

HB 1364

**Maryland–National Capital Park and Planning Commission – Montgomery County
People’s Counsel for Land Use Planning**

Testimony submitted by **Cheryl Gannon, resident Silver Spring MD**

Thank you for the opportunity to submit testimony in support of Senator Kramer’s bill to establish a People’s Counsel for residents of Montgomery County. Land use and Planning for both Montgomery and Prince George’s Counties falls under the jurisdiction of the MNCPPC (the Commission)—a state created and chartered bi-county agency. Under a memorandum of agreement with the Commission, Prince George’s County receives annual funding from the state to support a People’s Counsel for Zoning and Land Use for Prince George’s residents. Title 25 of the state land use statute outlines various functions of the Prince George’s County People’s Counsel and makes clear that the MNCPPC is a state agency. Yet, Montgomery County residents are not afforded the same services that the state provides to Prince George’s residents. This disparity in treatment of residents of each county must be resolved and the state should step in and establish a People’s Counsel and funding for the residents of Montgomery County. Senator Kramer’s bill accomplishes these important goals, and his bill mirrors the existing county statute with respect to the powers of the People’s Counsel.

In a move that can only be described as retaliatory, the House delegation stripped out the most important parts of Senator Kramer’s bill and inserted a very weak information clearinghouse in its place. The resulting House bill is *weaker than the existing unfunded county statute* and if enacted, leaves Montgomery County residents in a worse position than before. It begs the question as to who asked the state delegation to shred the existing county statute and remove important resident protections? These harmful amendments must be rejected, and I urge you to support Senator Kramer’s bill as introduced.

It is worth noting that in addition to Prince George’s County, there is a People’s Counsel for zoning in Baltimore County, Howard County and Harford County. Yet, Montgomery County, the largest in the state, has failed to maintain the program for its own residents.

There were many egregious misstatements of fact made during the delegation committee discussions. For example, it was said the county needs affordable housing and a People’s Counsel will get in the way of that. In fact, a Council OLO report noted that more than half the time, the People’s Counsel for Montgomery County, (when we had one) sided with petitioners and not residents. The county statute that the Kramer bill reflects gives no authority to a People’s Counsel to stop anything. The People’s Counsel can take positions and advocate at hearings, but the decision makers remain the same—the Planning Board and the Council. The county statute and Senator Kramer’s bill both prohibit the People’s Counsel from representing any individual party.

The Coalition for Smarter Growth has mailed alerts telling residents to oppose the People’s Counsel because “too often it has been used to stop affordable housing.” This is an egregious falsehood. The CSG lobbyist has been asked several times to identify even one instance when a People’s Counsel stopped affordable housing and is unable to do so. Unfortunately, these misstatements of fact were accepted and repeated by delegates on the Economic Development Committee. It is ironic that the CSG parent organization, Piedmont Environmental Council, often opposes housing and other developments in their home territory in Virginia, with the assistance of counsel, but believes that is only the residents of Montgomery County that don’t deserve advice and assistance.

The People's Counsel statute in Montgomery County, which has been unfunded for 15 years, was a proposal advanced by former County Executive Ike Leggett when he was on the Council. In fact, he advocated for a stronger statute than what is currently in place.

It is fair to say that Mr. Leggett managed to move development projects forward with an Office of the People's Counsel in place.

The land use process is complex. Residents need an experience land use attorney to explain the process, the laws and help residents to know where and when to express their positions. Developers have attorneys, the Planning Board has attorneys, the MNCPPC has attorneys, and the Council has attorneys. It is only the residents that are expected to go to work every day, take care of families and then spend hours trying to understand and participate in a complex and difficult process without expert help. Fairness would be restored by enacting Senator Kramer's bill as introduced and rejecting the harmful House amendments.

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