



Maryland DEPARTMENT OF PLANNING

ADU Policy Task Force Public Comments as of March 18, 2024

Submitted via [online public comment form](#)

Names of commenters, Task Force members, and others redacted. Names of book authors preserved.

As you probably know, Howard County has a draft revised general plan called HoCo by Design that would allow a DETACHED ADU up to 1500 square feet on any single-family zoned property. The objective is affordable housing, but many of the residents are concerned about harmful effects. This is a copy of the testimony I will present. I hope you will consider them in your deliberations and would be happy to explain further if you have questions:

Testimony before the County Council on HoCo by Design Amendments-Accessory Dwelling Units & Stormwater Management

You have heard from me in the past on the subject of ADUs, but since we do not have access to the amendments that have been proposed, I feel I must reiterate my concerns. ADUs could also cause physical damage to nearby property. Any decrease in green space is downright harmful in my neighborhood with our poor drainage and inadequate stormwater management. ADUs will significantly increase impermeable surfaces and runoff problems and flooding for nearby homes. A number of my neighbors have experienced stormwater damage to their homes in excess of \$50,000; often this happens after the county has allowed a single oversized lot to be subdivided or a neighbor builds a significant addition to their home. I would be happy to show you some examples. New construction is not required to take steps to prevent stormwater issues it creates. This is something you should put into effect for ALL new construction, not just ADUs.

Dunloggin is an established community, like many in our county; it has a character. Good land use protects the character of established neighborhoods. ADUs could lead to significant changes in the character of the neighborhood. Older neighborhoods lack dedicated open space. Our backyards are our open space, so ADUs could significantly reduce the open space we all enjoy, even when it is in a neighbors' yard.

It is not "age-friendly" to older adults to promote ADUs. ADUs are often called "age-friendly" because older adults could house caregivers or younger families could house their parents, but we can do both now within our current homes. Older adults want to age in place, not just in our homes but also our communities. We do not want them to change to higher densities and less green space. There is also mention that older people could rent out their ADU for extra income; the LAST thing an aging person needs are the problems of being a landlord!

Ultimately, everyone will sell their homes. What happens if we sell a house with an ADU? It may make the house harder to sell, because most people will not want a second house on the property. The property may be most likely to appeal to investors who will want to rent out both units with a conditional use. Nonresident landlords do not maintain the property the way a resident owner would. On the other hand, the seller may just ask to have the property divided and sell it to two buyers, and I would give you odds that the county would allow it. Hmmm, since the original property would still be zoned for single family, I wonder if they could then add a new ADU?

I truly understand the need for more affordable housing, but the cost per square foot to build a detached home in Howard County means detached ADUs will still be very expensive. ADUs are not a good answer to the affordable housing problem.

The board of my Saint John's Community Association has not held a specific vote on ADUs, but we did a survey in 2021. There were 134 responses, of which 106 were opposed, 23 in favor, and 5 uncertain. Please consider the needs and desires of existing residents; do not allow accessory dwelling units as a matter of right anywhere in the county.

I am a resident and homeowner of Prince George's County living in a neighborhood without an HOA. I am interested in the opportunity for ADUs to allow option for multigenerational living. I have aging in-laws that may benefit in the future from living closer to us for medical care (currently 45 min drive). In addition, my sister had to move out of state to Nebraska after our mother died due to unaffordable housing. She would be able to live in Maryland with our family we had an ADU on one of our properties. I believe there is a way we could make ADUs acceptable to neighbors by planting privacy screener plants and holding the ADUs to county code. We have plenty of space in our deep .34-acre lot.

Please allow as few barriers as possible to construction. The state has a strong interest in making sure that there are no odious mandates on who can live in an ADU vs not, it should not require as much parking as a normally sized home (in fact, mandating parking in many areas of construction would be a big mistake) and make approved designs easier to get through the permitting process quickly so people can make them easily and timely.

Subject: Offering Volunteer Support for ADU Task Force

Dear Maryland Task Force for ADU's,

I hope this message finds you well. I am the Founder of Byrd Houses, a Tiny House designer based here in the state of Maryland. I am reaching out to express my sincere interest in volunteering to assist the task force in its mission. My passion lies in creating innovative housing solutions, particularly in the realm of tiny houses. I believe that we can address the current housing crisis by shifting our mindset about space and necessity. The tiny house industry is experiencing significant growth, currently valued at \$17 billion, and projected to reach \$32 billion by 2033. This growth signifies a shift in how individuals perceive and prioritize their living spaces.

I am eager to contribute my expertise and insights to the task force's initiatives. Together, we can explore alternative housing options that are both sustainable and affordable, ensuring that all Maryland residents have access to safe and comfortable living spaces.

Please let me know how I can best support the task force in its crucial work. I look forward to the opportunity to collaborate and make a positive impact on our community's housing landscape.

Thank you for your time and consideration.

NIMBYism has been a special problem among MD legislators. Those who try to address the affordable housing crisis are told to "stay in your lane" or even booted out of office by their fellows. Too many legislators have real estate interests above and beyond their own homes.

I would love to be on the mailing list of this task force to be able to participate.

Belief that ADU 's offer a great opportunity to create much needed housing stock that can be affordable.

The State should be able to require an ADU policy. The policy would not have to be one size fits all, but there should be something mandated to relieve the housing crisis.

Joe Griffiths is completely wrong about "one-sized-fits-all". California and other states have legalized state-wide, and it has not been a problem. This is a housing crisis and it's incorrect to say that what Annapolis needs is different than what Bethesda needs. His assertion that each locality is somehow a unique and special snowflake is going to lead to NIMBYism that we already see on ADUs and housing. Localities love to exclude, and the state needs to do something about it.

It was brought up, and it is also true for Carroll County, our growth is limited by allowed effluent limitations in the growth areas.

National Low Income Housing Corporation can do an updated needs assessment study for you.

Should be easy enough to do a correlative study using NLIHC "OOR" report and state GDP. I know I looked at this myself and did see a correlation.

Carroll County's RFP for our upcoming Housing Study includes "6. Economic Development + Is there adequate housing stock to meet the future economic development needs of the county; evaluate housing supply and needs related to local and regional employment, industry growth, and wages." We are very interested in the connection.

I think this is bigger than an ADU in a backyard. What about the people who don't have a family member that already owns a home? Or doesn't have enough land to fit an ADU? This must go beyond allowing zoning for an ADU. We want to create affordable housing for all, not just people connected to homeowners already. Tiny House communities need to be created.

Transit-oriented AND wastewater-limited development wrt ADUs

Will ADUs be required to meet the APFO (Public School) and the impact fee?

Prince George's County recently completed an extensive study on affordable housing under the auspices of the County Council and the County Administration. The Task Force might look at the report and/or contact the individual who worked on it, who now works for the University of MD at College Park.

Family and owner occupancy requirements: How are these enforced in other states and what are the penalties?

In urban areas, how can we find a balance between bringing in new residents so long-term residents will not feel forced out? As one of the Task Force members said, many incorporated and unincorporated areas in Prince George's County cannot afford more density for several reasons, among them being parking, infrastructure, code violations, etc.

I saw another article about groundwater depletion being affected largely by data collection and AI companies - e.g. in Iowa

There might be 2020 Census data on ADU presence.

My colleague and I are happy to meet with the Task Force's staff to provide information and insight on the Commission's statutory limits on ADUs within the Critical Area's Resource Conservation Area if it would be of help. Thanks! This is an excellent meeting.

Has anyone on this Task Force experienced housing insecurity firsthand?

Multiple Taskforce Members have focused on the cost of meeting regulations, yet no one has mentioned that developer profits are at record highs. Is there going to be any discussion on the impact of price gouging on prospective tenants, and implementation of price protections?

Charles County's Affordable Housing Workgroup is actively looking into revising our ADU requirements to be less restrictive and give more flexibility in design.

How is ADU legislation considering aging populations and multi-generational housing to include affordability for elder housing within a family unit?

The AARP has also addressed ADU concerns: <https://www.aarp.org/livable-communities/housing/info-2019/accessory-dwelling-units-adus.html>

[https://www.aarp.org/content/dam/aarp/livable-](https://www.aarp.org/content/dam/aarp/livable-communities/housing/2022/The%20ABCs%20of%20ADUs-handout-082222.pdf)

[communities/housing/2022/The%20ABCs%20of%20ADUs-handout-082222.pdf](https://www.aarp.org/content/dam/aarp/livable-communities/housing/2022/The%20ABCs%20of%20ADUs-handout-082222.pdf)

<https://www.aarp.org/livable-communities/housing/info-2021/adu-model-state-act-and-local-ordinance.html> ..and potential legislative models (via AARP)

Infrastructure will continue to be a concern with or without ADUs. The key factor is to define the motivating premise for ADU legislation. Is it to prohibit or to make 'good neighbor policies to better accommodate ADUs?

Will there be any provisions/conversations about tiny house communities or developments? It seems this could be the solution to the issue one of the Task Force members brought up about parking and trash. This can also be a solution to the college housing problem that was also brought up in the comment session. Georgia did this in college park successfully. They put 29 tiny homes on 3 Acres in College Park, and it was a huge success.

Need to consider how you can craft your recommendations to meet your goals that does not result in creating another avenue for increasing revenue for predatory rental housing investors in communities already under strain from this phenomenon.

Would state legislation possibly preempt local farmland preservation regulations?

Can I get a copy of the meeting recording because I had a conflict at the beginning? Also, who can I follow up with if I have additional questions about ADUs as it relates to Bowie, MD?

I'm looking forward to identifying ways that we can break down silos and make a real impact across the state. We can see what some towns like Salisbury are saying and go from there, but we can't continue to wait and wait, while families are suffering, and homelessness and affordability are far too common in the conversation about individuals and sustainability.

It appears that there is no Baltimore City representation on the TF. If that is the actual case, it is surprising. Baltimore City is suffering from extreme population decline (particularly Black middle-class families), has the highest rent burden in the state, already has high levels of housing density, is trying to promote home ownership, has high number of out of state owners and absentee landlords, an underfunded and understaffed housing department, to name but a few of the many challenges facing the city. We also have a very high number of vacant houses, as well as a significant number of empty office buildings and hotels, which could be used imaginatively to address Baltimore's housing issues. My concern is that no one on the TF appears to have direct experience with the challenges facing the City, and that the resulting recommendations might not take them into consideration.

Since Baltimore has been the target of speculators and absentee landlords, and many of its neighborhoods are still recovering from the time when conversion of single-family to multi-family housing was a matter of right, I'm very glad to see the emphasis on owner-occupied ADUs.

However, I hope that the TF will take into serious consideration the cost of conversion or building a new ADU when looking at them as a source of affordable housing. An owner-occupier will incur those expenses, which can be extremely high when converting an older home and will need to set the rent at a sufficient level to recoup those costs, as well as the operational costs for the rental and a reasonable profit. This does not necessarily result in affordable housing for the lowest income renters who bear the

greatest rental burden.

And I agree with Mr. Gaston's suggestion that it would be wise to keep in mind the local governments' resources and infrastructure, and the impact ADUs would have on them. Baltimore City's housing department (which is in charge of building inspections) already has too few inspectors, and, frankly, the culture of inspection is far from robust. This is evidenced by the fact that the Director only recently had to remind the inspectors that it is impermissible to accept bribes at any level! If ADUs are to be seen as a viable source of quality housing, the local governments must have meaningful inspection programs. Similarly, concerns about parking and infrastructure are real and have a real impact on the quality of residents' life. Baltimore has an aging infrastructure; its main water lines, for example, are leaking and causing subsidence issues throughout the city. There needs to be sufficient flexibility in any state policy/legislation of ADUs to allow the local governments to take into consideration their own unique set of circumstances.

Also, there appears to be a real enthusiasm for ADUs at almost any cost among some members of the TF, which might raise questions about the neutrality referenced by the chair

Finally, I hope that in your focus groups you include people who have concerns about the ADUs or who have dealt directly with issues of high density neighborhoods. They are not all "NIMBYs" and have many legitimate concerns about the impact that ADUs can have on their towns and cities. In particular, I strongly recommend that you talk to leaders in historically black neighborhoods such as Coldstream-Homestead-Montebello or Howard Park about their experiences.

Having designed many ADUs in Montgomery County and even advising the Montgomery County Council on the ADU zoning amendment, I'd like to be more involved in helping this task force as an advisor if possible. There are many things about Montgomery County's recent ADU bill that need improving and I would like to help this task force avoid such pitfalls.

The city is very interested in ADU's; however, our primary concern, since we are a University town is to ensure that the ADU's don't turn into student rentals.

ADUs are fantastic way of providing more shelter to people especially those who can't afford or want to own a home. It costs the government nothing to legalize these, and it can also be of financial benefit to the current homeowner.

Here are two Essential and Foundational Readings to better inform and prepare yourselves about our housing segregation history that remains in effect today and most any common questions about ADUs in particular

Kol Peterson - "Backyard Revolution"
Richard Rothstein - "Color of Law"

Please ask both the public and task force members to cite their sources when making broad statements such as "ADUs will increase school crowding and traffic or strain infrastructure or decrease our home values." The facts and data so far suggest otherwise and as a Task Force, you need to stick to documented facts and data not hearsay or fear or unfounded beliefs.

Lastly Task Forces have a reputation of creating lots of work for the members yet ending up on bookshelves -Ask me how I know! Challenge yourselves, staff, and legislators to truly make Maryland a leader in this effort. That means going beyond just permitting ADUs but PROMOTING THEM often and loudly with recommendations for significant grants and low or no-interest loans, an ADU navigators' office to cut red tape, and helping owners access funding and plans that are pre-approved. Make sure to add Junior ADUs and Tiny Movable Homes as ADUs as many areas are now doing. Make ADU creation a By-Right ministerial approval process - No hearings, no lengthy or complex process.

Eliminate any parking or special setback requirements - We are housing people not cars and unless you

wish to add parking requirements to all homes it's a red herring. Act and make recommendations as if our earth is on fire and people are becoming homeless because they are every single day that we delay this action.

Make sure you are not just listening to older homeowners - Ask younger people, low-income seniors, the disabled, and those renting. They are the ones who desperately need ADUs. In short - Take bold action on ADUs and ask those who oppose them to justify their opposition with research and data.

Hello, I am currently working on a prototype for a DIY, net zero resource, natural (biogenic) building material ADU and have two residential clients hoping to start construction this fall. I would like to offer an environmental perspective on ADU construction - one that does not tax resources and can make infrastructure costs more affordable. It is critical to the health of the planet and people that we design any new home or addition to be all-electric, net zero, and use healthy materials! Doing this in a small ADU is so very easy. It is very concerning to see people using big-box sheds, or un-insulated, plastic and foam filled pre-fab tiny homes. I would love to see some incentive or requirement for keeping the environmental footprint of these units as low as possible. Secondly, running into an issue in Baltimore City and County with a 15' height limit - this makes loft design very, very difficult. Thirdly, requiring the occupant of the ADU to be immediate family seems unnecessary and limits the possibility of low-income residents being able to create an additional income stream to increase generational wealth. Lastly, the 2-year reapplication is also too much effort for homeowners. I would be happy to serve on a committee or provide additional resources to the group. I am very grateful to know that you all are working on this very important aspect

The Task Force should not compromise on making the most innovative and permissive ADU recommendation. Any requirement for owner occupancy, minimum lot size, parking, and setbacks will kill ADU development. Instead, we need low and no-interest loans, grants, and a navigator office. We needed tens of thousands of ADUs yesterday as we are in a Housing Emergency where hundreds of thousands are silently suffering in their ability to pay rent or mortgages Look at this short report on Denver's tepid but correct effort for inspiration (more to come): -

<https://www.youtube.com/watch?v=MGIcpGNEcVAgagesui>

I would like to be involved as much as possible, I was involved with AA county

In many of our rural communities, there is plenty of underdeveloped land for ADUs in our 1970s +80s single-family detached housing developments with 1200 sf homes on 1/3 acre lots. But without reliable public transit, our land is being eaten up by parking requirements and in many cases prevents this type of incremental development. If the state helped rural counties and regions in expanding local and regional transit, our communities could waive parking requirements and even offer incentives for residents not to own a car. This would open the market for more housing development along existing infrastructure and in areas that are more walkable.

Dear ADU Task Force:

I don't know if you have heard of the "Yes In God's Backyard" movement
It's another wonderful concept in using surplus land including parking lots on religious institution holdings. California has just passed several bills making it a reality. It was expanded to include Schools doing the same as many have often underused parking lots or land but are held back by the need to rezone and therefore bringing out the worst in NIMBYS

Imagine lower-income students and teachers being able to live on campus or nearby on religious grounds - Imagine the symbiotic relationships of some religious ongoing' charity work expanding into housing - providing the institutions with new (and often badly needed) income and residents with affordable housing.

I've been approached several times by religious and higher education leaders in Maryland wondering if they could create ADU's. tiny home villages or apartments. Generally, the answer is NO or yes but

your school or congregation needs to be prepared for the controversy and costs of an expensive, exhausting and contentious NIMBY battle.

In Baltimore, my longtime partner nonprofit housing group, GEDCO (Govens Economic Development Corp.), has achieved extraordinary results in using excess religious land and buildings including my favorite, a converted convent (an actual ADU) called Marion House, for homeless women and children and the well-known Stadium Place for affordable senior housing development on the old Memorial Stadium land. They now act as consultants to others wishing to do the same.

Another wonderful partner, Episcopal Housing Corp has for years also provided project management and consulting to religious and nonprofits in housing development - Dan McCarthy and Shannon Snow are my longtime colleagues there

Let's add YIGBY to our YIMBY ADU housing quivers to create additional and desperately needed housing options. I'd be happy to introduce the leaders of those two nonprofits to you and those working on our housing crisis frontlines.

Again, thanks so, so much for what you are doing. You are the real leaders doing real and meaningful work for our less privileged.

HUD is now recognizing the critical need for ADU's: restrictions "[HUD/FHA] published new policy allowing borrowers to use a portion of the rental income from an ADU to be added to the borrower's income for purposes of qualifying for an FHA-insured mortgage."

This is huge, and it's critical we legalize ADUs as a By-Right opportunity for ALL homeowners now, not later, with little or no restrictions that will hold them back. NIMBY fears are proven unfounded by studies and the data - They are just that, fear.

<https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/16/white-house-announces-new-actions-on-homeownership/>

Example of State ADU Leadership in Action:

"California legislators, again, worked on easing construction of ADUs. These backyard homes have become a demonstration of how state laws that override local restrictions can lead to a building boom. Nearly 45,000 ADUs have been completed since 2018, when ADU streamlining laws began taking effect. Bills signed into law this year will bar local jurisdictions from requiring that property owners live on the property of their ADUs and will allow cities to decide whether ADUs can be sold separately from the main house, which could result in more entry-level homes on the market."

<https://www.latimes.com/opinion/story/2023-10-13/california-housing-crisis-2023-bills>

I have a 2bdrm/1bath 825 sq ft house. Most of my neighbors' homes are >2000 square feet. I'd like to characterize my existing home as the ADU and to build a new >2000 square foot home on my single-family lot. This works particularly well on my particular lot, which has street frontage at both the front and back of the property. The result is the same as if my 2000 sq foot neighbor were to build a new 825 sq foot ADU.

The wording of SB382 would need to be slightly tweaked to accommodate this scenario. Substituting the word "separate" for the word "new" in the following sentence would make clear that an ADU does not need to be new construction in order to be allowable.

(iii) as a [insert: separate] [delete: new] building, detached from the primary dwelling unit and any existing accessory structure.

Where does Baltimore City fit into the scheme of things as it relates to all the older vacant properties built with asbestos and lead pipes. When I currently see developers who have come into the city bought

properties, improperly have been renovating those properties without EPA trained and registered construction workers doing the work (thou required per the Law) , a well-known fact-no City trained housing Inspection Department of Community Housing & Urban Development (just rubber stamping inspections), City Land and deeds department has not sought to change deeds causing large parts of city deeds still to be stored in Annapolis on micro films that are in need of legislation changes because of the land covenant restrictions that dictates the codes for the land those buildings are constructed on... This City is ALL STUDIED OUT and Looking for ANSWERS where Baltimore fit into THESE PLANS FOR LOW AND MODERATE HOME OWNERSHIP AND VERY LOW RENTAL HOUSING FOR ELDERLY AND DISABLED...

Excluding driveways and other yard surfaces covered by permeable pavers from the calculation of impermeable lot coverage will encourage environmentally friendly construction practices while also supporting the viability of ADU construction. 30% lot coverage is a difficult target to meet when attempting to also accommodate off-street parking. Keeping the 30% but excluding permeable surfaces from that % may be a reasonable way to strike the balance.

I have lived in the community of Dunloggin in Ellicott City since 1967 and have been active in promoting good land use since soon after I moved in. To me, accessory dwelling units are one of the most dangerous land use innovations I can remember for a number of reasons.

Dunloggin is an established community, like many in our county; it has a character. Good land use protects the character of established neighborhoods. ADUs could lead to significant changes in the character of the neighborhood.

Unlike many newer communities like Columbia, older neighborhoods lack dedicated open space. Our backyards are our open space, so ADUs could significantly reduce the open space we all enjoy, even when it is in a neighbors' yard. This open space has benefits beyond our enjoyment. It provides opportunities for us to support pollinators and small wildlife like our Dunloggin foxes.

In addition, our communities were not designed for parking on the street. We do not and will not have significant public transit in most of our communities, and most families own multiple cars. We do not have space to accommodate an increase in parking on existing lots or the streets.

ADUs could cause serious physical damage to nearby property in many neighborhoods through the significant decrease in impermeable surface. Any decrease in green space is downright harmful in Dunloggin with our poor drainage and inadequate stormwater management. We are not in the Historic District renowned for its serious flooding, but much of Ellicott City has heavy clay soil full of rocks. ADUs and related parking areas will significantly increase impermeable surfaces and already existing runoff problems and flooding for nearby homes. A number of my neighbors have experienced stormwater damage to their homes in excess of \$50,000; often this happens after the county has allowed a single oversized lot to be subdivided uphill or a neighbor has built a significant addition to their home. I would be happy to show you some examples. New construction is not required to take steps to prevent stormwater issues it creates. For my neighborhood and others in Howard County this is a serious problem.

I spent seven years on the Howard County Commission on Aging. Contrary to many claims, it is not "age-friendly" to older adults to promote ADUs. They say older adults could house caregivers or younger families could house parents, but we can do both now within our current homes in our county, and most people do not consider them to be ADUs. In addition, older adults (like me) want to age in place, not just in our homes but also our communities. We do not want them to change to higher density and less green space. There is also mention that older people could rent out their ADUs for extra income; the LAST thing an aging person needs are the problems of being a landlord!

What happens if we sell a house with an ADU? Most people will not want a second house on the property. The property may be most likely to appeal to investors who will want to rent out both units with a conditional use. Nonresident landlords do not maintain the property the way a resident owner would. On the other hand, the seller may just ask to have the property divided and sell it to two buyers, and I

would give you odds that the county would allow it. Hmmm, since the original property would still be zoned for single family, I wonder if they could then add a new ADU?

I truly understand the need for more affordable housing, but the cost per square foot to build a detached home in Howard County means detached ADUs will still be very expensive. ADUs are not a good answer to the affordable housing problem for our county, and I suspect this is true for many counties in Maryland. The board of my community association has not held a specific vote on ADUs, but we did a survey in 2021. There were 134 responses, of which 106 were opposed, 23 in favor, and 5 uncertain. Please consider the needs and desires of existing residents and give recognition to the harmful effects as well as the benefits of ADUs.

Accessory Housing Units permit family members, both elderly or college age youngsters to live independently on family property. The unit has all needed facilities such as a kitchen, bedroom, bathroom, and living room that will not require entering the main house for daily life functions. Grandparents can still maintain the desired family closeness but will have privacy and can hire outside help if more assistance is needed, without relying on family members. Accessory Dwelling units prevent some of the suburban sprawl by providing more affordable living options without leaving the property and can be located near transit. Only one extra car is permitted, encouraging the use of nearby transit. No longer will occupants need to travel long distances to visit family. Adult sons and daughters will not have to move to the outskirts of the county or outside it to find lodging, which is small in size. The lack of housing in the county, especially small units, can be overcome by expanding the number of residents that can live on a single property. New properties will be required to maintain the attractiveness of the home and surrounding neighborhood, a common complaint of adding ADU's. Property owners will likely investigate future occupants if they are not family members since they will be living on their property. We can make Montgomery County an inclusive, family-oriented county that resists sprawl and combats climate change by encouraging compact living arrangements, while providing added income for homeowners.

Our concern in Howard County is the potential ADUs have to further overcrowd our schools. We need to be able to reliably predict student populations in the different planning areas when combined with new residential construction projects, so that school construction can match increases in school population.

Will the TF also explore changes to the property valuations/assessment calculation when an ADU (either interior or exterior to the primary dwelling) is permitted? This question addresses taxation issues arising from an ADU addition.

There's an apparent focus on required parking for ADUs. In many scenarios the ADU occupant will be an elderly familial person w/o a car and the primary dwelling owner cares for and transports that elderly person. So pls allow the required parking discussion to incl a way to easily waive that requirement. Said differently, if a daughter (primary owner) wants her elderly Mom to come live in an ADU ... and Mom no longer drives ... then don't require the daughter to construct 2 unnecessary parking spaces.

If the law is set up for owner-occupied units or other occupant/owner criteria, it will be extremely difficult for the local government to administer ensuring the program goals are still met for subsequent owners and ADU occupants.

It will be difficult to get ADUs into single-family homes in newer subdivisions due to HOA document restrictions on adding density to the development.

The cost to create the ADU will pretty much ensure that the rent will not be what you might consider to be affordable or be something the aging in place owner could not afford to create.

Would it be possible to build the ADU on a lot and be able to sell the ADU itself while remaining accessory like a land trust might be? Also, could an ADU be age-restricted? Permitted?

Allowing for new development could bypass the "changing the neighborhood" idea

In the context of Accessory Dwelling Units (ADUs), there is a complex and multifaceted relationship between racism and political consequences. Racism can affect housing policies and zoning regulations, with historical examples of these regulations being used to segregate communities and limit housing

opportunities for people of color. ADU regulations can intersect with racism, resulting in political consequences at the local level. How local governments address these issues can significantly impact housing equity, neighborhood dynamics, and the local political landscape.

Few questions on the bill -- SB 382

- What are the limitations and entitlements for members of the Task Force, according to the bill?
- What specific tasks is the Task Force assigned to complete, and how do these tasks relate to the creation and operation of ADUs on single-family residential land?
- How is the Task Force expected to address issues related to local housing markets, neighborhood livability, and other policies and projects concerning ADUs?
- When is the Task Force required to submit its reports to the Governor and the General Assembly, and what information should these reports include?
- What is the effective date of this Act, and how long will it remain in effect before being abrogated?
- What is the significance of the abrogation clause in this Act, and what will happen to the Act after June 30, 2025?

California just jumped ahead of us in Maryland again on ADUs by allowing through Assembly Bill 1033 for ADUs to be sold as Mini-Condos.

For starters, it could increase gentle density in many cities. Unlike high density (e.g., mid- and high-rise residential buildings), gentle density refers to the development of single-family type units (e.g., ADUs, duplexes, etc.) within single-family zoned neighborhoods. Gentle density helps maintain the residential façade and aura of neighborhoods while offsetting the growing housing crisis.

The passing of AB 1033 could also provide more affordable housing opportunities for low-mid income first-time homeowners.

It's no secret that California has astronomically high housing prices right now. To give you a better idea, the average home price in California currently falls between \$700k – \$1M. This price range is simply unattainable for many working families. Maryland is closing in on that horror.

But remember, AB 1033 would allow ADUs to be sold independently from the primary residence. This would open up a reservoir of reasonably priced homes for first-time homebuyers.

After all, ADUs are a much more affordable housing option than a 2,500+ sq ft home. Household sizes have shrunk to all-time lows since the 60s when a lot of these homes were built. A lot of families just don't have a need for three, four or five-bedroom houses anymore.

AB 1033 would also be advantageous to current homeowners who could use the sale of an ADU to help finance its construction. It also allows homeowners who do not want to be landlords to simply build the ADU for sale. This would allow more families a chance at homeownership.

With an outrageous median house price in Seattle of \$1.2M, a growing number of ADUs have been built in recent years to offset their own housing crisis.

In fact, almost 1,000 ADUs were permitted in 2021, which is an increase of 250% from the previous year!

According to The Seattle Times, approximately 1/3 of new ADUs are being permitted as condos. This is all part of a heightened effort on Seattle's part since 2019 to loosen ADU regulations. This will provide a wider, more financially accessible array of housing opportunities.

So there you have it - Mini-Condo ADUs should be on our Task Force's radar screen if we are to even begin to catch up with our West Coast leaders in California and Washington

When will the Second Meetings audio be available to listen to.. I only see the first

I would recommend that the Task Force recommend an audit of Critical Area Resource Conservation Area legislation and policy. Increase in land to lie fallow for such purpose drives up the cost of housing.

I would love to be involved in these discussions. Hoping to either be able to put on accessory dwelling unit in my backyard on a foundation or at least build a tiny house on wheels that I have the ability to put in close proximity to Prince George's county like Howard, Montgomery, or even Anne Arundel Counties

Hello, I am a local architect that has helped champion legislation to allow ADUs here in MoCo, and have designed dozens of them since its passage. I've found many issues within our own legislation that has made it very expensive and slow to build ADUs here, and I'd like to make sure this task force avoids this pitfall. 1. There should be a minimum size allowed for an ADU on any lot. California allows 800 sf min. I'd like to see a number at least 600 sf here. 2. Waive the requirement to provide fire sprinklers on a detached ADU. This drives the costs up significantly, by as much as 20%. A large addition on a home and basement apartment aren't required to have fire sprinklers. 3. Provide a tax break for offering ADUS that meet Aging in Place standards. Most ADUs I have designed are for aging seniors and it would be helpful for homeowners to include these types of modifications so that all renters are welcome in these unit types. Thank you for your time.

Please be sure to add key opportunities for even more housing than just an ADU: -

Consider recommending Junior ADU as part of your report

Make sure to also include tiny homes on wheels (movable tiny homes) as bonafide ADUs
Many locales in California now not only allow but encourage Junior ADUs and Movable Tiny Homes as ADU.

Nothing is more sustainable, affordable, and flexible than a Junior ADU or a movable tiny home that can be owned by the renter, or one that the homeowner can own as a rental.

Without these key recommendations, you will also need to add heavy subsidies or grants as New York, Vermont, and California have (from \$25,000 to over \$200,000 a unit in grant money) if we are to see any uptake by lower-income homeowners -

Otherwise, only well-financed wealthier homeowners will create ADUs

From what I have seen, with the exception of being free or low rent for known/related tenants, ADUs are not inherently affordable. The market determines affordability. It is not the cost of building the ADU that determines affordability, however, being cost prohibitive can lead to ADUs not being built at all.

Please see attached comments from SGPC in PDF format. A hard copy to follow by mail.
<https://drive.google.com/file/d/1otpKQiqNhPHzh4PWxhkCWl98yrYiMXp9/view?usp=sharing>

I live on a 1-acre property in Cecil County. I looked into building an "in-law suite" for my Mother who is suffering from dementia. Here is the pertinent regulation that I was given from the County: Zoning: The property has RR zoning with setbacks of 40 feet from the front and rear property lines and 10 feet from the side property lines. An in-law suite can only be occupied by an immediate family member and the owner of the residential dwelling must occupy a dwelling unit on the same property. The minimum floor area for an accessory apartment within a principal dwelling shall be three hundred (300) square feet but in no case shall it exceed thirty percent (30%) of the gross floor area of the dwelling in which it is located. For accessory apartments located in accessory buildings, the minimum floor area shall also be three hundred (300) square feet, there shall be no more than two (2) bedrooms in the apartment and the apartment shall not occupy more than 50% of the accessory structure. If an accessory apartment is located in the principal dwelling building, the entry to such unit and its design shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a single-family residential structure and that no external entrance that faces a road or street will be added.

My issue with this is the statement that the ADU can only be occupied by an immediate family member and the owner of the property must live on site. While this is my current situation, dementia is sadly, ultimately fatal. What do I do when my Mother passes with the very expensive ADU that I've built? It

must be mothballed? Also, what if we have a job transfer and I want someone else to live in my house in the meantime. An adult child or my brother? To require the determination of family relationships in the zoning code is overly intrusive.

This is a bad idea given the way people obey present laws. I think wastewater will become a problem and electrical hook-ups will be haphazard and dangerous. Unless the state and count can ensure all permits are acquired and passed, they are a bad idea.

Hello there, I recently moved to DC from Oregon (where I did a lot of middle housing and ADU code updates to comply with State law) and I noticed that the overview of ADU legislation includes HB2001, which refined previous legislation; the original legislation is part of SB 1051, which establishes the main framework but doesn't clearly address off-street parking or owner occupancy requirements. A good overview is here: https://www.oregon.gov/lcd/Publications/ADU_Guidance_updatedSept2019.pdf. There is also a model code for ADUs which many jurisdictions adopted.

I am interested to understand a possible long-term plan for me to construct an ADU on my property in Potomac, Maryland, which is zoned for 2 Acres. This committee is working at a different level. I didn't realize it was a Statewide focus. Listening to the November meeting for over an hour, I must report that I am impressed with the incredible professionalism, listening, and communication quality of interactions. My appreciation to ALL of the participants, especially the chair and committee members. I wish you great success!!!

I recommend the recently published book, Excluded How Snob Zoning, NIMBYism, and Class Bias Build the Walls We Don't See by Richard D. Kahlenberg. It provides a lot of insight that has guided me on my thinking on this topic.

A lot of the existing zoning concepts were created as a work-around to accomplish racist objectives, with a focus instead upon class as a proxy. Quality schools are available to everyone that can afford to buy a house for \$500k+. If you can't, stay over there so you won't be a drain our beloved ability to spread out and keep our local property tax base to ourselves.

Building more dense houses that are higher priced is still a great thing b/c it allows move-up buyers to make their existing, more affordable houses available for sale to the next buyer.

Please seek to establish rules with bright lines that do not require a homeowner to hire an architect to ask for variances for building characteristics that are intended to be allowed. Requiring special permission makes the planning phase much more risky and expensive.

As it may be inevitable that the first attempt at updated zoning provisions won't be perfect, please consider building in a plan to revisiting whether any new laws were effective to achieve the goal of more and better housing opportunities for all.

Many existing houses are small and could be appropriately characterized as an ADU. Please do not limit the ADU provisions to new buildings. Please allow a new structure to be the primary structure.

If a goal is to keep the ADUs as an accessory unit within an owner-occupied home/property, I would suggest that the requirement be that there are no separate utility accounts for the ADUs. Makes it less attractive for a non-onsite landlord. To protect our smaller single-family homes for home ownership opportunities, it would be helpful in my community if there was a minimum house size for ADU conversions that is larger than the average in our city. Otherwise, it will be an investor grab every time in our city. It will be two rented units, not an ADU.

Our zoning ordinance has minimum square footage requirements for dwelling units. 400 sq.ft. for efficiency. 500 sq.ft. for one-bedroom unit. 650 sq.ft. for two-bedroom unit. 900 square feet for three or more bedrooms. Wouldn't want an ADU minimum size to dip below those zoning requirements.

An important must-read article from the National Association of Housing and Redevelopment Organizations NAHRO about zoning and ADUs : https://www.nahro.org/journal_article/rethinking-zoning-to-increase-affordable-housing/?fbclid=IwAR0WI-akF1e-rd5u43pSEAgBoGPE88Yami3JLpltrcofILC3r69lqMmRCI

It would be wise to consider drafting rules for ADUs to include tiny homes and manufactured homes. These are considerably less expensive than the \$100K quoted for Detached New Construction in the presentation for 12/19/2023. Tiny homes are the least expensive if built instead of pre-built.

There is a lot of support for ADU's on the premise of alleviating housing shortages, providing housing for elderly, disabled, multi-generational (in-family) use, etc. These reasons for support come across as very noble. How will it be ensured that short term leases (AirBnB, yes, but particularly unofficial/off-platform owner-managed) will not be prioritized over the "noble" uses? Additionally, while many would defend short-term rentals as a source of income (and taxes, if done legally/on-book), we should ensure that we are not cannibalizing the lodging/tourism sector by moving hotel-style renters from official lodging options to ADU ultra-short-term rentals. Please ensure that there is representation from Maryland's lodging AND tourism industry on the task force.

Don't change the lot requirements, don't add additional parking requirement, don't include ADU in density calculations, reduce or eliminate impact fees

I greatly appreciate the discussion. In an urban environment with arial drops, how is the height of an ADU regulated?

With full respect to desire to help alleviate the housing shortage, measures should be in place to track actual usage of the ADU structures. The "overwhelming preference" for "by right" that is spoken about (presented in the powerpoints) seems to align more with a private determination (almost hiding from public interest) of the intended use of the ADU structures. While I value the respect of privacy and rights, the task force seems most interested in green lighting the allowance and permitting of ADUs on account of solving the housing shortage. Please share with the public how current/existing ADUs have been tracked and measured for how they are helping the housing shortage. In other words, beyond a survey of public opinion on how people think ADUs *can* be used, let's audit the number of units that are currently built and how they are being used. Then we can determine if fair and affordable housing for those who do not have access to housing is a true benefit that will be realized from greenlighting the ADU building process, or if we are simply allowing more rental opportunities for landlords at current high rent rates....and if we are seeing AirBnB/short term rentals happening at a higher frequency than public sentiment assumes based on anecdotal commentary. We cannot continue to pitch ADUs as a solution to housing crises unless we are going to legitimately measure their effectiveness as a solution. The audit/measurement I am suggesting should include, at a minimum, paper review of permitting to determine the current inventory of built ADUs, reaching out to the ADU owners for documentation on their use, identification of the vacancy/occupancy rate of the ADU (on a nightly per year basis), a measure of duration of occupancy per unit, cost basis of renting the unit, and non-rent costs passed thru to occupants (landlord's sub-divided utilities, cleaning fees, etc.). Finally, a fact-finding should be performed on various rental platforms (AirBnB, Craigslist, etc.) to qualitatively determine if ADU structures in Maryland are appearing for short term rentals.

Tiny homes, Tiny homes on wheels, and Accessory Dwelling units should be considered, housing cost have hundreds of people visibly living in tents, and it's unacceptable. With the 15,000+ vacant lots in Baltimore multiple types of developments and structures must be considered for a more productive and inclusive Baltimore. Allowing tiny homes would greatly increase the population and help to address blight and vacancy. Owners of Tiny homes on wheels would be happy to cover cost of taxes, water and sewage even if they hold residency in other places. Many of these restrictions are predatory and historically racist.

Subject: Proposal for Accessory Dwelling Unit (ADU) Grant Program in Maryland

Dear ADU Task Force

I hope this letter finds you well. I am writing to propose the implementation of an Accessory Dwelling Unit (ADU) Grant Program in the state of Maryland. This initiative would aim to address the growing need for affordable housing and echoes the success of a similar the program implemented in California.

In 2021, the California Housing Finance Agency (CalHFA) received \$100 million to fund their ADU Grant Program. The primary objective of the program was to create affordable housing units by providing financial assistance to low and moderate-income homeowners interested in constructing an ADU on their property.

The program's success was evident as it distributed grants across 44 out of 58 California counties. The allocation of 42% of the funds to socially disadvantaged areas ensured that the program had a positive impact on communities facing housing challenges. Los Angeles County, in particular, received a significant percentage of grants, attributed to its ADU-friendly permitting process.

Key Features of the ADU Grant Program in California:

Funding Structure: The program received \$100 million in total, with \$81 million from the state general fund and an additional \$19 million from CalHFA's own funds.

Grant Amount: Homeowners were eligible for a \$40,000 grant to cover pre-development and closing costs, including interest rate buydowns.

Equity Focus: Over half of the grants were directed to low-income and very low-income borrowers, with a specific emphasis on supporting the Black, Indigenous, and People of Color (BIPOC) community.

Proposal for Maryland:

Given the success of the ADU Grant Program in California, I propose the establishment of a similar initiative in Maryland. The objective would be to encourage homeowners to invest in and share their property, addressing the pressing need for affordable housing in our state.

Proposed Features:

Funding Allocation: Secure funds from state and potentially additional sources to create a substantial pool for the grant program.

Grant Amount: Consider a competitive grant amount, taking into account construction costs, pre-development, and closing expenses.

Equity and Accessibility: Create a balanced approach that welcomes a broader spectrum of homeowners. While prioritizing low and moderate-income households, the program should recognize the need to include higher income brackets. This adjustment aid in attracting a larger pool of participants, thereby fostering a more inclusive community of homeowners interested in constructing ADUs.

County Distribution: Ensure equitable distribution across Maryland counties, considering factors such as housing demand, economic conditions, and permitting processes.

Public Awareness: Implement a robust public awareness campaign to inform homeowners about the program, its benefits, and the application process.

Most importantly, by implementing an ADU Grant Program in Maryland, the state can empower homeowners to contribute to the solution of the affordable housing crisis while enhancing the diversity and inclusivity of our communities.

I appreciate your consideration of this proposal and would be happy to discuss its details further. Thank you for your time and attention to this matter.

Following up on a question that I submitted during the 1/16 meeting regarding GIS and data needs, I feel that it would be instructive for the state to request that each County and jurisdiction inventory the # of accessory/miscellaneous structures in residential zones (i.e. garages, sheds) within a defined square-footage (perhaps between 200 and 600 sq. ft.)

My thinking is - this # would represent an immediate measurable result, a "low-hanging fruit" number of potential new units if those structures were replaced with ADU's. It also represents the path of least

resistance for communicating the issue to stakeholder groups, as a gentle density solution that won't drastically alter the neighborhood character or landscape, beyond expanding the height/footprint of an existing structure that is already a part of that landscape.

I am keeping close tabs on the ADU Task Force in hopes that its recommendations will affect the antiquated ADU regs in Dorchester County. My wife and I are retired and wish to both downsize and reduce our carbon footprint by helping our daughter and son-in-law build a detached ADU-over-garage on their property near Church Creek. According to the current issue of the AARP Newsletter, Delaware is considerably far ahead of Maryland in recognizing the tremendous benefits of ADUs. AARP has also made it a priority issue in 2024. Aging in place and in close proximity to younger family members will make continuing to live independently possible for us. In Kent County DE the Levy Court passed a new ordinance in September 2023 expanding ADUs to ALL residential zones and removing a requirement to notify adjacent property owners who could oppose ADU permits. While we realize ADUs are not a complete solution to more affordable housing, they can certainly help reduce an acute localized shortage. We appreciate the outstanding efforts of all the active participants in this long-overdue review of ADU regulations. Statewide standardized regulations that codify the process for permitting local limited variances would seem to be a reasonable outcome-based result and a win for all Maryland residents.
TYVM

We need ADU's at SFH and at TH, to provide for 2nd and 3rd generation living on the same property. Municipalities are disqualifying the requests because "too many kitchens" or not enough off street parking on a hard surface (not including the garages) at two + spaces per dwelling unit (2-1/2 spaces per unit for TH). Soil Conservation Service and County Engineering rejects on grounds this much impervious surface (five parking spaces) was not part of ESD SWM facility design, busts the town's / county's MS-4 permit.

Please consider liberalizing and allowing ADUs as much as possible. We have a housing crisis in the USA and every new home helps relieve the pressure and help our fellow citizens live in dignity. I live in Hyattsville and many homes here, although on smaller lots, have a large garage or shed that could easily be a candidate for conversion to an ADU with no impact on water run off as they are already impervious surface. Relying on counties to update their zoning to allow more inexpensive housing has not been effective over the past several decades, so state action is needed.

Also consider a relaxation of zoning height limits for ADUs. Accessory structures in Prince George's County are limited to 15 feet, but there is already a zoning exception for "In the AG, AR, RE, RR, RSF-95, RSF-65, and RSF-A zones, the height of an accessory building may be increased to provide living quarters on the second story for household help employed on the premises" (27-5402(b)(1)).

It makes no sense to me that we have a zoning exception limited to those wealthy enough to employ live-in household help. This exception should be extended to ADUs so that homeowners can allow family members or even tenants to have the same living quarters as "household help". Building an accessory apartment for family over the garage would be easily possible with even a 20-foot height limit instead of the current 15' limit.

We are retirement age (though still working) and we live in a relatively small house (by choice) on a large lot in Western Howard County that could easily accommodate a detached ADU. We believe that ADUs are a very important option for potentially supplementing our retirement income, and/or to provide a housing unit for a potential long-term, live-in caregiver. We also believe that ADUs are a practical tool for helping to provide affordable housing throughout the state.

These were a regular feature of housing everywhere up until the post-war era and provided practical options for a wide variety of relevant needs. There is an abundance of information and resources out there regarding how to effectively regulate and manage ADUs to ensure that they have only a practical and useful impact on existing communities so there is no excuse not to have them as a by-right land-use option in every zoning district unless special conditions warrant otherwise, but it should be up to the jurisdiction to document those special conditions, not the other way around.

We have personal experience with ADUs, having lived in an English basement apartment in our early 20s while still in school, in an area we could not have afforded to live in at that time, (or now, even today), which help both us, and the equally young home buyers who purchased the primary residence above, who could not have otherwise afforded to buy it without the supplemental income the internal ADU unit provided.

We would build an ADU on our property in a heartbeat if it were permitted, and would rest much easier knowing that we had options available to assist us in our later years, if needed, while providing a useful and a much needed asset to the community as a whole.

I noticed a confusing approach between zoning vs building regulation. Also, on the definition of "occupant" and "family". ADUs regulations don't have the power to determine who is "family". Also, when discussing parking make sure you allow for a simple definition of parking (i.e.: a 10'x20" horizontal surface accessible from the public way) is sufficient by most standards. do not over design the material of the surface (asphalt vs gravel, etc.). Please contact me for further information, I've already done a LOT of research on this topic (my book "Housing for Humans" is available) and I'm happy to clarify the tripping points that other jurisdictions have fallen into. Also, I have an extensive portfolio showing the real-life impact of the rules in my own projects (well, my clients' ADUs).

In my capacity as the Town Administrator for Rising Sun, a quaint rural community of 2,700 residents nestled in Northern Maryland near the Pennsylvania-Delaware border, I oversee a broad spectrum of municipal responsibilities. My roles extend to serving as the Planning, Land Development, and Zoning Coordinator, in addition to my duties as the Building and Fire Inspector. My tenure in municipal government spans over four decades, during which I have acquired a comprehensive skill set across nearly all facets of municipal service. My expertise is further underscored by 11 International Code Council certifications in areas including Building, Plumbing, Mechanical, Energy, and Fire Codes. Additionally, I hold the position of State of Maryland Fire Inspector, an appointment I received from the Maryland State Fire Marshal's Office and possess NFPA certifications as a Fire Inspector at both Level I and II. My commitment to public safety and education is also evident in my previous role as an adjunct instructor at Delaware County Community College, where I previously taught courses on the Legal Aspects of Code Enforcement and the role of the Code Officer.

I am curious about the topic of ADU's because Rising Sun is currently navigating the complexities of three separate land development projects, which collectively will introduce approximately 600 new residential units within our 1 square mile area. Concurrently, we are in the process of refining our policies to broaden Accessory Dwelling Unit (ADU) opportunities, addressing a myriad of challenges including family member identification, off-street parking, and various other zoning concerns. Furthermore, to ensure our housing meets the standards of fairness, safety, and inclusiveness, our community adopted a rental inspection program. This initiative aims to guarantee that a significant portion of our housing stock adheres to these essential criteria, providing all residents with access to quality living conditions. Through systematic inspections, we can identify and address any deficiencies, ensuring that rental properties offer a secure and equitable environment for everyone. This program represents a proactive step towards fostering a community where every individual has the opportunity to live in safe and dignified accommodations.

Given my extensive background and hands-on experience, I am keenly interested in deepening my involvement with this task force, believing strongly that I can offer significant contributions to its work.

In response to the discussions at today's task force meeting, I am providing the following comments as requested:

Reflecting on the core purpose of building codes, which is fundamentally to protect lives and prevent injuries related to building occupancy. It is crucial to recognize that emergencies, such as fires, and other relative dangers associated with building occupancy, do not discriminate based on the nature of occupancy—be it owner-occupied, rental, or public spaces—nor do they consider the socioeconomic status of individuals. These events possess the devastating potential to injure, maim, or even result in the loss of life, affecting anyone caught in their path. The conditions that lead to such emergencies are often universal, transcending social, economic, and physical boundaries. Therefore, it underscores the importance of maintaining rigorous safety standards and emergency preparedness across all sectors of our community, ensuring that protection and preventive measures are accessible and effective for everyone, irrespective of their living situation or economic standing. As we strive to address the state's pressing need for an additional 96,000 housing units through ADU initiatives, it is imperative that we maintain a delicate balance. This balance must ensure the achievement of our housing goals while prioritizing the safety and well-being of both occupants and emergency responders. Although I agree that we need to identify the obstacles or deficiencies in our system that led to this need for 96,000 additional units, we cannot arbitrarily think that lessening building code standards will lead to the desired result but not carry significant consequences to both our future residents and our communities.

The 2nd comment I wanted to share is regarding parking. I understand that parking can create a burden and expense, and allowances and or substitutions should be provided for available public transportation, however that is the key, in communities such as Rising Sun, we have no public transportation in any manner. So, when applicants create a dwelling unit for two adults, that will likely result in two vehicles being used to commute. Where do they park and what are the unintended consequences associated with just letting people figure that out. Congested, unpassable streets and roads restricted for the passage of emergency response, trash collection etc., simply leads to community frustration and angst. To simply eliminate off street parking requirements without regard for the availability of public transportation could have significant impacts on a community.

Thirdly, I aim to underscore that decisions made with the best intentions can lead to unintended consequences, such as worsening parking issues and significant alterations in residential zones. These changes, intended to benefit a few, can inadvertently frustrate and even possibly harm the wider community, eroding trust in elected officials and community leaders. Effective public service is defined by delivering efficient, inclusive quality of life improvements. Failure in governance leads to community unrest, disillusionment, and a damaging cycle of leadership turnover, disrupting continuity, deterring investment, and fragmenting community spirit. Such instability not only affects current living standards but also jeopardizes future prosperity and unity.

I present this perspective not to advocate for maintaining the status quo but to emphasize that every decision has a ripple effect. Often, we identify a problem and devise a solution without fully exploring the potential consequences. My experience shows that this approach can trigger community backlash, leading to overcorrections that exacerbate the original issue, akin to a rubber band effect. This cycle can undermine efforts to address the initial problem, such as increasing housing availability. It's crucial to navigate decision-making with a comprehensive view of potential impacts, ensuring that solutions truly serve the community's long-term interests.

In closing, I would welcome the opportunity to be of service to your group especially in the code enforcement, fire and building codes arena.

can we consider ownership of ADU's? Not in the traditional sense of subdividing land with the home on top. Think of it as a condo (ownership of the building or space within the fire walls). There could be shared spaces outside of the structures (similar to HOA spaces). Just a thought.

I would suggest the Free State in 2024 is now in position to become a national leader in a Revolution of Land Use by adopting non-auto dependent building typologies & land development patterns such as ADU's and Missing Middle typologies in the context of developing Townscape.

We simply can look to our historic towns and cities for their historic scale, generous public realm which are well integrated from an architectural and urban design standpoint & have more dense development patterns than can be found with land wasting garden variety suburban auto dependent sprawl.

Spec Office Buildings, Strip Centers, Surface Parked Apartment complexes & Medical Office Buildings, Pad Site Development, etc... and other auto dependent lane development patterns are a thing of the past as we learn to build hamlets, villages, towns & cities once again as we had in the past. We now have more sophisticated digital tools with which to envision future projects which are well scaled complete with integrated landscape design.

With the increase of internet driven work at home jobs, & collapse of commuter driven CBDs and with alternative transit being developed in the form of various light rail systems, BRT, Bay Ferries, Uber/Lyft Ride Sharing, micro electric scooters and other devices, bicycle riding and plain walking it seems we are well suited to change the way we develop land.

I would urge this group to expand the focus of their study beyond that of ADU's to include Missing Middle housing typologies & pedestrian friendly mixed use development patterns and to find ways to create streets and roads as human social spaces rather than high speed traffic arterials accessing land bays with little pedestrian connections between parcels.

Developers do not plan well beyond the limits of the financial model driven by their individual project parcels and it is incumbent upon Planning Professionals to find a way to build positive public realm to be occupied by the Citizens of the State of Maryland.

My ADU plan is now declined per AACO septic office, because of new legislation requiring a new septic area, even though my septic for my home is brand new. I have spent 50+ thousand dollars preparing for this ADU for my grandmother so we can take care of her and now its declined because of a state rule. This is a knife to our heart. I got a new septic system with plenty of room for her small ADU and the states rules now require that I need another one. Any help with this is greatly appreciated.

You've probably already found it but if not, don't miss: <https://www.jchs.harvard.edu/calendar/accessory-dwelling-units-lessons-around-country>

Flexibility is key, as different families have different needs. Regulations about how far or near ADUs can be from the main structure can cause problems. In my case, we need an accessible, all-weather connection between the two units, like a breezeway or enclosed deck. My local zoning doesn't seem to permit that. Required "permanence" could be an obstacle. The need for many ADUs is temporary. A mobile home could be easily removed when no longer needed. Why condemn a family to forever deal with unneeded space?

Good luck with your work.

Have been looking for PG county specific updates. Right now, PG has the most antique policies. It is truly disheartening; we want to continue being part of PG and being homeowners within our community. We need a change, please don't leave PG county blank in the recommendations, this would be the chance to have them open things open.

I encourage the task force to recommend that ADUs be allowed statewide. We're in the middle of a housing shortage and they've been shown to be one of the most effective solutions. I hope that California's journey to legalize ADUs and establish a financing framework is referenced and applied to Maryland.

I am very much in favor of allowing ADUs in Baltimore. In fact, I believe there is an easy way to implement this which would allow existing homeowners to get revenue from their properties to help offset their housing costs and provide more affordable housing options in Baltimore City.

Many of the existing properties in Baltimore are row homes that are already zoned for the possibility of multifamily. Unfortunately, the minimum unit size requirements in these zones (R-5 to R-10) are too large to permit an ADU in the basement of the property. A basement ADU (that of course would need to meet other code requirements like ceiling height and operable windows) is an easy way of attaining this. If the minimum dwelling unit size for multifamily (or a new ADU code) were reduced in the R-5 to R-9 zones (R-10 already allows a minimum unit size of 200 SF) to accommodate the average floor size of a row house --often 13 ft x 40 ft or 520 SF (less the space required for the home's mechanical systems and stairwells, so say 400 SF minimum), then it would be possible to almost immediately accommodate ADUs without compromising the aesthetics of historic neighborhoods. I lived in a studio apartment in NYC for ten years that was about 450 SF and it was quite comfortable. (I had friends who lived in apartments that were 250 SF or less.) Across the country, dwelling unit sizes for new developments are decreasing in response to rising construction costs (which have almost doubled from the pre-pandemic rates).

There are many advantages to allowing basement ADUs:

1) Residents who have lived in the community for years and who want to stay, but are facing homes that need repairs and/or rising costs of living could use the extra income generated from ADUs to supplement their income and/or pay for repairs.

2) More properties open up to developers to come in and repair Baltimore properties that are currently very run down. I personally have looked at over 200 dilapidated single family homes in Baltimore, but only a small number of them work from a financial standpoint, because the rents and/or renovated sales prices would not cover the costs of the extensive construction that would need to be done. For example, a row home that is in extreme disrepair (i.e. the roof has a large hole in it or it has been marked with a red diamond) will probably cost \$150,000 to \$200,000 to fully repair if done properly. Even if the property itself were free, the end value of that home is most likely only \$150,000 to \$175,000, so not only is there no profit for a developer, but they would lose money by renovating the property. If additional rent were possible through a second unit, however, the economics of the project improve.

3) Basement ADUs would be rented at lower rates than full townhomes, so they are providing a more affordable housing option for lower-income residents.

4) It is fairly easy and cost-efficient to convert many basements into ADUs. Many already have the required 7 ft minimum ceiling height and an exterior access door on the backside of the building. Light wells can easily be installed to lower the height of windows for emergency egress.

I believe that basement ADUs could help keep existing residents in place, provide a financial incentive to revitalize more of Baltimore's severely dilapidated homes, and create more affordable housing options for low-income residents.

Any recommendations that do not take into account the stormwater implications of an ADU addition is missing a huge issue for all communities, particularly those that have 40% or greater impervious surfaces already.

I am in favor of an ownership requirement

I believe that a simple statement to the effect that local legislation on some of these issues should not be TOO restrictive will be far too ambiguous to be useful and will result in a lot of legal costs.

Will the recommendations of the Task Force, if approved by the state legislature and made law, be implemented throughout the entire state? Or will local county government legislatures be able to make laws that will take precedence over the state laws?

The task force was asking about financing - It's important to know that FHA and HUD is now guaranteeing ADU loans that include 75% of actual ADU income towards qualifying and 50% if not yet built on future ADU rental income. THIS IS HUGE and the Task Force needs to know the federal government is now encouraging ADU production with financing products.

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HUD Public Affairs

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Monday

October 16, 2023

Federal Housing Administration Expands Access to Mortgage Financing for Homes That Have or Will Include Accessory Dwelling Units

New Accessory Dwelling Unit policy provides expanded financing options for borrowers and reinforces Biden-Harris Administration housing supply and homeownership goals.

WASHINGTON – The U.S. Department of Housing and Urban Development, through the Federal Housing Administration (FHA), today announced a new policy which allows lenders to count income from small units of housing built inside, attached to, or on the same property as a primary residence (Accessory Dwelling Units (ADU)) when underwriting a mortgage. This change allows for the inclusion of rental income from the ADU in the borrower's qualifying income and would allow more borrowers to qualify for FHA financing for properties with ADUs, including 203(k) Rehabilitation mortgages. ADUs can be rented out to tenants, thereby adding to the supply of housing in a community. In addition, this new policy will enable more first-time homebuyers, seniors, and inter-generational families to leverage the power of ADUs to enhance the generational wealth building potential of homeownership. Today's announcement supports the Biden-Harris Administration's Housing Supply Action Plan and reinforces the importance the Administration places on addressing the nation's affordable housing challenges and increase access to homeownership. See a fact sheet released today, from the White House, announcing new actions on homeownership.

"Increasing the supply of affordable housing and helping families to create generational wealth is what today's action making it easier to finance an accessory dwelling unit is all about. This is a part of our work to help address the critical shortage of affordable housing in communities across the country and help people increase the value of their homes," said HUD Secretary Marcia L. Fudge. "The Biden- Harris Administration is committed to increasing the housing supply so that more people have access to quality housing that they can afford so that their families can thrive."

"With our new ADU policy, we'll help households of more modest means maximize the potential benefits of homeownership to build wealth," said Assistant Secretary for Housing and Federal Housing Commissioner Julia Gordon. "This new policy also contributes to the supply of affordable housing in many neighborhoods where it's most needed and least available."

"The new policies provide greater flexibility for the use of rental income from ADUs, which will help more borrowers qualify for FHA-insured financing on homes with ADUs," said Deputy Assistant Secretary for Single Family Housing Sarah Edelman. "We're pleased that we've had such widespread support from the housing industry – support that has helped us deliver this meaningful solution for the nation's homebuyers."

FHA defines an ADU as a single habitable living unit with a means of separate ingress and egress that meets the minimum requirements for a living unit. An ADU is a private space that is subordinate in size and can be added to, created within, or detached from a primary one-unit single-family dwelling.

The new policies:

Allow 75% of the estimated ADU rental income for some borrowers to qualify for an FHA-insured mortgage on a property with an existing ADU. This additional income flexibility will help to increase access to homes with ADUs for homebuyers with limited incomes, allowing them to benefit from the wealth-building opportunity of a property with an ADU.

Use 50% of the estimated rental income, for some borrowers, from a new ADU the borrower plans to attach to an existing structure, such as in a garage or basement conversion, to qualify for a mortgage under FHA's Standard 203(k) Rehabilitation Mortgage Insurance Program. This will enable more homeowners with limited incomes to build ADUs, helping them sustain homeownership and expanding the production of ADUs as rental housing.

Include ADU-specific appraisal requirements for appraisers to clearly identify, analyze, and report on ADU characteristics and the estimated rent the ADU can be expected to generate. The guidance provided in the Mortgagee Letter will assist appraisers to more accurately determine the market value of a property with an ADU and also will help advance the maturation of ADU valuation, thereby increasing access to ADU financing as more cities and states remove zoning barriers.

Add ADUs to the types of improvements that can be financed under FHA's mortgages for new construction. This allows new homes to be built with ADUs from the ground up, an important source of ADU production in addition to rehabilitating existing structures.

FHA-approved lenders may begin offering borrowers mortgages on properties with ADUs under the new policies effective immediately.

It's vital you propose the most progressive rules and incentives. The legislators can be sure to add lots of amendments and restrictions to keep MACO and MML and their counties happy resulting in a very poor bill with poor ADU outcomes -

We are piloting code legal ways to get around most restrictions by advising clients in ways they can build internal "almost -ADUs" that circumvent unreasonably restrictive governmental and community barriers. Ideally, the task force and legislators will realize underground ADUs will continue to proliferate despite restrictive rules, so please do all you can to promote ADU financing, assistance, and production - WE MUST BUILD MORE HOUSING - MUCH MORE AND FAST

Chat 12/19 ADU Task Force Meeting

Good morning! FYI - HUD and FHA are encouraging ADU development by allowing 75% of the rental income of an existing ADU towards qualifying ratios and an even more amazing 50% of a FUTURE ADU rental income for

So the Feds are strongly encouraging states and counties to get moving with legalizing by right ADUs

https://www.hud.gov/press/press_releases_media_advisories/hud_no_23_237

Make sure to include movable tiny homes as ADUs Model practice and language is here

<https://sccoplanning.com/PlanningHome/SustainabilityPlanning/TinyHomes.aspx>

That would be a great addition

San Diego also has good language allowing tiny homes as ADUs <https://live->

Remember even if wildly permitted ADUs will have little or no impact on infrastructure as fewer than 1 in 100 or at most 1:50 homes will have them

Anne Arundel is rocking with the best new ADU rules!

What is missing is marketing the new ADU rules - Most still don't know what they are much less what is allowed and encouraged. Also we need a navigator and grants and loans using the new FHA and HUD rules

For those without ordinances or onerous ones you can be sure there are many below the radar ADUs out there

Montgomery County is a very difficult county to get an ADU - the rear setback of 12 feet is a killer. Parking requirements are a killer = From my own experience and they have to be pre-registered as a rental - very

And you have to post a huge sign alerting neighbors -how many owners are willing to advertise that ?

Is there a southern Maryland panel member

We need to overrule often racist HOA rules - Hiding behind HOA rules cannot remain unchallenged.

don't forget to include Junior ADUs as well as tiny ones

Would the ADU increase the property tax of the main housing unit, or would it be taxed separately?

STRs rules need to be consistently applied across all housing types and not just ADUs -

Anne Arundel's new code should be a model code for our state

Owner occupancy is an ADU poison pill and a nightmare to administer

If folks are worried about infrastructure and other largely unrealized impacts- treat all housing to the same rules

It can be difficult to administer, but I wouldn't characterize it as a nightmare. Conditional use approval allows city's to "license" them and ensure that occurs. I have also worked in jurisdictions where they do not allow kitchen facilities in ADUs, requiring ADU residents to utilize the main unit.

Yes Tim - Many folks will get around kitchen rules using a cook top or hot plate and many will not register units

Tim - Junior ADUs can be without a kitchen or bath using a shared one in the main home.

A Junior ADU (JADU) is an ADU of no more than 500 square feet. A JADU must be within a proposed or existing single-family home or accessory structure, such as a garage. Unlike ADUs, JADUs may share a bathroom with the single-family home and must only meet efficiency kitchen requirements.

We handled that at the building permit level. Do people show no kitchen facilities on their development plans and then go back and put in cook tops later? Maybe? If we based our laws around potential gaming of the

Yes I'm an experienced contractor and yes they will get around onerous rules . We need to create the most

If we are ever to see an uptick in new housing like ADUs

I agree with Greg, the emphasis should be on making regulations that are clear, easy to follow, and are as close to single-family homes as possible

You enforce ADUs rules by creating an amnesty process that is helpful, not punitive

You work with the owners in updating to code and provide loans and grants to help them

Otherwise they will remain underground

Each county and each municipality should have their own ordinance. The state ADU should be general - ADU should be less than 50% of main structure - No parcel subdivision allowed. Front door of ADU should not face same facade as main structure front entry door or should be connected. Public water and sewer should be allowed to be sub-metered. Septic field regulations in the state are also an issue in the rural area in light of the new septic laws in 2016. Some lots won't qualify without adding a new septic field or reserve. State should
It really seems that many of the challenges are STR-based.

Thanks everyone!

Owner occupancy is a poison pill - Rentals are a viable and perfectly ok housing option

Hi everyone. Just a quick comment. I'm a real estate broker in the Ocean City area. I have always loved the idea of ADU's and Worcester County has been very forward thinking in this regard. The reality is, it will not meet the housing supply needs in most communities. Zoning changes that allow more density, lower EDU fees and tax incentives would help developers offset land and development costs to build cottage concept type of neighborhoods. Check out a recent project in West Ocean City called Shore Point Cottages. It was only built for seasonal use, but is representative of the type of housing needed at an affordable price for year-round living. This project has 66 one and two bedroom units on a 4 acre commercial parcel, because residential code won't allow it in most areas. Public water/sewer. Amenities. Close to transportation. Quality project by Blue Water
<https://www.renofi.com/learn/adu/financing/>

If you perform a Zillow search using the keyword filter of in-law suite you will find hundreds of unlicensed ADUs in just that one search of for sale homes

Montgomery county has a poison pill setback of 12 feet in back

The minimum size of ADUs rules is unnecessary as codes will determine how small you can go - Tiny homes have HOAs can and should be overridden when it becomes a barrier to diverse housing

Remember local control smacks of states rights

Hi everyone. Just a quick comment. I'm a real estate broker in the Ocean City area. I have always loved the idea of ADU's and Worcester County has been very forward thinking in this regard. The reality is, it will not meet the housing supply needs in most communities. Zoning changes that allow more density, lower EDU fees and tax incentives would help developers offset land and development costs to build cottage concept type of neighborhoods. Check out a recent project in West Ocean City called Shore Point Cottages. It was only built for seasonal use, but is representative of the type of housing needed at an affordable price for year-round living. This project has 66 one and two bedroom units on a 4 acre commercial parcel, because residential code won't allow it in most areas. Public water/sewer. Amenities. Close to transportation. Quality project by Blue Water
Additional structures that may be allowed on the property.

How much can the main house be added on to in addition to the ADU? Just looking at the lot and the overall

Some zoning will be based on FAR - do ADUs count toward FAR?

Keep ADUs rules in line with any other home expansion or additions.

That commenting form link is not clickable for me.

Is there public data available as to the number of ADU's that were built in each County last year?

I have to leave this interesting discussion and look forward to future information forthcoming. Thank you.

FYI - YIMBY Maryland in partnership with other orgs will begin outreach and How to ADU seminar series in Anne Arundel County to get as many on line as fast as we can

As AA County has the best and most progressive rules in place

Prince Georges outlaws ADUs currently

I understand this is about lots, but I wonder about addressing of these ADU's

Ask yourselves how many new ADUs will we see in 5 or 10 years after your work. California went from just a few thousand to over 55,000 in 5 years

What will Maryland do?

Chat 1/16 ADU Task Force Meeting

Yes, I experienced this Sundown time for the first time in Georgia at Lake Lanier and Forsyth County

I am a new yorker who moved here in 2015. What was a shock to me was the redlining in Baltimore

Everyone should know that Single Family Zoning has a horrific racist legacy, Baltimore was one of the first areas to adopt zoning, and that ADU's are a key tool in breaking that exclusionary segregationist de-jure policy (Color of Law book is a vital read)

Yes, my client a business in the Coppin Heights Community for over 36 yrs holds the notes to over 27 properties of homes of several families who could not get lending as early as last year

This is an interactive graphic showing changing demographics of the Black Butterfly map that Lisa is talking about <https://www.thebaltimorebanner.com/data/analysis-how-the-black-butterfly-grew-changed-over-the-last-80-years-65VSXWO5FVDQ5PO4OBQHIEN6C4/>

<https://www.washingtonpost.com/news/wonk/wp/2018/03/28/redlining-was-banned-50-years-ago-its-still-hurting-minorities-today/>

DHCD has proposed new legislation that supports a mapping initiative to examine the impact of redlining, urban renewal, and other historical, discriminatory governmental policies that disinvested certain communities both with regards to housing and community development more broadly. The intent of this legislation is refocusing current state funding in communities that have been and continue to be most impacted by these racist policies:

<https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0241>

When I owned a home in Baltimore City, I wanted to finance new hardwood floors. The appointment was scheduled and shortly beforehand cancelled. I inquired and was told that my neighborhood didn't qualify for financing. I was shocked. I immediately remembered redlining. This was further confirmed when my car insurance rates doubled and when asked why, I was told it was because of where I lived. Never mind that I have an excellent driving history and have been with the company for over 20 years. It felt like redlining in another form.

Our home in Pasadena has a restrictive covenant - Negroes can only inhabit a home as a servant or as an employee of said owner.

<https://www.thebaltimorebanner.com/data/analysis-how-the-black-butterfly-grew-changed-over-the-last-80-years-65VSXWO5FVDQ5PO4OBQHIEN6C4/>

I believe there is a standing redlining exhibition at the Impact Hub Baltimore, located at 10 E

North Ave Baltimore MD 21202

Key to add grants and low or no interest loans and a navigator system for ADUs and to allow Junior ADUs and Tiny Homes on wheels as bonafide ADUs to break the barriers to lower-income owners. Also to consider allowing ADUs to be separately sold in future so our lowest income folks can buy into excluded areas.

Do have evidence that ASUs lead to greater diversity?

I have a detached garage, approx. 700 square converting existing structures should be included. Is it going to be like it is in New York, Chicago, California, etc.

Many neighborhoods in College Park and Beltsville cannot sustain more housing and all that comes with it. This includes ADU's. In some such neighborhoods will lose value.

Can the increased value of a property w/ and ADU make that property less affordable at turnover and lead to less diversity?

Thanks, Lisa - great history and outline of our horrific housing history. To see any real uptake in ADUs we will need to go from just passively permitting ADUs to actively promoting them as they are doing in California. We need to continually remove restrictions and barriers to getting ADUs created.

ADU would be most helpful especially now with the Increase of Rent and income and wages of many not increasing, especially young working class or fixed income family members.

Here's more information on how California is allowing the separation and sale of ADUs - they continue to lead the way! <https://nationalmortgageprofessional.com/news/adus-can-now-be-sold-separately-california>

Karyn is correct Our company Little Deeds helps seniors create ADUs sometimes under the radar unfortunately doing tricks such as no stove. We need to legalize them.

Room Rental prices are increasing at a rapid rate for subpar living.

It may be worth going forward in policymaking to consider the consequences of making ADUs allowable exclusively on owner-occupied properties. Minority groups living in rental homes now need equal access to affordable housing options like ADUs but may see significant increases in rent prices if a landlord adds an accessory apartment or unit, which could in turn force them out as well.

Removing density calculations ignore serious stormwater considerations and parking.

Regarding Mr. Hoff's comment, that "primary structure requirements may be more stringent"..... I believe we should consider the "requirements" on a one-by-one basis. Because some of those requirements are likely in place for good reason and the full-time

occupancy of an accessory dwelling may put some of the requirements in scope for the accessory dwelling unit.

On a similar note, what determines "Accessory" from primary? Is it which structure was occupied first on the property? Or is it based on the number of calendar nights occupied?

Particularly for detached structures, ultimately if the structure is being occupied as a residence by someone, is it truly still accessory in nature?

If a structure (accessory or not) is occupied on a full-time basis, why would we not consider the lot requirements for "primary residence" to be potentially in scope? And why would we exclude the structure from density calculations?

Why would ADU's need to have accessibility, single family homes don't have accessibility requirements?

This may be pushing the topic too far, but are you aware of any discussions about family compounds/i.e. multiple structures allowed on a Lot?

No one has addressed stormwater issues and density.

Have you involved the Maryland Historic Trust in this process and what are their recommendations? The recommendations regarding design compatibility in historic districts is likely different than for non-historic districts.

What sort of research may need to be conducted by individual jurisdictions / counties? One that comes to mind - identifying lots that may already have existing accessory structures (garages, sheds, etc.)?

New York does have a pilot program to create ADUs in the state. I was involved in developing the grant to award money to those municipalities who have existing ordinances for ADUs. The State is requesting RFPs from the State for more municipal proposals. The state grants about \$100,000 per ADU unit which includes soft and hard costs.

Chat 3/19/24 Meeting

In addition to impact fees, there are also excise taxes. An easier system to create than impact fees, but applied in similar manner and assessed on new construction and building modification. Based on square footage in our county and collected at building permit stage.

is this on?

Is PG county being considered for detached ADU's?

If the state legislature passes laws allowing ADUs, can the counties and local legislatures pass laws that are more strict than the state laws? Will manufactured homes be allowed as an ADU?

Chat is on.

Oh, I thought the chat was off. About "impact fees" is one of those poison pills that add cost and erode the return in investment on those that need ADU the most. I highly recommend NOT to include impact fees on ADUs different from those already attached to "normal" construction (alterations and additions)

Yes, good. it is up. Septic/ sewers there are new systems that can assist with better wastewater treatment. Also how is septic capacity determined in Maryland?

I am happy to explain verbally how "impact fees" are a huge turn off for those looking into ADUs. They tend to add a "blind" cost that most homeowners find it prohibitive.

Public Comment - I strongly believe that ADUs need to be permitted on well/septic the same as on sewer. Further, it should be required that if the home (existing or new) plus the ADU are equal to or smaller than what would be permitted for one single family home, then there should be no requirement for additional sewer/water allocation or septic system/well.

Also, about "impact fees". New construction today must comply with modern plumbing, energy and electrical code. These codes indicate that those projects consume LESS energy, water, etc than existing structures. So, I highly recommend you promote renovations, upgrades and ADUs that will consume LESS water, produce LESS waste and consume LESS power per square foot than existing residential buildings.

Quick Financing reminder that FHA and HUD have an exciting new program with 75% of existing ADU rental income adding to qualifying income and 50% of potential future rental ADU income!
https://www.hud.gov/press/press_releases_media_advisories/hud_no_23_237

On funding, potential may lie in HOME funds, FHLB, groups offering home improvements for seniors. Enterprise Community Partners right down the road in Columbia has taken an interest in ADU, and their financing, etc. Please reach out to them. I can get you a contact Joan Arnold

If anything, you want to "promote" and reduce fees for those ADUs that offer upgrades such as solar panels, electric car chargers, water management features, etc.

Seems to me that a lot of this discussion is about moving more people into neighborhoods. Since the population will continue to increase, the county needs to upgrade the infrastructure to handle it

To the earlier discussion of financing for ADUs, several federal agencies are beginning to add them to their loan programs: https://www.hud.gov/press/press_releases_media_advisories/HUD_No_23_237
<https://sf.freddiemac.com/working-with-us/origination-underwriting/mortgage-products/accessory-dwelling-units>

Does the Task Force have data specific to Prince Georges County's attitude pertaining to the acceptance of ADUs?

Or face emigration and decreased tax base

Anchor Tiny Homes ADUs is actively looking to open franchises in Maryland as we speak especially in AA County which is years ahead of the state now. <https://anchoredtinyhomes.com/>

About "school capacity" in those jurisdictions that have implemented ADU allowances for a decade or more (outside of MD) there hasn't been a change in the school impact compared to jurisdictions where ADUs aren't allowed

Highly encourage the least restrictive ADU recommendations- They are being built underground in any case. IF we find ADUs are proliferating and causing problems we can always add restrictions later

Are you all recommending an amnesty program for ADUs that are in existence.

I would like any information on the Amnesty Program.

Raise hand to request the floor.

special use permits in zoning

Any others to speak? Raise hand if so.

Is PG County being considered for detached adu's?

largest obstacles? impact fees, mandatory minimum and homeowner occupancy. (in that order)

i meant, mandatory minimum parking

ADU 2.0 is in Anne Arundel? Can you post the plan for us. Check on the California group, Turner Center out of Berkley. Navigator concept is essential.

PG prohibits ADU

An additional public comment, I do not know if this is something that has been covered at earlier meetings, but in Utah multiple jurisdictions have introduced pre-approved plans for ADUs. This enables both faster approval and reduction in costs for people desiring to build an ADU. Here is an example from Salt Lake City, <https://www.slc.gov/buildingservices/accessory-dwelling-unit-information/>

I can explain the "manufactured home" conundrum if you open the microphone :)

Thanks everyone for all your work!

I believe some means of encouraging local jurisdictions to follow the concept I described above is a worthwhile item for consideration.

Please chat or submit to the public comments site:

<https://docs.google.com/forms/d/e/1FAIpQLScR1Htn4gRHajh7nuP-tISE0hKbCJbDD94nbwUQ1D8FFi3siA/viewform>

Thank you for the information on what types of activities State law already preempts restrictive covenants from prohibiting. And on the pending bill that would add long-term rentals to the list of pre-emptions.

thanks everyone! i'm always happy to listen in.

We've had an ADU rejected because of parking. "those people (potential renters) need lots of parking because they have lots of people in their family and as visitors. "



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PLANNING SERVICES

December 1, 2023

Secretary Rebecca L. Flora
Maryland Department of Planning
301 W. Preston St. Ste 1101
Baltimore, MD 21201

Re: Accessory Dwelling Unit Task Force

Dear Secretary Flora,

The Sparks-Glencoe Community Planning Council is an active nonprofit organization dedicated to protecting the natural resources and rural character of northern Baltimore County. While recognizing the need for housing, we are concerned about the potential impact of increasing the number of accessory dwelling units in our rural area, which relies on private wells and septic systems. Doing so would be inconsistent with Smart Growth initiatives and efforts to combat pollution of the Chesapeake Bay.

Baltimore County recently loosened restrictions on accessory dwelling units, in a three-year trial phase. It seems untimely to make additional changes until that phase has concluded and been evaluated. Our comments are attached, for your consideration.

Respectfully submitted,

Cc: Joseph Griffiths



SPARKS-GLENCOE
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PLANNING COUNCIL

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SPARKS-GLENCOE COMMUNITY PLANNING COUNCIL
Comments submitted to the Accessory Dwelling Unit Task Force

The Sparks-Glencoe Community Planning Council is a nonprofit organization dedicated to preserving and protecting the rural character and natural resources of northern Baltimore County. We are submitting comments today to provide perspective on the issue of Accessory Dwelling Units in our rural area.

The Task Force has assembled representatives from a broad array of businesses and governmental organizations, but it is not clear whether the environmental community is included. If the result of the Task Force study of Accessory Dwelling Units is to increase the density allowed in an area, there will be an environmental impact, which should be taken into account. It is important to ensure that the effort to expand housing does not set back statewide initiatives to safeguard and improve water quality and promote smart growth.

The area of northern Baltimore County represented by Sparks-Glencoe lies outside of the Urban/Rural Demarcation Line (URDL). This means that there is no public water or sewer service; all houses rely on private wells and septic systems. Increasing the load on those systems will cause a predictable decline in water quality.

The majority of our area is within the Loch Raven Watershed, which collects water in the Loch Raven Reservoir, to be delivered to the 1.7 million people served by the Baltimore metropolitan area water system. All of northern Baltimore County is within the Chesapeake Bay watershed. So the quality of water in our local aquifers is reflected both in the quality of public drinking water and in the quality of the water in the Chesapeake Bay.

Even well-functioning private septic systems leach waste water into the surrounding aquifers. While it is hoped that most of the waste is trapped, the design of septic systems is to allow effluent to flow out of the septic tank and into underground soils and aquifers, which flow into streams and rivers, on their way to one of the reservoirs in our area, and ultimately to the Chesapeake Bay. Of course, many septic systems fail, and/or are poorly maintained, causing even more sewage to flow into Maryland's rivers and streams, contributing to the degradation of those waterways and the Chesapeake

Bay. Surely the effort to find more housing opportunities would not intend to impede statewide progress towards a healthier Chesapeake Bay.

The majority of land in our area of northern Baltimore County is zoned for rural conservation, with the intention of protecting natural resources, including rivers and streams, from the effects of development. Consider the statutory intent of the RC4 (Watershed Protection) zone:

The County Council finds that major, high-quality sources of water supply for the entire Baltimore Metropolitan Area and for other neighboring jurisdictions lie within Baltimore County and that continuing development in the critical watersheds of those water supply sources is causing increased pollution and sedimentation in the impoundments, resulting in increasing water treatment costs and decreasing water storage capacity. The RC 4 zoning classification and its regulations are established to provide for the protection of the water supplies of metropolitan Baltimore and neighboring jurisdictions by preventing contamination through unsuitable types of levels of development in their watersheds.

RC 4 regulations include a provision that a house cannot be built in this zone if it would endanger the potable water supply, endanger the reservoirs, or create a health or environmental nuisance for neighboring properties.

The legislative statement of findings preceding the enactment of another Rural Conservation zone (RC5), states that in some cases lot sizes are inadequate to assure long-term adequacy of on-lot sewer and water systems. Lot sizes are intended to ensure that there is sufficient groundwater to supply a household, and sufficient land size to accommodate the septic system, including drain fields, for a single family. Adding residents would put more stress on local aquifers and more sewerage into a piece of land that was deemed adequate to support a single household.

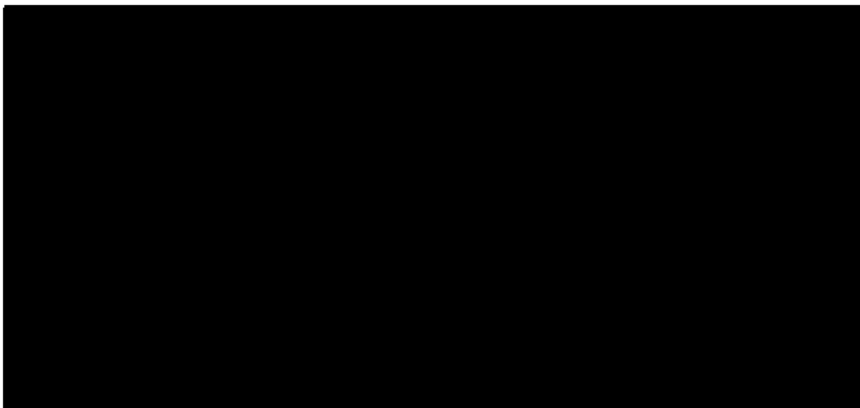
Adding growth in our area of northern Baltimore County is also not consistent with Smart Growth policies, which would direct population growth to areas served by existing infrastructure. In addition to public water and sewer, that includes public transportation, stores, schools, hospitals, and employment locations. Residents would not find it easy to access these services. Adding to the population in this area would be inconvenient for the residents and harmful to the environment. We recommend that Accessory Dwelling unit regulations not be relaxed in the area outside of the Urban/Rural Demarcation Line.

Baltimore County recently passed a law broadening the list of those allowed to occupy Accessory Dwelling Units, from immediate family only to those related by blood, marriage, or adoption. The law also removed the prohibition against charging rent. At the same time, the Baltimore County Council established a requirement to report the number of new Accessory Dwelling Units in what it labeled a preliminary implementation phase of the next three years. This new system should be allowed to unfold and be evaluated before any further expansion is considered.

If the Task Force nonetheless decides to recommend allowing additional residents in the rural area, there are measures that could be taken to reduce the environmental harm:

- Limit the number of occupants allowed in an Accessory Dwelling Unit;
- Require an inspection of the septic system that would service the Accessory Dwelling Unit;
- Require a septic system with the Best Available Technology prior to allowing additional residents;
- Maintain the maximum square footage of Accessory Dwelling Units currently allowed by zoning regulations;
- Restrict increases in impervious surfaces in order to minimize the added runoff flowing into local waterways;
- Ensure that private wells in the area have sufficient supply to support the additional population.

Thank you for considering these comments.





Joseph Griffiths -MDP- <joseph.griffiths@maryland.gov>

ADU Task Force - 11/28 Meeting - Comments

Tue, Nov 28, 2023 at 12 20 PM

To: Joseph Griffiths -MDP- <joseph.griffiths@maryland.gov>, Chuck Boyd -MDP- <chuck.boyd@maryland.gov>
Cc:

Hi, Joe and Chuck

I could not access that public comment form wasn't clickable for me So, I thought I'd send you an email with my comments for today

I have some concerns about State legislation that would say a local government has to allow one ADU in any single-family dwelling, for a variety of reasons. Here are 8 off the top of my head:

1. Our pre-1900 platted neighborhoods have lots with either undersized square footage or undersized lot-width, so the neighborhoods are very densely developed already. Most have the house at the sidewalk with either no side separation or maybe only a pedway on one side.
2. The pre-1920 platted neighborhoods were not designed for vehicle storage, so neighborhoods that already have a lot of subdivided houses struggle with over-parking problems on the street which makes the homes not attractive for home-ownership or by discretionary renters. Many have alley access, but do not have parking back there due to old garages (not used for parking) plugging up the alley access.
3. We have a lot of subdivided duplexes that are now considered single-family attached homes and they are usually on very small, narrow lots. I would hope subdivided duplexes would not be considered single-family dwellings for any ADU legislation.
4. In our RMED district we used to allow the homes to be subdivided into apartments, so the older RMED neighborhoods already have many singles that had other units added. These neighborhoods have very high renter-occupancy levels and are not desirable for home-ownership.
5. The dwellings in our city are already 61% renter-occupied with some "single-family" neighborhoods at greater than 75% renter-occupied. Further subdivision of the homes in those neighborhoods would make them even less desirable for home-ownership.
6. Our investor community is very aggressive and out-compete potential home-owners for desirable product, because they can present the seller with cash without having to chase down financing. Investors in our market would snap up these singles with ADU's and then rent both units. To me the house is 2 apartments at that point and not a house with an ADU.
7. If the code said ADU's are only permitted in owner-occupied singles, I would agree that this would then truly be an ADU. The challenge is what happens when the property is sold to an investor for a rental investment? If we discover it, we would then have to tell the new owner you have to remove that ADU which will be contentious and likely be snuck back in even if it is "removed."
8. Our Rental Facilities licensing ordinance exempts "owner plus one" so we do not track this phenomenon. If an owner-occupied unit added an ADU, it would be "owner plus one." We then do not have a way to monitor the next ownership situation owner-occupied with ADU or two rented units? We would just have to monitor Zillo and hope we caught them.

Perhaps the task force could consider exempting municipalities if they have a preponderance of the above issues, or if they already have flexible codes for adding units to existing properties. They may not be ADU's but they are new units or re-occupied units in expired non-conforming properties. For example, in Hagerstown:

1. We allow non-conforming multi-unit residential properties to be used indefinitely, unless the entire property is vacant for 2 years. Then it would be expired and have to be converted to a zoning-approved use. This almost never happens, because the properties are too valuable to investors.
2. We allow a single-family house to be converted to a two-family in any residential district if the lot is large enough.
3. We allow expired non-conforming duplexes to be re-occupied if they were originally built as a two-family.

- 4. We allow expired non-conforming triplexes to be re-occupied if they were originally built as a triplex.
- 5. We allow “mansion houses” to add apartments in the RMED and RO zone if the house is over a certain square footage.
- 6. We allow “mansion house towns” to add over-under flats in the RMED and RO zone if the house is over a certain square footage.

Something for the Task Force to consider is that the Building Code requires any newly created unit to meet code, which includes adding sprinklers to the new unit. This very issue came up here the week before Thanksgiving. In our older neighborhoods, no house has sprinklers so this would be a big expense just to add an ADU.



[Redacted]

[Redacted]

1 East Franklin Street
Hagerstown, MD 21740

www.hagerstownmd.org



[Redacted]



Joseph Griffiths -MDP- <joseph.griffiths@maryland.gov>

Re: Comments, 11/28/23 Accessory Dwelling Unit Policy Task Force Meeting

1 message

Mon, Dec 11, 2023 at 3:51 PM

[REDACTED]
 To: Joseph Griffiths -MDP- <joseph.griffiths@maryland.gov>

Hi, Joe:

Thank you for contacting me again. Here are a couple answers to your questions:

- When I was a member of NLIHC, I had a gap analysis done by them for free. You can find the Maryland membership of the NLIHC on its [website](#). The [Maryland Affordable Housing Coalition](#) may include Baltimore County govt (DHCD?) as a member. I saw BaltCo on a list of members several years ago, but I am not sure it is there now. If not, I see that there are a few other MD counties listed under public sector housing members. The study I did on Owing Mill took less than two days (IIRC) using the Census Bureau data and a modification of the NLIHC model for computation.
- It may be that an annual county count of ADUs since permissive legislation was passed in the relevant counties could get you the ADU specificity you are looking for. (Perhaps the county DHCD would assist there.) The count for 2023 could be compared with the 2023 affordable housing gap analysis for that county could also be helpful. ADU occupation rate may also be indicative. Also, I seem to recall that at the last meeting someone offered a 0.15% figure for the proportion of ADU in California compared to its need for affordable housing (I didn't record the particulars, but I am sure your record of the meeting will have that. IIRC, the context was to show that legislation will not necessarily flood the AH market with ADUs.)

Hope that helped. "See" you Thursday. (Also, could you be sure that the chat function works for non Task Force members? At the last meeting, I did not have that,

On Mon, Dec 11, 2023 at 1:36 PM Joseph Griffiths -MDP- <joseph.griffiths@maryland.gov> wrote:

Hello Again [REDACTED]

I am reviewing the resources you shared in this email and will briefly discuss them during next Tuesday's ADU TF meeting. They do an excellent job of quantifying the need for affordable rental housing nationally, in Maryland, and in Owings Mills. Regarding a quantitative market analysis for the Task Force's assumption, we are most interested in one that demonstrates the market for ADUs specifically and/or can quantify how local and state policies and regulation have contributed to the construction and proliferation of ADUs. I agree that a demand for more rental housing generally can be partially met by ADUs, and therefore that demand by extension can highlight a demand for ADUs, but I think the Task Force is yearning for something specifically targeting ADUs as *the* housing product. Do you know if any such study or analysis exists?

If I am missing or overlooking something in the resources you sent me, please let me know.

Also, you stated that NLIHC could potentially complete a study for BaltCo by April. Would that study be free of charge? The General Assembly did not assign any funding to this Task Force and we do not have a budget to depend on.

Thank you so much for your engagement and the next Task Force meeting is [next Tuesday \(12/19\) from 9 - noon.](#)



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On Fri, Dec 1, 2023 at 10:47 AM Joseph Griffiths -MDP- <joseph.griffiths@maryland.gov> wrote:

Good Morning [REDACTED]

Thank you for sharing the resource and I have already added them to the Task Force' shared research folder. This is great information which we will review and pass on to staff, or hopefully an intern early next year to analyze. As you are aware, the Task Force did not receive any funding to complete its work and we are doing our best to address this important topic within the bounds of our state agency and partner capacities. I will send an email to Task Force members letting them know these resources, as well as your suggestions, are available in the shared folder.

Have a nice weekend



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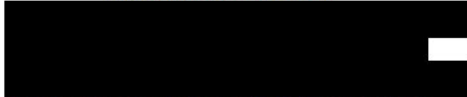
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On Thu, Nov 30, 2023 at 8:59 AM John Coleman -MDP- <johng.coleman@maryland.gov> wrote:

----- Forwarded message -----



Dwelling Unit Policy Task Force Meeting

To: <johng.coleman@maryland.gov>

A Market Analy i The planned qualitative analy i really need to be upplemented with quantitative data a follow

- The 2023 NLIHC Out of Reach Report (attached), which indicates the size of the market for ADUs. Note that MD has the 8th highest housing wage in the country.
- A MD-specific NLIHC GAP Analysis. ([Here](#) is its national GAP analysis for 2023.) I have attached one I did for Owings Mills in Baltimore County in 2022, using the NLIHC sources. I think that BaltCo is a member of the NLIHC and I am sure that NLIHC can develop a study at least for BaltCo by April.
- It would be useful to have a map of capacities overlaid by the State zoning map.. (The URDL map would be a good place to start)
 - Road - DOT already has this done
 - Water/Sewer - see the URDL map
 - Other Utilities
- It would be useful to have a map of current housing densities on the zoning map.

Most of these items are already in existence. The others won't take too much time or expense to develop. It's just a matter of gathering the studies that are already done..

B. Parking: One relatively easy solution would be to require a number of parking spaces **as needed**. So, if someone moves into the ADU with a car, a parking space is required. This could be handled by permit. The home-owner could decide when (s)he builds the ADU whether (s)he will rent to someone with a car; living near transit would make the necessity for a parking space nil. The police than would hand out tickets to cars parked "illegally", as is their function

C. Why could we not limit the use of ADUs for short term leases, by putting the required minimum length of the lease in the definition of ADU?

D I applaud the tate that preempt ADU policie My favorite i the rule that all juri diction mu t have a policy that i no more re trictive than the State policy. This would go a long way to countering the NIMBY problem.



You cannot stop the waves, but you can learn to surf - Jon Kabat-Zinn



December 14, 2023

Accessory Dwelling Unit Task Force
301 W. Preston Street, Suite 1101
Baltimore, MD 21201

Dear Secretary Flora and Members of the ADU Task Force,

Eastern Shore Land Conservancy sees tremendous value in the wider adoption of accessory dwelling units in our rural communities on the Eastern Shore. We think ADUs can be a powerful tool that can help Maryland mitigate the current housing crisis, budget cuts in transportation funding, and climate change by getting more production out of existing housing developments and infrastructure.

From a conservation standpoint, ADUs allow incremental growth of housing that is more affordable on land that is already developed. This will help protect our farmland, forests, and native habitats by redirecting growth to existing neighborhoods. This means less impervious surface that harms our streams, rivers, and the bay. This would also mean more property tax revenue contributing to local budgets for the future maintenance of infrastructure like streets and roads.

If Maryland can better utilize already developed land with ADUs it would allow local governments to get more use out of existing infrastructure and increase financing for future maintenance while helping to protect our changing environment.

Thank you for the opportunity to provide comment,





Joseph Griffiths -MDP- <joseph.griffiths@maryland.gov>

RE: FW: ADU Task Force

1 message

Sun, Mar 17, 2024 at 3:36 PM

To: Joseph Griffiths -MDP- <joseph.griffiths@maryland.gov>

Hi Joseph,

Thank you so much for responding. I appreciate you looking over the information I sent and I am happy you sent the question below.

I attempted to make a few points in my letter. One of which you highlighted below.

Regardless of whether the property is served by well/septic or if its on public water/sewer, Montgomery County requires the following for a detached ADU that other jurisdictions, such as Arlington, do not:

1. Fire suppression. Adding a sprinkler system to the detached ADU is not required in Arlington but is in Montgomery County. The cost of this, not including a possible required water service upgrade to accommodate the sprinklers, is around 5,000-7,000. The cost to upgrade the water service, if needed to accommodate the fire suppression, would be additional.
2. Drainage Plan - The county requires a drainage plan, Arlington does not. The plan itself requires a civil engineer for a cost of approx. 1,500-3,000, depending on which firm. The cost to implement the drainage plan via a drywell and/or rain barrels costs approx. 4,000-5,000. For a total of 5,500-7,000.
3. Walkway – the county is requiring a lit walkway to the ADU. The walkway will vary in cost depending on location of ADU in the yard and distance to the ADU along with design and materials. In the best, least expensive case, the required walkway will cost 1,500-2,000 in labor and materials.
4. Housing Inspection – as part of the ADU approval process, the county sends a housing inspector to inspect the main house before issuing the ADU permit approval. While I have been told by Clifton Bouma that they are only supposed to be confirming that the homeowner lives in the main house and no other tenant resides there, the inspectors have also been citing the homeowner with housing code violations of their main house. For instance, the homeowners main home that they live in (and intend to continue doing so) would be cited for peeling paint on the exterior. Or that the door locks are not to code. Or they are requiring smoke detector updates. These inspection items are relatively immaterial most of the time, however, in some cases the costs have been 1,000-2,000 for repairs that we have experienced. The argument made by the inspector for citing these is that the ADU and the main house can both be used as a rental (albeit only one can at a time), and therefore they want to make sure the main house is up to code. Even though the majority of our applicants have submitted their ADU application with an affidavit that they intend to remain in the main house AND they do not intend to rent the ADU and instead plan to house a family member there. Moreover, if they are going to rent it out, they would be subject to inspection and required to correct the items at the time of rental. The inspector will also come back at completion of the ADU to confirm all items in the main house have also been resolved prior to DHCA issuing the ADU occupancy permit.

5. WSSC – the plumbing permit applied for by the licensed plumber hits a roadblock with WSSC that I mentioned in my letter. The detached ADU is an accessory to the main house and in all cases can never be subdivided or sold separately from the main house property. It's a 2nd dwelling on a single family property and owned by the owner of the property. Despite this, WSSC has been requiring in most cases a written and recorded easement to document the owners approval for the ADU to share the water/sewer lines from the main house. This ends up costing time in permit approval, but also WSSC charges a fee for the document and there is a recording fee for the easement. In many cases its 400-600.

In total, with labor and materials, the county requirements for a detached ADU will cost somewhere between 15-20K more than the exact same size and finished unit in Arlington. This is regardless of whether or not the property is on well/septic. These requirements are the same for ADUs served by public water/sewer OR via well/septic. However, if the property is on well/septic, it is much, much more as I pointed out in my costs analysis in previous email.

In regards to my reference of the well/septic in my previous email, the point I was making was that Maryland has COMCOR guidance that for a detached ADU on a property served by well/septic, the detached ADU must have its own septic tank and field. Montgomery County and many other counties follow the Maryland Guidelines. The requirement is that the tank and field must be at least able to serve 3 bedrooms and have a 10,000sf field. This is required regardless of the size of the detached ADU. Whether it's a 300sf studio unit or a 1,200sf 2-bedroom unit, the county will require this new 3-bedroom septic system. At a cost similar to what I sent in previous email. However, if the same size unit was instead ATTACHED to the main house as an ADU, there is no requirement to add a new tank and field and instead the existing tank and field of the main house may need to be updated. The cost of which can be dramatically different. Both time and money. Furthermore, as we have experienced, on some smaller lots, it is not always feasible to be able to design a completely new septic field of 10,000sf on a property that already has a well and septic system for the main house. It certainly rules out any property of a half acre or less and is likely difficult in property of less than an acre. If instead the detached ADU could connect to the main house septic tank and field (even if it was updated), this would be much less money and increase more available properties.

Further, the reason for the requirement for the detached ADU to have its own tank and field seems similar to the reason why WSSC is requiring an easement. It is being treated as a separate property subdividable from the main house property. Which cannot be the case. Is Maryland intending to allow homeowners to sell off their ADU in the future to a third party?

The key take away from this I hope is to help identify to the task force a few regulatory rules in the county/state that are negatively affecting time and costs and in turn are hurting the process to add this wonderful housing option to more people and working to keep them more affordable.

I hope this helps and I am definitely happy to assist further should you have any questions. If you need specific examples, I am happy to provide as well. We are actively building many in Montgomery County and Northern VA so we have a lot of real life examples to share.



301-523-3342

15800 Gaither Dr, Suite 210, Gaithersburg, MD

20877

From: Joseph Griffiths -MDP- <joseph.griffiths@maryland.gov>

Sent: Sunday, March 17, 2024 10:27 AM

To:

Subject: Re: FW: ADU Task Force

You state in the letter that " Bluntly, an exact same size and finished ADU built in Montgomery County will cost between \$15,000- \$20,000 or much more (if on well/septic) than an exact same size and finished unit built in Arlington, for example. Solely because of policy, requirements and process". Based on recent Task Force discussions, I think they are more concerned with ADUs on public water and sewer. The estimate you provide above compares ADU costs on well /septic. Do you have a cost figure that compares Montgomery and Arlington when the ADUs are served by public facilities?

Thank you



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On Fri, Mar 15, 2024 at 12:44 PM

Good afternoon Joseph,

I am following up on my email below and wanted to confirm you received it. Also wanted to know if you wanted me to post on the website as well.

I believe the Task Force meeting next week is going to include some discussion about utilities and thought this information would be helpful. Please let me know how I can assist.



301-523-3342

makara-adu.com

15800 Gaither Dr, Suite 210, Gaithersburg, MD
20877

From:

Sent: Tuesday, February 20, 2024 10:04 AM

To: Joseph Griffiths -MDP- <joseph.griffiths@maryland.gov>

Subject: RE: ADU Task Force

Hi Joe,

Good morning. I am attaching this comment for your consideration in connection with the Task Force discussions. I was attempting to add this comment to the Task Force website, but because I am attaching information to the comment, I thought it best to send to you directly. Please let me know if I should also send to the website.

I welcome all opportunities to add to your Task force discussions.



301-523-3342

makara-adu.com

15800 Gaither Dr, Suite 210, Gaithersburg, MD
20877

From: Joseph Griffiths -MDP- <joseph.griffiths@maryland.gov>
Sent: Monday, October 16, 2023 1:26 PM
To
Subject: Re: ADU Task Force

We don't have published meeting notes for the 9/19 meeting of the Task Force, which was its first. However, you can find the recording of that meeting, as well as the meeting materials, [here](#). The next meeting is scheduled for 9 am - Noon on October 31. It will be held in Windsor Mill and allow for virtual attendance. More information on how to join will be published shortly. I hope you can join us, either in person or virtually.

The Task Force will be discussing research methods during the 10/31 meeting, which will likely include interviews and focus groups in 2024. I will keep you contact information in a list of potential stakeholders who we may invite to participate in that research.

Thank you



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On Mon, Oct 16, 2023 at 8:44 AM

Hi Joseph,

Good morning. I saw online that you were the person to contact for updates on the work of the ADU Task Force. I wondered if there were any meeting notes, or reports that were available that could be shared.

Additionally, we are extremely active in the ADU space and are handling the planning, design, permitting and building of dozens of attached and detached ADUs in MD, DC and VA. I would be thrilled to assist any task force member with information, research and real-life examples to use for their reports. Would there be an opportunity to participate/assist with the Task Force?

All the best,



ADUs & Backyard Living

Mobile. 301-523-3342



Joseph Griffiths -MDP- <joseph.griffiths@maryland.gov>

Comments on Today's ADU Task Force Meeting

1 message

Tue, Feb 20, 2024 at 1:22 PM

To: Joseph Griffiths -MDP- <joseph.griffiths@maryland.gov>, Chuck Boyd -MDP- <chuck.boyd@maryland.gov>

I thought the discussion with the HOA/Communication Association reps was useful. The debate on enforcement took on a realistic tone from the perspective of the feet on the street of local government. Chat was disabled on my end and I didn't see the input option at the end, so here are some thoughts for you all.

1. **Cleaning up the Wild West.** A task force member observed that creating ADU regulations will help stop the “wild west” environment of illegally created ADUs. It is my experience with a robust investor community for rental housing in my jurisdiction that creating regulations to address a problem like unpermitted dwelling unit construction does not turn scofflaws into boy scouts. Those working to get around the rules will continue that activity so long as they are not caught.
2. **Just enforce the codes.** Another task force member said we just need to enforce our codes if illegal activity is occurring. There are two enforcement challenges with this:
 - a. catching this activity is difficult if contractor trucks are not spotted at the property or if the available unit is not advertised on Zillo;
 - b. having the staff to undertake the enforcement is the other challenge for many jurisdictions, particularly if they do not have a rental licensing program and are not collecting fees on the units so staff can be hired to administer the program.
3. **Amnesty program.** The idea of creating an amnesty program for unpermitted dwellings would be very concerning to me from a life/safety aspect, not just zoning. When my staff discover illegally created dwelling units, they almost always do not comply with Building Code requirements for life/safety. For example, a unit created in the basement behind the furnace room so access is limited and only provided behind the combustion source. Or a unit added in the attic with insufficient ceiling heights which is a Fire Code concern – human heads too close to where lethal smoke hangs in the air near the ceiling. Or property owners turning a blind eye to people living in garages/sheds at the back of their properties that have no code required features at all for a dwelling unit. Plus, the whole issue of everyone thinking they are an electrician and finding illegal units with very unsafe wiring.
4. **ADUs on inadequate private septic and wells.** In our county, there are many mid-20th century subdivisions near the city on septic that have very small lots and don't meet modern minimum requirements for septic field size and do not even have a reserve field. Adding another dwelling unit to such lots would be problematic for those septic situations.
5. **Build it and they will come.** Another task force member suggested we let ADUs happen and worry about providing the necessary infrastructure later. In many cases the infrastructure physically cannot be solved, so this approach only creates a problem we know we cannot solve.
 - a. **Parking exemption for ADU.** If on-street parking is already at the max and lots have limited or no capability of creating off-street parking spaces, the parking challenge cannot be solved. Out in the more rural parts of the state we do not have rail transit so people can forget about cars. We have inadequate bus transit that doesn't help workers get to jobs east of us (many, even trades contractors, hit the road every morning for points east) or to local employment centers not on the traditional bus routes. Getting to doctor's appointments and grocery stores also requires a vehicle out in more rural parts of the state. Also not requiring parking if “first tenant” doesn't have a car is pointless because the “next tenant” will probably have at least one car. Folks in the trades usually have one car per adult and at least one commercial vehicle at their home.
 - b. **Utility impact from unplanned density increases.** If the State has mandated capacity of our sewer plant cannot be increased, new capacity for ADU demands and all other demands cannot be solved. While we can physically solve the water demands issue at our water plant, it will take over \$100 million to solve it. Not happening overnight. If the State tells us not to require a separate water line or separate sewer line for an ADU, what happens if those old lines are inadequately sized to handle the addition of another dwelling unit on the property? The units will be condemned.

6. **What about ADUs in historic districts?** If we are not to require special architectural considerations, what about when someone wants to add a structure in the yard in a historic district?
7. **Zoning versus building codes.** Zoning handles issues like maximum number of dwelling units, setbacks, parking, and height. Building Code handles the life safety issues or fire separation, sprinklers, ceiling heights, accessibility, emergency egress points, requiring architects to design plans, etc. Local jurisdictions adopt the State's approved building and trades codes with ability to make local amendments to only strengthen requirements, not loosen. Not requiring sprinklers for a unit over a garage is particularly unsafe, since at least two highly combustible machines are likely to be stored under the unit.
8. **ADU's on Alleys.** While there are a lot of alleys in our jurisdiction, the City does not plow them in the winter and Fire Trucks cannot fit down every alley. If there is a dwelling unit back there, access by emergency responders will or could be a significant challenge.
9. **Affordability of ADU's.** Building them will not guarantee affordability. There would need to be some type of subsidy with ongoing administration to make and keep such units affordable. If Section 8 vouchers will pay for fairly high rents, all landlords will want those rents. Investors will charge as much as they think they can get if not from this tenant then from the next one. I just don't see this program being utilized to any significant degree by homeowners due to cost and headaches of being landlords.



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