

MBIA Testimony HB 980.pdf

Uploaded by: Graf, Lori

Position: FAV

Hon. Kumar Barve
Chair, House Environment and Transportation Committee
6 Bladen Street, Room 251
Annapolis, MD 21401

Re: SUPPORT – HB 980 – (416-21) - Prince George’s County – Public Ethics – Definition of Application

Dear Chair Barve and Committee Members,

The Maryland Building Industry Association (MBIA) is submitting testimony in **SUPPORT of HB 980 Prince Georges County - 416-21-Public Ethics-Definition of Application.**

This amendment is critical allowing smart growth on both the economic and development side, while keeping the county attractive to potential residents and businesses. The amendment is not a “giveaway to developers” or builders or a loophole in the development process. Rather, it is an acknowledgment that an entire countywide rezoning was never envisioned when the affidavit requirement was imposed by the State legislature. Developers and builders are familiar with the affidavit requirement, and submitted hundreds of affidavits at the start of this process.

The new ordinance simplifies the uses and types of development, which are permitted (commercial, residential, industrial, etc.) in the county. It eliminates obsolete uses, consolidates similar uses, and categorizes all of them into general and intuitive categories. This amendment is critical to completing the process is critical to allowing the county to move forward. The county made a tremendous effort on the outreach side to educate as many county homeowners and residents as possible on the proposed changes. Resolving this issue now, could forestall years of legal challenges that would hold-up the implementation of a modern zoning ordinance that would replace the nearly 60 year existing zoning ordinance.

We appreciate the opportunity to offer our feedback on **HB 980 - Prince Georges County - 416-21-Public Ethics-Definition of Application** and ask the delegation for a favorable report.

Should you have any questions or comments, please do not hesitate to reach out to Lori Graf at lgraf@marylandbuilders.org

Respectfully,

Lori Graf, CEO

cc: Environment and Transportation Committee Members

HB 980 - Prince George's County - Public Ethics -

Uploaded by: Mingo, Dwayne

Position: FAV



PRINCE GEORGE'S COUNTY ASSOCIATION OF REALTORS

**8300 Corporate Drive, Suite 100
Landover, Maryland 20785
(301) 306-7900
(301) 306-8273 Fax**

March 16, 2021

The Honorable Kumar P. Barve, Chair
Environment and Transportation Committee
Room 251
House Office Building
Annapolis, MD 21401

RE: HB 980 Prince George's County – Public Ethics – Definition of Application (PG 416-21)

Dear Chairman Barve,

The Prince George's County Association of REALTORS® (PGCAR) Legislative Committee has met and reviewed HB 980 Prince George's County – Public Ethics – Definition of Application (PG 416-21). On behalf of our 3,300 members, I wish to inform you of our **SUPPORT**.

HB 980 alters the definition of "application," as it applies to provisions of the Maryland Public Ethic Law relating specifically to applications for land use decisions in Prince George's County, to exclude participation in adopting the County's Countywide Zoning Map Amendment.

REALTORS® believe that implementation of the zoning and subdivision rewrite is paramount for developing and bringing economic growth to Prince George's County. As drafted, HB 980 provides clarity on the purpose and intent of the legislation, making it straightforward and a necessary vehicle for completion of the County's Zoning and Subdivision Ordinances.

We respectfully urge you to vote **FAVORABLE** on HB 980.

Thank you for your consideration of our position.

Sincerely,

A handwritten signature in blue ink that reads "Michael A. Graziano".

Michael A. Graziano
Executive Vice President

The Voice For Real Estate in Prince George's County

HB980.pdf

Uploaded by: Percy, Davion

Position: FAV



Prince George's County Municipal Association
An Association Of 27 Municipalities



March 5th, 2021

The Honorable Kumar Barve, Chair
Environment & Transportation Committee
2 West House Office Building, Room 251
Annapolis, Maryland 21401

Re: Support of HB980 - Prince George's County - Public Ethics - Definition of Application
Dear Chair Barve

On behalf of the Prince George's County Municipal Association (PGCMA), which represents the 27 incorporated cities and towns in Prince George's County, I am writing to express support for HB980. This bill clarifies the definition of application and related terms so that Prince George's County can implement ethical zoning ordinances. The clarification of the bill's language will result in a reduction of risk that remain an obstacle for both the County and its many communities' zoning goals.

The members of PGCMA are supporting this bill because our residents are our priority. Comprehensive zoning laws in Prince George's County cover almost 500 square miles that contain more than 320,000 properties and 100,000 property owners. The amendments in the bill are vital to fostering economic and developmental growth in the community as well as keeping our community beautiful for potential residents and businesses. The bill also allows the county to put aside the current rigorous zoning regulations and bring to the forefront ethical ordinances that will allow our county to progress with the times.

On behalf of PGCMA, I think you for considering this legislation and I urge a favorable vote on HB980.

Regards,

A handwritten signature in blue ink, appearing to read "Bennard Cann".

Mayor Bennard Cann
President, Prince George's County Municipal Association
Mayor, Town of Morningside

HB 980 (PG 416-21) CMA Position Statement (Final -

Uploaded by: Barron, Delegate Erek

Position: FWA



THE PRINCE GEORGE'S COUNTY GOVERNMENT

(301) 952-3700
County Council

POSITION STATEMENT

HB 980 (PG 416-21)
Delegate Barron
o/b/o County Executive,
County Council and
M-NCPPC

Prince George's County – Public Ethics
Definition Of Application

POSITION:

SUPPORT (AS AMENDED)

HB 980 (PG 416-21), supported by the Prince George's County Executive, the County Council and the Maryland-National Capital Park & Planning Commission (M-NCPPC), seeks to clarify the applicability of the State Ethics provisions to a Countywide Zoning Map Amendment (CMA) process. Specifically, the bill would make clear that an application does not mean participation in adopting and approving a CMA recommended by the Planning Board and approved by the District Council, where the intent is to implement an approved General Plan by repealing and replacing all zoning categories.

The passage of the bill is necessary to give legal effect to the Countywide Zoning Ordinance Rewrite, the first legislative phase and \$6 million County taxpayer funded investment into planning and zoning to update the County's 50-year-old Zoning Ordinance and Subdivision Regulations. In 2018, after four years of M-NCPPC unprecedented public engagement process, including more than 400 public meetings, the Council engaged in its own year-long legislative process to deliberate the adoption of the Countywide Zoning Ordinance Rewrite. Shortly thereafter in 2019, Council and M-NCPPC commenced a Countywide public-notice campaign to initiate the CMA process, the second legislative phase, to adopt new zone classifications for all land in the County so that the Countywide Zoning Ordinance-Rewrite may take legal effect. But because of the onset on the COVID-19 pandemic and an ambiguity in the State Ethics Law Provisions for Prince George's County, the CMA process had to be postponed for the health, safety and welfare of the public and also to seek this legislative clarification.

The County Council believes this bill is necessary to implement the 2014 adopted Prince George's County's General Plan – entitled *Plan Prince George's 2035*, which defined the long-range policies for land use, economic prosperity, transportation, environment, housing and neighborhoods, historic preservation, arts and public facilities in the County. The County Council also believes that without the passage of this bill, the County will not be able to finalize a 6-year long legislative process, which commenced in 2014, to allow the County's Zoning and Subdivision Ordinances to take effect. Included in this position statement is a timeline the actions taken by the County to commence and advance the Countywide Zoning Ordinance Rewrite for the Zoning Ordinance and Subdivision Regulations.

The bill was amended by the Prince George's County House Delegation to include a sunset provision. For the foregoing reasons, the Prince George's County Council **SUPPORTS (AS AMENDED) HB 980 (PG 416-21)** and respectfully requests your favorable consideration of this legislation.

Prepared by: County Council Staff (Revised)

County Administration Building – Upper Marlboro, Maryland 20772

MNCPPC Position Statement - HB980 - Ethics - Defin

Uploaded by: Gardner, Adrian

Position: FWA

POSITION STATEMENT

Bill: HB 980 / PG 416-20 - Prince George's County – Public Ethics – Definition of Application

Position: Support With Amendments **Date:** March 12, 2021
Revised

Contact: Adrian R. Gardner, General Counsel

What The Bill Does: This bill would clarify an errant ambiguity in the ethics law that is preventing Prince George's County from implementing a 21ST century zoning ordinance.

Why We Support: The Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission ("Commission") joins County Executive Alsobrooks and the County Council in requesting this clarifying legislation because it would make no sense to mandate a case-by-case campaign finance report – for every fictional "*Application*" – as part of our massive county-wide process to rewrite a comprehensive zoning law that covers almost 500 square miles, more than 320,000 properties and about 100,000 property owners. The Commission supports eliminating the legal ambiguity because it creates unnecessary risks that are impeding both community expectations and the County's economic development agenda.

A New Zoning Ordinance and Map

Zoning is the law that shapes the look and feel of our neighborhoods. It helps determine what uses, or physical activities, can occur on specific parcels of land in a community—like shopping, housing, manufacturing, or agricultural and the height, width, and size of buildings. Zoning law consists of two inter-related pieces – the zoning ordinance (code) and the zoning map.

After working with a bundle of zoning laws that had morphed over half a century into a Byzantine maze, and at least two failed attempts to revise the code over the years, a popular movement recently emerged to promote a total overhaul of our County's zoning laws. Grassroots supporters included local officials, community leaders, citizen activists, planners, developers and business people alike.

The new initiative to rewrite the zoning ordinance launched in 2014 – seven years ago – with an unprecedented campaign of public outreach and input. From the outset, Commission and county leaders articulated the benefits and goals of developing new zoning laws:

- Eliminate regulatory barriers to economic development
- Streamline approval for desired development – for transit stations, mixed use, infill projects

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- Encourage redevelopment in distressed areas
- Protect stable residential neighborhoods
- Implement “*Plan Prince George’s 2035*” (comprehensive land use plan)
- Modernize regulations
 - More user-friendly and streamlined
 - Incorporate best practices

Unprecedented Public Engagement and Support

Stakeholder engagement has been at the core of the rewrite process. Since project inception, Commission staff and County leadership has overseen more than 400 interactive meetings – including public forums, focus groups, walking tours, listening sessions, social media feedback, technical groups, and public briefings with county officials. A dedicated project website attracted more than 40,000 unique visitors online. The Commission also touched every known household and property-owner with multiple mailings comprising about 1,200,000 pieces in total.

Thousands of people have spoken up during the hundreds of community meetings. For example, Marjorie Bowles of the Willow Grove Citizens Association explained:

“I have wondered through all of this involvement and all of the public hearings, if there would ever be a final document that would ... actually make it easier for us to have sustainable development, affordable homes and jobs for our citizens. This is the plan that will level the playing field for all. It is clear and concise and we must not throw all this work out to satisfy a few... This [zoning rewrite] plan needs to be passed and the old zoning regulations which were ineffective, and could be changed at will, need to be thrown out.”

Civic engagement for the rewrite included the unfettered input from dozens of municipal officials. As one example, speaking then as Mayor for the City of Bowie, G. Fred Robinson observed:

“The Council wishes to thank you for the many opportunities to provide input on, and to help improve the content of, the Zoning Ordinance Rewrite. The process has always been very transparent and representative of continuous community engagement. Municipal stakeholders have truly added value to the final product, and we encourage you to approve the Zoning Ordinance Rewrite and its companion documents at the earliest opportunity.”

Stakeholders from almost every walk of life have spoken and registered support. (More below)

Closing the Loop

With new processes, zones, and terminology enacted in the County code, the final step for transition requires a new map – enacting a new map that simply “translates” the old zone assigned to each property into the new zones (e.g., terminology and names). Unfortunately, a question has been raised whether the campaign affidavit requirement is intended to apply to this county-wide mapping. It should not.

What remains now is clarification of the latent ambiguity – in the term “Application” – which does not amount to making a substantive change, but rather a clarification necessary to remove any risk or doubt.

The Commission’s Planning Board urges a favorable report and final enactment of this bill.

#

People Are Talking About the Zoning Rewrite

“The [Zoning Rewrite] bills will enact a clear and modern zoning code that implements Plan Prince George’s 2035, and provides the needed guidance to foster world-class transit-oriented development around its 15 Metro stations, and throughout its other communities.”

Cheryl Cort, Policy Director, Coalition for Smarter Growth

“The zoning rewrite is long overdue and replaces the current outdated and cumbersome zoning law. Further, the proposed zoning rewrite greatly improves current law making, for business, a clearer development process.”

David C. Harrington, President and CEO, Prince George’s Chamber of Commerce

“These documents [Zoning Rewrite] are the result of a tremendous body of work from various planning staff, municipality representatives, community representatives, and developers... For our tax dollars, Prince Georgians deserve the same benefits and access as other residents in the region.”

Teena Green, Citizen

“The City continues to support the overall objectives of the [Zoning Rewrite] project with regard to streamlining the development review process, modernizing the subdivision and zoning regulations, incentivizing high quality development to support economic development and protecting and enhancing the County’s neighborhoods.”

Emmett V. Jordan, former Mayor, City of Greenbelt.

“We feel that the most recent version of the Zoning Ordinance is a significant improvement on our current zoning ordinance and that it will help meet both our goals for this rewrite...and the County’s.”

Sydney Daigle, Director, Prince George’s County Food Equity Council

“We wish to extend our support for the [rewrite] under consideration. We believe the updated zoning will support the county’s pursuit of transit-oriented development and more walkable communities.”

Melissa Bondi, State & Local Policy Director, Enterprise Community Partners, Inc.

“If we want the appropriate development at our metro sites, we need this document implemented now. We want better development, more citizen buy-in earlier in the process and clearer guidelines. Please pass this legislation.”

Sarah Cavitt, President, The Indian Head Highway Area Action Council, Inc.

HB 980 Letter from coalition in opposition to the

Uploaded by: Canavan, Kelly

Position: UNF

March 12, 2021

To: Honorable Members of the Environment and Transportation Committee

From: The Undersigned Coalition of Organizations

Re: Opposition to HB980 – The Prince George’s County (Lack of) Ethics Bill

We, the undersigned organizations, whose members live and operate in Prince George’s County, respectfully ask the Committee to report unfavorably on House Bill 980. We have invested our time, energy, and money in making Prince George’s County a desirable place to live, work, attend school, and recreate, and have engaged for many years in the County’s planning and land use processes.

As you know, our county’s government long ago gained a well-deserved national reputation for blatant corruption related to land use, development and related activities that harm residents and the natural environment – so much so that over the years, the General Assembly has been compelled to amend the Maryland Public Ethics Law in ways that are beginning to address that corruption. That corruption and the national notoriety it has brought have long tarnished Maryland’s reputation and embarrassed county residents. HB980 would be a step backwards.

Yet again, the Prince George’s County Council finds itself in violation of Maryland’s Public Ethics Law. The prohibitions and requirements of that law have been codified for years, and the staff of the State Ethics Commission have published guidance on how provisions specific to Prince George’s County are to be interpreted and applied. The rules regarding campaign donations and transparency of transactions have not been hidden from Council members. In fact, those very rules have plagued the Council for at least the last decade. For example, when they were sued for violating them during the Subregion V and VI Master Plan rewrites in what became an eight-year legal battle. Regrettably, it wasn’t an isolated spate of transgressions. Yet, regardless of the many instances when violations regarding campaign donations and lack of transparency have been brought to the attention of the wayward Council, they continue to flaunt breaking the Public Ethics Law regularly and recklessly. While the rest of us are perfectly clear on the rule that a Council member can’t vote on a bill benefitting a person, entity, or their agent if that person, entity, or agent has contributed to their campaign, the County Council can’t seem to get it through their heads.

The County Council’s relentless push to intensify zoning on properties across Prince George’s, in a misguided effort to reap greater profits, especially without case-by-case administrative review by the Zoning Hearing Examiner, Planning Department, Planning Board, and District Council as the new ordinance would allow would come at a horrible cost to county residents and taxpayers like us who deserve a quality of life dictated by benevolent and common sense governance, not a constant scurrying at the bottom of the barrel.

It is now public knowledge that so many councilmembers have accepted money from developers and their agents that the Council cannot attain a quorum to convene a hearing on, and vote on, the abysmal proposed County-wide Zoning Map Amendment that would make sweeping developer-friendly changes to land use and zoning throughout the county at the public's expense. It is not the State's responsibility to enable their errant behavior. Voting for HB980 wouldn't be cleaning up the Council's mess; it would be pouring gas on the fire of their corruption. They knew what they were doing when they accepted donations, when they decided not to be transparent about those donations, and generally violated the Public Ethics Law. Such behavior should not be rewarded.

If the County Council cannot move forward without disqualifying council members who have received political contributions from persons, entities, or agents seeking zoning changes, then they cannot move forward. They must be made to maintain the same modicum of decency that is required throughout the rest of the state. This kind of nonsense sits poorly with us, their constituents.

We hope you will join us in opposing HB980, and demand that the Prince George's County Council be held to basic ethical standards that the law requires and that their constituents have a right to expect of all elected officials. This loophole – that would let a Trojan horse of a zoning rewrite through the door – must be closed to protect the public and preserve our precious few remaining opportunities to participate meaningfully in the zoning process. And, most importantly, because the Public Ethics Law is in place for a reason. Our County Council must act with their constituents' interests in mind, not those of developers and their agents, whether in relation to the zoning rewrite or any other governance of land use.

Thank you for your kind consideration, and for upholding standards of decent practices for public servants in Prince George's County.

Accokeek, Mattawoman, Piscataway Creeks Communities Council (AMP Creeks)

Cedar Haven on the Patuxent River, Inc.

Clean Air Prince George's

Concerned Citizens of Prince George's County District 4 and the Surrounding Areas

Friends of Oxon Hill

Greater Accokeek Progressive Association

Greenbelt Climate Action Network

Maryland Legislative Coalition

Moyaone Association

Patuxent Riverkeeper

Southern Maryland Audubon Society, Inc.

Written Testimony of Henry S. Cole on HB980 unethi

Uploaded by: Cole, Henry

Position: UNF

Written Testimony of Henry S. Cole, Ph.D. in opposition to HB980.

I am writing to urge members of the Committee to vote against HB980, the Prince George's County's attempt to avoid its ethical responsibilities to act in the public interest—not in the interest of their campaign funds or developers. We have seen repeated occasions where the County's elected officials have accepted donations from developers and voted to give them zoning amendments which allow land uses that remove vital rural areas, discourage smart growth and expanding public transit, add to automobile traffic and their greenhouse gas emissions. HB980 provides a loophole that will perpetuate such actions and must be stopped in its tracks.

This bill may encourage other counties and their legislators to follow suit.

Thank you for your kind consideration, and for upholding standards of ethical practices for the public servants in Prince George's County.

Henry S. Cole, Ph.D. Co-Chair, Clean Air Prince George's and Board Member of Patuxent Riverkeeper and the Greater Baden Aquasco Citizens Association.

11229 Mattaponi Road, Upper Marlboro, MD 20772
hcole@hcole-environmental.com

Legislative Testimony HB980.pdf

Uploaded by: Elliott, Richard DeShay

Position: UNF

Legislative Testimony:
HB980

I strongly oppose the legislation that will bend ethics laws to allow developer-funded politicians to make policy decisions that will directly benefit those who have donated to them. This is pay to play politics where developers donate and receive whatever they want at the direct expense of Prince Georgians.

**RICHARD
ELLIOTT**
FOR MARYLAND

By Authority: Rich Elliott For Maryland Keanuu Smith-Brown, Campaign Chair Christian Hillian, Treasurer

Position on HB980 - Ethics & CZMAs

Uploaded by: I. Sweat, Moissette

Position: UNF



Post Office Box 282
Accokeek, Maryland 20607

**Written Testimony Submitted for the Record to the
House of Delegates
Environment and Transportation Committee**

Prince George's County - Public Ethics - Definition of Application PG 416-21 (HB 980)

February 28, 2021

OPPOSE

I oppose HB 980 - "Prince George's County - Public Ethics - Definition of Application PG 416-21."

HB 980 would alter the definition of a land use application to exclude participation in adopting and approving a countywide zoning map amendment, where the intent is to implement an approved general plan by repealing and replacing all zoning categories applicable to land in Prince George's County. If enacted, HB 980 would exempt countywide zoning map amendments from all the ethics requirements under the State's land use law, especially the provisions applicable to Prince George's County.

The purpose of zoning is to allow local and national authorities to regulate and control land and property markets to ensure complementary uses. Zoning can provide the opportunity to stimulate or slow down development. Zoning is also used to prevent new development from interfering with existing uses or to preserve the character of a community. Zoning laws are created for the purpose of protecting the health, safety and general welfare of the people as relates to land use. To achieve this purpose, zoning laws regulate the impacts of land use that may not be in the best interests of the people, generally including:

- Protecting the value and enjoyment of properties by separating incompatible land uses and minimizing their potentially negative impacts upon each other
- Protecting the value and enjoyment of properties by allowing a property its most appropriate land use given its location and surrounding uses
- Providing for the orderly development of a county, including making provisions for land uses in the best interests of its citizens, and
- Providing adequate public infrastructure, e.g., roads, water and sewers.

Under current law, an application for a land use decision is subject to public notice and hearing, along with ethics requirements to ensure a fair process for the public. Specifically, the Prince George's County provisions:

- Prohibits payments to any candidate for or member of the County Council from an individual or business entity with an interest in or connection to a land use application
- Requires disclosure of one-sided (“ex parte”) communications between council members or the county executive and an individual or business entity with an interest in or connection to a land use application

County lore says the current prohibitions were enacted because of the wrongdoing of a former county executive. However, legislative history indicates the law has been in place since 1957. The public ethics law was repealed from the “Rules of Interpretation Article” and recodified under the "General Provisions Article” in 2014. If the myth were fact, it only further supports my opposition to HB 980.

Under State law and County ordinance, the county council approves or disapproves land use applications. *See* Md. General Provisions Code § 5-834 et seq.; Md. Land Use Code § 20-604 et al. According to § 27-1900 of Part 19, Prince George’s County, Maryland Ordinances,

...the District Council¹ must approve a process to prepare, publish, consider, and approve, via a comprehensive zoning process authorized by law, the zoning classifications embodied in its replacement County Zoning Ordinance, as to all properties within that portion of the Maryland-Washington Regional District within Prince George's County, Maryland. To this end, specific purposes of the CMA are:

- (1) To apply zoning categories contained in Prince George's County's new Zoning Ordinance to all real property in Prince George's County;
- (2) To provide for a comprehensive and systematic rezoning procedure that bridges the gap between the abrogation date of this Zoning Ordinance and the effective date of the new Zoning Ordinance;
- (3) To limit piecemeal rezoning;
- (4) To notify landowners, municipalities, special governed taxing districts, developers, civic associations, agencies, and other County stakeholders of the zoning changes impacting real property;
- (5) To provide the necessary foundation the new Zoning Ordinance requires before it can become effective; and
- (6) To efficiently and effectively rezone all property in the County in all Planning Areas comprehensively and systematically, in a timely manner, and in accordance with all applicable State and local laws.

Enacting HB 980 would ignore the risk of bribery and public corruption involving land use applications. Currently, Prince George’s County does not require environmental impact statements, urban development studies, or infrastructure reviews when permits are issued for new

¹ The District Council is the same as the County Council for the purposes of HB 980.

developments. HB 980 will only exacerbate the continuing problems of food deserts and deficient infrastructure to support the growing County population. If county council members are legally allowed to accept payments from developers, they might be compelled to return approvals in favor of donors that conflict with what is in the best interest of County residents.

Additionally, while the primary concern addressed with HB 980 is the prohibition of payments in countywide zoning map amendments, the required disclosure of ex parte communications is also implicated by HB 980. If enacted, the bill would permit private meetings and communications between county council members and interested parties. To avoid even the appearance of impropriety, this must not be.

During the 2020 legislative session, § 5-833 was amended relative to the county executive. HB 282 (2020) removed a prohibition against an individual or business entity with an interest in, or specified connection to, land that is the subject of an application for a land use decision in Prince George's County from making a campaign contribution to the county executive, or a slate that includes the county executive, during the pendency of the application. See Md. Laws 2020, ch. 151, § 1. While I did not agree with HB 282 (2020), the county executive sits in a different position from the county council; the county executive does not have a legislative function. Even though the county executive might be improperly motivated to intervene in land use matters, the ultimate approval authority belongs to the county council. Additionally, the county executive's suggestion or influence might be overcome by the recommendation of the Prince George's County Planning Board, Maryland-National Capital Park and Planning Commission, or residents.

I understand the Coalition for Smarter Growth (CSG) supports HB 980 because the County's "ethics law has tripped up the Countywide Zoning Map Amendment."² The mission of CSG is "to promote walkable, inclusive, and transit-oriented communities, and the land use and transportation policies and investments needed to make those communities flourish."³ CSG, a self-declared "growth organization," is a division of the Piedmont Environmental Council (PEC), a 501(c)(3) nonprofit organization based in Warrenton, Virginia. The PEC is largely funded by the Piedmont Environmental Foundation.⁴ Mark Ohrstrom is the president of the Piedmont Environmental Foundation and the key principal of Larkspur Services Incorporated.⁵ Larkspur Services, a Virginia foreign corporation, provides management consulting and financial advisory services.⁶ According to OpenSecrets.org, Larkspur Services is a major donor to the Democratic

² CSG Testimony in Support of PG 416-21: Finish the Countywide Rezoning

³ <https://www.smartergrowth.net/about/>

⁴ <https://www.piedmontfoundation.org/>

⁵ https://www.dnb.com/business-directory/company-profiles.larkspur_services_inc.218ad70f2e2bbb01868e4d201969619b.html

⁶ <https://www.bloomberg.com/profile/company/0280914Z:US>

Written Testimony Submitted for the Record to the Maryland House of Delegates
Environment and Transportation Committee
Prince George's County - Public Ethics - Definition of Application PG 416-21 (HB 980)
February 28, 2021
Page 4

Party.⁷ Mark Ohrstrom and Karen Ohrstrom have reportedly made large donations to political candidates also.⁸

The reason behind CGS's support of HB 980 is unclear. Additionally, it is unclear how repealing an ethics law will hasten the countywide zoning map amendment process. However, the supporter's connection to "big money" and campaign donors should be enough to give legislators pause.

Relieving the members of the Prince George's County Council of their ethical responsibility will not serve the best interest of County residents. I urge the Committee to return an unfavorable report of HB 980.

Respectfully Submitted,



Moissette I. Sweat, Esquire

⁷ <https://www.opensecrets.org/orgs/larkspur-management/totals?id=D000035254>

⁸ <https://www.opensecrets.org/political-action-committees-pacs/C00136200/donors/2006>

Oppose House Bill 980 - Protect the State Ethics L

Uploaded by: Smith, Greg

Position: UNF

Oppose House Bill 980

Protect Maryland's Public Ethics Law

Defend Transparency, Accountability and Protections Against Special-Interest Influence in Zoning and Land Use

Testimony Opposing House Bill 980 (PG 416)

Prince George's County – Public Ethics – Definition of Application

House Environment and Transportation Committee

Hearing Date: March 12, 2021

Sponsor: Prince George's County Delegation

Position: OPPOSE

Community Research is a Prince George's County-based nonprofit organization dedicated to promoting sustainability, protecting communities, public health and the environment, and promoting good government.

We respectfully urge the Committee to issue an Unfavorable report on House Bill 980. Over the years, the General Assembly has built into the Maryland's Public Ethics Law a range of common-sense measures that aim to ensure the credibility, fairness and credibility of zoning and land use decisions. Those provisions generally are not unduly onerous, and at a time when too many people too little faith in government, it is essential that the General Assembly avoid further undermining that faith.

We are deeply concerned that the County Council apparently failed to understand how the Public Ethics Law applies to the County-wide Zoning Map Amendment process and then brought this legislation to the Delegation so late in the process.

To maintain and restore the public's faith, Prince George's County and Maryland need more transparency and accountability, not less. We need more protections against the undue influence sought by deep-pocketed developers and other special interests, not fewer.

Concerns About House Bill 980's Impacts

HB 980 would weaken the Prince George's a Public Ethics Law by wiping out a range of common-sense requirements and prohibitions as they relate to the County-wide Zoning Map Amendment and rezoning applications filed in relation to it. HB 980 would allow developers and the County Council to do on a county-wide level what the Public Ethics Law rightly prohibits on a project-specific level. Because the prohibitions and requirements imposed by the Ethics Law apply to the 36 months before an application is filed and during the pendency of the application, and because HB 980 would exempt what would otherwise be violations during that period and through HB 980's sunset, this bill may simply wipe out those common-sense protections for a span for more than four years.

HB 980 would weaken the Public Ethics Law in the following ways:

1. It would allow developers (meaning applicants and their agents) seeking more intensive zoning on specific properties to make and/or solicit otherwise prohibited campaign contributions to County Council members and to non-incumbent candidates for County Council.
2. It would allow Council Members who will make zoning decisions to receive otherwise prohibited contributions from developers seeking more intense zoning.
3. It would exempt developers and Council Members from the current requirement to disclose those contributions through simple Ethics Affidavits
4. It would allow Council Members to vote on zoning requests filed by developers that have given those Council Members campaign contributions, in some cases thousands of dollars.
5. It may also exempt developers and Council Members from the current requirement to disclose *ex parte* communications through simple Ethics Affidavits.
6. It would allow developers seeking to intensify zoning to use the County-wide Zoning Map Amendment process to evade the normal administrative process that applies to zoning applications. That normal process generally requires hearings before either the county Zoning Hearing Examiner or the county Planning Board then before the District Council. It also requires the Planning Department to consult with other agencies then develop a Technical Staff Report, which the Planning Board must then publish on its web site prior to hearing that case. HB 980 would eliminate that basic due process for any rezoning application submitted as part of the CZMA process.

As a result, if the General Assembly approves HB 980, the current CZMA process could become a massive Trojan Horse that developers can use to intensify zoning on many properties with the normal public scrutiny, due process, transparency, accountability, or opportunity for public comment.

We understand that the Clerk of the County Council has received more than 800 Ethics Affidavits from applicants and/or agents related to the CZMA. These affidavits undoubtedly cover hundreds of properties and applications. Despite clear and justified concern by the public, the Council has chosen not to publish these affidavits and applications.

Concerns About the County's Lack of Transparency

We are deeply concerned that the process followed by the County Council and the County Delegation has lacked basic and essential transparency even though the Council and the Delegation seek to weaken the Public Ethics Law by eliminating provisions that require transparency and that are meant to diminish the undue influence of developer contributions on county zoning and land use decisions. Those decisions can have long-term impacts on communities, the environment, the economy and public resources.

Rather than clearly explaining to the public that ethical concerns have compelled the Council to postpone its joining hearing on the County-wide Zoning Map Amendment (CZMA), the Council has published only vague, uninformative statements, and has failed to publish relevant public records.

That lack of basic transparency and basic respect for public's right to know cripples the public's ability and the General Assembly's ability to understand the potential impacts of HB 980-2021. It also undermines the credibility of this legislative process and the Council's efforts to advance County-wide Zoning Map Amendment.

Before the Committee acts on HB 980-2021, it should insist that the County Council take the following common-sense actions:

1. Publish the following public records for review and download from the Council's website:
 - a. All Ethics Affidavits filed by applicant, agents and council members relevant to the County-wide Zoning Map Amendment (CMA).
 - b. All applications – or at a minimum the application forms and associated financial disclosure forms – to which those Ethics Affidavits apply.
 - c. All Ethics Affidavits filed by County Council members relevant to campaign contributions and/or ex parte communications with applicants or their agents.
 - d. A map of the properties potentially affected by those applications; and
 - e. Any review, analysis or comments developed by county staff regarding the above CMA and the above affidavits and applications.
2. Directly notify, via email and other means, community associations, watershed organizations and other parties that the County has published those publication records, provide clear information on where to find them, and provide a clear statement explaining their relevance.
3. After publishing that notice, allow the public and the General Assembly Delegation at least fourteen days to review those public records.

The County Council could have and should have provided this basic transparency months ago. It should provide it now, and the General Assembly should require it to.

Oppose House Bill 980 - Protect the State Ethics L

Uploaded by: Smith, Greg

Position: UNF

Oppose House Bill 980

Protect Maryland's Public Ethics Law

Defend Transparency, Accountability and Protections Against Special-Interest Influence in Zoning and Land Use

Testimony Opposing House Bill 980 (PG 416)

Prince George's County – Public Ethics – Definition of Application

House Environment and Transportation Committee

Hearing Date: March 12, 2021

Sponsor: Prince George's County Delegation

Position: OPPOSE

Community Research is a Prince George's County-based nonprofit organization dedicated to promoting sustainability, protecting communities, public health and the environment, and promoting good government.

We respectfully urge the Committee to issue an Unfavorable report on House Bill 980. Over the years, the General Assembly has built into the Maryland's Public Ethics Law a range of common-sense measures that aim to ensure the credibility, fairness and credibility of zoning and land use decisions. Those provisions generally are not unduly onerous, and at a time when too many people too little faith in government, it is essential that the General Assembly avoid further undermining that faith.

We are deeply concerned that the County Council apparently failed to understand how the Public Ethics Law applies to the County-wide Zoning Map Amendment process and then brought this legislation to the Delegation so late in the process.

To maintain and restore the public's faith, Prince George's County and Maryland need more transparency and accountability, not less. We need more protections against the undue influence sought by deep-pocketed developers and other special interests, not fewer.

Concerns About House Bill 980's Impacts

HB 980 would weaken the Prince George's a Public Ethics Law by wiping out a range of common-sense requirements and prohibitions as they relate to the County-wide Zoning Map Amendment and rezoning applications filed in relation to it. HB 980 would allow developers and the County Council to do on a county-wide level what the Public Ethics Law rightly prohibits on a project-specific level. Because the prohibitions and requirements imposed by the Ethics Law apply to the 36 months before an application is filed and during the pendency of the application, and because HB 980 would exempt what would otherwise be violations during that period and through HB 980's sunset, this bill may simply wipe out those common-sense protections for a span for more than four years.

HB 980 would weaken the Public Ethics Law in the following ways:

1. It would allow developers (meaning applicants and their agents) seeking more intensive zoning on specific properties to make and/or solicit otherwise prohibited campaign contributions to County Council members and to non-incumbent candidates for County Council.
2. It would allow Council Members who will make zoning decisions to receive otherwise prohibited contributions from developers seeking more intense zoning.
3. It would exempt developers and Council Members from the current requirement to disclose those contributions through simple Ethics Affidavits
4. It would allow Council Members to vote on zoning requests filed by developers that have given those Council Members campaign contributions, in some cases thousands of dollars.
5. It may also exempt developers and Council Members from the current requirement to disclose *ex parte* communications through simple Ethics Affidavits.
6. It would allow developers seeking to intensify zoning to use the County-wide Zoning Map Amendment process to evade the normal administrative process that applies to zoning applications. That normal process generally requires hearings before either the county Zoning Hearing Examiner or the county Planning Board then before the District Council. It also requires the Planning Department to consult with other agencies then develop a Technical Staff Report, which the Planning Board must then publish on its web site prior to hearing that case. HB 980 would eliminate that basic due process for any rezoning application submitted as part of the CZMA process.

As a result, if the General Assembly approves HB 980, the current CZMA process could become a massive Trojan Horse that developers can use to intensify zoning on many properties with the normal public scrutiny, due process, transparency, accountability, or opportunity for public comment.

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Concerns About the County's Lack of Transparency

We are deeply concerned that the process followed by the County Council and the County Delegation has lacked basic and essential transparency even though the Council and the Delegation seek to weaken the Public Ethics Law by eliminating provisions that require transparency and that are meant to diminish the undue influence of developer contributions on county zoning and land use decisions. Those decisions can have long-term impacts on communities, the environment, the economy and public resources.

Rather than clearly explaining to the public that ethical concerns have compelled the Council to postpone its joining hearing on the County-wide Zoning Map Amendment (CZMA), the Council has published only vague, uninformative statements, and has failed to publish relevant public records.

That lack of basic transparency and basic respect for public's right to know cripples the public's ability and the General Assembly's ability to understand the potential impacts of HB 980-2021. It also undermines the credibility of this legislative process and the Council's efforts to advance County-wide Zoning Map Amendment.

Before the Committee acts on HB 980-2021, it should insist that the County Council take the following common-sense actions:

1. Publish the following public records for review and download from the Council's website:
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The County Council could have and should have provided this basic transparency months ago. It should provide it now, and the General Assembly should require it to.

HB980 - Prince George's County-Public Ethics-Defin

Uploaded by: Tulkin, Josh

Position: UNF



7338 Baltimore Ave
Suite 102
College Park, MD 20740

Committee: Environment and Transportation

Testimony on: HB980 – “Prince George’s County – Public Ethics – Definition of Application PG 416-21”

Position: Oppose

Hearing Date: March 16, 2021

The Maryland Sierra Club, in consultation with its Prince George’s County Group, urges an unfavorable report on HB980.

HB980 creates a significant and undesirable loophole in the ethics rules that govern land use decisions in Prince George’s County. Specifically, the bill would except from the current rules one of the county’s biggest and most far-reaching land use decisions, the approval of a countywide zoning amendment. To safeguard the integrity of the county’s land-use decision making process, we ask you to not endorse this weakening of the ethics rules.

The Sierra Club stands strong in support of good governance and high ethical standards for elected officials. The current ethics rules are meant to protect the integrity of the planning and zoning processes by restricting contributions from developers to county council members who are charged with making decisions about applications from those developers. Decisions about land use are crucial in our efforts to address systemic inequities and assure a sustainable future. They should be made in the long-term best interest of county residents, with full consideration of the importance of a healthy environment. Allowing decision makers to accept contributions from applicants undermines the integrity of the process.

The purpose of the county’s zoning rewrite process is to simplify the zoning ordinance and make it more user-friendly, fair, and transparent to improve implementation of the county’s General Plan. The forthcoming countywide zoning map amendment will affect every property in the county. It is essential that the approval process not be tainted by inappropriate contributions to decision makers.

Too often, carefully considered plans and guidance documents have been subject to amendments and exceptions that enable continued sprawl, increasing dependence on fossil fuel powered cars and whittling away the green infrastructure that sustains us all. We ask for an unfavorable report on HB980.

Janet Gingold,
Chair, Prince George’s County Group
janet.gingold@mdsierra.org

Josh Tulkin
Chapter Director
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Founded in 1892, the Sierra Club is America’s oldest and largest grassroots environmental organization. The Maryland Chapter has over 75,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.