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To: Luedtke's Office, Councilmember <councilmember.luedtke@montgomerycountymd.gov>
Sent: Wednesday, March 26, 2025 at 04:34:31 PM EDT
Subject: Follow-Up: Gold Mine Place rehab facility

All,

Thank you for contacting my office or attending the March 24 community meeting about The Freedom Center - the privately owned and operated addiction treatment group homes proposed for Gold Mine Place.

I understand the concerns from many of you about the presence of this use in your neighborhood and next to Greenwood Elementary School. The safety and security of our communities and of our students and educators in and around school buildings is of paramount importance. This is my priority on the County Council, and I look forward to working with you on the many aspects of improving public safety necessary to prevent dangerous and criminal behavior, better support victims, and build stronger and healthier communities.

I will continue to ensure the private entity pursuing an addiction treatment facility on Gold Mine Place follows all laws and regulations. I will continue to advocate to The Freedom Center that it puts in place safety and security measures to prevent dangerous situations and that it also acts as a good neighbor whose residents and staff respect you and your fellow community members. Many ideas for safety and security have come directly from community members - and at the March 24 community meeting we heard additional questions, concerns, and ideas that we are following up on with The Freedom Center, Montgomery County Public Schools (MCPS), and the Montgomery County Department of Permitting Services (DPS).

It is also important to reiterate a belief that I know we share: Individuals facing substance abuse are our family members, friends, neighbors, and co-workers and they deserve dignity, respect, and support as they seek treatment to better their lives. We can and must protect this value *and* protect our communities. I do not believe these two priorities are mutually exclusive.

Understanding that we have many follow-up questions to pursue, I am providing below The Freedom Center's responses to a number of frequently asked questions (the same responses I shared at the March 24 community meeting). I also am providing below information on questions about the County's role and authority in regulating this use.

Please do not hesitate to reach out to me and my office at councilmember.luedtke@montgomerycountymd.gov with additional questions.

The Freedom Center's responses to frequently asked community questions

Question: Are residents of The Freedom Center allowed to leave the property?

Freedom Center Response: Residents are not permitted to leave the property as part of their treatment plan. In rare cases where a resident leaves against medical advice, staff will transport them to a safe location to prevent them from walking into the Tanterra neighborhood.

Question: Who is responsible for monitoring residents and are they monitored 24/7?

Freedom Center Response: Yes, residents are monitored 24/7. Additional staffing includes:

- Two Registered Nurses (one per house) on a 24/7 schedule.
- Three licensed clinical staff on-site from 8 AM – 6 PM.
- Each shift has a Program Manager/Lead Behavioral Health Technician overseeing four Behavioral Health Technicians trained in Crisis Prevention Intervention (CPI), a standard used in nationally recognized hospitals.

Question: What physical security improvements is The Freedom Center making to the properties to ensure the safety of its residents, neighbors, and students at the adjacent school?

Freedom Center Response: Installation of a high-end video and audio surveillance system providing 360-degree property coverage, including indoor monitoring. Planting 10' Arborvitae trees to enhance privacy. Extending the existing 6' chain-link fence bordering Greenwood E.S., pending feedback from the school administration and PTA. Additional privacy trees will also be planted along this section.

Question: What is the protocol for if a resident violates The Freedom Center's rules?

Freedom Center Response: If a resident's conduct warrants discharge, they will be referred to an equal or higher level of care. If they refuse referrals (which is rare), staff will transport them to a safe location outside the community.

Question: The existing chain link fence is insufficient to protect the privacy of students at the school or residents at the properties. Will The Freedom Center install another fence to protect privacy?

Freedom Center Response: Yes, we are open to extending the existing fence and planting additional privacy trees. We welcome input from the school administration and PTA to ensure an effective solution.

Question: What types of services will The Freedom Center provide?

Freedom Center Response: ASAM Level 3.5 Residential Substance Use Disorder treatment.

Question: Are background checks performed for potential residents and what would result in a resident not being allowed to live at the facility?

Freedom Center Response: At our facility, we are committed to ensuring the safety, well-being, and overall quality of life for all our residents. As part of our comprehensive admission process, we conduct full medical and clinical assessments on all potential residents. These evaluations allow us to determine whether our facility is the appropriate environment to meet the individual's healthcare needs while maintaining a safe and supportive community for all. While we strive to accommodate a wide range of individuals, certain factors may result in an applicant being deemed ineligible for residency. Disqualifying criteria include, but are not limited to:

1. A history of violent criminal offenses
2. Sexual criminal offenses
3. High-acuity mental health diagnoses that may require specialized care beyond our facility's capabilities

Major health concerns that necessitate advanced medical interventions not provided at our facility. Our goal is to foster a secure, nurturing, and compassionate environment where all residents can thrive. We carefully assess each applicant to ensure they receive the most suitable care and support, whether at our facility or through a referral to a more appropriate care setting. We welcome any questions regarding our admission criteria and are happy to guide families through the process with transparency and understanding.

Question: What other facilities does The Freedom Center operate and are any in close proximity to a school? If so, what protections or protocols has The Freedom Center put in place at these facilities?

Freedom Center response: Our locations include:

- 3521 Buckeystown Pike, Buckeystown, MD 21811 (16 bed level 3.5 Substance Use Disorder)
- 202 Perry Parkway Suite 5 Gaithersburg, MD 20877 (Outpatient Care)

The County's role and authority in regulating this use

Basics and Background

The Montgomery County Department of Permitting Services (DPS) interprets and enforces the County's [Zoning Ordinance](#). According to the most up-to-date information we've received from DPS, The Freedom Center locations are Residential Care Facilities and each home is allowed to have up to 8 residents. A Residential Care Facility is defined by Section 3.3.2. Group Living of the Zoning Ordinance as:

Residential Care Facility means a group care or similar arrangement for the care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual, in which:

- a. the facility must meet all applicable Federal, State, and County certificate, licensure, and regulatory requirements;*
- b. resident staff necessary for operation of the facility are allowed to live on-site; and*
- c. the number of residents includes members of the staff who reside at the facility, but does not include infants younger than 2 months old.*

Residential Care Facility includes a nursing home, an assisted living facility, a Continuing Care Retirement Community, a hospice, a group home, and a Senior Care Community. Residential Care Facility does not include a Hospital (see Section 3.4.6, Hospital) or Independent Living Facility for Seniors or Persons with Disabilities (see Section 3.3.2.C, Independent Living Facility for Seniors or Persons with Disabilities).

Per the Use Standards in the Zoning Code ([Section 59.3.3.2.E](#) and the Zoning Use Table at [Section 59.3.1.6](#)) this use with up to 8 residents is permitted by right in the R-200 zone and the other detached residential zones.

What permits and licenses are required and what is the status of each?

- 19019 Gold Mine Place has a Building Permit issued by DPS on 2/21/25 for alteration of 4 bathrooms; an Electrical Permit (lighting/switches) issued on 3/1/25 and passed an inspection on 3/11/25; an Electrical Permit (low voltage for cameras) issued 3/15/25 and passed an inspection on 3/21/25; and a Fire Code Compliance Permit issued 1/6/25 and passed an inspection on 2/4/25.
- 19025 Gold Mine Place has a Fire Code Compliance Permit issued 1/16/25 and passed an inspection on 2/3/25.
- Because the houses permit 8 persons “by right,” the base use remains residential and not commercial, which is why DPS voided the original requests for Commercial Use & Occupancy Permits.
- We continue to pursue information on what State licensing requirements must be met for such a facility.

Can the Council amend the Zoning Code to prohibit this use?

Under the federal Fair Housing Act (FHA), a locality cannot apply its zoning laws in a way that discriminates against group homes (i.e., homes for individuals with disabilities, including those with substance abuse disorders). As explained by [a joint DOJ/HUD statement](#):

Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. For example, suppose a city's zoning ordinance defines a "family" to include up to six unrelated persons living together as a household unit, and gives such a group of unrelated persons the right to live in any zoning district without special permission. If that ordinance also disallows a group home for six or fewer people with disabilities in a certain district or requires this home to seek a use permit, such requirements would conflict with the Fair Housing Act. The ordinance treats persons with disabilities worse than persons without disabilities.

Retrospective vs. Prospective zoning law changes

To protect property rights, changes to zoning laws are prospective. Under zoning law, uses existing before a zoning change become “nonconforming uses” that can continue after the zoning change. Assuming any change to the zoning of residential care homes did not violate the FHA, that change would be prospective; existing uses would be grandfathered in as nonconforming uses.

Thank you again for your engagement on this issue and please let me know what additional questions you have. We will work with all relevant County departments and agencies, as well as our State partners, to pursue this information.

Very truly yours,

Dawn



For more helpful Cybersecurity Resources,
visit: <https://www.montgomerycountymd.gov/cybersecurity>