



FW: ADO 26-03, Objection of Caressa Bennet et al Objection to ADU License No. 157919 under 29-16 of the County Code

From Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

Date Fri 1/30/2026 2:29 PM

To Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>

You only have to put this one on the web to show that I forwarded it to all properties.

From: Robeson Hannan, Lynn

Sent: Friday, January 30, 2026 2:04 PM

To: Johnson, Tiffany <Tiffany.Johnson@montgomerycountymd.gov>

Cc: Robinson, Tamala <Tamala.Robinson@montgomerycountymd.gov>; Bouma, Clifton <Clifton.Bouma@montgomerycountymd.gov>; Howley, Thomas "Tom"

<Thomas.Howley@montgomerycountymd.gov>; Robison, Elana <Elana.Robison@montgomerycountymd.gov>;

Birenbaum, Robert <Robert.Birenbaum@montgomerycountymd.gov>; Anker, Neal

<Neal.Anker@montgomerycountymd.gov>; friedman.g@gmail.com; evan@goiteinrosa.com;

flavia4222@comcast.net; kenneth.mack@gmail.com

Subject: RE: ADO 26-03, Objection of Caressa Bennet et al Objection to ADU License No. 157919 under 29-16 of the County Code

Please see the response to the Hearing Examiner's inquiry regarding additional licensing for Ms. Favali's single-family home for the record.

From: Johnson, Tiffany <Tiffany.Johnson@montgomerycountymd.gov>

Sent: Friday, January 30, 2026 12:32 PM

To: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

Cc: Robinson, Tamala <Tamala.Robinson@montgomerycountymd.gov>; Bouma, Clifton

<Clifton.Bouma@montgomerycountymd.gov>; Howley, Thomas "Tom"

<Thomas.Howley@montgomerycountymd.gov>; Robison, Elana <Elana.Robison@montgomerycountymd.gov>;

Birenbaum, Robert <Robert.Birenbaum@montgomerycountymd.gov>; Anker, Neal

<Neal.Anker@montgomerycountymd.gov>

Subject: RE: ADO 26-03, Objection of Caressa Bennet et al Objection to ADU License No. 157919 under 29-16 of the County Code

Good afternoon, Lynn Robeson Hannan,

Thank you for your questions and for your patience while DHCA prepared its response.

It is DHCA's understanding that the issue currently before you for consideration in this appeal is limited to the Class III license associated with the approval of an accessory dwelling unit (ADU). The applicability of a Class II license is not presently at issue. That said, DHCA has a long-standing practice of requiring only a Class III license for properties with ADUs. This license applies to the entire parcel, encompassing both the main dwelling and the ADU, and permits the rental of only one unit, with the remaining unit required to be owner-occupied. If necessary, DHCA will revisit its rental licensing policies and procedures in consultation with its counsel.

Consistent with this practice, Ms. Favali may hold a Class III license only while she resides on the property. If, at any point after construction, she does not reside on the property containing the ADU, the ADU must be removed, or the property will be subject to enforcement action. While the Class III license remains active for the property, she will not be required to obtain a separate Class II license for the single-family home.

Finally, DHCA does not require the owner to report the number of tenants occupying the single-family home. As noted in Mr. Bouma's responses below, any concerns regarding potential overcrowding would be investigated by DHCA's Code Enforcement team.

Best,
Tiffany Johnson



Tiffany Johnson, Manager III
Licensing and Registration, DHCA

phone/fax (240) 777-3606/3699

email tiffany.johnson@montgomerycountymd.gov

web www.montgomerycountymd.gov/dhca

1401 Rockville Pike, 4th Floor • Rockville, MD 20852

For questions about services provided by Montgomery County, or to file a complaint, please contact MC311 at 3-1-1 or (240) 777-0311.

From: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

Sent: Tuesday, January 27, 2026 3:51 PM

To: Bouma, Clifton <Clifton.Bouma@montgomerycountymd.gov>

Cc: Howley, Thomas "Tom" <Thomas.Howley@montgomerycountymd.gov>; carri.bennet@wbd-us.com; greg friedman <friedman.g@gmail.com>; kenneth.mack@gmail.com; Evan Goitein <evan@goiteinrosa.com>; Robison, Elana <Elana.Robison@montgomerycountymd.gov>; Birenbaum, Robert <Robert.Birenbaum@montgomerycountymd.gov>

Subject: RE: ADO 26-03, Objection of Caressa Bennet et al Objection to ADU License No. 157919 under 29-16 of the County Code

Good afternoon, everyone. I hope that everyone made it through the ice and snow safely this weekend.

Please confirm that Ms. Favali will be required to apply for a Class 2 rental license for the single-family home that she rents at 7709 Oldchester Road, as well as the Class III ADU license for the proposed structure in the rear.

Will Ms. Favali be required to provide the number of tenants occupying the single-family home to DHCA as part of the Class II license?

I know that much has been delayed due to the weather. I would appreciate it if you could provide an answer no later than Friday, January 30th.

Thanks again and please stay safe.

Best,

Lynn Robeson Hannan
Hearing Examiner.

From: Robeson Hannan, Lynn

Sent: Thursday, January 22, 2026 10:57 AM

To: Bouma, Clifton <Clifton.Bouma@montgomerycountymd.gov>

Cc: Howley, Thomas "Tom" <Thomas.Howley@montgomerycountymd.gov>; carri.bennet@wbd-us.com; friedman.g@gmail.com; kenneth.mack@gmail.com; evan@goiteinrosa.com; Robison, Elana <Elana.Robison@montgomerycountymd.gov>; Birenbaum, Robert <Robert.Birenbaum@montgomerycountymd.gov>

Subject: FW: ADO 26-03, Objection of Caressa Bennet et al Objection to ADU License No. 157919 under 29-16 of the County Code

Mr. Bouma, I am the Hearing Examiner assigned to the above referenced ADO objection. Thanks for your response to my initial question, which was whether DHCA would separately license a rental single-family detached home (SFD) that exists on the same property as the detached ADU in this case. You indicated that the ADU Class III license "covers" the entire property and no license is required for the SFD.

Upon review, however, I agree with Ms. Bennet that this position is somewhat confusing.

As you know, Ms. Favali (the license Applicant) seeks a Class III rental license for a detached Accessory Dwelling Unit (ADU). She also has 4-5 bedrooms in single-family detached home (SFD) on the same property as the proposed detached ADU. She rents the bedrooms in the SFD to individual tenants and they use a common kitchen.

I know that the Code permits the owner of property to occupy the accessory dwelling unit and rent the single-family home. Code, 29-19(b)(1)(A). To do so, the owner would have to get a Class III license to occupy the ADU.

What I'm not clear on is why the presence of the owner in the ADU on the property would exempt the main dwelling from obtaining a separate Class II rental permit for renting the single-family home as you indicate below. See, Code, Section 29-16(c) ("A Class 2 rental housing license is required for each single-family dwelling unit operated as rental housing.") I cannot find an explicit exemption in the Code or COMCOR, although I may have missed it.

Wouldn't that be a huge hole in the Ordinance, as the ADU license does not authorize inspection/monitoring of the SFD rental? What is DHCA's inspection authority over the SFD? Do they not collect rental information from the landlord in these cases?

I have copied the Assistant County Attorneys assigned to OZAH for their response as well.

I would appreciate it if you would respond no later than Monday, January 26, 2026. Of course, if you need additional time, please let me know.

Best,

Lynn Robeson Hannan
Hearing Examiner.

From: Bennet, Carri <Carri.Bennet@wbd-us.com>

Sent: Wednesday, January 21, 2026 6:53 PM

To: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>; Howley, Thomas "Tom" <Thomas.Howley@montgomerycountymd.gov>; greg friedman <friedman.g@gmail.com>; Johnson, David <David.Johnson@montgomerycountymd.gov>; Evan Goitein <evan@goiteinrosa.com>; kenneth.mack@gmail.com; Flavia Favali <flavia4222@comcast.net>
Cc: Bouma, Clifton <Clifton.Bouma@montgomerycountymd.gov>
Subject: RE: ADO 26-03, Caressa Bennet et al Objection to ADU License No. 157919

[EXTERNAL EMAIL]

Hearing Examiner Robeson Hannah,

Could we please get supporting citations in the Montgomery County Code from DHCA for these responses? Or, are these informal policies that have been implemented by DHCA?

Thank you.

Carri Bennet

She/Her

Partner

Womble Bond Dickinson (US) LLP

d: [202-857-4519](tel:202-857-4519)

m: [240-604-7239](tel:240-604-7239)

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From: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

Sent: Wednesday, January 21, 2026 4:07 PM

To: Howley, Thomas "Tom" <Thomas.Howley@montgomerycountymd.gov>; greg friedman <friedman.g@gmail.com>; Johnson, David <David.Johnson@montgomerycountymd.gov>; Evan Goitein <evan@goiteinrosa.com>; Bennet, Carri <Carri.Bennet@wbd-us.com>; kenneth.mack@gmail.com; Flavia Favali <flavia4222@comcast.net>

Cc: Bouma, Clifton <Clifton.Bouma@montgomerycountymd.gov>

Subject: RE: ADO 26-03, Caressa Bennet et al Objection to ADU License No. 157919

External (lynn.robesonhannan@montgomerycountymd.gov)

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Thanks to you and Mr. Bouma for your prompt response.

From: Howley, Thomas "Tom" <Thomas.Howley@montgomerycountymd.gov>

Sent: Wednesday, January 21, 2026 4:04 PM

To: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>; greg friedman <friedman.g@gmail.com>; Johnson, David <David.Johnson@montgomerycountymd.gov>; Evan Goitein <evan@goiteinrosa.com>; Bennet, Carri <carri.bennet@wbd-us.com>; kenneth.mack@gmail.com; Flavia Favali <flavia4222@comcast.net>

Cc: Bouma, Clifton <Clifton.Bouma@montgomerycountymd.gov>

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Good afternoon.

As the questions posed are/were best responded to by our Licensing group, I forwarded them on to my colleague Clifton Bouma.

He provided responses to each question below, which I have highlighted in red.

If any further information is needed, please let us know.

Thank you,
Tom



Tom Howley
Program Manager II
Department of Housing and Community Affairs
Montgomery County, Government

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For questions about services provided by [Montgomery County](#), or to file a complaint, please contact [MC311](#) at 3-1-1 or (240) 777-0311.

From: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

Sent: Wednesday, January 21, 2026 11:40 AM

To: greg friedman <friedman.g@gmail.com>

Cc: Howley, Thomas "Tom" <Thomas.Howley@montgomerycountymd.gov>; Johnson, David <David.Johnson@montgomerycountymd.gov>; Evan Goitein <evan@goiteinrosa.com>; carri.bennet@wbd-us.com; kenneth.mack@gmail.com; flavia4222@comcast.net

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These are directed to the licensing authorities. Mr. Howley and Mr. Johnson work for DHCA and are involved in the licensing process.

Thanks.

From: Greg Friedman <friedman.g@gmail.com>
Sent: Wednesday, January 21, 2026 11:37 AM
To: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>
Cc: Howley, Thomas "Tom" <Thomas.Howley@montgomerycountymd.gov>; Johnson, David <David.Johnson@montgomerycountymd.gov>; Evan Goitein <evan@goiteinrosa.com>; carri.bennet@wbd-us.com; kenneth.mack@gmail.com; flavia4222@comcast.net
Subject: Re: ADO 26-03, Caressa Bennet et al Objection to ADU License No. 157919

[EXTERNAL EMAIL]

Rather than the parties attempt to answer these questions and possibly arrive at differing answers, which would be an inconclusive result, would it be possible for OZAH to pose these questions to the County licensing authority in order to obtain definitive answers?

Greg Friedman
Law Office of Greg S. Friedman
6216 Mazwood Road
Rockville MD 20852-3528
Phone (301) 455-4734

On Wed, Jan 21, 2026 at 11:00 AM Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov> wrote:

Good morning. OZAH has held two hearings in the above case. Based on the information presented, I have some follow-up questions regarding the licensing of ADUs, below. In addition, Ms. Carri Bennet (one of the objectors) also has questions regarding the ADU licensing process.

If possible, would you kindly provide the answers no later than 4:30 pm on **Monday, January 26, 2026**? Of course, if you need additional time, please let me know.

HE questions:

1. Will Ms. Favali be required to obtain a rental license for the single-family home if she occupies the accessory dwelling unit? **No. The ADU license is for the entire property and allows permission for the 2nd unit to exist.**
2. If a license is needed, will she be required to report the number of tenants in the home? **No, this info is not collected by DHCA.**
3. If a license is not needed, is there any other way that DHCA can monitor the occupants of the home? **No, we would not monitor the occupants. If we receive reports of overcrowding, Code Enforcement could investigate.**

Objector Questions:

1. Can an ADU applicant obtain an ADU permit/license if the primary dwelling or a portion thereof is being rented at the time the application is filed? **Yes. DHCA would cancel the other license and issue the ADU license once final approval is given.**

2. If an ADU is approved as the secondary dwelling on the property, can the primary dwelling or a portion thereof be rented *after* the ADU is built/occupied? **Yes. The ADU license allows the owner to live in either unit and rent the other. Both units cannot be rented, and the owner must live in one unit.**

I've attached Ms. Bennet's email with the Code provisions to which she cites. It appears to be a citation to the 2004 Zoning Ordinance, but it still appears on some of DHCA's forms.

Thanks for your timely response to these questions. Again, if you need additional time, please do not hesitate to let me know.

Best,

Lynn Robeson Hannan
Hearing Examiner

