are no penalties imposed for so establishing a private group home. However, a license to operate the group home as a "private facility" would not be issued under § 7-403 of this subtitle. Cf., §§ 7-403 and 7-901 of this title.

Defined terms: "Director" § 7-101
"Group home" § 7-101 "Person" § 1-101

7-416. QUALIFICATIONS OF APPLICANTS.

(A) IN GENERAL.

TO QUALIFY FOR A CERTIFICATE OF APPROVAL, AN APPLICANT SHALL SATISFY THE DIRECTOR THAT:

(1) APPROVAL OF THE PROPOSED PRIVATE GROUP HOME WOULD SERVE TO ACCOMMODATE MENTALLY RETARDED INDIVIDUALS;

(2) A PUBLIC GROUP HOME IS NOT AVAILABLE CURRENTLY TO MEET THE NEED;

(3) THE APPLICANT IS A PROPER PERSON TO RECEIVE THE CERTIFICATE OF APPROVAL;

(4) THE PROPOSED PRIVATE GROUP HOME IS APPROPRIATE FOR THE STATED PURPOSE;