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Subject: ADO 26-03, Bennet Objection to License 157919
Date: Thursday, January 8, 2026 3:27:18 PM
Attachments: [841_1_2683_Bill_31-12_Worksession_20121113\(1\)_with_PHED_Recommendation.pdf](#)

Good afternoon, all. I hope everyone had safe and healthy holidays.

Over the holidays I have had a chance to review the transcript of the last hearing in detail. Based on that review, I am writing to request the parties' position on the meaning of "primary residence" as used in Section 29-21(b)(1)(B) of the Montgomery County Code, which requires that, "the principal dwelling or accessory dwelling unit is the primary residence of the applicant for an accessory dwelling unit rental license."

In trying to refine the meaning of this phrase, I did have occasion to review the legislative history of the accessory dwelling unit regulations. Changes relevant to this case were made in 2012 and 2019.

Prior to 2012, the Code required the owner to occupy the property. In 2013, the occupancy requirement was changed to "primary residence." Council Bill 31-12. A Staff Report discussing this requirement is attached. The discussion on "primary residence" begins on page 7. The entire legislative history of Council Bill 31-12 is [here](#).

The 2019 legislation removed the requirement for a conditional use, changing the accessory apartment approval procedure from a zoning approval to a licensing procedure. [Council Bill 22-19](#). The only change to section 29-19(b)(1)(B) was to clarify that the owner's primary residence could be either in the accessory dwelling unit or the single-family residence. A copy of the entire legislative history of Council Bill 22-19 is [here](#).

I propose to take official notice of the legislative history of both bills unless someone objects. If someone objects, I will rule on it at the next hearing.

If you feel that there is insufficient time to provide your position on the meaning of "primary residence" prior to the hearing, I can leave the record open and you may submit your position in writing after the hearing.

I also note that the law prohibits transient (i.e., 30-day) rentals. Ms. Favali, while you have submitted a "rent tally", are the leases for 30-day terms?

The law also empowers the Hearing Examiner to impose conditions on any approval to “assure adequate parking is available.”

Thanks in advance for your cooperation.

