



**BERLIN MAYOR AND COUNCIL
Meeting Agenda**

**Berlin Town Hall
10 William Street
Monday, February 9, 2026**

- 5:00 PM WORK SESSION: Initial Discussion of ADU requirements with Planning Commission – Council Chambers**
- To discuss an act concerning Land Use and Real Property - Accessory Dwelling Units - Requirements and Prohibitions, passed by the state of Maryland on October 1, 2025.

To access the Meeting via Facebook, please click the blue Facebook icon at the top of any page on www.berlinmd.gov, or type @townofberlinmd in the Facebook search bar. QR code links to online packet and Strategic Plan. Anyone having questions about the meetings mentioned above or needing special accommodations should contact Town Administrator Mary Bohlen at (410) 641-2770. Written materials in alternate formats for persons with disabilities are made available upon request. TTY users dial 7-1-1 in the State of Maryland/outside Maryland dial 1-800-735-2258.





Accessory Dwelling Unit Policy Task Force Final Report

May 31, 2024



May 31, 2024

The Honorable Wes Moore
Governor, State of Maryland
100 State Circle
Annapolis, MD 21401-1925

The Honorable Bill Ferguson
President, Maryland Senate
Senate Office Bldg.
100 State Circle
Annapolis, MD 21401-1991

The Honorable Adrienne A. Jones
Speaker, Maryland House of Delegates
State House
H-101, State Circle
Annapolis, MD 21401-1991

RE: ACCESSORY DWELLING UNIT POLICY TASK FORCE FINAL REPORT

Dear President Ferguson and Speaker Jones,

On behalf of the Accessory Dwelling Unit (ADU) Policy Task Force (Task Force), I am pleased to submit our Final Report, in accordance with 2023 SB 382 and State Government Article (Article) §2-1257.

At present, the state is experiencing a housing shortage of a staggering 96,000 units and that shortage is growing at an average of 5,600 units annually. This lack of supply has had a significant impact on the cost of living for Marylanders. According to data published by the Department of Housing and Community Development, 52% of renters are now cost burdened, spending 30% or more of their wages on housing-related costs, and a striking 23% are spending upwards of 50% of their income on housing.

While this crisis impacts Marylanders across the state, the high costs and lack of availability of housing have a disproportionate effect on our seniors and high-need populations. The construction of more accessory dwelling units may be but one tool to resolve this crisis. However, these dwellings may have a significant impact on some of our most vulnerable Marylanders, namely those with disabilities and aging populations who seek support from their families and communities. With better and more consistent policies in Maryland, we can reduce the high cost of these units and remove much of the confusion faced by homeowners as they attempt to construct an ADU on their property.

As per the Article, the Task Force included fifteen members (see Table 1) from a cross-section of agencies, organizations, and disciplines who met over nine months to deliberate on various aspects of ADU policy. After nine months of deliberations, the Task Force unanimously adopted the final report on May 21, 2024. The [Task Force web page](#) for this initiative serves as a resource for communities interested in pursuing ADU policy.

Please don't hesitate to contact me or Joe Griffiths, MDP staff team lead, if you have questions or would like us to provide a briefing on the report

Sincerely,

Rebecca L. Flora, AICP
MDP Secretary / ADU Task Force Chair

cc: ADU Task Force Members; Joseph Griffiths

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II. Executive Summary

Maryland is facing a housing crisis with an estimated 96,000-unit deficit.¹ This gap has been in the making for over a decade and in turn has impacted Maryland's lagging GDP growth rate of 2.1% since 2016. During the 2023 legislative session, the General Assembly recognized Accessory Dwelling Units (ADUs) as one strategy among many to encourage more residential options for Marylanders, passing [SB 382](#), which established the Accessory Dwelling Unit Policy Task Force (Task Force).

SB 382 assigned the Task Force to develop policy recommendations for state and local government by surveying the ADU development policies, regulations, and programs of Maryland jurisdictions and other states in areas zoned for single-family residential use. Chaired by Maryland Department of Planning (MDP) Secretary Rebecca L. Flora, 15 leading experts in the fields of housing development, zoning, architecture and design, real estate, aging, and accessibility, as well as local and state government representatives, composed the Task Force membership (see Table 1).

Maryland's real GDP per capita has grown only 2.1% since the end of 2016, compared to 11.9% for the U.S., 9.9% for Virginia, and 7.5% for Pennsylvania.

[Office of the Comptroller Maryland 2023, State of the Economy](#)

The Task Force held nine meetings that were open to the public from September 2023 through May 2024. With the assistance of MDP staff, the Task Force analyzed the current impacts of local and state ADU policy and regulation with the demands and contexts of Maryland's unique communities. Through this analysis common themes were frequently raised and are detailed in Section IV. Combining research, deliberation, stakeholder engagement, and public comment, the Task Force drafted policy recommendations (Section V) and identified guidance, resources, and technical assistance (Section VI) needed to advance the implementation of ADUs throughout Maryland's communities. The extensive number of resources identified throughout the process are listed in Appendices along with a glossary of terms and executive summary of the market assessment also performed during the process. Additionally, an ADU Task Force web page was created on the MDP web site to host all materials and will remain available as a resource for access by all.

In spring 2024, the Task Force prioritized those topic areas and recommendations appearing to have the greatest impact on ADU development. These priority impact areas were deliberated in a working meeting in April, leading to a draft report that was ultimately adopted through unanimous vote at the final May 21, 2024, meeting.

“The level of engagement by all Task Force members serves as a testament to the importance of accessory dwelling units to all Marylanders. The Task Force thoroughly examined the research and best practices of ADUs and deliberated in a balanced manner, respecting the array of perspectives from small to large communities. They also provided their own professional expertise directly to ensure all factors were considered. The Task Force should be commended for their work and the unanimous adoption of the final report as an accurate reflection of the collective outcome of nine months of learning and deliberations.”

~ **Rebecca L. Flora, AICP, MDP Secretary/ADU Policy Task Force Chair**

¹ [Housing Underproduction in the U.S. 2023, Up For Growth](#)

The Task Force proposes the adopted policy recommendations listed below, and further detailed in Section V, for Governor Moore and the General Assembly consideration.

By-Right Approval The state should pursue legislation which would require the permitting of one ADU as a by-right use in most areas of Maryland whose zoning permits single-family residential uses.

Parking Requirements The state should not pursue legislation governing local parking requirements for ADU approval. Rather, further guidance and resources are needed to help Maryland jurisdictions develop ordinances in which parking requirements do not present an unreasonable barrier to ADU development.

Lot Requirements The state should not pursue legislation governing local lot requirements for ADU approval. Rather, further guidance and resources are needed to help Maryland jurisdictions develop ordinances in which lot requirements do not present an unreasonable barrier to ADU development.

Restrictive Covenants The state should pursue state legislation that would prohibit new and existing covenants for housing developments from barring or unreasonably restricting ADUs.

Impact Fees The state should pursue legislation that limits impact fees that would unduly hinder the affordability of ADUs. Further guidance and resources are needed to help Maryland jurisdictions prevent impact fees from presenting an unreasonable barrier to ADU development and affordability.

Infrastructure and Facilities The state should pursue state legislation which would prohibit jurisdictions from requiring an ADU developer to install new and/or separate water and sewer lines to the unit.

Further analysis is needed to help Maryland jurisdictions determine the impact that ADUs have on school capacity. Additional guidance and resources are needed to help Maryland jurisdictions quantify and measure this impact and craft reasonable Adequate Public Facilities Ordinance (APFO) school tests for ADUs.

Additionally, the Task Force identified several areas, listed below and further detailed in Section VI, as needing additional guidance, resources and technical assistance.

- Aging and Accessibility
- Financial Incentives and Partnerships
- Government Directed Technical Assistance and Education for ADU Interested Homeowners
- Nonconforming Uses and Structures
- Owner Occupancy Requirements
- Short Term Rentals
- Rental Licensing Programs

III. Introduction

A. Purpose

This report was prepared by the Accessory Dwelling Unit Task Force (Task Force) and staffed by the Maryland Department of Planning (MDP) in accordance with 2023 [SB 382](#) and State Government Article [§2-1257](#). The purpose of this report is to meet the requirements of SB 382 that require the Task Force to:

- 1) *“survey and document a representative sampling of State and local codes, laws, ordinances, and policies regarding the development and operation of accessory dwelling units in areas zoned for single-family residential use, including those codes, laws, ordinances, and policies that address residential growth in these areas;*
- 2) *study available best practices for streamlining or standardizing the application process for permits necessary to build or operate an accessory dwelling unit; and*
- 3) *make legislative or other policy recommendations, including a list of best practices for local governments in the State, that holistically address:*
 - i) *the practical issues associated with the development of accessory dwelling units on owner-occupied land zoned for single-family residential use; and*
 - ii) *the impacts on local housing markets, neighborhood livability, and other policies and projects related to accessory dwelling units.”*

SB 382 defined ADUs as *“secondary dwelling units on the same lot, parcel, or tract as a primary dwelling unit that are constructed:*

- i) *attached to, or through the conversion of, a portion of the primary dwelling unit;*
- ii) *attached to, or through the full or partial conversion of, an accessory structure located on the same lot, parcel, or tract as the primary dwelling unit;*
- iii) *as a new building, detached from the primary dwelling unit and any existing accessory structure.”*

SB 382 defined a dwelling unit as a *“single unit that provides independent living facilities for at least one person.”*

The American Planning Association [defines and details](#) ADUs as “a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home. ADUs go by many different names throughout the U.S., including accessory apartments, in-law suites, and granny flats. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes (i.e., attached ADUs), or new stand-alone accessory structures or converted portions of existing stand-alone accessory structures (i.e., detached ADUs).”

The Task Force compiled a glossary of terms related to ADUs arising during its deliberations which can be found in Appendix A.



B. Task Force Members

In partnership with the Governor's Appointments Office, the President of the Senate of Maryland, the Speaker of the Maryland House of Delegates, and organizations listed in SB 382, the Maryland Department of Planning (MDP) and the Chair established the following roster of Task Force members according to SB 382's requirements. Ex-officio, non-voting members from the Maryland Departments of Disabilities and Aging were also invited by the Chair to participate in deliberations.

Table 1

Task Force Slot	Assigned Representative	Organization/Company	Title
Senate Representative	Senator Mary Washington	Maryland Senate	Senator, District 43
House Representative	Delegate Vaughn Stewart	House of Delegates	Delegate, District 19
Secretary of Planning or Designee	Secretary Rebecca L. Flora, AICP (CHAIR)	Maryland Department of Planning	Secretary
Secretary of Housing & Community Development or Designee	Theo Williams	Maryland Department of Housing and Community Development	Special Assistant, Office of the Secretary
MACo Urban County Rep.	Lori Parris	Prince George's County Department of Permitting, Inspections, and Enforcement	Senior Advisor to the Director
MACo Rural County Rep.	Amy Moredock, CFM	Queen Anne's County Planning & Zoning	Director
MML Urban Municipality Rep.	James D. Gaston III	Town of Brentwood	Administrator
MML Rural Municipality Rep.	Councilman Dan Hoff	City of Westminster	Councilmember
Maryland Building Industry Asso. Rep.	David S. Thaler, PE, LS	D.S. Thaler & Assoc, LLC	President
Maryland Association of Realtors	Tiffany Harris, Broker	Century 21 Harris Hawkins & Co	Broker Owner
Chesapeake Region Chapter of the Community Asso. Inst.	Quinn Griffith	Whiteford, Taylor, & Preston LLP	Associate
American Institute of Architects Maryland	Deborah Buelow, AIA, Well AP	Cedar Architecture	Principal/Founder
AARP	Priscilla Kania	AARP Maryland	Lead Volunteer Advocate
Maryland Coalition for Interior Designers	Mandy Gitt, CID, IIDA	Simply Bespoke Studio	Principal
An individual with professional experience in the planning and development of roads and highway	Jennifer Ray, AICP	Johnson, Mirmiran, & Thompson	Associate Vice President
Ex-officio (non-voting) Member	Isabella Shycoff	Maryland Department of Aging	Division Director, Housing Services
Ex-officio (non-voting) Member	Charmeda McCready	Maryland Department of Disabilities	Director of Housing Policy and Programs

MDP staff members who conducted research and supported the work of the Task Force included:

Joe Griffiths, AICP, Local Assistance and Training Manager (team leader)
 Susan Llareus, PLA, ASLA, Planner Supervisor, Regional Planner for Maryland Capital Region
 David Dahlstrom, AICP, Upper Shore Regional Planner
 Yasmin Behram, M.A., Executive Assistant, Office of the Secretary
 Fahmi Khairun, Intern, Master of Community Planning Student, University of Maryland

C. Task Force Process

The Task Force studied best practices for streamlining or standardizing the local ADU application and development review process. From this analysis, the Task Force developed legislative and policy recommendations, including best practices that holistically address ADU issues. The recommendations consider potential impacts on surrounding single-family neighborhoods, local housing markets, and neighborhood character.

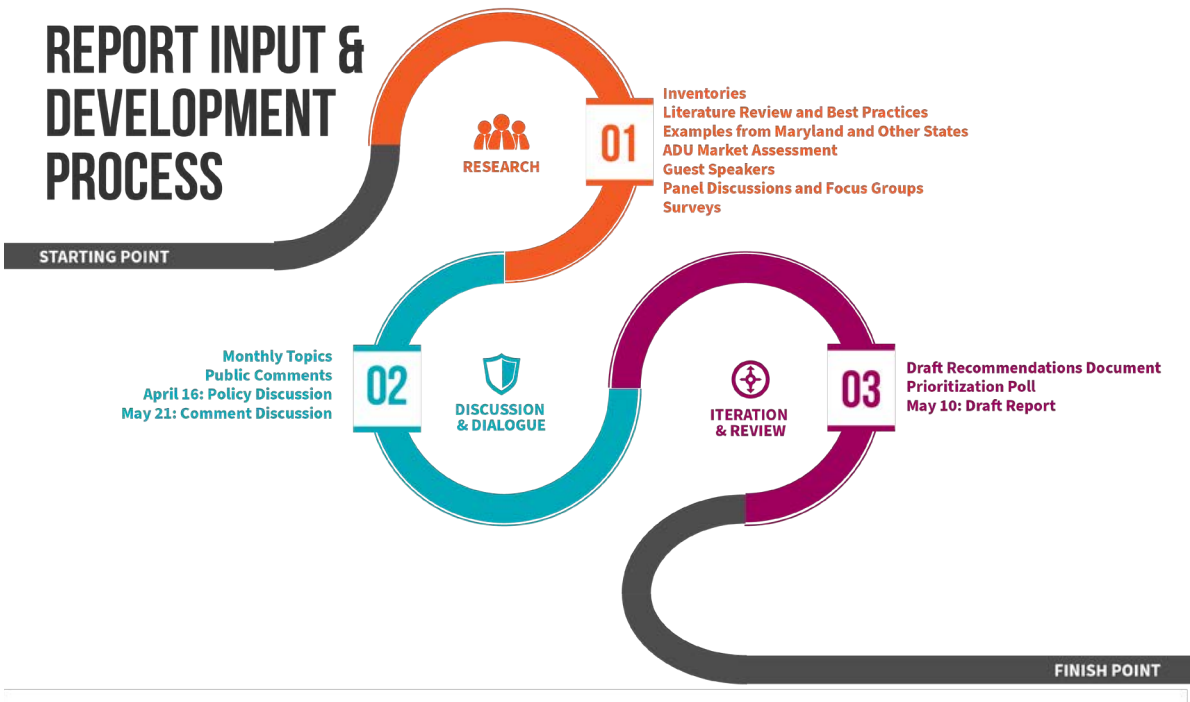
MDP served as staff to the Task Force. Governor Moore appointed MDP Secretary Rebecca L. Flora, AICP as Chair of the Task Force (Chair). SB 382 assigned MDP to staff the Task Force, who collaborated with the Maryland Department of Housing and Community Development (DHCD) on research.

In September 2023, MDP developed a [Accessory Dwelling Unit Policy Task Force](#) webpage to inform Marylanders about Task Force meetings, research, and discussion. The webpage included a comment form through which members of the public could share their opinions and insights with the Task Force. Staff completed a Public Comment Report to summarize comments received through May 31, 2024, the comment form end date. The Task Force also encouraged members of the public to attend and comment during meetings which were all open to the public. Further, the meetings were held in a hybrid format except for the April working meeting that was in-person only (and open to the public) to facilitate the process of finalizing recommendations.

The Task Force met monthly from September 2023 through May 2024. The first two meetings established the Task Force’s purpose, clarified definitions, formed a [meeting and research plan](#), and prioritized discussion topics. MDP and DHCD staff compiled inventories of ADU ordinances in Maryland and ADU legislation from other states, which the Task Force used to inform its deliberations through a series of topical meetings extending from November through March. The Task Force prioritized recommendations during the April meeting, reviewed the draft report in advance of the May meeting, and finalized their work on the report in May. In preparation for each meeting, MDP and DHCD reviewed best practices literature and ADU resources informing the next topic. The Task Force distributed two surveys- Builders and Developers and Environmental Organizations. The Task Force also hosted four focus groups and/or panel discussions that included Planning Directors, ADU Owners, Residents, and Aging and Accessibility Advocates, Homeowners Association and Neighborhood Associations, and Housing Organizations. Finally, staff serving the Task Force completed an ADU Market

Assessment to address SB 382’s requirement that the Task Force consider ADU impacts on local housing markets and neighborhood livability.

The diagram to the right outlines the Task Force’s process and timeline.



IV. Themes

A review of Task Force meeting records by the MDP staff resulted in the identification of common topics or themes that the members most frequently raised. The top ten most frequently raised themes below were not scientifically derived and are not in order of priority, however they do reflect a general summary of issues and considerations. As a result, these common themes are, in many cases, woven into the policy recommendations and/or local guidance that follows in the next sections of this report along with more detail.

- 1) **Housing Supply.** Maryland has a 96,000 housing unit shortage.² ADUs are a small, 1%-2% estimated potential, but essential part of filling a housing gap for small, one-to-two-bedroom households. For example, only 2% of Portland, Oregon properties include an ADU,³ which is the highest percentage for large American cities. This is a solution that is already quietly (and often illegally) occurring in some places, often without adequate health and safety considerations and due to the dire housing needs of Marylanders.
- 2) **Housing Affordability.** The cost of housing has risen dramatically,⁴ making it unaffordable for many to stay or move to Maryland. Overly burdensome regulations have made it impractical for ADUs to be considered an affordable option without relief from regulatory barriers and the provision of targeted financial lending or other incentives.⁵
- 3) **Accessory Structures.** Most zoning codes address accessory “structures” in residential areas. Attached or detached accessory “dwelling” structures should not be treated as a new housing unit with all the associated requirements and fees that further impact affordability.
- 4) **Community Context.** One size does not fit all was a strong consideration for how to best scale any state-wide policy or guidance. The varying conditions from urban to rural, market demand, existing infrastructure and service capacity, and special overlay districts require local interpretation in implementation.
- 5) **Keep it Simple, Be Reasonable.** ADUs are typically undertaken by homeowners without experience in design, permitting, and construction. Local and state regulatory requirements that are overly complex and burdensome create barriers and add cost to the project. Local regulations and decision-making for obtaining an ADU building permit should be “reasonable”. State guidance to local jurisdictions through data, tools, and resources are also needed to simplify the varying and confusing approaches already occurring across the state.

² [Housing Underproduction in the U.S. 2023, Up For Growth](#)

³ The ABCs of ADUs, A guide to Accessory Dwelling Units and how they expand housing options for people of all ages, AARP, 2021.

⁴ ACS 1-Year Data, [DP04](#)

⁵ [Maryland Housing Needs Assessment & 10-Year Strategic Plan, 2020](#)

- 6) Legacy Racial Inequity in Housing.** The injustices of redlining, Euclidean (single purpose) zoning and large lot development over the decades have created neighborhoods that purportedly served to shut people out. Before these policies became popular, it was common for multiple generations to live in one home, a detached carriage house, or a duplex to accommodate family growth and aging in place, or to provide much needed rental income. ADUs are not new, they are a practice considered standard that past generations considered normal.
- 7) Public Infrastructure and Services.** Additional stress on existing streets, water and sewer, electric, gas, trash, schools, parking, and other public services, (and private systems) are a real concern of local officials, as they are with many other developments. While some of these community services and infrastructure are already overburdened, the impacts of ADUs may be overstated compared to other housing types. However, these concerns exist and should be acknowledged as being unique to each locale.
- 8) Restrictive Covenants.** Homeowner associations often prohibit ADUs over concerns for home values and quality of life. There is an equity divide between these types of deed-based protections, which are often at odds with local planning and zoning, which can adapt to changing community needs. Local jurisdictions may have limited oversight regarding private restrictive covenants. These protections, which apply to some neighborhoods, should be addressed moving forward as an obstacle to adding housing supply. In some cases, more flexibility would be welcomed by some existing homeowners to diversify existing places to improve marketability.
- 9) Ownership.** Based on input from builders and developers in Maryland and through Task Force discussion, the most predominant type of ADU construction in Maryland appears to be for family members.⁶ However, the growing trend⁷ of short-term rentals in some communities has also raised concern over who should be eligible to live in an ADU. Existing code typically addresses this issue, and it would be hard to enforce if structures were limited to family members only. Limitations such as ownership would also limit future market adaptability.
- 10) Codes.** Existing building codes and state regulatory measures address multiple aspects of any site development and building construction. These should be seen as the primary source for all aspects of the ADU. Many of these regulations relate to health, safety, and welfare, and are relevant to the design and cost of ADUs, including fire protection, emergency access, and the enforcement of the American with Disabilities Act. Additionally, “visitability” features of ADUs that allow improved accessibility for residents and visitors should be considered for populations most in need of locational proximity to the primary unit.



⁶ ADU Task Force Builder/Developer Survey

⁷ [The Effect of Short-Term Rentals on Residential Investment, 2021](#)

V. Policy Recommendations

Early in its tenure, the Task Force established a meeting and research plan to organize the progression of monthly meeting topics. The Task Force deliberated ADU policy recommendations for zoning use and approval processes, lot requirements, design and building codes, parking requirements, community facilities, code enforcement, utilities and fees, and affordability. These deliberations were aided by an inventory of ADU ordinances in Maryland jurisdictions, an analysis of ADU legislation in other states, best practices research, focus groups and panel discussions, and surveys that were all undertaken by MDP staff. During each meeting, the Task Force responded to the following questions regarding the designated focus topic.

- 1) *What preliminary legislative and policy recommendations should the Task Force include in its final report to the Governor and General Assembly?*
- 2) *What preliminary best practices should the Task Force include in its final report to the Governor and General Assembly?*
- 3) *What additional research, if any, is needed to address this topic?*

In between Task Force meetings, MDP staff developed and shared preliminary ADU recommendations and best practices for local and state government related to the previous meeting's topic. Using this method, the Task Force and staff engaged in an iterative recommendation drafting process throughout the Task Force's tenure.

In preparation for the April 2024 Task Force meeting, staff compiled the preliminary recommendations into a Task Force member poll. Members used the poll to prioritize topics and recommendations for state legislative action, and/or technical assistance and resource development. During the April meeting, staff presented Task Force members with example state legislative recommendations for six topics which they prioritized in the poll. In order of poll response priority, those topics were

- 1) By-Right Approval;
- 2) Parking Requirements;
- 3) Lot Requirements;
- 4) Restrictive Covenants;
- 5) Impact fees; and
- 6) Infrastructure and Facilities.

The Task Force also identified the top three policy priorities for further state guidance. Thus, for those three, this section also includes best practices and guidance recommendations. The other areas of guidance, which were not prioritized for state policy action, are included in Section VI. Task Force Chair Secretary Rebecca L. Flora facilitated deliberations on each topic and provided every Task Force member an opportunity to respond, express approval or disapproval of the draft recommendations, and suggest amendments.

The resulting policy recommendations below communicate the primary focus of the Task Force on legislative and policy recommendations for Governor Moore and General Assembly consideration. The facilitated deliberation was not intended to result in a majority vote up or down, but rather to get a majority sense on each of the priority areas and understand the members' perspectives due to the complexity of each issue. To address this, Policy Recommendations include: 1) a policy statement with a brief description of the topic and Task Force majority position; 2) considerations that often vary by context and reflect various perspectives to be considered; and 3) example Task Force member statements (modified with approval here for brevity and clarity) which highlight some of the discussion.

As noted above, the top three policy and guidance topics also include 4) best practices and 5) resources that are needed. Throughout the deliberations, Task Force members recognized the diversity of Maryland's communities but felt that some local ADU context-sensitive standards could be established without being too onerous, expressing the need to avoid unreasonable⁸ ADU conditions or limitations.

1. By-Right Approval. The state should pursue legislation which would require the permitting of one ADU as a by-right use in most areas of Maryland whose zoning permits single-family residential uses.

A by-right approval use qualifies for a permit without requiring discretionary board or hearing examiner review to analyze the fulfillment of subjective criteria, but rather can be approved administratively if it meets specified criteria. When discussing the ADU as a by-right use, Task Force members generally agreed that addressing Maryland's housing crisis requires as few procedural and political barriers as possible. They also noted that allowing ADUs by-right will help maintain affordability for both homeowners and ADU residents, combat exclusionary zoning limiting access to certain neighborhoods for those of modest incomes, limit the creation of illegal ADUs, and unify zoning codes. Most members agreed that allowing the ADU as a by-right use would lead to the creation of more ADUs to address housing shortages in the state.

Considerations

- The building permit process for ADUs as by-right use should be straightforward, and efforts to ensure consistency in ADU (by-right) requirements across the state should be pursued.
- Allowing ADUs as a by-right use does not prevent local governments from applying development standards for ADU approval.
- Maintaining some degree of local permitting control over conditions for by-right approval is the only way that state legislation governing by-right approval of ADUs would likely be supported by most special interest groups.
- Zoning regulates use of property either by-right or as special exception/conditional use.
 - By-right use approval is an administrative process, which tends to be quicker.
 - Special exception/conditional use approval requires public meetings and tends to be longer and more costly.
- Local government determination on use regulation is often based on past practices of similar uses. New uses or unfamiliar uses tend to have more permitting restrictions.
- Other regulations, such as building codes, may better address design considerations rather than including standards for special exception/conditional use in zoning ordinances, as design requirements in zoning ordinances are often subjective and can be used to purposefully restrict ADUs.



"If the approval is not by-right, ADU applicants must hire a design professional, which will be unaffordable to most homeowners, to help them get through the process and go through the board of appeals. That is a lot of money and a lot of time that they will not likely have. And that is all before they even know if they will be permitted to build an ADU."

"People are going to build ADUs whether they are permitted or not, and it is better to ease that permitting through by-right approval processes so local governments will have more control and knowledge of ADUs being constructed."

~ Task Force Member Statements on By-Right

⁸ "Unreasonable" is defined comparably to its use in the Housing Expansion and Affordability Act of 2024 (HB 538). That bill defined an unreasonable limitation or requirement as one that "amounts to a de facto denial by having a substantial adverse impact on" the viability or affordability of a housing development project."

Best Practices

- Permit one internal or attached ADU by-right on any lot in which a single-family residential unit is similarly permitted by-right.
- Permit detached ADUs by-right on any lot in which a single-family residential unit is similarly permitted by-right, but with additional conditions to ensure that the ADU massing is subordinate to that of the primary dwelling unit.
- Establish objective conditions for local approval of ADUs that address measurable requirements such as massing, entrance locations, connections to public utilities, and square footage. They should not include subjective criteria such as neighborhood compatibility, or adverse impacts.

Example By-Right Best Practice

The City of Aberdeen treats ADUs (called an Accessory Apartment in the city's zoning ordinance) as a type of dwelling rather than accessory structure and permits one by-right in its R-2, R-3, B-1, B-2, IBO, and TOD zoning D=districts. ADUs are permitted ministerially by the Zoning Administrator after submission of a permit application, plot plan or location survey with ADU location, and construction drawings. ADUs are subject to lot requirements and cannot exceed 50% of the above-grade living area of the primary dwelling.

Technical Assistance, Resources, and Guidance Gaps

- Description of ADU benefits and contributions to housing supply, affordability, gentle incremental densification, aging in place, and sustainable development.
- Communication and outreach strategies for use by local planning agencies as to what ADUs are and are not, as well as their proportionate documented impact on community facilities.
- Advice on the exclusion of restrictions based on utilities, as these are regulated by other laws already in place, including public water and sewer capacity and private septic systems, or environmental laws. Instead, the by-right use may include wording "as available utilities permit".
- By-right ADU approval standards that respond to the physical design of the neighborhood in bulk requirements such as lot size, unit size, setbacks, and height.



2. Parking Requirements. The state should not pursue legislation governing local parking requirements for ADU approval. Rather, further guidance and resources are needed to help Maryland jurisdictions develop ordinances in which parking requirements do not present an unreasonable barrier to ADU development.

Zoning ordinances typically require a certain number of dedicated parking spaces based on the type and intensity (i.e. size) of a proposed use. In zoning ordinances which permit ADUs, this is often reflected in a requirement that ADU applicants construct one or more off-street parking spaces on the same property in which an ADU will be constructed. While recognizing that off-street parking requirements may make ADU development unfeasible for many property owners, Task Force members generally agreed that parking supply and demand is best determined locally and that state legislation prohibiting local governments from requiring off-street parking spaces will negatively impact older well-developed communities with a heavy reliance on automobiles

Considerations

- Maryland does not have a strong statewide transit network, so the state should develop and implement strategies to enhance the network and reduce auto-dependency.
- Parking requirements demand flexibility, which is best assessed locally and should be context sensitive. Parking studies or other assessments demonstrating the insufficiency of on-street parking could be conducted by jurisdictions which want to require off-street parking as a condition of ADU approval. Maryland jurisdictions should make the final decision relating to parking for ADUs.
- ADU ordinances should address parking requirements appropriately and in the context of the jurisdiction with the least restriction necessary to avoid an unreasonable barrier to ADU development.
- It is not equitable to put the burden of solving a jurisdiction's existing parking problems on an individual property owner who wishes to construct an ADU of very minor to no impact due to its small 1–2-bedroom size. Parking requirements can be a barrier to ADU permitting.
- State and local governments should consider different parking requirements for different types of ADUs, such as those that are internal, attached, or detached.
- Off-street parking requirements can be expensive to construct and often penalize working class owners of smaller properties.
- Off-street parking adds to the issue of impervious surfaces, creating additional impact rather than utilizing existing, shared on- and off-street parking options.



"There is nothing worse than having an elderly homeowner call and tell you she needs to walk two blocks to get to her home because her neighbor has five service vehicles parked in front of their house."

We should use solutions to parking problems, such as accessible spaces, rather than limit ADUs because we already have parking problems.."

~ Task Force Member Statements on Parking Requirements

Best Practices

- Eliminate off-street parking requirements for ADUs developed within .75 miles of a transit stop or station.
- Never require more than one off-street parking space as a condition for ADU permitting.
- Complete a parking study prior to adopting ADU ordinance parking requirements.
- If off-street parking is required for ADU construction, develop an ordinance that allows a parking waiver under certain circumstances.
- Develop parking requirements for ADUs that consider, or factor into decision making:
 - that the cost to construct off-street parking spaces is prohibitive for most homeowners;
 - whether sufficient curb area exists to accommodate on-street parking, including areas in proximity to transit;
 - that the increase in impervious surface resulting from off-street parking spaces may run counter to stormwater management objectives; and
 - variability determined by lot and ADU size.

Example Parking Requirements Best-Practice

The [Town of Snow Hill](#) permits one ADU by-right in its R-1 and R-2 zoning districts. ADU permitting does not require the creation of an additional parking space if the unit is constructed on a site with an existing home and on-street parking in the neighborhood is “permitted and adequate”. The creation of one additional parking space is required when none of the abutting streets can accommodate on-street parking or if the ADU is constructed at the same time as the primary dwelling unit.

Technical Assistance, Resources, and Guidance Gaps

- Metrics for the elimination of off-street parking requirements for properties within .75 miles of a transit stop or station.
- Maximum parking standards supportive of residential development.
- Documented parking impacts of ADU development on Maryland communities that have permitted ADUs for at least 10 years and witnessed statistically significant ADU construction.



3. Lot Requirements. The state should not pursue legislation governing local lot requirements for ADU approval. Rather, further guidance and resources are needed to help Maryland jurisdictions develop ordinances in which lot requirements do not present an unreasonable barrier to ADU development.

Zoning ordinances govern use requirements with restrictions on minimum lot size and density, as well as building setbacks, height, floor area ratio, and more, otherwise referred to as development standards. When discussing lot requirements, the Task Force generally concurred that ADUs will only be a viable housing product in Maryland if development standards do not present an unreasonable financial and approval burden on property owners desiring to construct ADUs. Members also acknowledged that different types of ADUs (e.g. internal, attached, detached) necessitate context sensitive requirements as they impact properties in distinct ways. Ultimately though, the Task Force concluded that local governments are best suited to craft reasonable ADU ordinances with development standards that meet the needs of their communities.

Considerations

- To encourage ADUs as a viable housing option,
 - Jurisdictions should not use lot requirements as a tool to intentionally restrict ADU development nor apply lot requirements for ADUs that are more burdensome than those placed on the principal residential structure, as construction may become infeasible if ordinances are overly restrictive.
 - Lot requirements for internal or attached ADUs should be the same as those for the principal dwelling, while those for detached ADUs should be the same as those for accessory structures. Zoning ordinances should strive to simplify these distinctions.
 - ADUs should not count against unit-per-acre density calculations in zoning ordinances unless they exceed a certain size, measured either in square feet or as a percentage of the principal dwelling.
 - ADU ordinances should not require a minimum unit size but should set a maximum unit size to ensure subordination to the principal dwelling and support unit affordability.
- ADU ordinances should consider the unique needs and impacts of different types of ADUs. For example:
 - The conversion of a basement or other portion of a dwelling that includes only interior alterations should not trigger any lot requirement standards as the building mass is not changing.
 - An ADU created as an addition to an existing house should be treated the same way as any addition to a house, following the standards for the original home.
 - Detached ADUs, including both those involving the conversion of an existing accessory structure (such as a garage) or the construction of a new structure, should only be required to meet the same standards and lot requirements for any other accessory structure that is not a dwelling unit.



“Jurisdictions should maintain local control of lot requirements unless they, in bad faith, use them to subvert the provisions of a state ADU law, such as one requiring by-right approval.”

“I feel strongly that ADUs should not count against zoning district residential density limitations”

~ Task Force Member Statements on Lot Requirements

Best Practices

- Ensure ADU sizes are subordinate to the principal dwelling to support affordability and limit the impact on community facilities.
- Include specific zoning ordinance statements that remove ADUs from residential unit density calculations. The inclusion of ADUs in density calculations may prohibit or preclude their development in existing neighborhoods or limit overall unit production in new residential developments.
- Establish appropriate maximum ADU unit size and other bulk requirements such as setbacks, height of building, lot coverage, and/or floor area ratio calculation guidelines.
- Do not require internal ADUs or converting existing accessory structures into ADUs to consider lot requirements, as they do not impact building massing on a property.

Example Lot Requirements Best-Practice

Queen Anne's County permits one ADU (called an Accessory Apartment in the county's zoning ordinance) as an accessory residential use per single-family lot. ADUs are not counted against dwelling unit density limitations if they are within the primary dwelling or an approved residential accessory structure, are 1,500 square feet or less, the property owner lives in the primary unit, AND, if on septic, approved by the county health department.

Technical Assistance, Resources, and Guidance Gaps

- Appropriate maximum ADU unit size calculation guidelines and examples tailored to the lot and unit size of the principal dwelling and/or zoning district, such as those based on a maximum percentage of the size of the principal dwelling.
- Checklist of lot requirement criteria and options that Maryland jurisdictions could use for local deliberations and decision making regarding ADU ordinances.
- Clarity on how zoning ordinances, subdivision ordinances, building codes, and other regulations respectively impact ADU lot and bulk requirements.



4. Restrictive Covenants. The state should pursue state legislation that would prohibit new and existing covenants for housing developments from barring or unreasonably restricting ADUs.

Many, if not most residential subdivisions built today include some form of restrictive covenant that limits what owners can do with their properties or homes. Restrictive covenants, which are not governed by zoning ordinances, have helped perpetuate a long history of racial injustice in Maryland. Many of those developed after the 1968 Fair Housing Act, which outlawed restrictive covenants based on race, still had their intended segregated effect as they limited access to certain communities based on income thresholds. When discussing restrictive covenants, Task Force members generally agreed that restrictive covenants prohibiting ADUs are a worst practice that must be avoided. If Maryland considers housing development important, it should work to address the practice of creating restrictive covenants that remain a barrier and are their own form of exclusionary housing practice.

Considerations

- Restrictive covenants usurp local planning and zoning authority. However, residents will often look to the local government to help enforce them, even though the covenants are private property agreements.
- Retroactively overriding existing restrictive covenants may be legally challenging and would likely be opposed by many Homeowner's Associations (HOA's), while legislation prospectively prohibiting new covenants from restricting ADUs may be more implementable.
- Restrictive covenants present one more barrier to property owners who want to construct an ADU for a family member or renter, lessening their viability as a housing product.
- Some restrictive covenant elements are set based on a fixed point in time of market conditions and targeted demographics that may no longer be relevant. Yet, they are very difficult to amend by a new generation of property owners who often prefer greater diversity of housing type and occupancy.
- Restrictive covenants may be considered outside the Task Force's purview because they are private restrictions not subject to local zoning enforcement.
- ADUs could impact the use and capacity of community or HOA assets such as clubs and pools. HOAs may have a valid reason to prohibit or restrict them if these assets cannot be adjusted for occupancy and variation in fees.



"There are owners who purchase into deed-restricted communities because they know, going into it, that ADUs are not permitted, and that one will not pop-up next door."

"Some of our recommendations propose overriding local zoning control, but the Task Force is afraid of overriding HOAs and restrictive covenants?"

~ Task Force Member Statements on Restrictive Covenants

Equity in Zoning Policy Guide, American Planning Association, 2022

"Although enforced through private lawsuits, covenants can be and often are just as effective as zoning in preventing affordable housing, innovative types of housing, rental units, accessory dwelling units (ADUs), or social services from entering a neighborhood. Zoning does not have the power to rescind private covenants; that generally requires action by the homeowners subject to the covenants or by state or federal government to declare specific types of covenants unenforceable. State or federal action to prohibit the use of exclusionary residential covenants—similar to that prohibiting the use of exclusionary racial covenants -- would be particularly helpful."

5. **Impact Fees.** The state should pursue legislation that limits impact fees that would unduly hinder the affordability of ADUs. Further guidance and resources are needed to help Maryland jurisdictions prevent impact fees from presenting an unreasonable barrier to ADU development and affordability.

Maryland jurisdictions impose impact fees on new developments to help pay for the increased demand on community facilities (schools, police, parks) and infrastructure (water and sewer, roads). Developers account for impact fees when crafting a budget for a proposed development. The majority of those constructing ADUs, however, are homeowners with limited financing options and modest budgets. When discussing impact fees, the Task Force generally concurred that they are necessary to ensure the local government's financial capacity and that decisions on imposing them should remain a local prerogative.

Impact Fees are not applicable to the resale of existing homes, nor in the permitting process of additions to existing homes or for accessory structures. In the case of an ADU, charges for impact fees can vary between jurisdictions. Members shared that some services, such as public water and sewer capacity, are beyond local control and that impact fees are needed to meet existing state requirements. However, the Task Force also noted that ADUs should not require the same impact fees as a newly constructed principal unit and that jurisdictions should be strongly encouraged to ensure they do not present an unreasonable barrier to ADU development. While ADUs may generate some additional burden on municipal/county services, this burden is not equivalent to that of a principal dwelling unit. Unreasonable impact fees only serve to inhibit ADU development or raise the cost of the unit, undermining the ability to serve residents most in need of housing.

Considerations

- Local government determination of impact fees should be allowed to the extent they are not used in an unreasonable manner to create barriers.
- Impact fee waivers or reductions should be considered as an incentive for stimulating ADUs in targeted areas where they are most needed.
- ADU owners should pay some impact fees because their property generates more expenses for local governments.
- Potential state legislation on ADU impact fees could cap them based on unit size.



“Many local impact fee codes already incentivize affordable housing options. State legislation should not trample on such locally established processes and reinvent the wheel for one specific land use.”

“How do we keep it simple and affordable? Impact fees should be determined locally, but they must be reasonable and not something that stops an ADU.”

“It is ridiculous to charge an impact fee to an elderly widow who wants to build an ADU for a caretaker, after their partner dies and kids move away, when they previously used many more public services and facilities caring for a large family.”

~ Task Force Member Statements on Impact Fees

Example Impact Fees Best-Practice

In 2023, [Anne Arundel County's Bill 6-23](#) exempted ADUs from development impact fees.

In Frederick County, ADUs 800 square feet or less are exempt from the payment of school impact fees, per [§ 1-22-15 of the County Code](#)

[The AARP Model State Act and Local Ordinance](#) recommends that impact fees should not be imposed on an ADU less than 750 square feet, and that impact fees for ADUs larger than that should be charged proportionately in relation to the size of the primary dwelling unit.

6. Infrastructure and Facilities. The state should pursue state legislation which would prohibit jurisdictions from requiring an ADU developer to install new and/or separate water and sewer lines to the unit.

Further analysis is needed to help Maryland jurisdictions determine the impact that ADUs have on school capacity. Additional guidance and resources are needed to help Maryland jurisdictions quantify and measure this impact and craft reasonable Adequate Public Facilities Ordinance (APFO) school tests for ADUs.

Requiring a property owner to pay for the installation of a new sewer line or subjecting a small ADU to an APFO school test are likely to suffocate a project. When discussing the topic of infrastructure and facilities, the Task Force generally agreed that the state should not allow ADU ordinances to require separate connections unless unique site characteristics warranted it. A state prohibition on separate line requirements supports property owners, facilitates unit affordability, and restricts the likelihood of ADU subdivision from the primary property, which the Task Force agreed is undesirable.

Members also concurred that while ADUs are likely to have very little impact on school capacity, the General Assembly should avoid legislation prohibiting the local application of APFO school tests to ADUs. Task Force members noted that state intervention with local authority over APFO requirements is politically unpalatable, and that while APFOs governing school tests should not unreasonably restrict ADU development, best practices should be implemented locally, guided by further analysis and resource development.

Considerations

- There is no reason for internal or attached ADUs to require a new water and sewer line. The Task Force noted that even though an addition to a home does not require an additional hook-up, capacity is sometimes measured based on the number of additional bathrooms or square footage added to the home. It is likely that an ADU would have no more than one bathroom, so the issue of allocating additional water or sewer capacity to the dwelling unit may not be needed.
- While new connections to all ADUs are undesirable, certain situations or properties may require it from an engineering standpoint. Jurisdictions should have the authority to make this determination, and any state legislation should recognize that issue.
- ADUs are an accessory use and should be governed under the same requirements for any accessory use in the respective zoning ordinance, which in most cases will already govern water and sewer connections.
- Further analysis and research are needed to determine if APFO school test guidance should be based on ADU square foot size or bedroom count.
- The Montgomery County Planning Director reported in the panel discussion that their office tracks ADU school impacts and found that there has been no impact on schools since ADU legislation was first approved in 2014.



“Sewer connections are site specific. If an ADU tries to connect to a principal structure system which is high up a slope, it will have problems and may require a separate connection. When there are requirements that are beyond local control and require jurisdictions to meet state and federal regulations, which is often the case with infrastructure and facilities, new state legislation restricting local autonomy would likely not be supported at the local level.”

~ Task Force Member Statements on Infrastructure and Facilities

VI. Guidance, Resources, and Technical Assistance

This section summarizes topic areas that the Task Force prioritized for state provided guidance documents, resources, and technical assistance. In addition to by-right use, lot requirement/development standards, and parking requirements, which were also policy recommendations included in Section V, the Task Force prioritized four other topics relating to the neighborhood livability, affordability, and practical issues associated with ADUs, including: 1.) Aging and Accessibility; 2.) Financial Incentives and Partnerships; 3.) Government Directed Technical Assistance and Education for ADU Interested Homeowners; and 4.) Nonconforming Use and Structures, for technical assistance and guidance. In many cases, best practices exist from Maryland jurisdictions and nationally that were documented and are included on the ADU webpage. A summary of all resources identified during the process is included in Appendix C of this report. The topics below are listed in order of Task Force priority based on polling. Additional topics considered noteworthy by MDP staff are also included at the end due to the frequency of discussion during deliberations.

1. Aging and Accessibility

ADUs can be an instrument to develop more housing for an aging population and help provide accessible units for persons with disabilities. Two agencies provided staff to assist the Task Force's consideration of housing that supports aging and accessibility. More guidance and resources are needed to help Maryland jurisdictions develop ADU ordinances to accommodate aging populations and persons with disabilities that do not present an unreasonable barrier to ADU development.

Considerations

- ADUs provide homeowners with a smaller unit than their primary dwelling unit that could be a more suitable living arrangement for an aging relative, or one with disabilities, than a larger multi-story home.
- ADUs allow older adults to continue to live in their familiar neighborhoods and lease the primary dwelling unit. Likewise, as in larger single family traditional neighborhoods, an ADU could be designed to provide separate and private living quarters with wheelchair accessibility for family members or veterans with disabilities.
- Maryland's jurisdictions should assess the need for housing for senior and disabled residents in their communities when developing ADU ordinances to accommodate an aging population and persons with disabilities.
- Incentives for accommodating persons with special needs could be prioritized by the jurisdiction without presenting an unreasonable barrier to ADU development.

Best Practices

- Access to ADUs should be ADA or at a minimum, visitability compliant, when possible.
- Incentive programs should be established to provide homeowner benefits (financial or otherwise) if an ADU is designed for people with disabilities, including such design elements as level access, accessible door and window handles, and accessible kitchen countertops.
- Balance ADU affordability and accessibility with sensitivity to lot characteristics. Larger lots and larger ADUs are best suited to the construction of accessible units, while ADUs on smaller lots may be discouraged and/or less affordable by the application of overly restrictive accessibility requirements.

Technical Assistance, Resources, and Guidance Gaps

- Guidelines for ADU size, height, and construction design that accommodate aging household residents and those with disabilities.
- Analysis of Maryland households that live in ADUs and how the units have been and can be designed to enhance the quality of life and access for aging individuals and those with disabilities.

2. Financial Incentives and Partnerships

Cost is a practical aspect of the ADU ordinance and implementation. SB 382 required the Task Force to analyze ADUs on owner-occupied land, which necessitates the homeowner living on the property where an ADU is allowed to be constructed. Not all homeowners understand the many costs associated with the development of an ADU, whether that be in the conversion of part of the existing single-family home, an addition to, conversion of another structure on site, or the construction of a separate independent dwelling unit. Each of these types of ADU construction will typically increase in complexity and cost, respectively.

Best Practices

- Grants or low-interest loans to help homeowners build ADUs.
- Partnerships with non-profits or other housing organizations to provide design support and/or funding for homeowners.
- ADU feasibility and assessment tools.
- Permitting ADU design and construction as eligible expenses in existing home repair loan programs.

Technical Assistance, Resources, and Guidance Gaps

- Current federal regulations and other guidance relating to loan applicants for the ADU development.
- Examples of local and state tax incentives, loans, and grant opportunities for homeowners who want to construct ADUs.



3. Government Directed Technical Assistance and Education for ADU Interested Homeowners

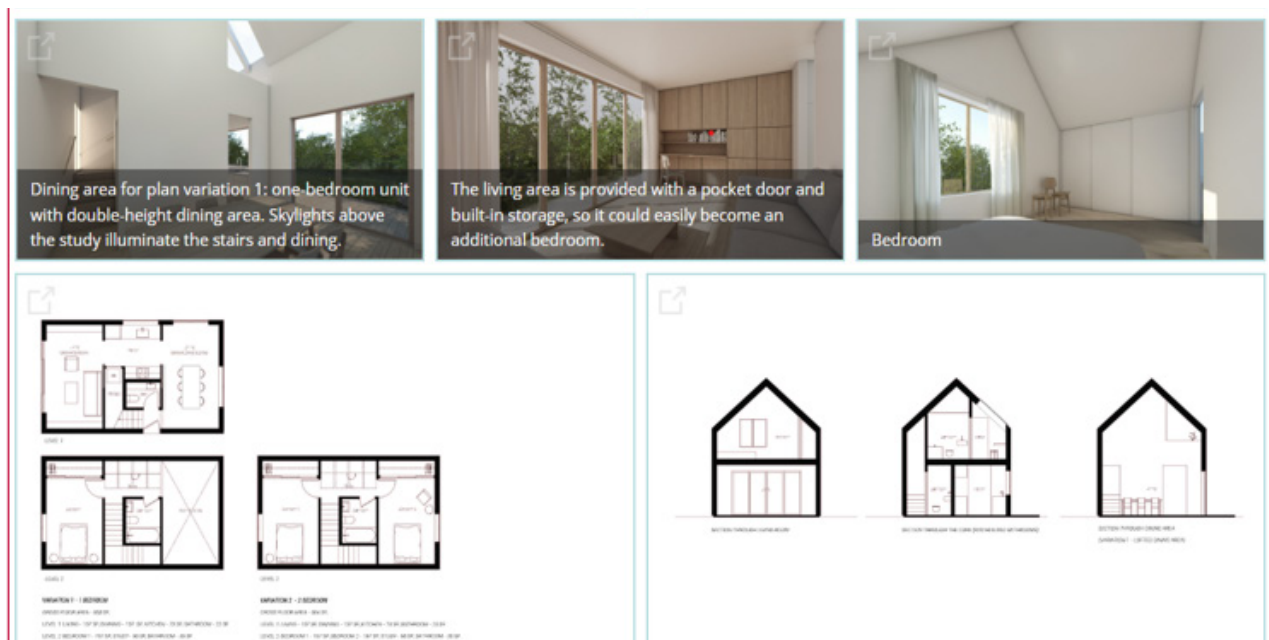
The Task Force heard, through surveys, panel discussions, and public comments, that one of the most challenging aspects in the development of ADUs is the variation from jurisdiction to jurisdiction and the uniqueness of each zoning ordinance. Some jurisdictions have adopted ADUs as a by-right use, while other ordinances only allow ADUs as a special exception or conditional use, or not at all. The homeowner's architect, builder, and attorney may need to spend extra time deciphering the variations from one locale to another. The lot requirements vary, while the utility requirements are complicated and involve more than one local agency. Therefore, jurisdictions wishing to promote ADU development should craft and implement technical assistance and education programs for homeowners that align with localized requirements.

Best Practices

- Develop specialized application forms for ADUs, ensuring properly trained staff at the local level to advocate for ADU housing, and promoting the processing of ADU permits efficiently and in a timely manner.
- Publish FAQ directories and general resources for homeowners to navigate the local process of obtaining a building permit, posting bonds, other permitting requirement thresholds for grading permits, use and occupancy permits, sediment and erosion control permits, street construction permits, stormwater management plans, license requirements, landlord provisions of local law, and waiver processes.
- Publicize sample plans for architectural elevations and floor plans.

Technical Assistance, Resources, and Guidance Gaps

- Lists and examples of locally directed ADU educational programs.
- Inventory of adopted state ADU legislation for jurisdictions, homeowners, and other stakeholders.



4. Nonconforming Uses and Structures

The Task Force felt that the issue of nonconforming uses and structures were a practical aspect of the development of ADUs that homeowners are unlikely to understand. For example, an existing primary dwelling unit could be a nonconforming use because the zoning has changed since the home was constructed and no longer allows residential uses in that zoning district. A nonconforming structure could have been built prior to zoning or the zoning standards, such as setbacks, building height, or other bulk requirements changed. The Task Force also repeatedly noted that many ADUs have been constructed illegally by property owners that never sought permitting approval due to high costs or burdensome requirements.

Maryland's jurisdictions should consider developing guidance documents to assist homeowners, on their own or with the assistance of their agent, in identifying any nonconformity on their properties and make sure the local permitting staff also understand the issue related to nonconformity versus the need for a variance. These are complex legal issues that vary from jurisdiction to jurisdiction.

Best Practices

- Establish amnesty programs, through which, participating owners agree to fix some or all building code violations in exchange for explicit permission to continue renting an existing ADU.

Technical Assistance, Resources, and Guidance Gaps

- Clarification that nonconforming structures may fall into two categories: illegal and legal. Illegal nonconforming structures are those that may have been constructed without permission. Legal nonconforming structures are those that may have been permitted legally, but do not meet today's development standards of the zoning code.
- Examples and best practices for establishing local ADU amnesty programs.
- Resources for applying building code and other life and safety requirements to ADU permitting, as well as to decisions on whether non-conforming structures must be modified or corrected prior to permitting a new ADU.
- Opportunities for extending already existing primary dwelling sprinkler systems into an ADU constructed within an addition to the primary dwelling unit, or other possibilities for reducing the cost of sprinkler systems for ADUs. Fire Protection Codes have a significant impact on the cost of construction if applied to a new detached ADU or other converted structure on the property and may warrant further guidance development.

5. Other Topics

The Task Force did not prioritize the following technical topics in the poll; however, they were frequently discussed in relation to ADUs, neighborhood livability, affordability, or other practical issues. ADU research sources and the Task Force discussions stressed the importance of context sensitivity when developing local regulations and programs to address: 1) Owner Occupancy Requirements; 2) Short Term Rentals; and 3) Rental Licensing Programs.

Owner Occupancy Requirements appear to be implied by SB 382, but consideration must be given to the difficulty of enforcing such requirements, particularly upon property resale. ADU ordinances frequently include the requirement that the property owner occupy either the primary dwelling or accessory dwelling unit after the construction of an ADU. This is a strategy for limiting ADU development by property investors, ensuring that ADUs proliferate slowly and contribute to “gentle density”, and encouraging ADU owners to be vested in the success and maintenance of the property. While owner-occupancy requirements may hinder ADU proliferation, many consider them a best practice for securing community support for ADU ordinances and structuring ADU development as a homeowner wealth-building strategy. Maryland jurisdictions may impose owner-occupancy requirements on ADUs but are not required to do so.

Context Sensitive Best Practices

- Jurisdictions wishing to restrict property speculation and protect against absentee landlords should consider owner-occupancy requirements in ADU ordinances.
- Proponents of owner-occupancy requirements argue that owner-occupancy requirements enhance property aesthetics and maintenance. However, staff and the Task Force were unable to locate measurable and causal analysis documenting evidence for this connection.
- Jurisdictions wishing to encourage significant ADU construction should avoid owner-occupancy requirements, as they may limit ADU development to wealthier property owners, place deed restrictions on the property, which may hinder access to real estate financing and loans, and present monitoring, enforcement, and resale challenges.

Short Term Rentals (STRs) do not provide a long-term solution to the housing shortage and may be detrimental as the units become unavailable for long term leasing. However, some studies have found that while restricting the short-range affordable rental market, STRs may encourage long-term residential investment and contribute to the overall housing supply. Jurisdictions developing an ADU ordinance should consider if they will permit ADUs to serve as STRs. If homeowners cannot access personal or external financing for ADU development, the income generated by STRs may be their only economically feasible path. Maryland jurisdictions may restrict STRs in ADUs but are not required to do so.

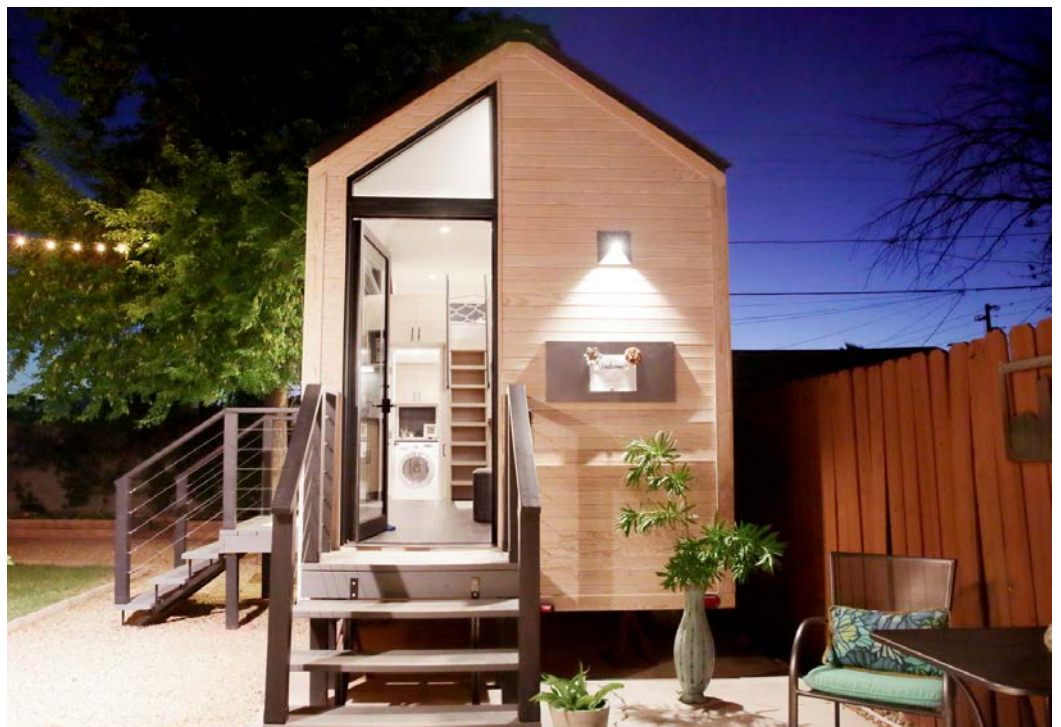
Context Sensitive Best Practices

- Jurisdictions attracting tourists should consider permitting ADUs to be used as STRs to secure community support for ADU ordinances and to strengthen the tourism industry.
- Jurisdictions concerned with property maintenance, noise, parking constraints, and the short and long-range supply of affordable rental units should consider restricting ADUs from serving as STRs.

Rental Licensing Programs for ADUs can ensure legal occupancy and that the units will be monitored. Licensing of ADUs as rental properties is likely the best practice for enforcement policy; but concerns about local capacity to monitor and enforce them remain. Such programs require ADU owners to register the units prior to renting them and to agree to periodic inspections. Licensing programs can help convert non-permitted or “illegal” ADUs into those meeting permitting requirements. Rental licensing, through either the conversion of an illegal ADU or the permitting of a new ADU, can also ensure that the health and safety needs of ADU occupants are addressed. Maryland jurisdictions may require rental ADUs to enroll in a licensing program but are not required to implement such programs.

Context Sensitive Best Practices

- Jurisdictions believing they may have a significant amount of unpermitted ADUs should consider developing amnesty programs requiring the owners of such units to enroll in a rental licensing program.
- Jurisdictions seeking to encourage ADUs as affordable units or those for individuals with disabilities may consider waiving or streamlining certain requirements of a rental licensing program to incentivize such ADUs. However, such waiver processes may warrant further exploration and guidance development.
- Jurisdictions with high staff capacity and which anticipate significant numbers of ADUs to be constructed are best suited to implementing rental licensing programs. Those with lower staff capacity, or those that do not anticipate ADU development, will either be less likely to maintain such programs or not need them, respectively.



APPENDIX A

Glossary of Terms

Term	Definition	Source
Accessibility	Certain features of accessible and adaptable design according to guidelines established by the U.S. Department of Housing and Urban Development (HUD) for residential structures.	ADA Section 233
Accessory Dwelling Unit - SB 382	"A secondary dwelling unit on the same lot, parcel, or tract as a primary dwelling unit that is constructed: (i) attached to, or through the conversion of, a portion of the primary dwelling unit; (ii) attached to, or through the full or partial conversion of, an accessory structure located on the same lot, parcel, or tract as the primary dwelling unit; (iii) as a new building, detached from the primary dwelling unit and any existing accessory structure."	SB382
Accessory Dwelling Unit - American Planning Association	A smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home. ADUs go by many different names throughout the U.S., including accessory apartments, in-law suites, and granny flats. ADUs can be converted portions of existing homes (i.e. internal ADUs). ADUs can be additions to new or existing homes (i.e. attached ADUs), or new stand-alone accessory structures or converted portions of existing stand-alone accessory structures (i.e., detached ADUs).	APA A Planners Dictionary
Accessory Structure	A structure that is accessory to and incidental to that of the dwellings(s) and that is located on the same lot.	IRC
Addition	An extension or increase in floor area, number of stories or height of a building or structure.	IRC
Adequate Public Facilities	A technical standard set to determine the measure of capacity and performance of a public facility, such as, schools, sewer, water and roads, against that technical standard.	MDP APFO Models and Guidelines
Affordable Housing (Dwelling) Unit	A dwelling unit that is affordable to households earning 60% of less of the area median income, in which "affordable" means that housing costs do not exceed 30% of a household income.	HB538
Amnesty (ADU)	A provision that accessory dwelling units that violate the zoning code ordinances are able to come in compliance provided that they comply with certain criteria.	Sustainable City Code

Term	Definition	Source
Area Median Income (AMI)	The Area Median Income (AMI) describes the midpoint of an area's income distribution, where 50 percent of households earn above the median figure while 50 percent earn less than the median. The Department of Housing and Urban Development (HUD) defines 'area' as a Metropolitan Statistical Area (MSA).	Planetizen
Areas Zoned For Single-Family Use	These areas are defined as zoning districts in which single-family uses predominate or are intended to predominate as the permitted use.	MDP
Attached ADU	An accessory dwelling unit located on the same lot as an addition to stand-alone single-family home.	APA
Basement Conversion ADU	An internal accessory dwelling unit converting a primary home's existing basement structure into additional living space.	HomeAdvisor
Best Practices	A standard or set of guidelines that is known to produce good outcomes if followed. Best practices are related to how to carry out a task or configure something.	TechTarget
Building Code	A building code is a set of regulations adopted by a jurisdiction to define the design, construction, and materials that may be used to construct buildings and facilities with the goal of protecting the health, safety, and welfare of the public.	AIA
Building Height Limits	Height limits set the upper boundary of the building envelope for a given zone or parcel (the building envelope is a conceptual term that describes the maximum extent of development allowed by the zoning code). To determine the height limit, most zoning codes measure the vertical distance between the average graded ground level at the sides of the proposed building and the elevation of the roof.	Planopedia
Bulk Requirements	The size and shape of a structure and its relationship to other structures, to the lot area for a structure, and to open spaces and yards.	APA A Planners Dictionary
By-Right	Approval granted when a development proposal strictly conforms to zoning and building codes and, thus, qualifies for construction without requiring discretionary approval	Planopedia
Code Enforcement	The person, office, or department designated by state law or the board of supervisors to enforce any provision of [the municipal title]. Enforcing officer includes any county officer, employee, or agent to whom enforcement powers have been lawfully delegated by a designated enforcement officer.	APA A Planners Dictionary
Community Facilities	Basic services usually furnished by local government but which also may be provided by private enterprise, essential to the support of more intensive development. Includes public schools, transportation, water supply, fire protection, [and] sewage and solid waste disposal.	APA A Planners Dictionary

Term	Definition	Source
Conditional Zoning	The attachment of special conditions to a rezoning that are not spelled out in the text of the zoning chapter. Conditions can include restrictions as to use, size, design, and development timing and can be stipulated by the city council as a means to mitigate potential adverse impacts that could be expected to occur without imposing such conditions.	APA A Planners Dictionary
Context Sensitive	Taking the surroundings into consideration when making planning or infrastructure decisions.	CMAP
Conversions (ADUs)	Turning a portion of a primary structure or unit, or all or a portion of an already existing subordinate structure, into an ADU. Conversions within the existing space of a primary structure are also known as Junior ADUs.	MDP
Cost-Burdened	Renters paying more than 30% of their income on housing.	National Low Income Housing Coalition
Critical Areas (Maryland)	All land within 1,000 feet of Maryland's tidal waters and tidal wetlands. It also includes the waters of the Chesapeake Bay, the Atlantic Coastal Bays, their tidal tributaries, and the lands underneath these tidal areas.	DNR
Design Standards (Requirements)	A set of guidelines regarding the architectural appearance of a building, or improvement, that governs the alteration, construction, demolition, or relocation of a building, or improvement.	APA A Planners Dictionary
Detached ADU	An ADU located in a new stand-alone accessory structure or converted portions of a existing stand-alone accessory structures.	APA
Development (Impact) Fees	A fee, also called a development fee, levied on the developer of a project by a city, county, or other public agency as compensation for otherwise-unmitigated impacts the project will produce.	APA A Planners Dictionary
Discretionary Approvals (Decisions)	A decision requiring the exercise of judgment, deliberation or decision on the part of the decision-making authority in the process of approving or disapproving a particular activity, as distinguished from situations where the decision-making authority merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.	APA A Planners Dictionary
Dwelling Unit (IBC)	A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.	2021 IBC
Dwelling Unit (SB 382)	A single unit that provides independent living facilities for at least one person.	SB382 (Page 2)

Term	Definition	Source
Means of Egress	A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. A means of egress consists of three separate and distinct parts: the exit access, the exit and the exit discharge	IBC
Equitable (Equity in housing)	The creation of land use policies and inclusionary zoning practices that promote affordable housing and end racially and economically exclusionary zoning, and include equal access to housing for households of all income levels.	Habitat
Euclidean Zoning	The separation of land uses by type—residential, commercial, retail, industrial, etc.—each into their own zones or areas within a given jurisdiction. While Euclidean zoning is frequently associated with the development patterns of suburbia, it's the most common form of zoning code, or the local legal tool for controlling the uses and development of land, in the United States. Even the largest cities in the United States have relied on Euclidean zoning throughout most of the 20th century and up to the present day.	Planopedia
Fair Housing	Meaningful actions that combat discrimination to overcome patterns of segregation, restrict access to housing, and address significant disparities in housing needs, in compliance with civil rights and fair housing laws.	HB 90 (2021)
Familial Relationship (Immediate)	Husband, wife, child, stepchild, brother, sister, stepbrother, stepsister, parent, stepparent, grandchild, grandparent, mother-in-law, father-in-law.	APA A Planners Dictionary
Feasibility Assessment Tool (ADU)	This is a tool that aggregates public or proprietary data sets into an online platform that homeowners use to evaluate the physical possibility and economic implications of ADU designs. This approach focuses on helping owners quickly evaluate their ADU options.	AARP
Floor Area Ratio (FAR)	The numerical value obtained by dividing the gross floor area of a building by the area of the lot on which the building is constructed.	APA A Planners Dictionary
Form-Based Codes (Zoning)	Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals. It is a land development regulation that is intended to foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation.	Form-Based Codes Institute

Term	Definition	Source
Garage Conversion ADU	A type of accessory dwelling unit that transforms a garage into a separate living space.	Housable
Historic Districts	A district or zone designated by a local authority or state or federal government within which buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form, and architectural detail; or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.	APA A Planners Dictionary
Home Owner Association (HOA)	A community association which is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, or facilities.	APA A Planners Dictionary
Housing Affordability	Housing costs do not exceed 30% of a household's income.	HB538
Housing Types	A description of the scale of a housing unit, including single-family, duplex, townhome, triplex, quadraplex, apartment, condominium, accessory dwelling unit, middle housing or similar variety in housing units.	Missing Middle Housing Types
Impact Fees	A fee, also called a development fee, levied on the developer of a project by a city, county, or other public agency as compensation for otherwise-unmitigated impacts the project will produce.	APA A Planners Dictionary
Impervious Surface	Any material which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel, and other surfaces.	APA A Planners Dictionary
Inclusivity	Inclusive planning incorporates plan-making and implementation processes where all community members feel welcome to participate and are confident that their participation can positively affect outcomes.	APA Quicknotes
Internal ADU	An accessory dwelling unit located in a converted portion of an existing (or new single-family) home.	APA
International Building Code (IBC)	A model code that provides minimum requirements to safeguard the public health, safety and general welfare of the occupants of new and existing buildings and structures.	International Code Council
Junior ADU	A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence.	CAHCD
Local Ordinance	A law or regulation set forth and adopted by a governmental authority, usually a city or county.	APA A Planners Dictionary

Term	Definition	Source
Lot	A parcel of land occupied or intended for occupancy by one main use permitted in this ordinance, including one principal building and its accessory buildings or as otherwise provided.	APA A Planners Dictionary
Lot Coverage	Typically, a zoning ordinance governs lot coverage as an allowable percentage of a total lot that can be covered by principal buildings, accessory buildings, and other impervious surfaces such as driveways, patios, or swimming pools.	APA A Planners Dictionary
Manufactured Home	A factory-built, single-family structure, which is manufactured or constructed under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles.	IRC
Minimum Lot Size	Typically, a zoning ordinance governs minimum lot sizes to regulate how small a developer can subdivide a lot. Larger minimum lot size requirements can lead to more expensive properties and limit the viability of rowhouses or smaller units. Some zoning ordinances limit ADUs on lots of a minimum size that may not be the same minimum size required for the principal dwelling unit.	Strong Towns
(Missing) Middle Housing	Means duplexes, triplexes, quadplexes, cottage clusters, or town houses.	HB 538
Non-Conforming (Use)	A non-conforming use is an existing building that would not be built under current land use regulations. While esoteric, the term is nonetheless critical to understanding the changes in development regulations over time.	Planetizen
Offstreet/Onstreet Parking	Offstreet parking spaces for automobiles are located on premises other than streets. Onstreet parking spaces are located on the street right of way.	APA A Planners Dictionary
Owner-Occupied	ADUs are units subordinate to the primary structure or unit on a property. The owner of the property must live in one of the two units.	MDP
Primary Dwelling Unit (Structure)	Means a single-family residence on the parcel and is the larger of the two if there is an existing accessory dwelling unit on the parcel.	Lawinsider

Term	Definition	Source
Rental Licensing	Require owners of ADUs to register them rental units and submit to periodic inspections to proactively address building or property maintenance code violations.	Expanding ADU Development and Occupancy: Solutions for Removing Local Barriers to ADU Construction, AARP
Restrictive Covenants	A restriction on the use of land set forth in a formal binding agreement. Restrictive covenants run with the land and are binding upon subsequent owners of the property.	APA A Planners Dictionary
Secondary Dwelling Unit (Structure)	Means a dwelling unit that has a floor area that is less than the floor area of the other unit in the same building (or lot).	Lawinsider
Setbacks	Setback line means the distance from a curb or shoulder of a highway, edge of a sidewalk, or property line beyond which any portion of a building or structure may not extend. Accessory structure such as ADUs are governed by zoning ordinance setbacks and any modification thereof to either limit or encourage ADU construction.	Maryland Code, Courts and Judicial Proceedings Article, Section 5-114
Short Term Rental	Short-term rentals (STRs) can be defined as the rental of all or part of a residential dwelling unit for a duration of occupancy of less than 30 days. The MD Tax Article defines STRs as “the temporary use of a short-term rental unit to provide accommodation to transient guests for lodging purposes in exchange for consideration.	APA PAS Memo
Single-Family Dwelling Unit	A building consisting of solely of one dwelling unit.	Lawinsider
Special Exception (SPEX)	A land use that is permitted subject to specific conditions in the ordinance; also referred to as a "conditional use." This makes it possible to allow uses where they are reasonable but deny them where the specific conditions cannot be met. For Maryland non-charter counties and municipalities, the Board of Appeals makes the final decision on special exception requests. For special exceptions in non-charter counties and municipalities, the consistency definition in Land Use Article section 1-303 and 1-304 applies and must be met before a special exception is granted. In charter counties, special exceptions are often decided by a hearing officer/zoning commissioner and then appealed to the Board of Appeals.	Maryland Planning Commissioner Training Course (PDF page 11)
Tiny Home (House)	Real estate code defines a tiny house as a dwelling that is 400 square feet or less in floor area, excluding lofts. More generally, a tiny house is a small, portable dwelling with a minimalistic design.	Dengarden

Term	Definition	Source
Transit (ex Metrorail, Purple Line, MARC Rail Station)	The conveyance of persons or goods from one place to another by means of a local, public transportation system.	APA A Planners Dictionary
Restrictive Covenants	A restriction on the use of land set forth in a formal binding agreement. Restrictive covenants run with the land and are binding upon subsequent owners of the property.	APA A Planners Dictionary
Unit Size (ADUs)	Zoning ordinances may govern to minimum and/or maximum size of an ADU. Sizes may be calculated as a square footage, percentage of the principal dwelling, or a combination of both.	
Universal Design	Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.	NAHB
Zoning (Use)	The division of land into different zones or districts with specific regulations regarding land use, building height, setbacks, and density.	APA A Planners Dictionary

APPENDIX B

Accessory Dwelling Unit Market Assessment

Executive Summary

This report is a qualitative market assessment (Assessment) of accessory dwelling units (ADU) based on available data, literature and studies, focus groups, panel discussions, and surveys. The Assessment was developed by Maryland Department of Planning (MDP) and Maryland Department of Housing and Community Development (DHCD) staff and a graduate intern to inform the ADU Policy Task Force's (Task Force) deliberations and accompany the final report. 2023's SB 382 required that the Task Force's recommendations address ADU "impacts on local housing markets, neighborhood livability, and other policies and projects related to accessory dwelling units". The Assessment is guided by four research questions included in the [full report](#).

The Assessment yields the following findings:

- 1) While the removal of owner-occupancy requirements could potentially increase ADU construction, such requirements support neighborhood stability and livability while contributing to slow densification.
- 2) There is a growing consensus of the need for by-right approval processes, streamlined review procedures, and pre-approved design plans to facilitate ADU development.
- 3) Regulations on minimum lot size and maximum unit size are widely favored, and some suggest incorporating inclusive design elements to accommodate persons with disabilities.
- 4) Amnesty programs are seen as a valuable opportunity to convert unpermitted, potentially hazardous units into compliant ADUs, thereby enhancing neighborhood safety and providing additional housing options.
- 5) Studies in areas which have closely tracked ADUs indicate that their average rent is often more affordable than that of a one-bedroom apartment.
- 6) While there are concerns about ADUs increasing impervious surfaces, others stress their potential to reduce the overall carbon footprint. Moreover, ADUs typically occupy fewer square feet per person compared to traditional housing options, contributing to efficient land use.
- 7) Suggestions for addressing environmental concerns include implementing stormwater management and control measures for additional impervious areas and permitting ADUs only on properties served by public water and sewer systems.
- 8) Multiple surveys note parking availability as a top ADU concern. However, the only study quantifying this ADU impact, in Portland, Oregon, found no connection between ADUs and parking availability.
- 9) ADUs are a promising housing option for older adults and individuals with disabilities.
- 10) Ordinances and programs are most effective, and lead to ADU construction, when they are informed by community input, track ADU permits, and are adjusted to meet market demands and homeowner needs.
- 11) ADU financing remains a hurdle for many homeowners, requiring incentives to stimulate construction. High permitting and development fees and parking regulations also present barriers. As a result, ADU construction has concentrated in middle to high income communities, perhaps limiting ADUs as a wealth-building or equity-promoting housing product.
- 12) ADU permitting data in Maryland is limited. Further quantitative analysis, supported by permitting data, is needed to fully measure the impact of ADUs on housing markets and neighborhood livability.

The Assessment demonstrates that the most significant policies, regulations, and implementation efforts influencing ADU construction are those governing owner occupancy, off-street parking requirements, lot and unit size, financing, and complex zoning and building codes. Moreover, obstacles such as Homeowners Association (HOA) covenants, lengthy and costly special exception or conditional use processes, and rules requiring ADU residents to be family members of the principal dwelling owner impede ADU proliferation, prompting calls for unified regulations.

ADU studies in American communities considering or implementing ADUs, as well as national research surveys and surveys completed by the Task Force, reveal significant demand for ADUs, a variety of reasons why homeowners want to construct ADUs, and that the majority of ADU residents consist of young adults and older adults. Additionally, ADUs often serve as accessible housing options for individuals with disabilities, with focus group participants suggesting inclusive design elements. Research also shows that ADUs are more commonly constructed in high to middle income census tracts and that their wealth building and affordable housing benefits may not extend to lower income or underserved communities.

Local and state policy influences market demand by spurring and/or incentivizing ADU development. In several states, there is a notable proliferation of ADUs in areas with good job access and reasonable rent levels. Community engagement initiatives have also played a pivotal role in addressing contextual challenges that hinder ADU development. Continuous outreach and ADU program assessment and modification can contribute to an increase in the number of ADUs through refined ordinances and targeted programs. ADUs also have the potential to bridge the gap in affordable housing options for various income classes because renting an ADU reduces the overall demand for affordable rental units.

The impact of ADUs on neighborhoods depends on factors such as housing demand, lot size, property value, and neighborhood typology. ADUs offer a practical strategy for slow densification and addressing land scarcity, particularly when their design aligns with existing neighborhood characteristics. Evident demand for multigenerational housing exists, for which ADUs emerge as a viable option. Urban and suburban markets, particularly those experiencing rapid expansion and affordability challenges, are well-suited for ADUs. Nevertheless, the rising cost of development presents challenges for ADU owners seeking to provide affordable rentals, potentially resulting in ADUs being used as short-term rentals. In affluent neighborhoods, ADUs may not be accessible to low-income individuals. To incentivize affordable rentals, some proponents have suggested the implementation of rent control for a specified period.

ADU proliferation is hindered by real or perceived neighborhood livability threats related to parking, environmental degradation, and code enforcement. Some surveys indicate that parking availability is a top concern, although staff found no studies documenting that ADUs have a negative impact on parking. According to a Task Force survey of environmental organizations, ADUs may have a moderate to high impact on the environment, mainly through the expansion of impervious surfaces. However, the same survey, along with other studies, demonstrates the promise of ADUs to reduce carbon emissions and contribute to efficient land use. ADU Amnesty programs also present an opportunity to ensure illegally constructed ADUs meet code requirements and expand housing choice.

Overall, while there are challenges surrounding ADU development, they offer promising solutions to gently increasing residential density in traditional single-family neighborhoods, bring vitality to communities through a diversity of housing types that suit both young and old. State and local policies can drive demand for smaller dwelling units by encouraging market flexibility, simplifying processes, and developing ordinances and regulations that respect community context.

The complete ADU Market Assessment is available on the [ADU Policy Task Force webpage](#).

APPENDIX C

List of Resources

1. ADUs in Growth Areas

In Maryland, growth areas are existing communities, and areas where industrial or other economic development occurs or is desired. Growth Areas are identified in a local government comprehensive plan and may also qualify for a State of Maryland designated growth area known as a Priority Funding Area (PFA) provided the area will be served by water and sewer systems and meet density standards. The following links include examples of how Maryland jurisdictions, and jurisdictions in other states, address the locational criteria of future ADUs.

[New Jersey Council Withdraws Zoning Amendment Ordinance Over ADU Concerns](#)

[Louisville Courier Journal- Louisville Sees Boom in ADUs Across City](#)

[Excessive Water Hook-up Fees Stunt Seattle's ADU Building Boom](#)

[City of Aberdeen Maryland Zoning Ordinance](#)

[Town of New Market Maryland Land Development Ordinance](#)

[Havre de Grace Maryland Zoning Ordinance Chapter 205 ADU Requirements](#)

[Rockville Maryland Zoning Ordinance Chapter 25 ADUs Ordinance 17-23](#)

[Wicomico County Maryland Zoning Ordinance](#)

[Allegany County Maryland ADU Ordinance](#)

[Maryland Inventory of ADU Ordinances](#)

[Other State ADU Legislation Analysis Table](#)

[Oregon HB2001 \(2019\)](#)

[New Hampshire SB146 \(2019\)](#)

[California Government Code Title 7, Division 1, Chapter 2, Article 4 \(Multiple Years\)](#)

[Montana SB528- Revise Zoning Laws Related to ADUs \(2023\)](#)

[Montana Zoning Decision Case No. DV-23-1248C \(2023\)](#)

[Maine HP1489 \(2022\)](#)

[Connecticut HB6107 \(2021\)](#)

[Rhode Island H6082 \(2023\)](#)

[Arizona SB1117 \(2023\)](#)

[Longmont CO Accessory Building Plot Plan](#)

[Boise's Zoning Reform Is Working. ADU Permits Are Surging \(2024\)](#)

[Westport Community Economic Development Corporation, Lisa Hodges, Executive Director](#)

[California ADU Handbook \(2022\)](#)

[Portland Oregon Zoning Requirements for an ADU](#)

[The International Building Code \(IBC\)](#)

[Local Housing Solutions ADU Policy Brief](#)

[Montgomery County Maryland ADU Mapping](#)

[Missing Middle Housing](#)

[National Association of Realtors-MD State of Housing January 2023](#)

[Washington HB1337-Expanding Housing Options by Easing Barriers to the Construction and Use of Accessory Dwelling Units \(2023\)](#)

[New Hampshire SB146-Relative to Accessory Dwelling Units \(2016\)](#)

[Colorado SB23-213- Concerning State Land Use Requirements \(2023\) \(Failed\)](#)

[Zoning Authority in Maryland- Municipalities And Non-Charter Counties- Land Use Article 3-303](#)

[Zoning Authority in Maryland- Charter Counties- Land Use Article 1-407](#)

[Consistency Requirements-Annotated Code of Maryland-Land Use Article 1-302](#)

[MDP HB1045 Data Related to Current Housing Supply](#)

[State of Maryland Housing Snapshot 2023](#)

[Department of Housing and Community Development \(DHCD\) Maryland Housing Needs Assessment And 10-Year Strategic Plan](#)

2. Covenants

Covenant restrictions may conflict with state legislative proposals to allow for the development of ADUs. The following links include examples of how other state legislations have considered addressing covenant restrictions of ADUs that may exist in homeowner association (HOA) covenants.

[California ADU Handbook \(2022\), Page 26](#)

[Billings Gazette-Montana Homeowner Group Files Court Challenge Against Pro-Construction Housing Laws, December 30, 2023](#)

[Montana SB528- Revise Zoning Laws Related to ADUs \(2023\)](#)

[Montana Zoning Decision Case No. DV-23-1248C \(2023\)](#)

[Harvard Law Review State Preemption of Local Zoning Laws as Intersectional Climate Policy](#)

3. Adequate Public Facilities

For public facilities, such as water, sewer, roads and schools, many jurisdictions have adopted technical standards to ensure that there is sufficient capacity of these public facilities to serve the community. The following links include examples of how various jurisdictions consider both the capacity and cost of providing public facilities to new ADUs development.

[Excessive Water Hook-up Fees Stunt Seattle's ADU Building Boom](#)

[California ADU Handbook \(2022\), Page 11](#)

[Anne Arundel County Maryland Bill No. 6-23, ADUs](#)

4. Short-Term Rentals

The following link provides an example of how a jurisdiction may limit the duration of an ADU to more than 30-days.

[Portland Oregon Zoning Requirements for an ADU](#)

5. Homeowner Incentives and Local Technical Assistance

The following links provide an example of how many jurisdictions are working to include incentives for homeowners to construct ADUs, as well as to provide a variety of technical assistance programs to educate homeowners and communities about these incentives and tools to assist homeowners with evaluating and navigating the ADU process.

[Local Area Agencies on Aging](#)

[AARP ADUs: A Step-by-Step Guide to Design and Development PDF Download](#)

[AARP The ABCs of ADUs](#)

[AARP Expanding ADU Development and Occupancy](#)

[California ADU Handbook \(2022\), \(CalHFA\) ADU Grant Program, Page 29](#)

[Durango Colorado ADU Program Information, ADU for Locals Rebate Program](#)

[Local Housing Solutions ADU Policy Brief](#)

6. Processes and Programs

The following links provide examples of how Maryland and other jurisdictions have established legislative processes and programs to facilitate the construction of ADUs.

[Maryland Senate Bill 382 \(2023\)- Establish an ADU Policy Task Force](#)

[Seattle Department of Construction and Inspections ADU Information Hub](#)

[Lexington-MA-Accessory Dwelling Unit Zoning](#)

[Glenwood Springs-CO-Accessory Dwelling Unit Guide](#)

[County of Santa Cruz-CA-Senior Accessible Housing-My House My Home Habitat for Humanity Partnership](#)

[Some Valley Cities Rethink Rules on Casitas \(Arizona Republic, 9/17/23\): James Gaston, III](#)

[AARP Model State Act and Local Ordinance \(2021\)](#)

[Sustainable City Code Brief Allowing ADUs](#)

[Planetizen Four Low Hanging Fruit Zoning Reforms](#)

[Urban Institute Designing Accessory Dwelling Unit Regulations, Recommendations for the City of Alexandria \(2020\)](#)

[Portland Oregon Zoning Requirements for an ADU](#)

[Howard County Maryland \(HoCo\) By Design Adopted General Plan \(2023\)](#)

[University of California Berkley Zoning Reform Tracker \(2023\)](#)

[Baltimore Sun- Backyard Bungalows and Granny Flats, the ADU Movement Comes to Maryland](#)

[The ADU Rubric](#)

[California Has Passed More Than 100 Housing Laws Since 2016. Are Any of Them Working?](#)

[NPR: To help the housing crisis, California is letting developers circumvent some rules](#)
[American Planning Association: What to Expect in State Legislatures on Zoning Reform in 2023](#)
[Maryland Senate Bill 382 \(SB 382\) ADU Policy Task Force \(2023\)](#)
[HomeAdvisor: What Is An ADU? The Complete Guide to Accessory Dwelling Units](#)
[State of Maryland Requirements for Automatic Residential Fire Sprinkler Systems in One- and Two-Family Dwellings](#)

7. Owner Occupancy and Familial Relationship Requirements

The following links provide examples of how some jurisdictions address the requirement for ADU properties to be owner-occupied.

[Loudon Times- Leesburg Council Passes Ordinance for Extended Family Residences](#)
[Arizona Republic- Some valley cities rethink rules on casitas](#)
[California ADU Handbook \(2022\)](#)

8. Equity

The following links provide examples on how decisions concerning ADUs should consider the impact of equity and inclusivity in the decision-making process.

[Equity in Zoning Policy Guide, American Planning Association \(2023\)](#)
[Local Housing Solutions ADU Policy Brief](#)
[American Planning Association- Equity in Zoning Policy Guide, December 2022](#)
[Local Housing Solutions- Developing an Anti-displacement Strategy](#)
[Councilman Dorsey's Abundant Housing Act Presentation](#)
[UMD National Center for Smart Growth- Examining Racial Disparities in Maryland's Housing Market \(2022\)](#)
[Local Solution Support Center the Threat of State Preemption](#)
[Local Solution Support Center State Preemption of Equitable Housing Policies](#)
[Westport Community Economic Development Corporation, Lisa Hodges, Executive Director](#)
[AARP Expand ADU Development and Opportunity, Lack of Inclusivity, Page 23](#)

9. Affordability/Costs

The following links provide examples of efforts to increase the availability of lower cost housing choices, estimates for ADU construction/conversion costs, and financial assistance considerations.

[Houzeo- How Much Does It Cost to Build a House in Maryland in 2024?](#)

[HUD Press Release No 23-237- Federal Housing Administration Expands Access to Mortgage Financing for Homes That Have or Will Include Accessory Dwelling Units](#)

[Queen Anne's County Workforce Housing Financial Analysis 2021](#)

[Queen Anne's County Maryland Affordable Housing Committee](#)

[Fannie Mae Area Median Income Lookup Tool](#)

[Maryland Housing Search Database](#)

[Local Housing Solutions ADU Policy Brief](#)

[Angi- How Much Do ADUs Cost to Build \(2024 Data\)](#)

[HomeAdvisor What Is An ADU, Page 81](#)

[Housable ADU Guide: A Guide to Garage Conversions in California](#)

[WTOP News- Maryland Affordable Housing Is Scarce, And Realtors Are Lobbying for Change](#)

[Maryland's Local Control Over Housing Worsens Shortage Crisis](#)

[Forbes Texas Looks to The Free Market to Tackle Housing Costs](#)

[The Texas Tribune to Tackle High Housing Cost, Texas Lawmakers Push to Build More Homes](#)

[The Texas Tribune Bills to Build More Homes- And Lower Housing Costs- Fail Quietly in Last Days of The Texas Legislature](#)

[Tampa Bay Times Florida Has an Affordable Housing Crisis. Will New Legislation Fix It?](#)

[Mercatus Center- A Taxonomy of State ADU Laws](#)

[The Hill- The Housing Revolution Brewing In 2023](#)

[Supreme Court Ruling on Impact Fees, Sheets v El Dorado County, April 12, 2024](#)

10. Subdivision of ADUs

The following link provides an example of considerations for further subdivision of an existing residential lot into an additional separate lot for the ADU.

[California SB 9 \(2023\) Sec 2. Section 66411.7 Local Government Code](#)

11. ADU Policy Task Force Materials

The ADU Policy Task Force met for six months. The following links highlight the considerations and work of the ADU Policy Task Force over this period, culminating in the Final Report, June 1, 2024.

[ADU Policy Task Force Webpage](#)

[Accessory Dwelling Unit Policy Task Force Public Comment Summary and Analysis](#)

[ADU Policy Task Force Meeting Recordings and Materials](#)

[ADU Policy Task Force Report on Activities to Governor Wes Moore and the Maryland General Assembly, November 1, 2023](#)

[ADU Policy Task Force Inaugural Meeting September Meeting 9/13/2023](#)

[ADU Policy Task Force October Meeting 10/31/2023](#)

[ADU Policy Task Force November Meeting 11/28/2023](#)

[ADU Policy Task Force December Meeting, 12/19/2023](#)

[ADU Policy Task Force January Meeting, 1/16/2024](#)

[ADU Policy Task Force February Meeting, 1/20/2024](#)

[ADU Policy Task Force March Meeting, 3/19/2024](#)

[ADU Policy Task Force April Meeting, 4/16/2024](#)

[ADU Policy Task Force Meeting Recordings and Materials \(2023-2024\)](#)

[ADU Policy Task Force Meeting Research Plan, November 28, 2023](#)

[ADU Policy Task Force DRAFT Public Comment Report- DRAFT](#)

[ADU Policy Task Force DRAFT Recommendations, December 19, 2023](#)

[ADU Policy Task Force DRAFT Recommendations, January 16, 2024](#)

[ADU Policy Task Force DRAFT Recommendations, February 20, 2024](#)

[ADU Policy Task Force DRAFT Recommendation, March 19, 2024](#)

[ADU Policy Task Force DRAFT Recommendations DHCD Priority Recommendations, April 16, 2024](#)

[ADU Policy Task Force DRAFT Recommendations MACo Representatives Comments, April 22, 2024](#)

[ADU Policy Task Force DRAFT Recommendations](#)

[ADU Policy Task Force Planning Directors Panel Discussion, December 19, 2023](#)

[ADU Policy Task Force, ADU Owners, Residents, and Accessibility and Aging Advocates Focus Group, January 5, 2024](#)

[ADU Policy Task Force Neighborhood Associations Focus Group, February 20, 2024](#)

[ADU Policy Task Force Housing Organizations Focus Group, March 13, 2024](#)

[ADU Policy Task Force Topics and Code Applicability, March 19, 2024](#)

[ADU Policy Task Force Breakdown Governing Documents, March 2024](#)

[ADU Policy Task Force Housing Market Analysis Plan, November 28, 2023](#)

[ADU Policy Task Force Builder/Developer Survey Results and Summary, February 2, 2024](#)

[ADU Policy Task Force Environmental Organizations Survey Results, April 5, 2023](#)

12. Links to Resources on the Accessory Dwelling Unit Website

[ADU Market Assessment](#)

[Meeting Materials](#)

[Inventory of ADU Ordinances in Maryland](#)

[ADU Legislation from Other States](#)

Focus Group and Panel Discussion Summaries

[Planning Directors](#)

[ADU Owners, Residents, and Aging and Accessibility Advocates](#)

[HOAs and Neighborhood Associations](#)

[Housing Organizations](#)

Survey Response Summaries

[Builders and Developers](#)

[Environmental Organizations](#)

[Public Comment Report](#)

Accessory Dwelling Unit Policy Task Force

Final Report

Publication Number 2024-301
May 2024

State of Maryland

Wes Moore, Governor
Aruna Miller, Lt. Governor



Maryland Department of Planning

Rebecca L. Flora, AICP, Secretary
Kristin Fleckenstein, Deputy Secretary





Accessory Dwelling Unit (ADU) - Legislative Update and Effective Date

From Michelle Koenig -MDP- <michelle.koenig@maryland.gov>

Date Fri 9/5/2025 15:45

To Joseph Griffiths -MDP- <joseph.griffiths@maryland.gov>; Carter Reitman -MDP- <carter.reitman2@maryland.gov>

Good afternoon,

I am sending along important information regarding Accessory Dwelling Units (ADUs) for your consideration. If you have any questions please don't hesitate to contact me.

Governor Moore recently approved [an act \(SB0891/HB1466\)](#) regarding accessory dwelling units, or ADUs, that the Maryland General Assembly passed at its 2025 legislative session. The act itself is effective October 1, 2025, but the act's requirement that every county and municipality adopt a local law authorizing the development of ADUs on land with a single-family detached dwelling won't go into effect until October 1, 2026. It is MDP's goal to publish guidance regarding local ADU laws well in advance of the October 1, 2026, effective date.

MDP also seeks to notify local planning departments regarding two pressing aspects of the law so that you have time to consider them in advance: (1) the act's prohibition of restrictive covenants and (2) the act's requirements for parking studies. Regarding restrictive covenants, the act reads, "If a property owner has the exclusive right to use the property and abides by all applicable laws and regulations, a restriction on use regarding land use may not impose or act to impose an unreasonable limitation on the ability of the property owner to develop or offer to rent an accessory dwelling unit." This language seems to preclude HOAs and other such entities from establishing restrictions on ADUs that would effectively prohibit the development of ADUs. (The bill exempts historic properties and short-term rental of ADUs from this requirement.) Please notify your staff and update your development review procedures to respond accordingly.

Regarding the act's provisions with respect to parking, the act enables local governments to include requirements in their ADU laws regarding off-street parking considering construction costs, curb area, impervious surfaces, and variability due to lot and parcel size. However, a local government seeking to require off-street parking spaces for ADUs must first complete a parking study to determine parking needs in the jurisdiction. Before localities create a local law with additional parking requirements for ADUs, local planning departments may want to consider the time and budget demands for such a study. Also, the local law must provide a waiver process for any such parking requirements established for the jurisdiction. MDP's [Accessory Dwelling Unit Policy Task Force Report](#) recommends that parking requirements should not represent an "unreasonable barrier" to development of ADUs.

The act itself includes additional details regarding both these items, and we encourage you to work with your legal counsel to understand its requirements. Please let us know if you have any questions

or concerns regarding the information above. MDP will continue to release ADU guidance over the next year, and our team is, as always, ready to assist.

Thank you,

Michelle Koenig
Director, Eastern Maryland Planning Region
Maryland Department of Planning
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Planning.Maryland.gov

ADU Housing Laws and Regulations in Massachusetts

Zoe Harper

Marketing

[Laws](#)

April 16, 2024

Massachusetts is at the forefront of a housing innovation wave, embracing Accessory Dwelling Units (ADUs) as a viable solution for expanding living spaces and tackling housing affordability. Navigating the complexity of **Massachusetts ADU regulations** proves critical for homeowners and developers seeking to enhance property value and contribute to community diversity with these unique property additions. The journey to erecting an ADU in the Bay State beckons with it a structured and mandatory **ADU permitting process in Massachusetts**, reflective of both state and municipal ordinances aimed at safeguarding resident harmony and neighborhoods aesthetic. Grasping the fabric of the **Accessory Dwelling Unit laws Massachusetts** lays down is not just due diligence—it's a pathway to transforming your housing aspirations into a brick-and-mortar reality. Assess the potential advantages of obtaining [landlord insurance in Massachusetts](#) before entering into the rental agreement, providing a safety net for unexpected damages.

Key Takeaways

- Imperative understanding of Massachusetts' ADU laws is essential for property enhancement.
- State and local regulations may differ, requiring diligent research and compliance.
- Massachusetts champions ADUs for affordable and versatile living solutions.
- A structured permitting process ensures safe and legal construction of ADUs.
- Homeowners stand to benefit from adhering to local ADU zoning and building codes.
- Realizing the full potential of ADUs involves sensitive integration into community frameworks.

What is an ADU?

An Accessory Dwelling Unit (ADU) is a secondary housing unit on a single-family residential lot, providing a flexible solution to housing needs. Often referred to as in-law suites, granny flats, or backyard cottages, these units can be either attached to the main home or built as a separate structure on the property. The rise of ADUs in real estate reflects a growing trend toward maximizing space and enhancing property value, particularly in urban areas where housing demand is high. The construction of an ADU not only allows homeowners to accommodate family members or generate rental income but also contributes to a more diverse housing inventory within communities. By offering additional living space in a compact footprint, ADUs play a significant role in addressing housing shortages while promoting sustainable building practices. Understanding the implications of adding an ADU to your property can be crucial for homeowners looking to navigate the complexities of local regulations and enhance their overall housing experience.

Understanding Massachusetts ADU Regulations

In the Commonwealth of Massachusetts, the burgeoning interest in Accessory Dwelling Units (ADUs) has been met with a framework of guidelines designed to facilitate the integration of these secondary dwellings. Even as Massachusetts ADU guidelines strive for uniformity at the state level, discerning the nuances between state and local ordinance becomes a pivotal [step for homeowners and investors](#) alike. The legal landscape around the **Legalities of ADUs in Massachusetts** reflects a dynamic where state-wide principles often encounter local interpretation and implementation, thus shaping the ADU narrative uniquely in each municipality.

State vs. Local Jurisdiction Variations

While the state provides over-arching Massachusetts secondary dwelling rules, local jurisdictions fine-tune these ADU blueprints, adding a layer of complexity to the ADU development process. Taking Salem as a case study, there resides a commitment to uphold affordability within the ADU sector. Rent controls are instituted based on parameters informed by fair market rents—a commitment echoing the city’s effort to foster accessible living spaces within its purview, yet distinctly Salem in its application.

Annual Updates by the Department of Housing and Urban Development

The Department of Housing and Urban Development (HUD) emerges as a central figure in the establishment of fair market rents, impacting ADU affordability statewide. With annual reviews, HUD's adjustments to these rent thresholds are an essential cog in the wheel of maintaining ADU affordability. It is this adherence to fluctuating economic landscapes that sustains not only relevance but also equitability in Massachusetts's approach to ADU deployment.

Accessibility of ADU Information Sources

The proliferation of ADU knowledge across Massachusetts is aided by the accessibility of information. Comprehensive insights into ADU-related queries are a mere few clicks away, courtesy of state and non-profit organizations' online portals. It is this readily available information that empowers individuals, enabling informed decision-making — a testament to both the transparency and the educational resources dedicated to **Massachusetts ADU guidelines**.

Types of Accessory Dwelling Units in the Massachusetts Market

Within the fabric of Massachusetts housing solutions, a variety of Accessory Dwelling Units (ADUs) have been woven into the marketplace, showcasing the versatility that Massachusetts ADU regulations accommodate. Recognizing the **Types of ADUs in Massachusetts** provides insight into the opportunities for homeowners to enhance their properties. Each type of ADU carries its distinctive character and potential uses, adding layers of utility and value to residential real estates.

Attached ADUs: Integrations and Additions

Attached ADUs represent a seamless extension of a main residence, blending additional living space with the existing home's design. This integration may manifest as over-garage apartments, basement conversions within the primary structure, or even as a bump-out on

the back of a house. Favored for their ability to maintain a property's footprint, attached ADUs in Massachusetts provide an unobtrusive yet substantial addition to homeowners' living capacities.

Detached ADUs: Standalone Structures

Conversely, detached ADUs stand apart from the main residence, offering an independent structure typically found in the backyards of Massachusetts homes. These standalone units can be as diverse as tiny homes, prefabricated cottages, or custom-built studios, offering a private retreat or a potential income-generating rental. Under **Massachusetts ADU regulations**, these units serve as an innovative solution to the call for more diverse housing options within the state.

Transforming Basements into Livable Spaces

Massachusetts homeowners are also redefining subterranean spaces by transforming basements into fully functional ADUs. These conversions tap into existing square footage, optimizing home efficiency and accommodating multigenerational living or tenant leasing. With proper adherence to health and building codes, a basement unit can offer the same comforts and amenities as any above-ground ADU, marking an ingenious utilization of space within the scope of **Types of ADUs in Massachusetts**.

ADU Permitting Process in Massachusetts

Navigating the **ADU permitting process in Massachusetts** is a critical step in the journey of constructing an accessory dwelling unit (ADU). This process ensures that the construction aligns with state and local zoning laws, maintaining the integrity of neighborhoods while allowing homeowners to maximize the use of their property. Whether you're looking to create a living space for aging parents or aiming to generate rental income, understanding and following the requirements for building an ADU in Massachusetts is imperative.

The initial phase of the process typically begins by liaising with your local building department. Here, you can get precise information about the criteria that your ADU project must meet. It's worth noting that, while the state provides guidelines, the exact requirements can vary substantially from one municipality to another, reflecting the unique character and needs of each community.

- Researching and adhering to local zoning ordinances is crucial. Zoning ordinances will dictate where on your property an ADU may be situated, the allowable size, and other critical constraints tied to your specific parcel of land.
- Engaging with the building department early on can streamline the process. A clear understanding of the necessary steps, from soil testing to final inspections, can ease the path to obtaining your permits.
- Submitting detailed construction plans that comply with both state building codes and local regulations is key. These plans ensure that ADUs are safe, accessible, and sustainable components of the housing fabric.

- Gathering requisite permits may include more than just a building permit. Electrical, plumbing, and gas permits might also be necessary, contingent on the scope of your ADU project.

Keep in mind, the transparency of the **ADU permitting process in Massachusetts** is designed to aid homeowners in creating new living spaces that conform to all regulations. While it may seem like a daunting task at first, detailed preparation and cooperation with local authorities can pave the way for a successful ADU project. As you embark on this exciting endeavor, remember that meeting the requirements for building an ADU in Massachusetts not only serves regulatory compliance but also ensures the safety and longevity of your new dwelling, ultimately enhancing the investment in your property.

Building an ADU in Massachusetts: Size and Design Restrictions

Building an Accessory Dwelling Unit (ADU) in Massachusetts involves adhering to specific guidelines that include size limitations and design considerations tailored to the state's climate and living requirements. For those planning to expand their residential space through the addition of an ADU, understanding and following these regulations is crucial for legal compliance and functional living.

Maximum Size Limitations for ADUs

Massachusetts ADU zoning laws establish clear boundaries on the scale of ADUs to maintain community character and ensure responsible land use. The state mandates that an ADU cannot exceed **900 square feet** or be more than **50% of the size of the main house**, with the lesser of the two applied as the upper limit. Moreover, these units must not fall beneath a **minimum of 350 square feet**, which is set to account for basic health and safety standards. These **requirements for building an ADU in Massachusetts** serve to harmonize these housing solutions with existing residential structures.

Design Considerations for Massachusetts' Climate

The distinctive seasons of Massachusetts dictate that ADUs must be designed with resilience in mind. Homeowners are encouraged to utilize **weather-resistant materials** that can withstand the region's harsh winters and humid summers. The architectural designs should also align with energy conservation standards, advocating for the sustainability of ADUs in the Bay State's diverse climate. Thoughtful design is not just about aesthetics; it ensures the longevity and comfort of the ADU year-round.

Parking and Living Area Requirements

While creating an ADU, homeowners may wonder about the parking space requirements. Interestingly, Massachusetts does not compel additional parking for ADUs, which spares residents from the stress of altering their landscape to accommodate more vehicles. This approach underscores the state's objective to encourage **affordable housing options** without imposing undue burdens on existing property layouts. Inside the ADU, living areas are designed to offer reasonable comfort and privacy, further cementing these units as a viable residential expansion in Massachusetts communities.

Exploring ADU Affordability and Financial Incentives in Massachusetts

The push for Accessory Dwelling Units (ADUs) in Massachusetts signifies more than just diversifying housing options; it's a concerted effort to make these units accessible and affordable. Cognizant of the statewide agenda to ease the housing squeeze, Massachusetts has established specific regulations, including Massachusetts ADU guidelines and ADU occupancy restrictions Massachusetts, which influence the rental rates and financial assistance available to property owners who wish to build these secondary units. This section examines the affordability schematics and economic incentives that support the ADU initiative in Massachusetts, highlighting its potential as a prudent investment in the Commonwealth's housing market.

Rent Caps and Fair Market Values

In Salem, Massachusetts, the City has taken steps to ensure ADUs remain within the affordable housing bracket by capping rent at a percentage of the fair market rents, as determined by the HUD. With the intent to keep ADUs economically viable for lower-income tenants, the cap is set to not exceed 70% of the prevailing fair market rent of Salem. For construction grant recipients, this cap is even more stringent at 50% of the fair market rent. These measures stand in testament to the state's commitment to maintain affordability amidst the burgeoning ADU market.

Grants and Tax Exemptions for ADU Construction and Design

Understanding the financial burden of new construction, Massachusetts extends financial aid through grants for ADU construction and design. Both material and labor costs associated with the development of ADUs can be mitigated through these grants, which cover up to a certain percentage or a maximum dollar amount of eligible costs. In tandem, Salem offers a property tax exemption to homeowners who rent their ADUs at designated affordable rates. Such fiscal benefits not only ease the financial load but also actively encourage residents to consider creating ADUs as part of the broader strategy for affordable housing.

Investment Potential of Accessory Dwelling Units

As cities across Massachusetts thread the needle of housing demand with ADU occupancy restrictions Massachusetts, the investment allure of ADUs becomes increasingly apparent. By anchoring ADUs in the realm of affordability, the state has paved the way for investments that are lucrative and socially responsible. These small-scale residential expansions are not merely architectural appendages but strategic financial ventures with a promise of steady returns, thanks to the growing demand for affordable living spaces in Massachusetts.

ADU Zoning Laws Across Massachusetts' Municipalities

The patchwork of **Massachusetts ADU zoning laws** mirrors the state's various municipalities, each infusing local flavor into their respective ordinances. Such diversity mandates that homeowners must engage in a meticulous vetting of the local zoning regulations that are likely to influence not only the placement but also the features of ADUs within their communities. For instance, the city of Salem has recognized the value of ADUs

by permitting them in certain zoning districts, setting the stage for a blend of regulatory compliance and accessibility to affordable living spaces.

When delving into the Legalities of ADUs in Massachusetts, it is clear that there is no one-size-fits-all blueprint. Local policies may present a spectrum of constraints or liberties – from parking requirements to size restrictions – offering an intricate patchwork of jurisdictions that require astute navigation. This rich tapestry of laws is designed not merely for code adherence but also to enhance the social and urban fabric of the communities it serves.

- The variance in regulations reflects the respect for the character and needs of individual neighborhoods.
- Massachusetts' commitment to affordable and diversely styled living is evident in the detailed attention paid to ADU zoning provisos.
- Local regulations serve as essential guideposts for responsible land use and urban planning.

The journey to erecting an ADU necessitates proactive inquiry and partnership with local zoning authorities to ensure that one's vision aligns with municipal requirements. Staying informed and consulting widely are not merely suggestions, but pivotal actions in actualizing the potential of ADUs in Massachusetts.

Legal Aspects of ADU Ownership and Residency

Under the umbrella of **Massachusetts ADU regulations**, prospective and current ADU owners face a myriad of legalities that extend from ownership to tenancy. Confronted with rules surrounding property taxes, rental agreements, and insurance liabilities, individuals venturing into the ADU space must tread the lines with care and due diligence. It is here, within these legal frameworks, that the Legalities of ADUs in Massachusetts come to the forefront, presenting both challenges and opportunities for those who seek to leverage these innovative living spaces.

Property Tax Considerations for ADU Owners

The fiscal responsibilities tied to ADU ownership are not just about managing construction costs. In Massachusetts, ADU property tax implications beckon careful planning and awareness. As corrective measures for affordability, tax exemptions exist to alleviate the monetary load on those renting ADUs at considerate rates. Such incentives draw a silver lining for homeowners, subtly encouraging the growth of sustainable and community-centric living solutions within the confines of [Massachusetts's property laws](#).

Rental Agreements and Tenant Rights for ADUs

Navigating the tenancy terrain requires a deep understanding of rental agreements and tenant rights as they pertain to ADUs in the Bay State. Rental contracts must comply with Massachusetts's fair housing regulations, ensuring rights and responsibilities are fairly distributed between landlord and tenant. These agreements must reflect fair market rent controls as mandated, traversing the delicate balance between profitability and accessibility in Massachusetts's housing narrative.

Implications of ADUs on Property Insurance and Liability

With ownership comes the requisite of guarding against risks – insurance coverage for ADUs is no exception. Liability and property insurance implications can be complex, warranting that owners have a comprehensive coverage plan responsive to the unique dynamics of ADUs. The essence of preventive diligence cannot be understated here, as insurance policies must be tailored to cover the distinct scenarios ADUs present, securing the interests of all parties involved under the scope of **Massachusetts ADU regulations**.

Maximizing Property Value with ADUs in Massachusetts

The integration of Accessory Dwelling Units (ADUs) within Massachusetts property lines offers a strategic avenue for homeowners to significantly enhance the value of their properties. Adhering to Massachusetts secondary dwelling rules, property owners have the innovative opportunity to tailor ADUs for a multitude of applications, including but not limited to guest houses, income-generating rental units, or as tailored spaces for personal pursuits such as home gyms or art studios. The versatility and practicality afforded by ADUs serve as a key factor in the upliftment of property valuations.

Professional construction companies, particularly those with an established reputation like Perry Brothers Construction, underscore the myriad benefits that ADUs contribute to property worth. Accentuating the return on investment, builders specializing in ADUs highlight the critical intersection of high-quality workmanship and customized design. The requirements for building an ADU in Massachusetts demand precision and a discerning approach to construction, ensuring that each ADU stands as a testament to durability, aesthetic appeal, and functional excellence.

- **Guest Houses:** ADUs can provide homeowners with a private and comfortable space for hosting relatives or friends, enhancing the home's versatility and appeal.
- **Rental Opportunities:** With the proper Massachusetts secondary dwelling rules in mind, ADUs can be rented out as a steady source of income, thus providing economic value to the property.
- **Specialized Spaces:** Custom-built ADUs that serve specific needs, such as a home office or studio, add a level of customization and luxury that can be a significant selling point.
- **Market Response:** The growing trend towards multi-use properties aligns well with market demands, positioning homes with ADUs as highly desirable in the Massachusetts real estate market.

In conclusion, when considering Massachusetts secondary dwelling rules and navigating the requirements for building an ADU in Massachusetts, the potential for property value enhancement is notably prominent. Aligning with a construction partner that comprehends the local guidelines and exhibits unmatched craftsmanship can render an ADU not just an addition to square footage, but a lucrative asset with long-term financial benefits.

The Future of Accessory Dwelling Units in Massachusetts

As Massachusetts strides forward in the realm of housing, the trend towards sustainable and affordable living solutions is bringing the state's Accessory Dwelling Units (ADUs) to the forefront of innovation. The emergent ADU market is buoyed by the inception of futuristic models that synergize smart home technology with energy-efficient design, showcasing the responsiveness of **Massachusetts ADU zoning laws** to the evolving needs of a modern society.

This progressive orientation is set against a backdrop where ecological concerns intersect with the urgencies of urban infrastructure. In response, the Commonwealth has fostered an environment where **Massachusetts ADU guidelines** are being sculpted not only for today's landscapes but for the impending demands of tomorrow's living spaces.

- Innovative ADU Designs: Witness the rise of ADUs that push the boundaries of conventional housing with adaptive re-use and creative space management features.
- Smart Home Integration: Energy management systems, automated controls, and internet-of-things (IoT) devices are poised to become commonplace in Massachusetts ADUs, promoting efficiency and convenience.
- Sustainable Living Standards: Future ADUs in Massachusetts show a trajectory aimed at reduced carbon footprints through the use of renewable resources and sustainable building materials.
- Policy Adaptation: Anticipate a dynamic policy landscape where Massachusetts ADU regulations continue to pivot towards encouraging the proliferation of environmentally conscious and tech-savvy ADUs.

Indeed, the vision for ADUs in Massachusetts encapsulates a shared mission to enhance living environments vis-à-vis autonomy and sustainability; a narrative that's rapidly carving a niche in the nation's housing solutions.

"As attention shifts to sustainable and affordable living, the ADU landscape in Massachusetts is one not just of change, but of profound transformation. Here, the fusion of breakthrough designs, smart technology, and an unwavering commitment to the environment heralds a new chapter for residential construction and urban planning in the Commonwealth."

Embracing these cutting-edge developments, the future of Accessory Dwelling Units in Massachusetts suggests an inspiring blueprint of livability, a testament to the state's vision and resolve to set precedents in housing innovation that could echo across the United States.

Conclusion

As Massachusetts continues to evolve its approach to housing, the implementation of Accessory Dwelling Units (ADUs) has surfaced as a beacon of innovation within the sector. Navigating the intricate **Massachusetts ADU regulations** and guidelines not only expands the spectrum of affordable housing solutions but also imparts lasting value upon properties. The meticulous adherence to the **ADU permitting process in Massachusetts** yields a strategic pathway for homeowners to uncover the latent potential of their land and to invest with foresight. The legwork of aligning with local protocols is an investment in itself, as it

ensures that each ADU is not only legally compliant but also poised to enhance the fabric of the existing community.

Yet, it's more than just following a set of rules. The harmonization of personal housing needs with **Massachusetts ADU guidelines** showcases a deeper understanding of what it means to build smartly and sustainably. With Massachusetts offering a variety of ADUs to fit diverse needs—from quaint studio abodes to fully equipped backyard cottages—the design of each unit can reflect the unique aspirations of its residents, welcoming a blend of cultures, generations, and lifestyles into the neighborhood mosaic.

In a time when the housing market demands versatility and financial savvy, Massachusetts stands as a testament to the power of progressive policy and community foresight. For homeowners in the Commonwealth, the foray into ADUs represents not just an expansion of personal space but a contribution to a growing narrative of resourceful living—where each addition to the home becomes a positive footprint within a diversified, thriving housing market.

FAQ

What are the general ADU laws and regulations in Massachusetts?

Massachusetts ADU regulations allow for the creation of accessory dwelling units subject to state and local guidelines. These laws permit homeowners to add additional living spaces to their properties, with specific rules on size, design, and residency—they can vary significantly by municipality.

How do state versus local jurisdiction variations affect ADU regulations?

While Massachusetts sets forth general regulations for ADUs, the actual implementation and specifics can vary greatly by local jurisdiction. Some municipalities may have different requirements for things like maximum sizes, design standards, and whether owner-occupancy is required.

Are there annual updates to the ADU laws and regulations?

Yes, the Department of Housing and Urban Development (HUD) may update fair market rent values annually which can impact aspects of ADU regulations in Massachusetts, particularly when it comes to affordability and rent caps for ADUs.

Where can I find accessible information on Massachusetts ADU regulations?

Information on ADUs in Massachusetts can be found through state resources, local municipality websites, and various housing organizations such as AARP. These sources often provide up-to-date information and guidance for homeowners.

What types of ADUs can I build in Massachusetts?

You can build several **types of ADUs in Massachusetts**, including attached ADUs which are expansions of your main house, detached ADUs which are standalone structures, or you can convert existing spaces like basements into livable ADU units.

What is the permitting process for an ADU in Massachusetts?

To get a permit for an ADU in Massachusetts, you need to work with your local building department. The process includes ensuring your ADU plan meets all zoning and building code requirements and possibly obtaining additional approvals or variances.

Are there size and design restrictions for building an ADU in Massachusetts?

Yes, ADUs in Massachusetts typically should not exceed 900 square feet or 50% of the primary dwelling's size with a minimum size of 350 square feet for health code reasons. They must comply with state and local building codes, including design considerations suited to the Massachusetts climate.

What are the ADU affordability and financial incentives in Massachusetts?

Massachusetts regulates ADU affordability by having rent caps based on HUD fair market values. There are also financial incentives such as grants, construction subsidies, and property tax exemptions to encourage the development of ADUs, especially those rented at affordable rates.

How do ADU zoning laws vary across Massachusetts' municipalities?

ADU zoning laws are not uniform and can differ from one municipality to another. Homeowners must check with their local zoning office to understand where ADUs are permissible and under what specific conditions, such as lot size and zoning district.

What legal considerations come with ADU ownership and residency?

With ADU ownership, you must consider property tax implications, ensure that rental agreements comply with fair housing laws, and understand tenant rights. It's also crucial to evaluate the impact of an ADU on home insurance policies and potential liability issues.

How can ADUs maximize property value in Massachusetts?

ADUs can significantly increase property value by providing additional living space for uses like rental units, guest houses, or specialized spaces. They can also be appealing to potential buyers seeking flexible living options or multi-generational living arrangements.

What does the future of ADUs in Massachusetts look like?

The future of Accessory Dwelling Units in Massachusetts is geared towards sustainable and affordable living solutions. There is an increase in the innovation and adoption of ADUs with smart technologies and energy-efficient designs to meet the growing demand for flexible housing options.

Source Links

- <https://www.salemma.gov/adu>
- <https://www.autonomous.ai/ourblog/unlocking-affordable-housing-in-massachusetts>
- <https://perrybrothersconstruction.com/accessory-dwelling-units-adus-in-massachusetts/>



Accessory Dwelling Units (ADU's)

Frequently Asked Questions

This is a summary of the Ordinance G-21-15. Please read the entire ordinance to understand all the requirements of creating an Accessory Dwelling Unit.

ADU's are permitted in the following RO, R4, R6, R8, R12, R16, R20, DBO, and DR residential zoning districts.

ADU's are permitted in single family, duplex or townhouse units as integrated ADUs or as separate structure on single family, duplex, or townhouse lots.

Only one ADU is permitted per lot.

Unless the lot has excess parking, a parking space for the new unit will be required.

The owner must live in either the primary residence or the ADU and the non-owner occupied unit cannot be rented for less than 90 days.

A Declaration of Restriction must be recorded with the ADU.

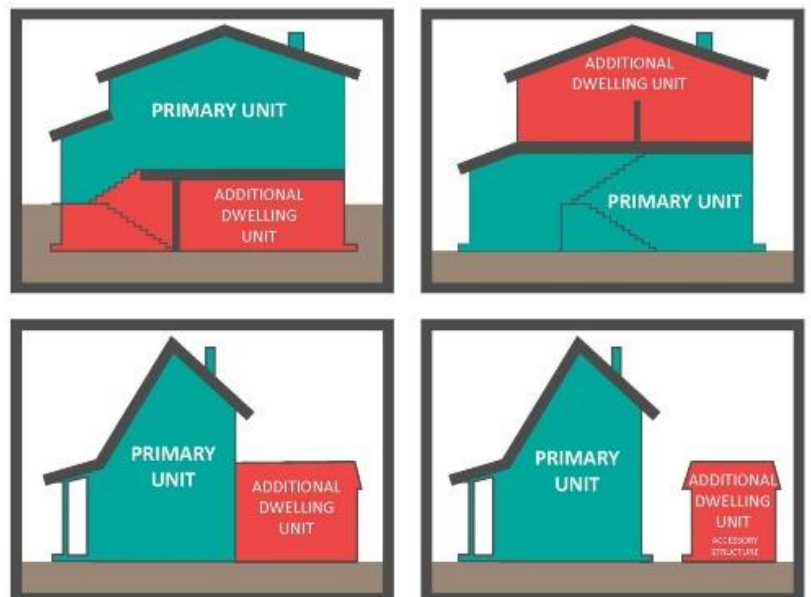
ADU's within existing primary residence

Can't exceed 35% of the floor area of the primary residence itself.

Any new entrance must be in the rear or the non street side of the primary residence .

ADU's detached from the primary residence

Can be either in an existing accessory structure or in a new accessory structure. The regulations, including height limitations and setbacks, are different for new structures versus conversion of existing structures, however, neither may exceed 800 square feet in size.



New construction:

- Can only be located in the rear yard of the primary residence and as such, are not permitted on corner lots or other lot types with no rear yard.
- Is subject to architectural standards.
- Must meet the setbacks for the primary residence if within 6' of the primary residence or if greater than 6', must provide setbacks equal to ½ the distance of those required for the primary residence, not to be less than 3'.
- Cannot exceed 25' in height or the height of the primary residence, whichever is less.

Other Items to Consider

- If you live in a development that has a Homeowner's Association (HOA), please check with your HOA to see if a ADU is permitted in your development.
- How will water and sewer be provided to the ADU:
 - Are existing lines adequate to serve the primary residence and ADU?
 - For detached ADU's, how will lines be installed to service the ADU?
- Ensuring that Fire Codes for the ADU are being met:
 - Will sprinklers be required?
 - What type of fire separation will be required?
- Ensuring that Building Codes for the ADU are being met.
- The following Impact Fees are applicable on all ADU's:
 - Parkland
 - Water
 - Sewer
 - County School
 - County Library
- Your property's value may increase. Please check with the State Assessment Office to determine how the ADU will add value to your primary residence. You can contact the State Assessment Office at

E-mail: sdat.fred@maryland.gov

Questions about:

Zoning & Setbacks please contact 301-600-1499

Building Codes please contact 301-600-3816 or 301-600-3817



BUILDING PERMIT APPLICATION REQUIREMENTS FOR ACCESSORY DWELLING UNIT (ADU)

(Effective 07-01-23)

- ☐ Completed Accessory Dwelling Unit Application.
- ☐ Three (3) sets of construction plans (for building). These construction plans must be signed and sealed by a MD registered Architect or Engineer, **unless the plans are for the developer's, builder's or contractor's own construction.** (However, any elements of construction that are beyond the scope of the building code must still be designed, sealed and signed by a MD licensed Engineer).
- ☐ Five (5) copies of site plan showing grades, water and sewer connections/cleanout, house setbacks, driveway location, sidewalks (for building).
- ☐ Two (2) copies of REScheck.
- ☐ New Residential Dwelling Assessment Worksheet.
- ☐ One (1) copy of **Declaration of Restriction.**
- ☐ One (1) copy of **recorded** plat.
- ☐ Residential Water and Sewer Allocation Application (w/copy of approved Exhibit #1 of Water Service Contract if applicable).
- ☐ Print out from the Maryland Department of Assessments and Taxation website www.dat.state.md.us from [Real Property Data Search](#)
(If the ownership is different, you will need to provide Proof of Ownership with signature (i.e., recorded deed or HUD1 closing statement).
- ☐ Monocacy Sewer System County Form – **This is ONLY REQUIRED IF ON COUNTY SEWER** (see *Note below).

NOTE: City fees are payable by cash, credit card or check payable to The City of Frederick

BUILDING APPLICATION FEE	Required with the permit application submittal	\$ 400.00
ELECTRICAL WORK	Requires separate permit	See fee schedule
PLUMBING/GAS WORK	Requires separate permit obtained by a Frederick City licensed contractor	See fee schedule
FIRE SUPPRESSION SYSTEMS (SPRINKLERS)	Requires separate permit obtained by a licensed contractor	See fee schedule

**Once the City has completed review of the permit application, you will receive a statement of all applicable fees.
Payment of these fees are due PRIOR to the permit being issued.**

WATER IMPACT FEE	\$ 2,072.25
SEWER IMPACT FEE (*If on COUNTY sewer system, refer to note below)	\$ 1,818.75
PARK FACILITIES DEVELOPMENT IMPACT FEE (HOA = Homeowner's Association)	\$ 304.00 not under HOA or a HOA with NO swimming pool OR \$ 199.00 for HOA WITH swimming pool
WATER CONNECTION, WATER METER - Upgrades	Refer to Water/Sewer Connection & Meter Fee schedule

***NOTE:** If the property is located in Ballenger Creek, Cannon Bluff, Clover Ridge, Dearbought, Main Farm, North Crossing, Tuscarora Creek, Tuscarora Knolls, Willowbrook, Worman's Mill (**or on Frederick County Sewer System**), **this fee will not be charged by the City of Frederick.** Contact Lauren Englar with the Frederick County Division of Utilities at 301-600-1179. Please complete and submit the **Monocacy Sewer System Form** with your building application packet.

FREDERICK COUNTY FEES ARE PAID DIRECTLY TO FREDERICK COUNTY PRIOR TO PERMIT ISSUANCE

Once the City has completed review of the permit application, the County payment form along with instructions on making payment will be provided to you.

FREDERICK COUNTY SCHOOL & LIBRARY IMPACT FEES	ADU LESS THAN / EQUAL TO 800 SF	ADU GREATER THAN 800 SF
SCHOOL IMPACT FEE PER ADU	EXEMPT	\$8,423.00
LIBRARY IMPACT FEE PER ADU	\$504.00	\$ 504.00
TOTAL COUNTY IMPACT FEES	\$504.00	\$8,927.00



FREDERICK
MARYLAND

The City of Frederick, Maryland
Building Department
140 W. Patrick Street, Frederick MD 21701 / 301-600-3808 / FAX 301-600-3826
www.cityoffrederick.com

BUILDING / ZONING PERMIT APPLICATION

Accessory Dwelling Unit

FOR OFFICE USE ONLY

Appl. # _____

App. Type Code _____

Tax ID 02 - _____

App. Date _____

SECTION I – Complete in its entirety. Application will NOT be accepted unless all spaces are FULLY completed.

Location of Work	Address of Principal Structure:	Gross Sq. Ft. of Lot:
	Address of Proposed ADU:	

Builder Applicant	Contact Person:	
	Contractor:	MHIC#
	Address:	
	Phone:	E-Mail:

IMPROVEMENT COST = \$ _____ (DO NOT include Plumbing, Electric, Land)

Description of Work	Is there a Homeowner's Association community swimming pool? <input type="checkbox"/> Yes <input type="checkbox"/> No	Location of ADU in relation to principal structure: <input type="checkbox"/> Attached <input type="checkbox"/> Detached <input type="checkbox"/> Integral
	Number of parking spaces on lot: _____ Existing _____ Proposed	
	Gross Sq. Ft. of Existing Dwelling:	Gross Sq. Ft. of ADU:
	Number of ADU's on property: _____ Existing _____ Proposed	Current use of principal structure: <input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential
	Gross Sq. Ft. of impervious surface on lot: _____ Existing _____ Proposed	
	Height of principal structure: _____ Height of proposed ADU: _____	
	Does the principal structure have fire sprinklers? <input type="checkbox"/> Yes <input type="checkbox"/> No If NO are they proposed <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Are fire sprinklers proposed for the ADU? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Brief Description of Work:	

Proposed Setbacks of ADU	Distance from rear of property:	Distance from front property line:
	Distance from right property line: (Looking at property from street)	Distance from left property line: (Looking at property from street)

Water	Is an increase in water service required? <input type="checkbox"/> No <input type="checkbox"/> Yes If YES , what size tap is needed:
	Does the existing water meter need to be upgraded? <input type="checkbox"/> No <input type="checkbox"/> Yes If YES , what size and type is needed:

Sewer	Is Sewer Served by: <input type="checkbox"/> Frederick City <input type="checkbox"/> Frederick County <input type="checkbox"/> Septic
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Public Right-of-Way Will any work associated with this permit be performed within the City's Right-of-Way? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is Public Works Agreement & Surety in Place? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES , provide Grading / Public Improvement Permit #:	
Is Property located in the Historic District? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES , provide Historic Preservation Case #:	
Is Property located in the Flood Plain? <input type="checkbox"/> Yes <input type="checkbox"/> No	A Declaration of Restriction is required with this application, Copy Attached <input type="checkbox"/> Yes

Applicant/Owner Initial: _____ Date: _____

The City of Frederick, Maryland
BUILDING / ZONING PERMIT APPLICATION
**Accessory Dwelling Unit
(Page Two)**

FOR OFFICE USE ONLY

Appl. # _____

APPLICANT/OWNER CERTIFICATION: The Applicant/Owner hereby certifies and agrees as follows:

That I am the owner, or authorized by the owner to act in their behalf as the owner's agent to make this Application. That the information given herein is true and correct and that all work being done under this application will comply with all applicable Federal, State and Local regulations. That work will be in accordance with and as indicated on the approved site and building plans, review comments, agreements, specifications, etc. unless otherwise approved by the Division Manager of Permits and Inspections. That the Division Manager of Permits and Inspections can revoke the building permit or stop work being done under the building permit for non-compliance with this agreement in part or in whole. Please be advised if the Building Permit is revoked **all fees are non-refundable and non-transferable**. I further understand and agree that plans will be reviewed, inspections made, and occupancy certificates issued, however, I assume ultimate responsibility for compliance of all codes, regulations, etc.

***PROPERTY OWNER SIGNATURE:** _____ **PRINT** _____ **TITLE** _____
***MUST PROVIDE AGENT LETTER FROM PROPERTY OWNER if signed by anyone other than Property Owner**

Property Owner Name (as listed on Deed): _____

Mailing Address: _____

City _____ **State** _____ **Zip** _____

Phone # _____ **Fax #** _____

Cell # _____ **Email Address:** _____

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

SECTION II (For Office Use Only)

Building Permit Fee	\$ _____	Date Paid: _____	Rec'd by: _____
Park Facilities Dev Impact Fee	\$ _____	Date Paid: _____	Rec'd by: _____
Water Impact Fee	\$ _____	Date Paid: _____	Rec'd by: _____
Sewer Impact Fee	\$ _____	Date Paid: _____	Rec'd by: _____
Water & Sewer Allocation Fee	\$ _____	Date Paid: _____	Rec'd by: _____
Water Connection Fee	\$ _____ Size _____	Date Paid: _____	Rec'd by: _____
Meter/Kornerhorn & Console	\$ _____ Size: _____	Date Paid: _____	Rec'd by: _____
Other _____	\$ _____	Date Paid: _____	Rec'd by: _____
Other _____	\$ _____	Date Paid: _____	Rec'd by: _____

Frederick County Fees:

Impact Fee - (School/Library) \$ _____ Receipt Due - Date Rec'd: _____ Rec'd by: _____

SECTION III (For Staff Use Only) - REVIEW COMMENTS (Please write legibly)

☐ Rev. Site Plan Attached ☐ Rev. Construction Plan Attached ☐ Fee Calculations attached ☐ _____

REVIEWED BY: _____ **APPROVAL DATE:** _____

☐ Building (Blue) ☐ Planning (Green) ☐ Engineering (Salmon) ☐ Fire Code Review (Yellow) ☐ Other _____ ☐ Other _____

Applicant/Owner Initial: _____ Date: _____

Worcester County Code

§ ZS 1-338 Accessory apartments.

(a)

Purpose and intent. It is the specific purpose and intent to allow no more than one accessory apartment per lot of record through conversion of existing residential structures or construction of new residential facilities so as to provide the opportunity and encouragement to meet the special housing needs of persons of low and moderate income as well as relatives of families currently residing in the County. It is furthermore the intent and purpose of this provision to allow the more efficient use of the County's existing housing stock in a manner consistent with land use objectives identified in the Worcester County Comprehensive Plan and to provide economic support for present resident families of limited income, while protecting and preserving property values and community character.

(b)

Standards. The following specific standards are set forth as conditions for such accessory uses:

(1)

Accessory apartments shall only be permitted where adequate wastewater disposal capacity has been determined to be available by the Environmental Programs Division but, as accessory residential uses, shall not be counted against permitted density on any parcel with respect to the requirements of this Article. However, other regulations may stipulate that such accessory residential uses be considered when calculating permitted density.

(2)

^[1]An accessory apartment may be located either in the principal dwelling unit or in an accessory building. Manufactured or mobile homes shall not be construed as an accessory apartment.

[1]

Editor's Note: Former Subsection (b)(2), which required the owner of the residential dwelling unit in which an accessory apartment was located to occupy at least one of the dwelling units on the premises, was repealed 11-17-2020 by Bill No. 20-8. Bill No. 20-8 also renumbered former Subsection (b)(3) through (8) as Subsection (b)(2) through (7), respectively.

(3)

When located within an accessory building, the building shall be located so that its entire perimeter is within one hundred feet of the principal building on the property.

A.

A separation distance greater than one hundred feet may be permitted in accordance with the provisions of § ZS 1-117(e)(5) provided that the property upon which the accessory

apartment is located is not located within the Chesapeake or Atlantic Coastal Bays Critical Area.

(4)

The minimum floor area for an accessory apartment within the principal building shall be five hundred square feet, but in no case shall it exceed thirty-five percent of the gross floor area, exclusive of any garage, of the dwelling in which it is located or nine hundred square feet, whichever is less. For accessory apartments located in an accessory building, the minimum floor area shall also be five hundred square feet, but in no case shall it exceed thirty-five percent of the gross floor area of the principal dwelling or nine hundred square feet, whichever is less. No accessory apartment shall contain more than two bedrooms.

(5)

There shall be no more than one accessory apartment permitted per existing single-family dwelling.

(6)

If an accessory apartment is located in the principal dwelling unit on the property, entry to the accessory apartment shall be designed such that the appearance of the building remains as a single-family dwelling. However, nothing herein shall be construed to require any entry to the accessory apartment to be confined to the side or rear of the structure.

(7)

Off-street parking for the accessory apartment shall be in accordance with § **ZS 1-320** hereof and shall be in addition to any other parking required for other uses on the site.

Departmental Policy on Accessory Apartments

Due to the varying requirements that exist between Zoning, Environmental Programs and Critical Area Regulations, this informational sheet is intended to assist all Divisions in guiding an applicant through the permitting process.

The first step to an inquiry for an accessory apartment should include the following questions:

1. Will the apartment be located within the primary dwelling; Or in an accessory structure?
2. Is the property located in the Critical Area? If so, what is the designation?
3. Is the property served by public sewer or private septic?
4. What is the square footage of the “gross floor area” of the principal dwelling?
5. Please note that there is no longer a requirement that a property owner reside on the same parcel.

Gross Floor Area is defined in the ZSC Article as “the total area of all floors or portions of floors in a structure and measured from outside to the outside of exterior walls.” This means everything including sunrooms and screened porches but excluding open decks and §ZS 1-338 allows for attached garages to be removed from the calculations.

Explanation Chart

The following criteria will aid in determining the size and number of bedrooms permitted based on the answers to the questions. The most restrictive will apply. *Properties within the RCA Critical Area Designation will always be the most restrictive.*

Agency	Square Footage Criteria	Max. No. Bedrooms
Zoning §ZS 1-338	* <i>Minimum</i> : 500 square feet; * <i>Maximum</i> : 900 square feet or 35% of principal dwelling, whichever is less, exclusive of an attached garage; *Mobile homes are not accessory apartments.	2
Critical Area §NR 1-308(c)(10)	*IDA or LDA: Size determined by other divisions, but cannot exceed maximum lot coverage; *RCA: All units must be served by same septic system as the primary dwelling; <i>Detached</i> : Maximum of 900 square feet of total enclosed area (including garage). Cannot exceed maximum lot coverage; <i>Attached</i> : Unit cannot increase the amount of existing lot coverage.	N/A
Environmental Programs State Law and Divisional Policy	*Maximum of 600 square feet if utilizing same septic system *To exceed 600 square feet, an additional 10,000 square foot sewage reserve area or EDU is required. Not applicable in the RCA	1 2

Location

For apartments located on the second floor of an accessory building, such as a garage, there may be stair that access either on the interior or exterior of the building. In either case, the first-floor garage does not count as part of the square footage of the apartment, except in the RCA. If the stairs are interior to the garage, the Department may distribute a non-conversion notice to the property owner/ applicant to be included with the permit application.

If the apartment is to be on the first floor of a two-story detached structure, the second floor will need to be accessed by a stairwell on the exterior of the building, or access to the second floor must be closed off at the bottom of the stairs and accessible only by a 22" by 30" access panel (as required by Building Division or Fire Marshal's Office). **A non-conversion notice will also be required to put the property owner on notice that the conversion of the second floor to livable space is not permissible.**

Also, for detached accessory apartments, the entire perimeter of the accessory building must be located within 100 feet of the principal dwelling. The separation distance may be increased by obtaining an Administrative Adjustment under the provisions of the Board of Zoning Appeals, except when the subject property is partially or fully located within the Critical Area.

Please review the appropriate sections of the Ordinances and policies to ensure any additional criteria not addressed on this departmental policy sheet has been met.

911 Addresses

All permits for accessory apartments will be forwarded to Kelly Henry, Technical Services Division Manager, so that each housing unit will have its own 911 address.

Rentals

Please note that if the accessory apartment is intended to be rented, a Rental License will be required. There are a number of regulations for rentals that may affect the overall requirements for an accessory apartment, so please plan accordingly. This may include an additional parking space not considered by the applicant.

Kristen Tremblay, Zoning Administrator

Date

Jenelle Gerthoffer, Natural Resources Administrator

Date

Bob Mitchell, Environmental Programs Administrator

Date