

ACCESSORY DWELLING UNIT POLICY TASK FORCE

First Meeting
September 19, 2023

AGENDA

9 – 10:00:

Welcome and Introductions

10 – 10:30:

Purpose and SB 382 Charge

10:30 – 10:45:

Task Force Timeline and Process

10:45 – 11:15:

Background and Research

11:15 – 11:50:

Discussion

11:50 – Noon:

Public Comment

Noon:

Adjourn

PUBLIC COMMENT

The Task Force will be accepting public comments at the end of each meeting, but not responding to questions

Members of the public are encouraged to submit comments for Task Force consideration using [this commenting form](#)



INTRODUCTIONS

TASK FORCE MEMBERS

Task Force Slot	Assigned Representative	Organization/Company
Senate Representative	TBD	
House Representative	Delegate Vaughn Stewart	House of Delegates, District 19
Secretary of Planning or Designee	Secretary Rebecca L. Flora, AICP (CHAIR)	Maryland Department of Planning
Secretary of Housing & Community Development or Designee	Theo Williams	Maryland Department of Housing and Community Development
MACo Urban County Rep.	Lori Parris	Prince George's County Department of Permitting, Inspections and Enforcement
MACo Rural County Rep.	Amy Moredock, CFM	Queen Anne's County Planning & Zoning
MML Urban Municipality Rep.	Jason Gaston III	Town of Brentwood
MML Rural Municipality Rep.	Councilman Dan Hoff	City of Westminster

TASK FORCE MEMBERS

Task Force Slot	Assigned Representative	Organization/Company
Maryland Building Industry Asso. Rep.	Dave S. Thaler, PE, LS	D.S. Thaler & Assoc, LLC
Maryland Asso. Of Realtors	Tiffany Harris, Broker	Harris Hawkins & Co
Chesapeake Region Chapter of the Community Asso. Inst.	Quinn Griffith	Whiteford, Taylor & Preston LLP
American Institute of Architects Maryland	Deborah Buelow, AIA, Well AP	Cedar Architecture
American Association of Retired Persons Maryland	Priscilla Kania	AARP
Maryland Coalition for Interior Designers	Mandy Gitt, CID, IIDA	Simply Bespoke Studio
An individual with professional experience in the planning and development of roads and highway	Jennifer Ray, AICP	JMT

SUPPORTING TASK FORCE MEMBERS




Isabella Shycoff



Lisa Belcastro





Detached New Construction

PROS:

- ✓ Most privacy for homeowners/tenants
- ✓ Most attractive for renters

CONS:

- ✗ Most expensive

AVERAGE COST:
\$100,000+

PURPOSE

ADUs IN THE NEWS

HUDSON


Jersey City council withdraws zoning amendment ordinance over accessory dwelling unit concerns

Published: Jul. 13, 2023, 5:08 p.m.



SEE IT: Louisville sees boom in accessory dwelling units across city. Take a peek inside


Scott Utterback
Louisville Courier Journal
Published 4:55 a.m. ET Aug. 31, 2023



This accessory dwelling unit is a former two-car garage that Camilo Rebolledo is converting on Fegenbush Lane. Aug. 29, 2023 Aug. 29, 2023

Op-Ed: Excessive Water Hook-up Fees Stunt Seattle's ADU Building Boom

By Donna Breske (Guest Contributor) - August 15, 2023



A City graphic highlights an accessory dwelling unit next to a single family home. The building boom has been hampered by high utility fees, however. (City of Seattle)

Seattle Public Utilities is using "No Tap" water mains to extort homebuilders for system upgrades.

SENATE BILL 382

Effective June 1, 2023

Sponsor: Senator Mary Washington

Neutral Rather than Promotional Language

- First reader included “promotional: in the title of the Task Force’s name, which was removed, along with similar ADU favorable language, by adopted version

SENATE BILL 382: ADUs DEFINED

Accessory Dwelling Unit means a secondary dwelling unit on the same lot, parcel, or tract as a primary dwelling unit that is constructed:

- (i) attached to, or through the **conversion** of, a portion of the primary dwelling unit;
- (ii) attached to, or through the full or partial **conversion** of, an accessory structure located on the same lot, parcel, or tract as the primary dwelling unit;
- (iii) as a new building, detached from the primary dwelling unit and any existing accessory structure.

Dwelling Unit means a single unit that provides independent living facilities for at least one person.

SENATE BILL 382: TASKS

Survey and document representative sampling of state and local codes, laws, ordinances, and policies regarding the development and operation of ADUs in **areas zoned for single-family residential use**

Study available best practices for streamlining or standardizing the application process for permits necessary to build or operate an ADU

Make legislative or other policy recommendations, including a list of best practices for local governments, that holistically address.

- a. Practical issues associated with the development of ADUs on **owner-occupied** land zoned for single-family residential use
- b. The **impacts on local housing markets, neighborhood livability**, and other policies and projects related to ADUs

SENATE BILL 382: DELIVERABLES TO GOVERNOR MOORE AND GENERAL ASSEMBLY



1 Nov. 2023

Report on Activities:
Due November 1, 2023



Findings and
Recommendations
Report: Due June 1,
2024



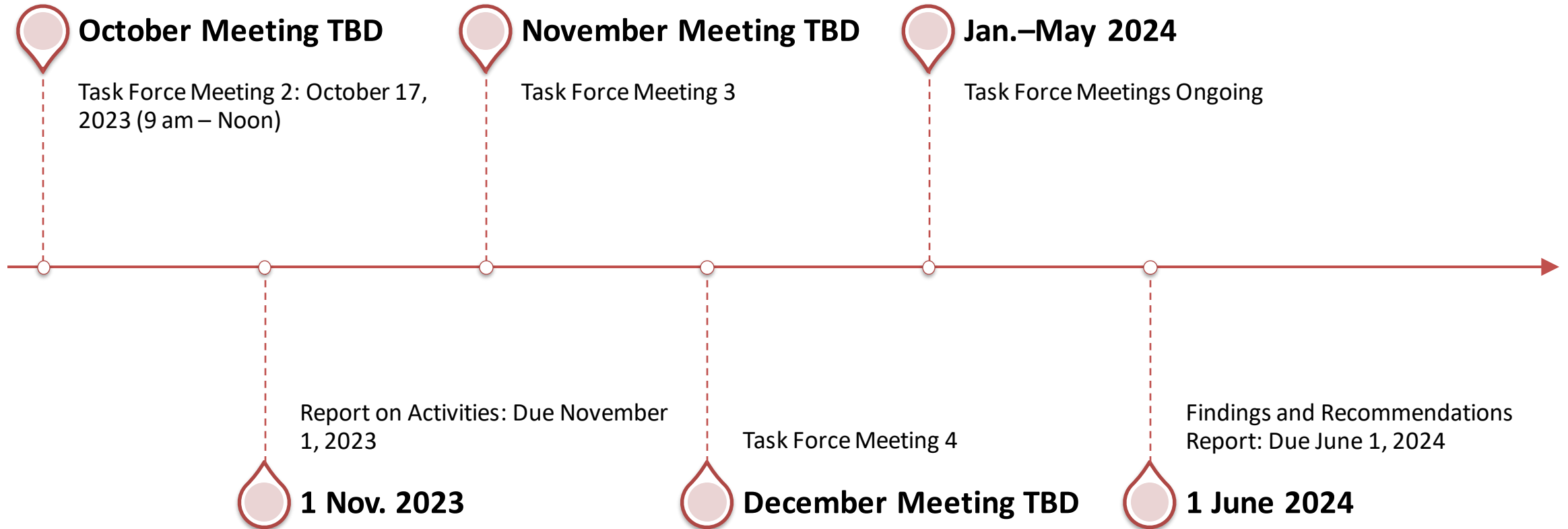
1 June 2024





TASK FORCE TIMELINE AND PROCESS

TIMELINE



PROCESS AND MEETING SCHEDULE

April – September 2023	Project Planning Research Task Force Appointments
September 19 Meeting	Introductions Purpose Background Definitions
October Meeting	Local Ordinance and State Legislation Discussion Best Practices Review Task Force Member Resources
November Meeting	Measuring Impacts on Local Housing Markets and Neighborhood Livability
December Meeting and Beyond	Focus Groups Interviews Other Details TBD

ADU IMPACTS ON HOUSING MARKETS AND NEIGHBORHOOD LIVABILITY

Bill Language

Make legislative or other policy recommendations, including a list of best practices for local governments, that holistically address ...

- b. The **impacts on local housing markets**, neighborhood livability, and other policies and projects related to ADUs



BACKGROUND AND RESEARCH

ZONING AUTHORITY IN MARYLAND



Municipalities and Non-Charter Counties – [Land Use Article §3–303](#)



Charter and Code Counties – [Land Use Article §1–417](#)



Consistency Requirements, All Jurisdictions – [Land Use Article §1-302](#)

MDP ESTABLISHED DEFINITIONS

“Areas zoned for single-family use”

- These areas are defined as zoning districts in which single-family uses predominate or are intended to predominate

“Owner-occupied”

- ADUs are units subordinate to the primary structure or unit on a property. The owner of the property must live in one of the two units

“Conversions”

- Turning a portion of a primary structure or unit, or all or a portion of an already existing subordinate structure, into an ADU

Task Force will focus on ADUs for rent

MARYLAND HOUSING NEEDS ASSESSMENT & 10-YEAR STRATEGIC PLAN



[Published by DHCD in December 2020](#)

Purpose

“chart a course for Maryland to become a more affordable place to live by 2030”

Vision

“By 2030, stakeholders would like Maryland to be a more affordable, equitable place to live. To them, housing affordability means supporting both renters and homeowners through direct assistance; financing more rental properties and for-sale homes; and promoting policies that help encourage a wider range of homes throughout the state”

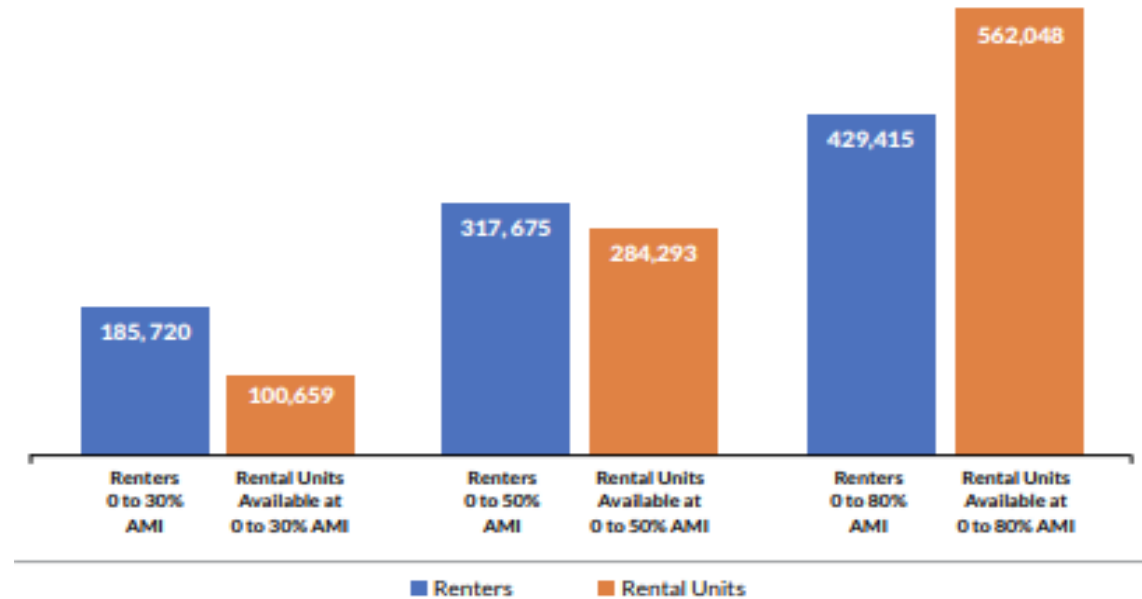
MARYLAND HOUSING NEEDS ASSESSMENT & 10-YEAR STRATEGIC PLAN

Guiding Principles

- Promote Equity in housing
- Create a balanced housing supply
- Increase access to opportunity
- Support economic growth
- Create context-specific approaches

Figure 5. Rental Supply by Household Income, Maryland (2016)

Source: HUD CHAS, 2016



Approximately 50% of Maryland renters are cost-burdened, thus paying 30% or more of their household income on housing. Households of color, with seniors, and those making less than 80% AMI overrepresented

MARYLAND INVENTORY OF ADU ORDINANCES (UNDER DEVELOPMENT)

Fields Include **All Maryland jurisdictions with planning and zoning authority (Count of 146)*

ADU Ordinance? (Yes/no)	Density/Quantity Provisions
Terms Used	Lot and Bulk Requirements
Ordinance Links and Section(s)	Design Requirements
Definition of Term Used	Parking Requirements
Purpose Statement	Utilities
Districts in which ADUs are Permitted	Other
By-right, Conditional, or Special Exception?	

PATTERNS AND THEMES FROM MARYLAND INVENTORY

Permitted in some form in at least 67 jurisdictions

Typically permitted in single family residential zones, often in rural conservation areas, and sometimes in mixed use and commercial districts

Plurality of jurisdictions require conditional or special exception approval

Majority only permit one per lot

800 sq ft or 50% of living area of primary structure a common maximum size

Must maintain the appearance of the primary single-family structure

1-2 parking spaces typically required

Owner occupancy requirements common, and familial relationship requirement not uncommon

ADU LEGISLATION IN OTHER STATES (UNDER DEVELOPMENT)

7 adopted	Montana, Washington, Connecticut, California, New Hampshire, Oregon, Maine
1 In Process	Rhode Island passed the House, currently in Senate committee
2 Failed	Colorado, Arizona

Fields Include

Year Passed	Setbacks
Bill Link	Water/Sewer
Min Sq Feet of Unit	By Right
Max Sq Feet of Unit	Short Term Rentals
Minimum Lot Size	Covenant Override
Owner Occupancy Requirement	Design Restrictions
Parking Requirements	Assess Impact Fees
Familial Relationship Requirement	Maximum Fee for Review
Public Street Improvements	

PATTERNS AND THEMES FROM OTHER STATE LEGISLATION

Many preempt local ordinances from requiring owner occupancy or off-street parking spaces

Most disallow jurisdictions from establishing minimum lot sizes larger than those in the respective zoning district

Most disallow local ordinances from requiring setbacks or design standards that are more restrictive than primary unit

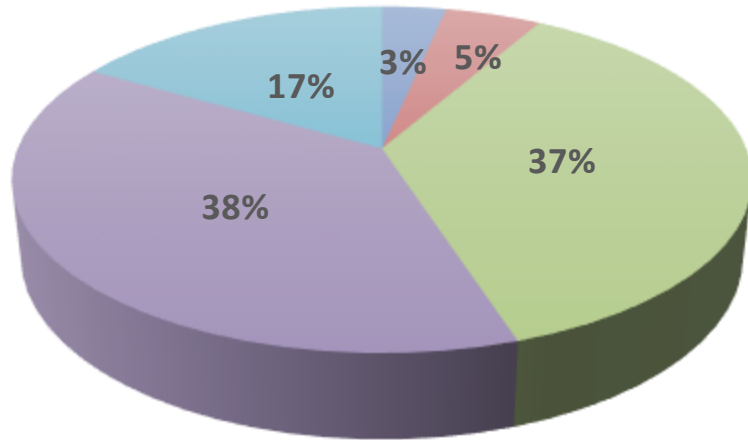
Most allow for local limitations on ADUs based on public water/sewer capacity or availability

All require some degree of by-right development of ADUs

Most permit jurisdictions to restrict or regulate ADU use as short-term rentals

PLANNING CONTACTS SURVEY (60 RESPONSES)

On a scale of 1 to 5, how would you rate your community's response to enacted and/or proposed ADU provisions? *If neither enacted nor proposed, please rate the response you would anticipate if ADU provisions were proposed in your community.*



■ Very Opposed ■ Opposed ■ Neutral
■ Favorable ■ Very Favorable

Priority Topics	Priority 1	Priority 2	Priority 3	Sum Weighted Total
Best Practices and Examples from Maryland	16	7	6	68
Infrastructure Capacity	11	13	5	64
Model Local Legislation/Ordinances	11	9	12	63
Parking Requirements	13	7	6	59
Design Guidelines	7	12	8	53
Permitting and Code Enforcement	10	7	5	49
Housing Affordability	7	10	6	47
Aging in Place	8	6	8	44
ADU Data	9	5	2	39
Housing Market Analyses	7	4	7	36
Overcoming Local Opposition	5	4	9	32
State Legislation	4	6	8	32

RESEARCH TOPICS/METHODS

Topics

ADU best practices and examples

Managing ADU impacts on infrastructure

ADU ordinance design

ADUs and affordability

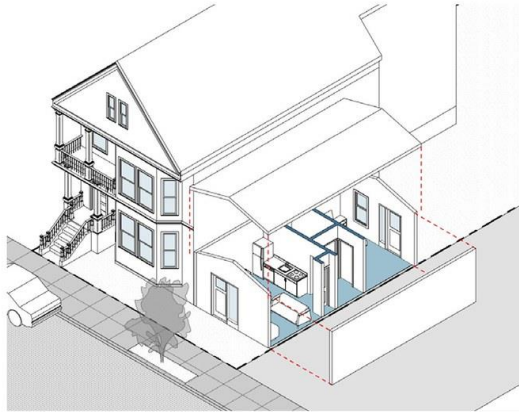
Methods

Local and state inventory analyses

Additional Planning Contacts surveys

Literature, best practices review

Focus groups and interviews



Primary Considerations

A small one-bedroom or efficiency studio is typically all that can be accommodated in a free-standing garage, unless the footprint is expanded (see "Variations").

Historic Preservation: Changing the front of the garage to install the swing door will create a change visible from the street. Historic preservation review may also be required if the building is identified as historically significant or potentially significant as described in Chapter Two.

Exiting & Fire Ratings: If there is no access to

the street, compliance with the emergency egress opening requirements may dictate that the sleeping space be located with direct access to the sidewalk, (other than to the rear yard as shown in our example) unless the yard is deep enough to provide a safe refuge (typically over 25' from the building).

Since these are two separate buildings on the same property, the fire-rating requirements of the walls between the primary residence and the garage/dwelling unit need to be reviewed as part of the pre-application meeting.

Fire Sprinklers: The common fire protection



DISCUSSION

DISCUSSION QUESTIONS

Beyond those presented, what are some additional barriers to, or difficulties with, the development of ADU ordinances or construction of ADUs?

What other research methods and/or sources does the Task Force recommend?

What resources can you provide by the next meeting of the Task Force that will aid this research? Are you able to help with focus groups and/or interviews with informed stakeholders?

Members of the public are encouraged to submit comments for Task Force consideration using [this commenting form](#)

PUBLIC COMMENT

ADJOURN