

Accessory Dwelling Unit Licenses & Waivers

Accessory Dwelling Unit (ADU) licenses are now issued by the Department of Housing and Community Affairs (DHCA). This new license type is for accessory dwelling units (formerly known as “accessory apartments”) that do not have a special exception approved before May 20, 2013.

Montgomery County has replaced the special exception approval previously required for accessory apartments with the new ADU 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 dwelling unit may use the licensing process, if the accessory dwelling unit meets certain minimum standards. Those standards are available on DHCA’s website. View [fact sheet](#).

The conditional use process no longer exists for accessory apartments or ADUs. Instead, as of December 31, 2019, **an applicant for an accessory dwelling unit license who is rejected by DHCA because the applicant cannot meet the requirements for on-site parking may seek a waiver of those requirements by filing a [Waiver Request Form](#) with OZAH within 30 days after the DHCA denial.** There is no longer a requirement for being located a specified distance from other accessory apartments or ADUs,

Objections to an Accessory Dwelling Unit Decision

Please be advised that under County Code §29-26, **an applicant for an accessory dwelling unit license, or any aggrieved party, may challenge findings made by the Director of the Department of Housing and Community Affairs (DHCA) regarding an ADU license application, 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. See [forms for filing an objection](#). OZAH must hold a public hearing on the objections within 30 days of filing.

Objections to Accessory Dwelling Unit Licenses May NOT be Made to OZAH Based on Private Covenants or Association Regulations. 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 dwelling unit 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.

More Information

Visit the [Department of Housing and Community Affairs page](#) for more information on the process of applying for an accessory dwelling unit license.