

TESTIMONY FOR CASE 08-06A, ZRR SUBTITLE D

By

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Thank you for this opportunity to speak. I'm a DC native, with family here since the 30's. I have four points:

- A. ADUs are ripe for elder abuse
- B. Demand fixes to the BZA to expand its capacity
- C. Continued lack of public awareness about the ZRR
- D. Role of the Zoning Commission

A. ADUs ARE RIPE FOR ELDER ABUSE.

OP touts ADUs as "a great way for elders to age in place." But if a home has a separate entrance for a rental unit, the unit falls under landlord/tenant laws. DC's laws notoriously favor the renter and the homeowner loses effective control of their own property. From my own experience I can see ADUs are ripe for elder abuse. Many residents 75, 80 or 85 years old are ill-equipped to tackle the problems an ADU presents.

Three examples:

1. Renter in an elderly lady's house refuses to move out even as lady is terminally ill, eventually dies, and renter still won't move. Wants year's rent in new location before she'll leave and heirs can sell the house.
2. Another elderly lady moves to her daughter's and squatters took over her house through a tenant who ignored the "no sublet." No way to get them out "for a year."
3. Basement apartment renters in elderly lady's house demand "a deposit on a house" before they'll move out.

In these cases the rent's unpaid and according to DC attorneys "it takes a year" to get people out. The legal process for eviction is impossible: lengthy and expensive, with back-and-forth pleadings and hearings. There's even a DC office that instructs tenants on how to avoid paying rent. These elderly are heartbroken, unable to deal with the mess. Any rent they got is eaten up by legal morass.

These are bad situations, and nobody helps. Politicians don't touch the rental laws. Police won't intervene unless there's a crime. ANC is powerless. Before you jump the gun by making ADUs a matter of right, take a good look at what could happen to those homeowners. ADUs are not a panacea for the elderly.

B. DEMAND FIXES TO BZA TO EXPAND ITS CAPACITY

We hear the BZA is "swamped" but that's no reason to abandon oversight. OP's answer is to make everything Matter of Right. The fix is not to make ADUs a Matter of Right. The fix is to demand BZA expand capacity to handle its workload.

The BZA can be two or three panels, not just one, with a coordinating mechanism to ensure panels use the same criteria for decisions. Mimic the court system: many judges apply the same law. We don't just use "one judge" for all cases. The BZA

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should expand, and ADUs, internal or external, should be authorized only by Special Exception.

Ensure owners obtain a certificate of occupancy, a license to operate a business, an inspection and insurance. Limit the people in an ADU to two or three. Limit the number external ADUs; Montgomery County puts a limit on ADUs in an area to preserve low density and reduce impact on neighborhoods. DC should do the same. We don't want kids growing up in DC thinking "grass is just what you smoke" because our backyards turned into buildings.

ADUs as Matter of Right are a sneaky way to double density and undermine community. The "Special Exception" process means good communications between neighbors, clear expectations, smooth process, tranquil neighborhoods. Issues like privacy, people and car traffic, parking get addressed by talking these questions over with neighbors and the ANC. Keep the SE for internal and external ADUs.

C. IGNORANCE OF THE ZRR.

The public continues to be ignorant of the ZRR. After badgering OP for a year, they finally held Ward meetings in the middle of winter, poorly publicized, poorly attended, and poorly presented. 500 people attended across the entire city. I went to all but one and can't forget Ward 8, where there was more OP staff and consultants than residents. People feel helpless.

In a city where we receive, delivered to our doors, a beautiful color brochure announcing the leaf pickup, we can't bother to mail residents decent literature about proposed zoning changes? Only in the last month or so did OP complete their recommendations. How is the public supposed to know, much less respond?

D. ROLE OF THE ZONING COMMISSION

The ZC has to ask, when and how was the public informed? Don't be satisfied with OP's list of "these are all the things we did." Ask instead for results: "how many residents did you actually contact, and how complete, accurate, up to date and reader-friendly was the information?"

May I recommend the ZC refrain from decisions until the public is fully informed about the changes and understand the proposed changes. There's nothing that says the ZRR "has to be" decided after one round of hearings. Don't blindsides the public. The ZC risks losing legitimacy by acting unilaterally on such sweeping changes.

The ZC is independent for a reason: we really need an adult in the room, to not be pressured, to take the long view, to make wise decisions that stand the test of time. Please.