



CLIMATE COALITION

Montgomery County, MD

Office of the Peoples' Counsel – Support HB 1364 - No Amendments.

March 21, 2024

Dear Chair Korman and Members of the House Environment and Transportation Committee,

The Climate Coalition Montgomery County supports full funding for the Office of the People's Counsel. We ask you to support HB 1364 that would further codify this crucial independent office in state law. We oppose amendments that would weaken this Office, for reasons cited below.

We need the Office of the People's Counsel (OPC) to be funded and staffed, because wise land use decisions are fundamental to the success of Montgomery County's Climate Action Plan. The OPC was previously funded by the County Council and had a two-person staff between 1999 and 2008. The OPC, which enjoyed widespread positive support according to the 2008 report by the Office of Legislative Oversight (based on interviews with over 50 people who interacted with the OPC), participated in 267 land use proceedings from 2002-2007, and provided technical assistance in over 18,000 instances during that time-frame.

So, the record shows that OPC played a significant, positive role in technical assistance and in its unique ability to highlight aspects of the public interest in land use proceedings. Although opponents of the OPC claim that this Office was used in the past to block affordable housing programs, we have not seen any evidence that supports this claim. We support housing justice programs and view the OPC as enabling constructive community participation towards decent housing for all residents.

Examples of land use decisions affecting Montgomery County's climate response include: site plans, master plans, and special zoning exceptions that determine how much forest is protected and how much more pavement is allowed in a given area; proposals that affect the stock of existing affordable housing and the availability of urban land to affordable housing developers; and Zoning Text Amendments that affect availability of land to farmers in Montgomery's Agricultural Reserve.

Citizen participation in local land use decisions is very challenging even for well-resourced civic groups that have the funds to hire their own lawyers. For groups lacking such funds, with no staff at the Office of the People's Counsel to assist them in navigating Montgomery's maze, they are often out in the cold, unable to participate effectively in the multiple hearings required for land use and zoning proceedings. When grassroots citizens lack the guidance of the OPC, they are more likely to be chilled out of and harmed by government decisionmaking that directly affects them; in this ever-widening situation, the public interest is silenced and subverted.

Climate disruption will accelerate in the coming years, requiring Montgomery County residents to adapt to heat waves, flash floods, and drinking water pollution by toxic algae blooms. Forest protection, and protecting existing affordable housing while building more affordable housing that is energy-efficient and transit-served, are examples of land use and zoning decisions that help us to more-



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safely and -equitably adapt to climate disruption. Helping historically under-resourced Black, Indigenous, and People of Color communities to constructively participate in County land use and zoning decisions through the Office of the People's Counsel, is at its essence a climate justice policy.

We request your support for HB 1364 and we oppose any amendments.

Effective participation by individual citizens and civic groups in our local government decisions is aided by the Office of the People's Counsel. In the years since the OPC was de-funded, residents' participation in land use and zoning decisions has been more difficult – and more rare – in the absence of the expert guidance provided by the OPC. We support the budget request by C.E. Marc Elrich for full funding for the OPC.

Misconceptions about the OPC have been reported that require correction with the facts. One misconception is that the OPC only served a small number of elite citizens – in fact it provided 47 mediation sessions between developer-applicants and a range of citizens and civic groups. Another misconception is that the OPC obstructed government-developer relations and usurped other agencies; to the contrary, the OPC through its independent expertise for the public interest, frequently helped all parties to reach compromise solutions more quickly than would have otherwise happened.

We do not support proposals to replace the effective Office of the People's Counsel with a duplicative Public Relations branch of county government. The “Community Zoning and Land Use Resource Officer” as a public information source, would be duplicating the public information resources already available on line, and in-person at some agencies including the Planning Board. We don't need another government information/ PR branch. As noted by resident Cheryl Gannon, “There were 17 witnesses who sent written testimony for the April 18, 2023 public hearing on Councilmember Friedson's bill 18-23: 16 were in opposition and one was in support of Council Bill 18-23.”

No witness at the April 2023 County Council hearing, argued that a People's Counsel would have helped prevent the development of housing. To the contrary, we as climate justice activists support stepped-up County efforts to provide affordable housing at a scale to meet the need, in transit-served, walkable urban neighborhoods. The OPC will help to ensure that we achieve this goal and our other climate goals, through wiser land use decisions informed by expert guidance to the grassroots, and an independent voice for the public interest.

Thank you for considering our views.

Sincerely,

Karen Metchis for
Climate Coalition Montgomery County