



MONTGOMERY HOUSING ALLIANCE

www.montgomeryhousingalliance.org

A coalition of organizations focused on increasing the rate of preservation and development of affordable housing in Montgomery County

Testimony on ZTA 24-01, Household Living – Civic and Institutional Uses Montgomery Housing Alliance

February 27, 2024

Good afternoon Council President Friedson and members of the Council. My name is Mary Kolar, and I am testifying on behalf of Montgomery Housing Alliance (MHA), a county-wide coalition of affordable housing providers and advocates across the housing continuum.

MHA strongly supports ZTA 24-01, and we propose modifications to strengthen the ZTA as a tool to meaningfully increase affordable housing in the county.

Over the past several years, the Council has prioritized housing, especially affordable housing, and made major strides on the issue. Yet we know we still must add tens of thousands of units of housing over the next decade, the majority of which must be affordable to low to moderate-income households. Innovative strategies like ZTA 24-01 will allow the county to meaningfully build on the important progress we have made.

We urge you to support ZTA 24-01, but to amend it to include multi-unit and townhouse living as allowable through the site plan approval process, rather than as a conditional use. This change would streamline the process further and be less onerous for faith communities or private educational institutions partnering with affordable housing providers, while still allowing for community input and involvement through public hearings and opportunities for comment. The conditional use process currently proposed in ZTA 24-01 includes the additional step of review by the Office of Zoning and Administrative Hearings (OZAH). Requiring site plan approval instead would mean the project would go directly to the Planning Department, where it would be reviewed by staff, open to public hearing, and subject to a decision by the Planning Board before permitting could proceed. Further, under the conditional use process a favorable decision by the Hearing Examiner is subject to appeal by project opponents, adding yet another potential layer to the process. The site plan approval process better allows for objective standards and determination than the OZAH, which relies on the determination of a single Hearing Examiner. The Planning Board regularly reviews multifamily housing projects in many zones, especially in Commercial/Residential zones, and so is well equipped to provide a comprehensive review of a multifamily project in a residential zone.



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We recognize and support the need for community input; one of the primary intents of ZTA 24-01 is to allow houses of worship and private educational institutions to better use their resources to support their neighbors and surrounding communities. The site plan approval process provides adequate opportunities for public input, while bringing to bear the kind of objective evaluation of that input applied to other significant developments in the county.

At the very least, we urge you to eliminate language that could invite a more subjective disapproval of projects. In particular, under Section 3.3.1., subsections D. and E., Use Standards, we urge you to amend the language to eliminate the term “maximize” when referencing the need for compatibility of the project. “Maximize compatibility” adds a dimension not in the standards for conditional use today, under Division 59-3.3. As currently written, ZTA 24-01 allows the Hearing Examiner to “modify any development standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood” and could be used to make a bad faith argument that any building other than a detached single-family home would not maximize compatibility, undermining the intent of the ZTA.

As a county, we know the housing targets we need to meet, and we know that to meet them, we need numerous strategies and tools. ZTA 24-01 would provide one such important tool. It not only promotes increases in affordable housing, but does so in a way that allows mission-minded community leaders to better serve their neighbors. MHA strongly supports ZTA 24-01, but we urge you to take action to further strengthen the measure, so it can have a greater impact on meeting the county’s housing needs.

Thank you for the opportunity to provide input as you consider this matter.



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