

## Citizens Coordinating Committee on Friendship Heights

April 10, 2023

Evan Glass, President  
Montgomery County Council  
100 Maryland Avenue, 6th Floor  
Rockville, MD 20850

Re: Bill 18-23, Structure of County Government – Community Zoning and Land Use Resource Office (People’s Counsel law amendments)

Dear Council President Glass:

The Citizens Coordinating Committee on Friendship Heights (“CCCFH”) is a coalition of neighborhood organizations from 19 communities in and around the Friendship Heights area representing about 20,000 Montgomery County residents. CCCFH strongly opposes Bill 18-23 which would replace the Office of the People’s Counsel with a Community Zoning and Land Use Resource Office. We support funding of the Office of People’s Counsel.

Before turning to some of the specifics, we note that Thrive Montgomery 2050 was enacted last year. A large number of land use matters will be addressed in coming years. There are real dangers that developers will maximize profits and that as development under Thrive 2050 rolls out, the public will come up very short. Developers have resources and have high-powered attorneys. Often, members of the public do not. As noted in observations on Community Liaison Committees reported in the 2008 OLO report attached to the Bill memo, the People’s Counsel leveled the playing field among the participants.

The proposed amendments would change the structure of the current law and gut some of its important provisions and functions. Under “Purpose,” the bill would delete from the current law the sentences that “an independent People’s Counsel can protect the public interest and promote a full and fair presentation of relevant issues in administrative proceedings in order to achieve balanced records upon which sound land use decisions can be made,” and “a People’s Counsel who provides technical assistance to citizens and citizen organizations will encourage effective participation in, and increase public understanding of and confidence in, the County land use process.”

We emphasize that Bill 18-23 would delete mention of:

- the public interest,

- full and fair presentation of relevant issues in order to achieve balanced records upon which sound land use decisions can be made, and
- increased public understanding of and confidence in, the County land use process.

Instead, Bill 18-23 proposes a Community Zoning and Land Use Resource Office

- that would provide information on participation in the public approval process,
- for sketch plans, subdivisions, site plans, conditional use applications, and variances.

The Officer in the proposed amended law would “meet” with community members, “educate” them on “how” to develop testimony and answer questions concerning laws. This is a lower-level informational function.

The nature of this bill is underscored by its elimination of the current ability of the People’s Counsel to participate in proceedings and by its prohibition on giving testimony in any proceeding before any public body either as a representative or in individual capacity. Also, Bill 18-23 would delete the current provision that without becoming a party to any judicial or administrative proceeding, and subject to available time and resources, the People’s Counsel may provide technical assistance to any person about a proceeding listed in the law. It should be borne in mind that in the past, the People’s Counsel objected to lines of questioning that went beyond the scope of the proceedings and objected to designating an expert witness for the applicant based on insufficient qualifications. OLO report p. 22.

Bill 18-23 is an effort to make the Office of People’s Counsel ineffectual and give it a limited range of areas where it functions. The proposed Community Zoning and Land Use Resource Office would not serve the public well.

Sincerely,

David S. Forman  
Chair, Citizens Coordinating Committee on Friendship Heights

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Livhu Ndou, Legislative Attorney ([Livhu.Ndou@montgomerycountymd.gov](mailto:Livhu.Ndou@montgomerycountymd.gov))

CCCFH website: [www.cccfhmd.org](http://www.cccfhmd.org)

Representing the Communities of Brookdale, Chevy Chase Village, Chevy Chase West, Drummond, 4800 Chevy Chase Drive Condominium, Kenwood, Kenwood Condominium, Kenwood Forest II, Kenwood House Cooperative, Little Falls Place, Somerset, Somerset House Condominiums, Springfield, Summer Citizens Association, Village of Friendship Heights, Westbard Mews, Westmoreland, Westwood Mews, and Wood Acres