

**INTER-OFFICE MEMORANDUM
PRINCE GEORGE'S COUNTY, MARYLAND**

ZONING HEARING EXAMINER OFFICE
County Administration Building, Room L200

Upper Marlboro, Maryland 20772

(301) 952-3644

(301) 951-5178 Fax

TO: Jackie Brown, Director
Planning, Housing, and Economic Development Committee

FROM: Maurene Epps McNeil,
Chief Zoning Hearing Examiner

DATE: June 1, 2021

RE: CB- 33-2021

Thank you for the opportunity to provide the following comment on the above referenced bill.

This bill points out a flaw in our existing Zoning Ordinance. A " Dwelling Unit " is defined as a building or part thereof used as a complete and independent living facility for only one family. A " Family " is defined to allow two or more **related individuals** or no more than five **unrelated individuals**. A " Group Residential Facility " is defined, in pertinent part, as a " Dwelling Unit " that houses five **or more** individuals (regardless of their relationship with each other) with certain needs that require them to live under supervision.

The bill inserts "Building" to the definition of "Group Residential Facility" probably in an effort to broaden the types of residential arrangements that can be used for such facilities. However, a building is not a use and, therefore, cannot be "operated" (see, p. 2, line 5); even if it could be operated it is defined as "anything constructed" which could then allow this use in places probably never envisioned by the sponsor.

I suggest the current definition be revised to delete "unit". This will avoid the dilemma of saying that a Group Residential Facility is a dwelling unit that houses more than five individuals while totally ignoring the fact that a dwelling unit can only have a maximum of five unrelated persons. If the law changes to read that it is a "dwelling operated by a responsible individual or organization ..." the definition broadens the types of dwellings that could be utilized.

In the alternative the existing law can remain and wouldn't need any revision since it actually redefines "Dwelling Unit" to not require that the definition for "Family" be followed.