



Bill: House Bill 911 - Real Property - Landlord and Tenant - Family Child Care Homes

Committee: Environment and Transportation

Date: February 18, 2025

Position: Favorable with Amendments

The Apartment and Office Building Association (AOBA) of Metropolitan Washington is a non-profit trade association representing the owners and managers of more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's counties. AOBA submits the following testimony in support of House Bill 911 with amendments.

AOBA members understand the need for affordable childcare. However, most multifamily buildings are not suitable for this type of use. In fact, the Prince George's County Zoning Code restricts the use of daycare centers in most multifamily zones¹. To establish a daycare in a Residential Multifamily (RMF) Zone in Prince George's County, a property owner would need to apply for a special exception². This requires the property owner to pay a \$2,500 fee, host a community meeting, and conform to the following requirements³:

- (i) The center shall comply with all applicable State regulations and obtain appropriate State licensing prior to operation.*
- (ii) The center shall provide a minimum of 75 square feet of usable outdoor play or activity area per child.*
- (iii) The outdoor play or activity area shall be fenced.*
- (iv) Any off-premises outdoor play or activity area shall be located near the building housing the center, and shall be safely accessible without crossing (at grade) any hazardous area, such as a street or driveway.*

¹ <https://online.encodeplus.com/regs/princegeorgescounty-md/doc-viewer.aspx#secid-649>

² https://www.pgplanning.org/wp-content/uploads/2025/01/Development-Review-Application-Fees_Rev-No-Sign-Fees-ZCL-fee.pdf

³ <https://online.encodeplus.com/regs/princegeorgescounty-md/doc-viewer.aspx#secid-650bk73>

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- (v) The play area shall be sufficiently shaded during the warmer months to afford protection from the sun.*
 - (vi) If the play area is to be used before or after daylight hours, it shall have sufficient lighting to ensure safe operation of the area during such times.*
 - (vii) Outdoor play shall be limited to the hours between 7 a.m. and 9 p.m.*
 - (viii) The center shall provide designated passenger drop-off and pick-up spaces in accordance with Section 27-6307(g)(2), Drop-Off and Pick-Up Areas.*
 - (ix) The site plan shall show:*
 - (aa) The proposed enrollment; and*
 - (bb) The location and size of outdoor play or activity areas.*

Many high-rise apartment buildings, particularly those in Central Business Districts, are not able to meet the 75 square feet of usable outdoor play space. For example, a building with a rooftop terrace equipped with grills and outdoor furniture would be neither appropriate nor safe for child recreation.

The bill also allows a housing provider to require the tenant to obtain insurance that lists the housing provider as “an additional insured.” Insurance providers no longer allow this type of third-party coverage. AOBA brought this issue to the attention of the Maryland Insurance Administration, which confirmed that insurers are allowed to exclude this coverage. This lack of third-party coverage will only make the housing provider’s liability insurance more expensive at a time when multifamily insurance premiums have increased significantly⁴.

AOBA urges the Committee to amend the bill by removing multifamily dwellings. For more information, please contact Brian Anleu at banleu@aoba-metro.org.

⁴ <https://www.nmhc.org/news/press-release/2023/new-survey-finds-significantly-increased-insurance-costs-for-affordable-housing-providers/>