

ATTAINABLE HOUSING STRATEGIES

WHAT WE'RE HEARING *Below is a summary of some of the concerns heard from the community about the Attainable Housing Strategies (AHS) initiative and our responses.*



Increased Demands on Infrastructure:

While impacts on infrastructure (schools, transportation, water and sewer) are likely to be minimal, these can be addressed through existing policies including those contained in the Growth and Infrastructure Policy. For example, attainable housing options are subject to existing transportation and school impact tax payments and any applicable Utilization Premium Payments to mitigate impacts on crowded schools.

Compatibility Concerns:

Some community members have expressed concerns about the compatibility between existing single-family detached structures and the new attainable housing typologies. The Planning Board's recommendations would allow for the creation of duplexes, triplexes, and quadplexes by-right only if they follow the contents of a Planning Board-approved pattern book, which when completed, will give guidance on building massing, placement, height, door placement, parking, and other building features. Furthermore, the Planning Board recommends establishing zoning development standards (setbacks, height, lot size, etc.) for structures with these new housing types that are consistent with the existing standards for single-family detached homes.

Pattern Books come in all shapes and sizes, but the underlying goal is to guide and expedite housing creation by creating a one-stop resource containing all the provisions required to receive a building permit. Other jurisdictions that have created pattern books include Norfolk, VA, South Bend, IN, and Chattanooga, TN.

Actual Attainability:

Due to the high costs of land and construction, some suggest that new attainable housing may be more expensive than existing single-family detached units. However, in every neighborhood, attainable units would be smaller and accordingly less expensive than new replacement single-family detached homes in the same neighborhood. If no action is taken, over time the currently attainable properties in the existing housing stock will be slowly transformed by-right under the existing zoning code and development standards into larger custom homes that are less affordable than existing and new attainable housing. A desired outcome of the AHS effort is that more people of varying income levels have the chance to buy or rent more types of homes in the county, thus making the county's communities a better reflection of its great diversity. When we plan for our county's future, we need to be planning for all our residents.



Parking Concerns:

The AHS report recommends reducing parking minimums to increase the feasibility of fitting duplexes, triplexes, and quadplexes on small lots. However, it does not mandate that developers do so. The provision of parking will be driven by market demand. Furthermore, reduced parking minimums are appropriate for walkable communities with access to services, amenities, and multiple modes of transportation. Attracting households with less reliance on personal automobiles is also important for environmental sustainability.

ZTA Seen as a Way to Circumvent Master Plan and Sector Plan Process:

Zoning Text Amendments (ZTAs) are often criticized as a “one-size-fits-all” and “blanket approach” to change zoning without going through the master plan and/or sector plan process. However, the AHS process is comprehensive – and builds upon years of work regarding Missing Middle housing, and now attainable housing. One could also argue that single-family zoning assumes that the vast majority of people only want one type of housing (single-family detached), making it a “one-size-fits-all” approach to housing choice.

All zoning categories, once established, are applied across the county in a uniform way. Current single-family detached zones are a case in point of how the county has developed with these types of zones. The way to change these patterns is to change these zoning categories with legislative action by the County Council.

Gentrification and Displacement:

We’ve heard concerns that new residential structures increase the cost of housing and lead to the displacement of existing residents. The recommendations in the AHS report will not force anyone to sell their house. Appendix C in the AHS final report tackles this topic.

Planning staff modeled the feasibility of replacing existing single-family detached homes in the county with attainable housing typologies and found that while it varies by neighborhood, there generally is a limited supply of homes for which replacement is feasible. Planning found that only about 10 percent of homes out of 20,000 sold were within a price range that would support redevelopment of any type. The portion that would potentially result in attainable housing typologies is even smaller.

Confusion Between Affordable Housing and Attainable Housing:

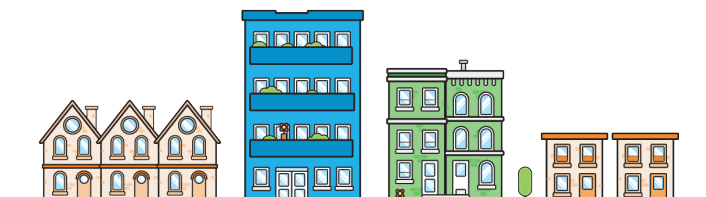
Thrive Montgomery 2050 recognizes that more housing of all types is needed, including both affordable (income-restricted) housing and attainable (market-rate) housing. Attainable housing should be affordable to households at a range of income levels and suitable for their needs. Implicit in the concept of attainable housing is the idea that a range of housing options (type, size, tenure, cost) exists in the local market. Affordable housing is either built under government regulation or a binding agreement that requires the unit to be affordable to households at or below specified income levels or is available at market prices that achieve the same result.

Stormwater Management:

Stormwater management provisions exist for small lots (under 15,000 square feet) that address lot-to-lot drainage for residential lots for one-family and two-family properties. The current code is silent on protections for three- and four-unit multiplex buildings. Planning staff recommends updating the code to require control of water runoff from small building sites including detached, duplex, and multiplex building types.

Street Trees and Tree Canopy:

Tree canopy loss, both on-lot and in the right-of-way, is a major concern raised by residents. In the public right-of-way, major species tree standards require a 50-foot center placement to maximize soil volume. However, these rules can greatly reduce the number of trees along a street and decrease the likelihood that trees will create a continuous canopy. Similar concerns have been raised about the provision in Chapter 55 (the tree canopy law) of the county code that prohibits property owners from receiving credit for on-site tree canopy unless they have a minimum of 400 square feet of open space. This requirement has compelled a lot of applicants who trigger the law to pay an off-site fee rather than replace trees on-site. Efforts should be undertaken to explore ways to reduce tree spacing in the right-of-way and to reduce the open area requirements on private lots to lessen the canopy loss resulting from all new development, including attainable housing.





Buffer Distances:

Several people believe that the buffer distances used to determine if a property is within the Priority Housing District are arbitrary and random – and either smaller buffers or pedestrian network walksheds should be used as a more realistic option. The Planning Board recommended a one-mile straight-line buffer to be consistent with existing county law reducing parking requirements for Accessory Dwelling Units. Similarly, using a pedestrian network buffer would require frequent updates to the Priority Housing District, as the pedestrian network changes often.

Property Assessment:

Some have raised the issue of attainable housing on property value assessments. In a letter to the Planning Department, Maryland's State Department of Assessment and Taxation writes: "If a property were to be redeveloped to create a multi-family unit on the parcel, the immediate change would only directly impact that particular parcel. However, if properties are acquired at lower or higher purchase prices over time and the comparable sales warrant a decrease or increase in the assessed value of those similar properties upon the next reassessment cycle, it may indirectly impact the assessments for similar properties in that market rate area." See Appendix E in the Attainable Housing Strategies Report for the full letter.

Role of HOAs:

Another theme in correspondence has to do with the role of homeowners' associations (HOAs) and covenants in restricting multi-unit development. Many HOAs have restrictions against renting property or having more than one unit on a property. These covenants are private binding documents. Just as with other private contracts, the courts enforce the contracts when asked to do so by one of the parties involved. The county does not enforce private covenants¹. While HOAs cannot override zoning, they can generally have more restrictive conditions subject to constitutional limitations.

Locally Designated Historic Sites & Districts:

An Historic Area Work Permit (HAWP) is required for any alterations within designated historic districts and for designated historic sites. The Historic Preservation Commission (HPC) would review proposals for construction, additions, and modifications, grading, and tree removal, using existing adopted design guidelines for the properties within the districts. A review of the proposed construction is conducted in public at HPC meetings and affords Local Advisory Panels and the general public the opportunity to participate in consideration of the new construction/development in the historic districts. The HPC does not regulate properties listed in the National Register of Historic Places. To learn more about the HPC's review process and Montgomery County's designated historic properties, please visit our website: montgomeryplanning.org/planning/historic.

Role of Municipalities:

Municipalities with their own zoning authority (Brookeville, Poolesville, Laytonsville, Rockville, Barnesville, Gaithersburg, and Washington Grove) are not affected by any changes to county zoning. Other municipalities in the county are subject to county zoning and under Section 20-509 of the State Land Use Article may impose stricter building requirements. Such building requirements may:

- Regulate only the construction, repair, or remodeling of single-family residential houses, or other structures on land zoned for single-family residential use as it relates to, among other things:
 - residential parking;
 - the location of structures, including setback requirements;
 - the dimensions of structures, including height, bulk, massing, and design; and
 - lot coverage, including impervious surfaces

There is a process in the Land Use Article for municipalities to adopt such restrictions which includes a public hearing and transmittal to the County Council.

Read the AHS Recommendations Final Report: montgomeryplanning.org/wp-content/uploads/2024/06/2024-AHS-Final-Report.pdf

¹ The role of HOAs and municipalities was also a discussion point during the debate over Accessory Dwelling Units in ZTA 19-01, and the information here is summarized from that report: https://www.montgomerycountymd.gov/council/Resources/Files/agenda_col/2019/20190709/20190709_3.pdf

