

Joan Floyd

2828 N. Howard Street - JoanLFloyd@hotmail.com

Testimony in Opposition to Bill 25-0063 before the Housing and Economic Development Committee:

I presented concerns about Bill 25-0063 to the Law Department on July 21. Although my concerns were acknowledged, they have not been addressed. The only online Law Department report on this bill is dated July 1.

Background: Under the current system, aggrieved neighbors have the right to appeal DHCD's issuance of a permit that is believed to conflict with the City Code. If the permit is believed to violate the Zoning Code, the appeal goes to the BMZA as a "negative appeal" of the DHCD Zoning Administrator's action. The "negative appeal" must be filed within 10 days of the action.

Potential Impact of Bill 25-0063 on Permit Appeals: Currently, the DHCD Zoning Administrator's decision to approve a permit application is announced in the form of DHCD's permit issuance. Moving Zoning Administration out of DHCD moves it out of, and away from, the agency that issues permits. This raises a concern that appeal rights may be affected. In what form would the Zoning Administrator's decision be issued? Exactly how and when would the public be made aware of the decision, so that it can be appealed to the BMZA within the 10-day time frame? We must maintain citizens' ability to appeal permits to the BMZA.

Potential Conflicts with the City Charter: The City Charter states that the Planning Department is headed by the Planning Commission. The Charter also provides for Planning Department staffing. It appears that moving Zoning Administration to Planning would make the Zoning Administrator a member of Planning Department staff, and that actions of the Zoning Administrator would effectively be Planning Commission actions. Under the Charter, the BMZA is not authorized to review decisions of the Planning Commission.

Labelling Zoning Administration an "independent unit of the Department of Planning" does not adequately explain how the BMZA's authority to hear appeals of Zoning Administrator actions will be maintained. The Charter does not provide for the Planning Department to have "independent" units.

Potential for Conflicts of Interest: The Planning Department routinely weighs in on, or takes a position on, BMZA appeals. But once BMZA appeals are effectively appeals from decisions made within the Planning Department, this would appear to create a conflict of interest. In practical terms, the Planning Department could only support the Zoning Administrator's position.

I ask the Committee to resolve these issues so that there is no impact on the process of appealing a Zoning Administrator action to the BMZA.

— Joan Floyd, 29 September 2025