



ROOM RENTALS

FOR RENT



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Office of Landlord-Tenant Affairs

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www.montgomerycountymd.gov/olta



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WHAT IS A ROOM RENTAL?

Montgomery County has a variety of housing types available for rent; for example, apartments, condominiums, townhouses and single-family homes. These provide diversity in location, size, price and amenities to meet the diverse needs of the County's citizens. An additional type of rental is a "room rental." Renting a room can provide an economical alternative to renting an apartment or a house. Offering rooms for rent can provide an extra source of income for the homeowner as well. A roomer generally has access to the main kitchen and may or may not have a separate bathroom. An owner may rent rooms in the house that they also occupy or the owner may rent room and live elsewhere.

An owner-occupant landlord may rent rooms in their house without obtaining a rental facility license as long as they meet the following requirements:

1. **There are no more than five unrelated occupants in the home (including the owner) or**
2. **there are no more than two unrelated people and any children/parents/siblings or other persons related to either of them by blood, marriage, adoption or guardianship.**

If the owner-landlord does not occupy a room in the rental property, he must first obtain a rental facility license from Montgomery County's Department of Housing and Community Affairs (DHCA), Licensing and Registration Unit. Any landlord who is required to have a rental facility license and does not obtain one, may not pursue legal action against a tenant for unpaid rent in the District Court of Maryland and is subject to a civil citation from DHCA's Licensing and Registration Unit. For more information about obtaining, maintaining and renewing a rental facility license, contact the Licensing and Registration Unit at 240-777-0311 or at our website: <https://www.montgomerycountymd.gov/DHCA/housing/licensing/index.html>

WHAT IS AN ACCESSORY APARTMENT?



An accessory Apartment or accessory dwelling unit (ADU) provides advantages similar to those of room rentals — an economical alternative to apartment or house rental and a potential source of extra income. An ADU is a basement or upper level rental in an owner-occupied single-family home. It is distinguished from a room rental in

that it provides a second, separate cooking, eating, sanitation and sleeping facilities added to an existing single-family dwelling or in a separate accessory structure on the same lot as an existing dwelling. ADU's must be licensed.

RESOURCES FOR ROOM RENTALS

DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

- **Office of Landlord-Tenant Affairs - (240-777-0311)**
While this Office does not have jurisdiction over room rentals in owner occupied homes, staff will answer questions regarding a tenant's or landlord's basic rights and responsibilities.
- **Housing Code Enforcement - (240-777-0311)**
Tenants have the right to file a complaint with Housing Code Enforcement if the landlord fails to make repairs that are required by the Housing Code.
- **DHCA website - www.montgomerycountymd.gov/dhca**
The Department's website is a valuable resource for both landlords and tenants. There is a free model Room Rental lease available on our website that complies with applicable State and County law.

CONFLICT RESOLUTION

- **Conflict Resolution Center MC - (301-652-0717)**
Mediates a wide variety of conflicts, including room-mate and house-mate disputes. They also help resolve small claims.

LEGAL RESOURCES

- **Legal Aid Bureau - (240-314-0373)**
If a tenant is financially eligible for service, the Legal Aid Bureau offers free legal services to assist in resolving disputes.
- **Montgomery County Pro Bono Program - (301-424-7651)**
- **Self Help Center - (410-260-1392)**
A call center staffed by attorneys that answers questions regarding civil cases filed in the District Court. This service is free to all.
- **District Court of Maryland - (301-563-8800)**
Both landlords and tenants can file a small claims action with the District Court if they have security deposit disputes or disputes regarding damages.
- **Attorney General's Office (State of Maryland) - (410-528-8662)**
The Consumer Protection Division provides information and mediation services for room rental disputes.
- **Local library -**
The library has copies of the State and County Code for review.

HELPFUL HINTS



Here are a few suggestions to help ensure a worry-free tenancy for the landlord and the tenant:

- Keep the lines of communication open. It is much easier to resolve issues when a spirit of cooperation exists between landlord and tenant.
- Put all agreements in writing and be specific. Determine such things as:
 - Who is responsible for the utilities?
 - Where do I park?
 - May I smoke?
 - Does the rental include use of common areas (e.g. kitchen, living room)?

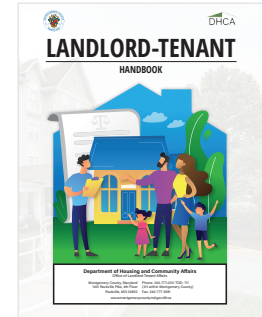
Remember, when sharing a home, misunderstandings can escalate to problems quickly.

- Provide and/or keep receipts for all rent payments.
- Keep noise to a moderate level.
- Respect the rights of everyone in the house.
- Keep your area and all common areas clean.
- Make all requests for repairs in writing. Written agreements eliminate many misunderstandings.
- Inspect the room together at move in, make note of any problems, and take pictures. These precautions will help prevent problems at the end of the tenancy.
- Inspect the room together when the tenant vacates, make note of any problems, and take pictures. This will be proof of the condition of the property at the end of the tenancy.

WHAT LAWS APPLY TO ROOM RENTALS?

The Montgomery County Code contains two Chapters that apply to the regulation of rental properties in the County:

- **Chapter 29, Landlord-Tenant Relations**, defines and regulates the legal rights, responsibilities and obligations of landlords and tenants in residential rental properties in the County. These rules and regulations apply to most, but not all, rental units in the County.
- **Chapter 26, Housing and Building Maintenance Standards**, establish the minimum standards for the health, safety, light, ventilation, cleanliness, repair, maintenance and occupancy standards for residential properties in the County.



Title 8, Landlord and Tenant of the Real Property Article, Annotated Code of Maryland, sets forth rules that must be followed by all rentals, especially Section 8-203 which covers security deposits.

As stated previously, an owner/occupant landlord can rent rooms without obtaining a rental facility license as long as the household (total number of persons occupying the property, including the owner) does not exceed five unrelated people. Such rentals are NOT covered under Chapter 29 of the County Code. If an owner does not occupy the property and rents rooms, the landlord must first obtain a rental facility license and the tenants are covered under Chapter 29 of the Montgomery County Code. All rentals are subject to the provisions of Title 8 of the Real Property Article.

Accessory Dwelling Units are covered under Chapter 29 and must be licensed and in compliance with the Chapter 26 of the County Code.

	Owner Occupied	NOT Owner Occupied	(ADU's)
License	No	Yes	Yes
Title 8	Yes	Yes	Yes
Chapter 29	No	Yes	Yes
Chapter 26	Yes w/exceptions	Yes w/exceptions	Yes

For more information about ADU's call Housing Code Enforcement or Licensing and Registration at 240-777-0311.

WHAT ARE THE REQUIREMENTS FOR ROOM RENTALS?

All room rentals must have certain safety features that provide a warning in case of fire or carbon monoxide leaks and facilitate leaving in case of an emergency (see items in the figure on next page).

ALL ROOM RENTALS MUST HAVE:

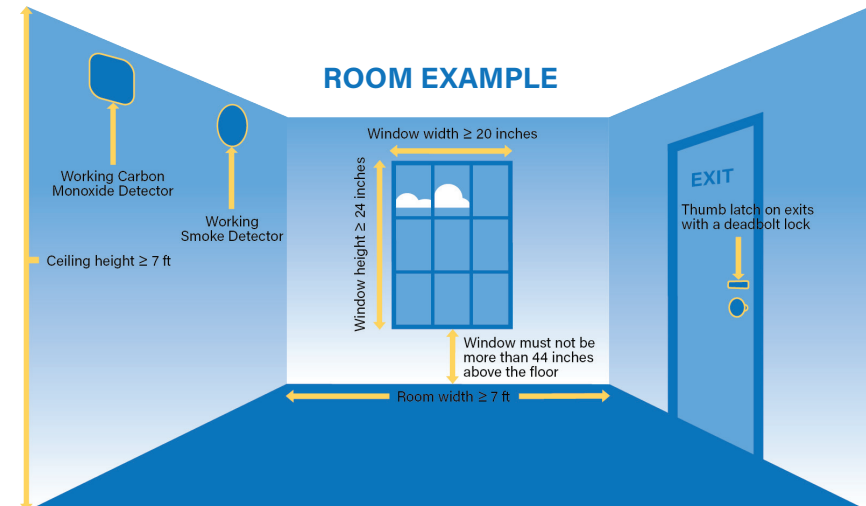
1. A working lithium ion sealed battery smoke detector with a hush button;
2. A working carbon monoxide (CO) detector if the home has fuel-burning appliances, a fireplace, or an attached garage;
3. A ceiling height of at least 7 feet;
4. Rooms of at least 7 feet in width and have a total of 70 square feet of habitable space if occupied by one person, and at least fifty (50) square feet of habitable space per person if occupied by more than one person; and
5. A thumb turn latch on the inside of any exit door with a deadbolt lock.

IF THE ROOM IS IN A BASEMENT, IT MUST HAVE:

1. A window that is at least a 20 inches wide, 24 inches in height, and is not more than 44 inches above the floor to opening; and
2. A window that has at least a 5 square foot net clear opening.

Basement rooms often have additional safety concerns and, thus, must meet additional requirements to ensure safe egress in case of an emergency. These additional requirements (see items in the figure on next page) apply to tenants renting basement rooms and to owner-landlords occupying basement rooms.

Tenants who rent basement rooms or owners who occupy basement rooms that are missing any of these required safety features are living in potentially dangerous units. Call Housing Code Enforcement at 240-777-0311 if you have any questions about the safety or legality of a basement room rental.



While tenants who rent rooms in owner-occupied homes are not covered by Chapter 29 of the Montgomery County Code, the Office of Landlord-Tenant Affairs does answer questions from both landlords and tenants regarding their rights in room rental situations.

We encourage landlords to use the free model Room Rental lease available on our website that complies with applicable State and County law. It can provide necessary information and help avoid misunderstandings going forward. Remember, renting rooms can be a positive experience if both parties follow the law and exercise good judgment and common courtesy.