

ACCESSORY APARTMENT FACT SHEET

Owners of Single Family detached homes in Montgomery County* may be permitted to create and rent an Accessory Apartment in their home if they follow a few basic procedures. An Accessory Apartment is a second dwelling that is part of (but subordinate to or on the same lot as) an existing One-family detached home, and has its own provisions for cooking, eating, sanitation and sleeping. Accessory Apartment units must be in compliance with requirements of Montgomery County Code: Chapter 59-Zoning Ordinance, Chapter 26-Housing Standards, Chapter 29-Landlord/Tenant Relations, and all applicable laws.

Accessory Apartment Requirements

Before offering an Accessory Apartment for rent, an owner must first obtain a Special Exception from Montgomery County Board of Appeals and an Accessory Apartment Rental Facility License from Montgomery County Department of Housing and Community Affairs. An owner, who operates a rental facility without first obtaining a license, is subject to a five-hundred dollar civil citation.

The Existing Single-Family Dwelling Must:

- Be a Single Family Detached Home – no townhouses or mobile homes.
- Be owner occupied
- Be at least 5 years old.
- Be located in the Rural, Rural Cluster, LDRC, RDT, RMH-200, RE-2, RE-2C, RE-1, R-200, R-150, R-90, or R-60 zone or in a one-family residential area of a Rural Service, Planned Development or Town Sector zone.
- Have at least 6000 square foot lot in an R-60 Zone or the minimum lot size in all other one-family residential zones.
- Have at least 2 off-street parking spaces (driveway, not front yard) or proof of adequate on-street parking.
- Have adequate water and sewer systems for both units.
- Have any separate entrance located so that the appearance of a one-family home is preserved.
- Be compatible with adjacent homes, if modifying.
- Be in compliance with all applicable laws.

The Accessory Apartment Must:

- Be subordinate to the main house.
- Be internal to the existing home (unless the lot is larger than 1 acre).
- Have the same address as the main house.
- Be the only additional living unit or use on a lot or parcel.
- Not result in an excessive concentration of such units in the neighborhood.

The Owners Must:

- Have owned the property for one year, except when the accessory apartment existed prior to purchase of the home.
- Occupy one of the two units.

*Note: Requirements as outlined in Zoning Ordinance Section 59-G-2.00 do not apply to properties within the incorporated Municipalities of Barnesville, Brookeville, Gaithersburg, Laytonsville, Poolesville, Rockville and Washington Grove. You may wish to contact your local municipality for further information on requirements.

LICENSING PROCESS FOR CREATING A NEW ACCESSORY APARTMENT

To create a new Accessory Apartment to be offered for rent, an owner-occupant must:

1. Apply for and be granted a Special Exception through Montgomery County Board of Appeals. Information on the Special Exception Process and Petitions for Special Exception may be obtained from the Board of Appeals, located at 100 Maryland Avenue, Room 217, Rockville, Maryland 20850, dial 311(240-777-0311 if calling from outside of the County).
2. Once the Board of Appeals has issued its Official Opinion, submit copy along with the floor plan to Department of Permitting Services to obtain necessary building or electrical permits. Department of Permitting Services is located at 255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850. To reach the Department of Permitting Services, dial 311 (240-777-0311 if calling from outside of the County).
3. After construction is complete and the Department of Permitting Services has assured compliance with Building Standards, you must contact the Department of Housing and Community Affairs, Code Enforcement Unit by calling 311 (240-777-0311 if calling from outside of the County) to schedule an inspection for compliance with Housing Standards.
4. Once compliance with the Housing Standards is achieved, you may submit an Accessory Apartment Rental Facility License Application to the Department of Housing and Community Affairs, Licensing/Registration Unit. Accessory Apartment Rental Facility License Application forms may be obtained from the Licensing/Registration Unit, located at 100 Maryland Avenue, Room 600, Rockville, Maryland 20850, dial 240-777-3666 or Dial 311 (240-777-0311 if calling from outside of the County) to contact the Licensing and Registration Unit.
5. Please note, any changes in information provided on the original Accessory Apartment Rental Facility License Application must be reported to the Department of Housing and Community Affairs, Licensing/Registration Unit immediately.

LICENSING PROCESS FOR AN EXISTING ACCESSORY APARTMENT

Before an existing Accessory Apartment may be offered for rent, an owner-occupant must:

1. Apply for and be granted a Special Exception through Montgomery County Board of Appeals. Information on the Special Exception Process and Petitions for Special Exception may be obtained from the Board of Appeals, located at 100 Maryland Avenue, Room 217, Rockville, Maryland 20850, dial 311(240-777-0311 if calling from outside of the County).
2. Once the Board of Appeals has issued its Official Opinion, you must contact the Department of Housing and Community Affairs, Code Enforcement Unit by calling 311 (240-777-0311 if calling from outside of the County) to schedule an inspection to assure final compliance with the Housing Standards.
3. Once compliance with the Housing Standards is achieved, you may submit an Accessory Apartment Rental Facility License Application to the Department of Housing and Community Affairs, Licensing/Registration Unit. Accessory Apartment License Application forms may be obtained from the Licensing/Registration Unit, located at 100 Maryland Avenue, Room 260, Rockville, Maryland 20850, dial 240-777-3666 or Dial 311 (240-777-0311 if calling from outside of the County) to contact the Licensing and Registration Unit.
4. Please note, any changes in information provided on the original Accessory Apartment Rental Facility License Application must be reported to the Department of Housing and Community Affairs, Licensing/Registration Unit immediately.

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