



February 9, 2021

**Written testimony in support of**

**[Bill 52-20](#), Landlord-Tenant Relations - Protection Against Rent Gouging Near Transit & [ZTA 20-07](#), R-60 Zone - Uses and Standards**

**Council hearing: February 11, 2021 at 7:30pm**

**Submitted by Denisse Guitarra**

Maryland Conservation Advocate, Audubon Naturalist Society (ANS)

---

Dear Montgomery County Council,

For 124 years, Audubon Naturalist Society has inspired people to enjoy, learn about and protect nature. We thank the Montgomery County Council for the opportunity to provide written testimony on Bill 52-20 and ZTA 20-07. We support their goals from environmental, climate, and equity perspectives and look forward to continuing to contribute as the texts evolve.

Protecting our environment under the threat of climate change and affordable, attainable, and accessible housing are intricately linked issues. Building housing near transit and putting protections against rent gouging within 1 mile of rail transit stations and ½ mile of bus rapid transit stations, as Bill 52-20 and ZTA 20-07 specify respectively, will have a threefold benefit as follows:

- 1) Mitigate the effects of climate change by centering housing development around transit corridors and thereby reducing vehicles miles travelled.
- 2) Support sustainable land use and environmental justice by increasing the deficient Missing Middle housing supply for Montgomery County and the DC region.
- 3) Protect precious habitats and the wildlife that depends on them from being devastated by sprawl.

These three main benefits lead ANS to support policy and legislation that combat climate change and housing shortages simultaneously. The three main benefits of Bill 52-20 and ZTA 20-07 are explained in more detail below.

Woodend Sanctuary | 8940 Jones Mill Road, Chevy Chase, Maryland 20815 | 301-652-9188

Rust Sanctuary | 802 Childrens Center Road, Leesburg, Virginia 20175 | 703-669-0000

[anshome.org](http://anshome.org)

### More Urban Housing = Fewer Vehicle Miles Traveled

High-density housing centered around transit corridors mitigates climate change. Transit-oriented development reduces vehicle miles traveled, and thereby lowers greenhouse gas emissions.<sup>1</sup> Cutting back on transportation emissions is an important step needed for Montgomery County to meet its goal of becoming carbon neutral by 2035. Transportation is the second largest contributor of greenhouse gas emissions in the county.<sup>2</sup> Duplexes, triplexes, and multifamily housing are dramatically more energy efficient than single family homes. This is particularly important in Montgomery County where residential and commercial buildings are the largest contributors to greenhouse gas emissions in the county.<sup>3</sup> Bill 52-20 and ZTA 20-07 would align with both climate policy recommendations and the critical housing priorities as stated in the Climate Action Plan<sup>4</sup> and Thrive Montgomery 2050.<sup>5</sup>

While Missing Middle Housing can deliver many environmental benefits, including reducing building and transportation emissions, it is important to also consider the space that new buildings will take up. As written, ZTA 20-07 does not change setback requirements for R-60 zone buildings and makes only modest lot coverage allowance changes. Our ideal situation would indeed be to preserve all existing green space and trees while accommodating more families in the same size footprint of building, as the ZTA proposes. But Planning Staff have indicated that setback requirements may need to be changed to actually build new building types.<sup>6</sup> Therefore, it will be critically important that Planning and the Department of Permitting Services fully enforce all existing laws and policies, including for stormwater management and forest conservation, and do not allow waivers of environmental requirements.

### Social and Environmental Justice

Housing is an issue of environmental justice. Historically, black and brown communities have experienced much greater burdens of air and water pollution, as well as lack of access to

---

<sup>1</sup> Transit oriented development. C40 Cities. Available from: <https://www.c40.org/networks/transit-oriented-development>

<sup>2</sup> Montgomery County Climate Planning Overview. 2019. Available from: <https://www.montgomerycountymd.gov/green/Resources/Files/climate/workgroup-recommendations/overview-of-workgroup-recommendations.pdf>

<sup>3</sup> Montgomery County Climate Planning Overview. 2019. Available from: <https://www.montgomerycountymd.gov/green/Resources/Files/climate/workgroup-recommendations/overview-of-workgroup-recommendations.pdf>

<sup>4</sup> Montgomery County's Climate Action Plan. 2020. Available from: <https://www.montgomerycountymd.gov/green/Resources/Files/climate/draft-climate-action-plan.pdf>

<sup>5</sup> Thrive Montgomery 2050 – Draft General Plan. 2020. Available from: <https://montgomeryplanning.org/wp-content/uploads/2020/10/Public-Hearing-Draft-Plan-Thrive-Montgomery-2050-final-10-5.pdf>

<sup>6</sup> Zoning Text Amendment No. 20-07: R-60 Zone – Uses and Standards – Planning Staff Report. 2021. Available from: [https://montgomeryplanningboard.org/wp-content/uploads/2021/01/ZTA-20-07\\_Final.pdf](https://montgomeryplanningboard.org/wp-content/uploads/2021/01/ZTA-20-07_Final.pdf)

parks and other green spaces. Largely due to redlining, housing discrimination practices from the past still have a lasting impact on housing attainability and distribution today.<sup>7</sup>

Legacy redlining combined with the growing housing needs of both Montgomery County<sup>8</sup> and the DC region<sup>9</sup> have led to people with moderate to lower incomes, predominantly from our black and brown communities, to be displaced from their homes by price hikes that move them even farther from job centers.

In Maryland, community members living along the Purple Line have seen their rent prices skyrocket, forcing them to move out.<sup>10</sup> ANS community partners in the Long Branch, Silver Spring, MD community report that price hikes are occurring even before the Purple Line construction has been completed. Similarly, in Fairfax, VA a largely Latinx mobile home community in the Route One corridor faces displacement due to redevelopment.<sup>11</sup> In DC, marginalized communities have been displaced due to gentrification along the eastern MD/DC border.<sup>12</sup> These present-day examples highlight housing disparities around the region. By supporting building and retention of affordable housing near transit, policymakers can heal housing inequities and reduce sprawl that leads to increased vehicle traffic and greenhouse gas emissions. More reforms like ZTA 20-07 should be paired with bills like 52-20 to combat climate change while emphasizing housing affordability in desirable, transit-oriented locations.

### Urban housing = Less sprawl

Facilitating more affordable urban housing leads to less sprawl into areas where the only way to get around is via car. Calls for ill-conceived projects like the proposed Beltway/I-270 Highway

---

<sup>7</sup> Redlining: The Legacy of Wealth and Systemic Racial Discrimination in our Land. 2020. Available from: <http://conservationblog.anshome.org/priority-campaign-areas/human-health-access-to-nature/redlining-the-legacy-of-wealth-and-systemic-racial-discrimination-in-our-land/>

<sup>8</sup> In Montgomery County, the projected housing growth does not meet the needs of the growing population as annual building permits continue to drop below 4,200 permitted units (the average needed to maintain an adequate housing supply). Thrive Montgomery 2050 – Draft General Plan. 2020. Available from: <https://montgomeryplanning.org/wp-content/uploads/2020/10/Public-Hearing-Draft-Plan-Thrive-Montgomery-2050-final-10-5.pdf>

<sup>9</sup> The 2019 Metropolitan Washington Council of Governments' housing report shows that between 2020 and 2030 the DC metropolitan region is expected to add in 413,000 new jobs but only add 245,000 new houses in the same time period. The Future of Housing in Greater Washington. 2019. Metropolitan Washington Council of Governments (MWCOC). Available from: <https://www.mwcog.org/documents/2019/09/10/the-future-of-housing-in-greater-washington/>

<sup>10</sup> Tenants Along Purple Line Look for Protections Against Higher Rent. 2020. Available from: <https://www.npr.org/local/305/2020/03/10/813994569/tenants-along-purple-line-look-for-protections-against-higher-rent>

<sup>11</sup> Could Community Ownership Save Mobile Home Parks? 2020. Available from: [https://www.wvtf.org/post/could-community-ownership-save-mobile-home-parks?fbclid=IwAR0ylzwOgLkMcrKCaBNkg\\_benaGBNmmlhYpTsEuOkGmovklySu8wIwRS7cl#stream/0](https://www.wvtf.org/post/could-community-ownership-save-mobile-home-parks?fbclid=IwAR0ylzwOgLkMcrKCaBNkg_benaGBNmmlhYpTsEuOkGmovklySu8wIwRS7cl#stream/0)

<sup>12</sup> Confronting Environmental Gentrification: The Case of the Anacostia 2019. Available from: <https://www.eli.org/vibrant-environment-blog/confronting-environmental-gentrification-case-anacostia>

expansion<sup>13</sup> are predicated on sprawl as the solution to increase housing stock. When people of all income levels have housing options near urban centers, they are less likely to rely on cars to get around. Highway expansion leads to more vehicular traffic that results in more greenhouse gas emissions, more flooding from stormwater runoff whooshing off impervious road surfaces, and negative impacts on local air and water quality due to vehicle emissions, salt runoff and more. Our existing green spaces, forests, and waterways cool surface temperatures, sequester carbon and provide much needed wildlife habitat. Protecting these undeveloped green spaces is a more cost-efficient way to achieve climate change mitigation. Expanded highways are notoriously expensive and destructive to our precious green spaces because they promote sprawl development.

As we navigate today's public health, social, and economic crises, it is critical to support the passage of Bill 52-20 and ZTA-20-07. ANS supports and recommends continued protection of our green spaces and emphasizes sustainable, equitable, transit-oriented housing that enhances quality of life, lowers upfront costs, and builds resilient communities with infrastructure that mitigates the worst effects of climate change. On behalf of ANS and our 28,000 members and supporters, we recommend that Council supports the passage of Bill 52-20 and ZTA-20-07.

Sincerely,  
Denisse Guitarra  
Maryland Conservation Advocate  
Audubon Naturalist Society

---

<sup>13</sup> Maryland narrows Beltway, I-270 expansion options to adding four toll lanes to each. 2021. Available from: [https://www.washingtonpost.com/local/trafficandcommuting/maryland-beltway-i270/2021/01/27/eed36624-60c4-11eb-9430-e7c77b5b0297\\_story.html](https://www.washingtonpost.com/local/trafficandcommuting/maryland-beltway-i270/2021/01/27/eed36624-60c4-11eb-9430-e7c77b5b0297_story.html)