

Racial Equity and Social Justice (RESJ) Zoning Text Amendment Statement

Office of Legislative Oversight

ZTA 23-04: RESIDENTIAL USES – SHORT-TERM RESIDENTIAL RENTAL

SUMMARY

The Office of Legislative Oversight cannot discern the net impact of Zoning Text Amendment 23-04: Residential Uses – Short-Term Residential Rental on racial equity and social justice (RESJ) in the County.

PURPOSE OF RESJ STATEMENTS

The purpose of RESJ impact statements for zoning text amendments (ZTAs) is to evaluate the anticipated impact of ZTAs on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, power, and leadership of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF ZTA 23-04

The purpose of ZTA 23-04, Residential Uses - Short-Term Residential Rental, is to restrict who can offer short-term residential rentals in the County and the number of guests that can utilize such rentals. If adopted, ZTA 23-04 would enact three changes to the Zoning Ordinance:³

- Allow only the property owners of a primary residence to offer their dwelling unit as a short-term rental, removing “or owner-authorized resident” as an option.
- Limit use of dwelling units as a short-term residential rental for a maximum of 120 days only if the property owner is not present in the residence, removing the inclusion of owner-authorized resident as an option.
- Limit the number of overnight guests to six persons of any age.

ZTA 23-04 was introduced on April 18, 2023. Bill 22-23, Transient Lodging Facilities – Short-Term Residential Rental, seeking to reassign enforcement of short-term rentals from the Department of Health and Human Services (DHHS) to the Department of Housing and Community Affairs (DHCA) and to increase penalties for not complying with the County’s short-term rental regulations was also introduced on April 18, 2023.

ANTICIPATED RESJ IMPACTS

OLO cannot determine the RESJ impact of ZTA 23-04 because demographic data regarding the providers and the users of short-term residential rentals in the County are not available.

RESJ Impact Statement

Zoning Text Amendment 23-04

CAVEATS

Two caveats to this RESJ impact statement should be noted. First, predicting the impact of zoning text amendments on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement on the proposed zoning text amendment is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the ZTA under consideration.

¹ Definition of racial equity and social justice adopted from "Applying a Racial Equity Lens into Federal Nutrition Programs" by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools <https://www.racialequitytools.org/glossary>

² Ibid

³ Ndou, Livhu. Memorandum to Montgomery County Council, Bill 22-23, Transient Lodging Facilities – Short-Term Residential Rental Zoning Text Amendment 23-04, Residential Uses – Short-Term Residential Rental, April 18, 2023
https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2023/20230418/20230418_3-4A.pdf