



Maryland DEPARTMENT OF PLANNING

ADU Policy Task Force Public Comments as of October 27, 2023

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 of

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!

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would give you odds that the county would allow it. Hmm, 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.

