



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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County Executive

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Director

**CLASS 3 ACCESSORY APARTMENT
FACT SHEET**

Owners of Single Family detached homes in Montgomery County* may be permitted to create and rent a Class 3 Accessory Apartment in their home if they follow a few basic procedures. A Class 3 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. A license is issued by the Department of Housing and Community Affairs for an accessory apartment that does not require a special exception. 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 rental license from Montgomery County Department of Housing and Community Affairs. An owner, who operates a rental facility without first obtaining a license, may be subject to a \$500 civil citation. Properties with well and/or septic must contact Department of Permitting Services (DPS) at 240-777-0311 to make sure it meets required code for total individuals living at your accessory apartment dwelling unit property. A photocopy of the document you receive from DPS must accompany your application.

The Existing Single-Family Dwelling Must:

- Be a Single Family Detached Home – no townhouses, duplexes or mobile homes.
- Be owner occupied.
- Be at least 5 years old as of the date of the application.
- Be [attached] located in the RE-2, RE-2C, RE-1, R-200, RC, RMH-200, and R-150 zones is located at least 500 feet from any other approved or pending accessory apartment, measured in a line from side lot line to side lot line along the same block face.
- Be [attached] located in the R-90 (including Plan Development zones), R-60, RNC, PD2, PD3, and PD2-2 zones is located at least 300 feet from any other approved or pending accessory apartment, measured in a line from side lot line to side lot line along the same block face.
- Be [detached] located in the RE-2, RE-2C, and RE-1 zones is located a minimum distance of 500 feet from any other approved or pending accessory apartment, measured in a line from side lot line to side lot line along the same block face.
- Zone R-40 accessory apartment is not allowed for licensing nor conditional use.
- Have on-site parking provided in addition to any required on-site parking for the principle dwelling. See Class 3 Accessory Check List for specifics on required square footage of driveway.
- Complete separation of units is required (from main house to accessory apartment). Have a separate entrance located so that the appearance of a one-family home is preserved.

Division of Finance and Administration

Asset Management Grants Administration Licensing and Registration Management Services

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3699 FAX • www.montgomerycountymd.gov/dhca

The Accessory Apartment Must:

- Be less than 50 percent of the total net gross floor area in the principal dwelling; or 1200 square feet, whichever is less. The maximum net gross floor area for an addition is 800 square feet.
- Be internal to the existing home (unless the lot is larger than 1 acre and is in the required zone).
- Have the same address as the main house.
- Be the only additional living unit or residential use on a lot or parcel. No other tenants or registered living unit permitted.
- Be in compliance with all applicable laws.

LICENSING PROCESS FOR CREATING A CLASS 3 ACCESSORY APARTMENT

To create a Class 3 Accessory Apartment to be offered for rent, an owner-occupant must:

- 1. Apply for the license through Montgomery County Department of Housing and Community Affairs, Licensing and Registration Unit, 1401 Rockville Pike, 4th Floor, Rockville, Maryland 20852, 240-777-0311.**
- 2. Once the Licensing Office has received your application, Licensing will review for completeness within 5 days of receipt.**
- 3. Department will send written notification of the application acceptance or will return the application and all fees with a written explanation regarding missing documents.**
- 4. OZAH Hearing Examiner will receive a copy of the application with documents of acceptance of the application.**
- 5. Department will post the information on the website and map of accessory apartment.**
- 6. Owner must post the public notice sign on yard within 5 days of acceptance of the application by the Department and remain posted for 30 days after the issuance of the Director's findings.**
- 7. Licensing will review the application for compliance with zoning ordinances and the Housing Code Enforcement will inspect for compliance with housing code and zoning standards.**
- 8. The Director will issue a report on the findings of the Licensing review and Housing Code inspection.**
- 9. A license will be issued or denied 30 days after the issuance of the Directors report.**
- 10. Sign must be returned within 15 days after the end of the posting period.**
- 11. Contact your homeowners' association or see your association's covenants for their rules and regulations regarding an accessory apartment.**
- 12. Changes in information provided on the original Accessory Apartment application must be reported to the Department of Housing and Community Affairs, Licensing/Registration Unit immediately.**
- 13. If your property denied after the inspection for a Class 3 Accessory Apartment, you can object with The Office of Zoning and Administrative Hearings by calling 240-777-6660 or 100 Maryland Avenue, Room 200, Rockville, MD 20850. If you know before applying for the Class 3 Accessory Apartment that your parking and/or zone requirements would not pass, you may request a referral from the Licensing and Registration Unit to The Office of Zoning and Administrative Hearings for a conditional use. Call the Licensing and Registration Unit for more information or to obtain a referral at 240-777-0311.**

*Note: Requirements as outlined in Zoning Ordinance Section 59-G-2.00 do not apply to properties within the incorporated Municipalities of Barnesville, Gaithersburg, Laytonsville, and Rockville. For further information, contact your local municipality.