

Montgomery County – Bill 18-32, Structure of County Government—
Community

Zoning and Land Use Resource Office

Hearing April 18, 2023

Cheryl Gannon, Silver Spring, MD —OPPOSED

Good afternoon, my name is Cheryl Gannon and I am a resident of Silver Spring, and the Zoning and Development Chair of the Woodside Civic Association. I am testifying as an individual today.

I will summarize my written statement submitted to the Council.

When I agreed to serve as the Zoning Chair for Woodside Civic Association, I had no idea how complex and difficult the land use process is. It now makes perfect sense to me that there are entire law firms here in the county that provide legal assistance in land use matters to those who can pay for services. Developers have lawyers, the Council has lawyers, the MNCPPC has a Legal Department and General Counsel and so does the Montgomery Planning. Wealthier neighborhoods and HOAs can raise the money for a lawyer when needed and they do so. Ordinary citizens, particularly if they are not wealthy, are the only parties without this help.

I can tell you that as Woodside is one of a few neighborhoods that has

faced two master plans plus two major zoning initiatives in the last four years alone—I could not do this job for my community if I had a full-time job. Communities like ours must navigate this process alone, and it often requires attending meetings or testifying during the work week and work hours. It involves countless hours trying to decipher laws and regulations with technical jargon. Why? Because since 2010, the Council has failed to fund the Office of the People’s Counsel, even though the statute has been on the books since 1990. This inequity is unacceptable.

This bill, 18-23, would replace the OPC with a resource center, and specifically repeals the most important provisions of the People’s Counsel law—it eliminates a People’s Counsel, replaces it with a resource center and prohibits the Officer from serving as an advocate, or participating in administrative proceedings. I urge the Council to reject this bill, which guts the People’s Counsel law, and fully fund the OPC.

The intent of the OPC is to “protect the public interest and promote a full and fair presentation of relevant issues” in land use cases. The proposed budget for OPC is a miniscule part of the overall county budget and deserves to be funded.

As part of a 2008 report, the Office of Legislative Oversight interviewed 50 individuals inside and outside of government with experience with the OPC.

The responses included many positive comments from a majority of those interviewed about the role and services of the OPC, including from applicants and land use attorneys. Respondents noted that the process was smoother and more efficient with the OPC educating and guiding citizens in their participation. Respondents observed that the OPC levels the playing field among participants and brings legitimacy to

the process, and that the legal experience of the Counsel can be beneficial to residents.

The report suggested a number of improvements to the statute—to expand and improve services, NOT to eliminate them. These improvements have not been implemented by the Council.

Only a few responses included negative comments. Some of them urged allowing the OPC to intervene on behalf of specific parties in cases rather than simply acting “in the public interest.” In other words, these respondents said that they needed more help than the OPC could provide. A few negative comments were trivial, such as calling the officer “brusque.” None of these few comments are sufficient reason to eliminate an agency and its important functions.

The County has an excellent office of Consumer Protection. Why not an advocate for the public on land use issues? We do not have a level playing field right now in the area of land use. The Council should fund the OPC this year.

Thank you.