

TESTIMONY FOR CASE 08-06A “ACCESSORY DWELLING UNITS”
ZRR SUBTITLE D

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Thank you for providing the opportunity to address this issue.

I am a 66-year old native Washingtonian who has lived in the community all my life and in the same house since 1981. In my life, I have lived in Brookland, 16th Street Heights, Capitol Hill and Chevy Chase. I have seen neighborhoods deteriorate when regulators looked the other way as single family homes became unregulated multiple resident dwellings, so that whole neighborhoods became ripe for plucking by greedy developers.

I strongly oppose the proposal to allow Accessory Dwelling Units (“ADUs”) as a matter of right. In addition to the many problems identified by others (e.g., potential for elder abuse, abdication of regulatory responsibility with resulting diminishment of public safety, and disenfranchisement of the BZA), I am concerned that unregulated ADUs will permanently change the character of our single family home neighborhoods. The development community is playing a shell game, pretending to be interested in the financial stability of the elderly, but actually seeking the end result when higher density reaches a tipping point, so that single family homes will yield to apartments. Just as “alley dwellings” became the scourge of the lovely old Southwest neighborhoods and led to bulldozing and erection of ugly concrete monstrosities 50 years ago, so too will unregulated ADUs destroy healthy neighborhoods today.

If anyone is interested in enabling older residents to “age in place,” then the solution is to fix the system. Don’t abandon oversight; fund and staff the regulator so that the oversight process is accessible and permits can be obtained when justified. Did the City make drivers’ licenses a matter of right when the DMV was essentially non-functional? No—the solution was to fix DMV. Fixing the system—not casting it aside—is the solution now.

Like most of my neighbors, I advocate for the “Special Exception” process, meaning that when someone adds a rental unit (for up to five people) in a single family home, talk to neighbors and the ANC. With the support of neighbors, ask the BZA for a special exception. Good communication means good neighbors, clear expectations, smooth process, a tranquil neighborhood. Specifically, I endorse and support the following points, copied from the written testimony of Sue Hemberger, and incorporated herein by reference:

- Certificates of Occupancy should be required for all accessory apartments, whether internal or external. COOs should be granted only after the unit has passed the required safety inspection(s) and the owner has acquired a valid business license for renting out the property. Notification that a COO has been approved should be accompanied by a statement outlining the legal, tax, and insurance implications of renting out an apartment. A significant penalty should be imposed for renting out a unit without a COO. A well-

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publicized amnesty program, designed to bring existing illegal units into compliance, should precede the imposition of penalties.

- Internal ADUs could be matter-of-right if COOs were required and the requirement was enforced.
- If you’re going to allow external ADUs (whether conversions or new construction), then they need to be permitted by special exception only. These units require a more complex balancing of potentially conflicting interests than internal ADUs do – tenants’ safety is no longer as closely related to landlord’s (because the two households will be living in separate structures) and the neighbors’ interests in privacy, property values, quiet enjoyment, etc. are more likely to be at stake. Matter-of-right is a really bad idea in this context.
- Because 1606.4(c) says a total of 6 persons may occupy the “house,” the provision would appear to apply to internal accessory apartments but not to external apartments (which would be located outside the house). If the intention is not to allow up to 12 people to live on a property with an external ADU, then “house” should be replaced with “lot.” Alternatively, limit the number of residents in an ADU to two or three. That’s what some other jurisdictions (e.g. Fairfax) do.