



Clarendon Courthouse Civic Association

31 August 2020

Ms. Chairwoman and members of the County Board,

On behalf of its members, and the residents of the Clarendon and Courthouse neighborhoods, the Clarendon Courthouse Civic Association (CCCA) submits for your consideration the following thoughts regarding the **Emergency Ordinance Against Sidewalk Crowding**.

Although the CCCA fully agrees with the higher-level purpose of the ordinance – to slow the spread of COVID-19 by reducing sidewalk crowding – we have several concerns about how the ordinance was created, passed, and communicated.

(1) The vague and overly broad wording of the ordinance created fear and confusion among residents.

Despite the narrow reason articulated for enacting the ordinance, the language of the ordinance itself applies to all locations, all times of day, and all types of gatherings – including members of the same household and residents who are just trying to catch a bus. Although narrowing the ordinance language makes enforcement more difficult, it also helps ensure that enforcement is more equitable and less arbitrary. Moreover, the County has stated that their goal is to educate and communicate so that enforcement is not necessary. Subsequently, making enforcement marginally more difficult in the few occasions where it is necessary seems a fair price to pay for minimizing the potential impact on the majority of residents that are dutifully abiding by social distancing measures.

(2) Education and communication about the ordinance were insufficient, overlooking residents.

Given the severity of the ordinance, we feel that a mere few days between posting the locations for enforcement and beginning to enforce the ordinance is too short. Also, as the County website states, the ordinance cites individuals, not businesses. However, the County's period of education and communication before moving to enforcement was focused mainly on businesses, leaving residents in the dark. Indeed, although enforcement of the sidewalk ordinance is targeted primarily at the Clarendon-Courthouse neighborhood, the CCCA was not and still has not been proactively contacted about this ordinance. If we had, we could have furthered education and outreach. We believe the County should have spent more time educating the individual residents that will be affected, beyond answering common questions after they've already arisen. If the County wants a culture of compliance, then we think the County should invest more in positive actions to create that culture.

(3) There continues to be a lack of visibility around the scope and enforcement of the ordinance.

The County has not given residents' visibility into the data they're using to assess crowds and determine where the ordinance will be enforced. The County states that more sidewalks will be posted for enforcement but gives no indication of what those sidewalks may be, how they will be chosen, and who will choose them, forcing residents to lie in wait for the County's next actions. Residents do not know how much impact this ordinance will eventually have on their daily lives or who to contact with comments, questions, and concerns.

(4) There was a lack of public engagement in the creation and enforcement of the ordinance.

Although the County has engaged and listened to resident concerns around COVID-19 more generally, there was no prior engagement of the public on this specific ordinance, despite the very real impact the ordinance has on residents' daily lives. Moreover, the County has not engaged the public on the enforcement of the ordinance, including which sidewalks were and will be chosen for enforcement. If the County had engaged residents before enacting the ordinance, we might have been able to come to a comprehensive, community-based solution without resorting to punitive measures.

We urge the County to restrict the enforcement of this ordinance to the specific occasions for which it was passed. We are united in our commitment to slowing the spread of this pandemic but want to ensure that any subsequent measures take into account the concerns of the residents' that they affect.

We thank you for your attention to these concerns. We offer ourselves as a resource to assist the County Board and staff with any questions or concerns.

Sincerely,
Clarendon Courthouse Civic Association

Casey Nolan
President

CC: Mark Schwartz, County Manager
Clarendon Courthouse Civic Association membership