



**Howard County Citizens Association**

*Since 1961...*

*The Voice Of The People of Howard County*

Date: 16 September 2019

Subject: **HCCA Testimony for CB41-2019**

Good evening. I am Hiruy Hadgu representing the Howard County Citizens Association, HCCA as a member of the Board.

Imagine sitting in a courtroom.

This particular courtroom hears cases on zoning and land-use. From time-to-time, the court makes a determination on whether a proposal is "guilty" or "not guilty" of violating the criteria set forth by the "statute" or zoning law.

There are two parties to the case.

On one side is the Petitioner, represented by a very experienced land-use and zoning attorney. The Petitioner is well-funded, has all the experts at his or her disposal, and the attorney is steeped in the arcane procedures of a court trial.

On the other side is the community stakeholder - perhaps living in close proximity to the proposed development. This stakeholder is sometimes very knowledgeable of zoning and has perhaps served on various committees and task-forces within the county related to zoning and land-use.

Most times however, the community stakeholder has minimal knowledge of the issue. Also, the stakeholder is not an attorney and yet he or she will serve as the opposition "attorney".

This is strikingly unusual, because in court proceedings, even attorneys are advised against representing themselves.

So even before the trial starts, the imbalance is already baked-in.

Let's say that the Judge - personified by the Howard County Planning Board - is composed of civic-minded volunteers who are taking time out of their busy lives to serve their community.

In previous cases, this Judge has demonstrated a clear bias in decisions toward the Petitioner. On case-after-case, the Judge votes on the side of the Petitioner. The Judge is not a lawyer either, has zero experience in trial proceedings, and has as much understanding of the zoning laws as the community stakeholder -- If not lower.

Let's say the Law Enforcement is personified most prominently by the Department of Planning and Zoning (DPZ), but there are also other parties - the County Executive, Parks and Recreation, Department of Public Works, etc.

The Law Enforcement or DPZ gathers pertinent evidence on the proposal and provides a "police report" or recommendation to the court for trial. Historically, these reports have been favorable to the Petitioner and there is a clear impression that the Law Enforcement division does not think that there is such a thing as a "bad petitioner".

This is the backdrop against which most zoning and land-use proceedings take place in Howard County.

The Howard County Citizen's Association is encouraged by Councilman Yungmann's proposal to employ a Community Zoning Case Navigator. It is a step in the right direction. However, we think it does not go far enough to address the imbalance and lack of procedural fairness present in these proceedings.

The citizen and taxpayer who ultimately pay for the mistakes made during these proceedings deserve as competent a representation as the Petitioner.

In conjunction with a competent zoning attorney, we think the ability to require the Department of Planning and Zoning designees to appear at quasi-judicial Planning Board hearings under oath to be questioned by the counter-parties as proposed in CB32 would also benefit these proceedings.

Additionally, HCCA has presented the council with an extensive list of proposals to improve the planning board that would go a long way to address this imbalance.

In addition to these major changes, we also request the annual report described in the legislation to be available to the public.

Thank you.

Hiruy Hadgu

HCCA Board of Directors