

# Accessory Apartment Licenses & Waivers

**Accessory apartment licenses are now issued by the Department of Housing and Community Affairs (DHCA), Licensing and Registration.** This new license type is for 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 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 apartment may use the licensing process if the accessory apartment 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. Instead, as of January 15, 2019, an applicant for an accessory apartment license who is rejected by DHCA because the applicant cannot meet the requirements for on-site parking and/or for distance from other accessory apartments, may seek a waiver of those requirements by filing a [Waiver Request Form](#) with OZAH within 30 days after the DHCA denial.

Sara, please add the link to the new form entitled "Request for Waiver of Accessory Apartment Parking or Distance Requirements".

## Objections to an Accessory Apartment Decision

Individuals who disagree with the findings made by DHCA on a license application or who believe that on-street parking is inadequate to accommodate the apartment may object to granting the license and request that OZAH review the application. See [forms for filing an objection](#). OZAH must hold a public hearing on the objections within 20 days of filing.

### **Objections to Accessory Apartment Licenses May NOT be Made to OZAH Based on Private Covenants or Association Regulations**

Please be advised that under County Code §29-26, **an applicant for an accessory apartment license, or an aggrieved party, may challenge findings made by the Director of the Department of Housing and Community Affairs (DHCA), 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. 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 apartment 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 apartment license.