

Accessory Apartment Licenses

Accessory apartment licenses are now issued by the Department of Housing and Community Affairs (DHCA), Licensing and Registration. This new license type is for accessory apartments that do not have a special exception approved before May 20, 2013.

Montgomery County has replaced the special exception approval (now called a “conditional use” approval) previously required for accessory apartments with the new licensing process. This process is designed to make it easier for owners to pursue this option and increase the supply of affordable housing in the County. Individuals who wish to apply for an accessory apartment may use the licensing process if the accessory apartment meets certain minimum standards. Those standards are available on DHCA’s website. The fact sheet can be found [here](#). The conditional use process still applies in limited circumstances: 1. To deviate from the requirements for on-site parking and/or for distance from other accessory apartments; or 2. To permit a detached accessory apartments in the AR, R and RC Zones.

Objections to an Accessory Apartment Decision

Individuals who disagree with the findings made by DHCA on a license application or who believe that on-street parking is inadequate to accommodate the apartment may object to granting the license and request that OZAH review the application. Forms for filing an objection are located [here](#). OZAH must hold a public hearing on the objections within 20 days of filing.

Objections to Accessory Apartment Licenses May NOT be Made to OZAH Based on Private Covenants or Association Regulations

Please be advised that under County Code §29-26, an applicant for an accessory apartment license, or an aggrieved party, may challenge findings made by the Director of the Department of Housing and Community Affairs (DHCA), or allege that on-street parking is inadequate, by filing a formal objection with the Office of Zoning and Administrative Hearings for Montgomery County (OZAH) within 30 days after the DHCA Director issues his findings. The issues that can be raised in an objection are limited by statute, and those issues do **not** include alleged violations of private covenants or association regulations. OZAH may decide only the issues properly raised in the objection. Thus, OZAH has no authority to review, in an accessory apartment license proceeding, the question of whether an individual has complied with private covenants or association regulations. Such matters are the province of the courts and/or the Commission on Common Ownership Communities (CCOC) pursuant to Chapter 10B of the Montgomery County Code.

Applications for an Accessory Apartment Conditional Use

Applications for conditional uses that are not eligible to apply for licenses are still required to obtain conditional use approval. Applications for a conditional use for an accessory apartment are located [here](#).

More Information

Please click [here](#) to go to the Department of Housing and Community Affairs page for more information on the process of applying for an accessory apartment license.