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# Maryland DEPARTMENT OF PLANNING

## ADU Task Force Meeting Notes

October 31, 2023

### Member attendance

Senator Mary Washington, Senate Representative  
Delegate Vaughn Stewart, House Representative – virtual  
Secretary Rebecca L. Flora, AICP – Task Force Chair  
Theo Williams - Maryland DHCD  
Amy Moredock - MACO Rural Co Representative – virtual  
James D. Gaston III - MML Urban Municipality Representative  
Dan Hoff - MML Rural Municipality Representative  
David S. Thaler - MBIA  
Tiffany Harris – MD Assoc. of Realtors  
Quinn Griffith - Chesapeake Region Chapter of the community Association Institute - virtual  
Deborah Buelow – AIA MD-Chapter

Mandy Gitt – MD Coalition for Interior Designer  
Jennifer Ray, AICP– Transportation Planner  
Chelsea Hayman – MD of Disabilities  
Priscilla Kania - AARP

Secretary Flora began the meeting by welcoming the Task Force (TF) members back to the second committee meeting. She announced that all the meetings will be recorded, and time provided for the public in attendance and the comment form is on the website for the public. Secretary Flora introduced Senator Mary Washington, SB 382 Sponsor, as the Senate TF representative.

**Administrative announcements:** Not approving minutes for the meetings but will keep the TF folder alive and filled with information. This is a fact-finding mission and to learn. We need to prioritize the topics and continue reading the public comments. Joe Griffiths announced the complete list of public comments is available. Financial disclosure was submitted to the state ethics for an exemption.

The shared One Drive file is having some technical difficulties and MDP is working to resolve those issues and will likely move the meeting materials to a Microsoft Teams site. The meeting recordings and material are available on the website.

Joe presented a summary of what the TF discussed during the 9/19 meeting. TF members clarified items and statements as necessary.

Joe reviewed, and the TF discussed, definitions and focus areas established during the 9/19 meeting.

MDP staff presented and led a discussion on ADU practical issues, including political, regulatory, procedural, and financial considerations, neighborhood livability issues, and the costs and affordability of ADUs.

- Joe presented summary findings from the resource linked below.  
[Expanding ADU Development and Occupancy - AARP and the APA](#)
- Jennifer Ray mentioned the issue of ADUs relating to the requirements of familial relationships and occupancy.
- Senator Washington mentioned that the power of zoning comes from the state, so think about the framework and recommended standards. The decision for permitting ADUs may remain a local one, but if a jurisdiction decides to permit ADUs, they must do so in a way mandated by the state in line with the framework and recommended standards. This could also be required as part of the 10-year comprehensive planning requirements.
- Dan Hoff emphasized zoning local control and the balance of sensible and greater good or welfare policies.
- Priscilla Kania – Land adjacent to water bodies has special controls for environmental protections and it makes MD a unique state due to the large amount of water around the state.
- Jennifer - Trip generation of an ADU, as well as parking and its impacts
- James Gaston III– Community services needed for an expanding community through the increased population of ADUs in the urban areas of the state.
- Priscilla – the use of the ADUs can be for a caretaker or a child already in the family.
- Dan Hoff– regulatory provisions drive up costs and time is money. More cumbersome legislation also drives up costs.
- Speaker not identified -Local jurisdictions should be the authority in guiding the recommendations for their areas.
- Deborah Buelow stated that tiny houses are not a permissible structure per the international building code, are not acknowledged in the building code and are frequently being built on wheels as it becomes a mobile unit, enforced through Departments of Transportation across the nation.
- Financial considerations:
  - Assessments and the value of the property. Is it assessed overall or as a separate entity, and what is the tax revenue generation of the ADU?
  - Consideration of revenue for the landowner as a broader issue.
  - Water and sewer hook-up, separation to the primary for direct to the primary dwelling, and the impact of the water allocations for those municipalities where there is a water shortage.
  - Should ADU's be subservient to the primary dwellings or be allowed to subdivide in the future?
  - What are all the costs and revenues associated with the ADU? Prioritization is needed to determine if we need to decide upon the revenue generation to the municipality and county.

- Adequate Public Facilities (APF) and rental provisions should be included as part of the ADU discussion.
  - Another issue is the perceived equity among homebuilders could influence recommendations.
- Neighborhood Livability – MDP staff member David Dahlstrom attempted to present his slides on this topic, but a poor connection did not permit it. MDP staff sent his presentation notes to the TF following the meeting.
- ADU Cost and Affordability
  - Susan Llareus presented the State of Maryland's definition of affordable housing.
  - The cost of an ADUs does not include land costs. There is also no excavation cost and reduced infrastructure costs for the small units.
  - FHA recently expanded access to mortgage financing
  - The cost of parking needs to be investigated and related to parking needs on-site or off-street.
  - Senator Washington - Prohibitions on density impacts have a history that discriminated against lower income people, for example the proliferation of SFD neighborhoods and how it was linked to redlining and exclusionary zoning practices. Equity is an issue relating to the ADUs.
  - Examples of legal cases were provided by Mr. Thaler of the discriminatory practices related to zoning and strongly suggested that the state may need to intervene to address the issue of the lack of housing and avoiding repeating discriminatory practices.
  - Thoughts vs. actuality, data is needed to drive the recommendations of the TF.
  - If everyone built an ADU it may/will have an impact on the livability of the neighborhood, and those arguments need to be investigated.
- TF member provided resources were discussed.
- Topic Prioritization – comparison of the TF vs the Planning Contacts (MDP planning contacts database, with regulatory powers) were weighted and provided insight into setting priorities. Some alignment and some differences.
  - Chelsea Hayman – disabilities and aging relationship is helpful to add to the perspective that might not generally be addressed.
  - Dan - Infrastructure impacts of an ADU is a critical issue and should be addressed by the TF.
  - Theo Williams– there is an inherent tension between state mandates and the local level implementation of new regulations.
  - The reality of the implementation must be considered, and the TF's recommendations must be tangible to the locals. The TF is a larger perspective, not just planning and zoning.
- Secretary Flora mentioned that the surveys were distributed early on and that there are many other topics that need to be included in the prioritization list. .
  - Development cost associated with ADUs is an important issue and the proforma will not work in the implementation process and may defeat the purpose of the goals.
  - The TF re-emphasized the historical context.
  - Aging in place is a great discrepancy as a priority between the two survey groups, i.e., aging in place.

- Where do we emphasize the deeper dives into certain subject matters?
- There is a divergence in the two groups surveyed and it may be because the sample size of the TF is much smaller and may be more limited.
- **Public Comment**
  - See the “Public Input at a Glance” slide for the review of the public comments based on the prior meeting held on 9/19/2023. The TF is generating a lot of interest from the public. The public is encouraged to use the public comment form.
    - It may be possible to determine regional comments.
  - Public comments were given in person and can be reviewed in the recording at 11:15 time frame. Chat comments were read to the TF and all comments are saved and provided to the TF and the public record.
- **Public Input, research methodology, and discussion**
  - The housing market analysis will be a more qualitative approach by using focus groups and exploring in-state and out-of-state to find more information.
  - MDP staff will be asking TF members for help with this work.
  - Best practice literature review will be included.
  - The key is that there is a lot of information in the public realm, but it may become exhaustive and repetitive.
  - Balancing the inputs and we need to know who we are not reaching in this process. We should identify those people/groups we need to hear from.
    - Disaster relief may be needed in that sort of situation.
    - Oppositions groups may not be heard such as HOA and citizen groups. The TF must invite them to participate.
    - Karen Mierow, member of public – tenancy advocacy groups such as CASA
    - Environmentalist groups.
- **Closing round of comments:**
  - Quinn Griffith –HOAs and the APFO impacts, financial impacts, infrastructure, and the ramifications on HOAs
  - Amy Morelock – emphasizing that the ADU is an accessory unit, and the affordability and sorting out the issues should be reflected as such.
  - Chelsea – Universal design requirement and the needs of the disabled community.
  - TF requested a re-distribution of the monthly meeting work plan.
  - Developing scenarios to think through all elements will help the TF
    - Walk through policies and apply ordinance requirements at different stages.
    - Use different types of ADUs and avatars of potential residents.
  - Address Euclidean zoning and the ADU phenomena.
  - Panels from the Planning Director perspectives in jurisdictions that have implemented ADUs.
  - Ingress/egress and life safety must be addressed.
  - Equity as an overarching theme in every aspect of the analysis
  - Glossary of terms needed.

**Next Steps** – A meeting schedule will be established, and the locations may change depending on schedules. The November meeting location is yet TBD, and the following monthly meeting dates are only tentative.