



Committee: Joint
Committee Review: At a future date
Staff: Livhu Ndou, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #TransientLodgingFacilities #DHHS #DHCA
#ShortTermResidentialRental

AGENDA ITEMS#3&4A
April 18, 2023
Introduction

SUBJECT

Bill 22-23, Transient Lodging Facilities – Short-Term Residential Rental
Zoning Text Amendment 23-04, Residential Uses – Short-Term Residential Rental

Lead Sponsor: Council President Glass at the request of the County Executive

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce bill – no vote expected
- To introduce Zoning Text Amendment – no vote expected

DESCRIPTION/ISSUE

Bill 22-23 and ZTA 23-04 will amend the provisions for Short-Term Residential Rentals. Bill 22-23 will reassign enforcement responsibility to DHCA; increase the maximum penalty; amending the application process; and clarify the processes for challenges, suspensions, revocations, and appeals. ZTA 23-04 will require the dwelling unit to be the property owner's primary residence, limit the number of overnight guests regardless of age, and remove language for owner-authorized agents.

SUMMARY OF KEY DISCUSSION POINTS

- The regulatory framework for short-term residential rentals was established in a bill and ZTA that were adopted by the County Council in 2017.
- The County Executive, with recommendations from the Department of Health and Human Services (DHHS) and Department of Housing and Community Affairs (DHCA), proposes substantial revisions that will address difficulties in enforcement since the passage of the bill and ZTA.
- Bill 22-23 will also clarify certain provisions while ZTA 23-04 amends certain requirements related to the number of rental days and property ownership.
- A public hearing is tentatively scheduled for June 13, 2023

This report contains:

Bill 22-23	© 1
ZTA 23-04	© 12
Legislative Request Report	© 16
County Executive Memorandum	© 17

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Bill No. 22-23
Concerning: Transient Lodging Facilities
– Short-Term Residential Rental
Revised: 4/13/2023 Draft No. 1
Introduced: April 18, 2023
Expires: December 7, 2026
Enacted: [date]
Executive: [date signed]
Effective: [date takes effect]
Sunset Date: [date expires]
Ch. [#], Laws of Mont. Co. [year]

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Glass at the Request of the County Executive

AN ACT to:

- (1) assign enforcement responsibility to the Department of Health and Human Services for Article II (hotels) and to the Department of Housing and Community Affairs for Article III (bed and breakfasts and short-term residential rentals);
- (2) increase the maximum penalty for a violation of Article III of Chapter 54;
- (3) amend the application process for a bed and breakfast or short-term residential rental license, including license criteria and notice requirements;
- (4) clarify the process for challenging an application for bed and breakfast or short-term residential rental license;
- (5) clarify the process for suspending or revoking a bed and breakfast or short-term residential rental license;
- (6) clarify the process for appealing the Director’s decision on a bed and breakfast or short-term residential rental license to the Board of Appeals; and
- (7) make other stylistic changes.

By amending

Montgomery County Code
Chapter 54, Transient Lodging Facilities
Sections 54-1, 54-2, 54-3, 54-13, 54-26, 54-43, 54-44, 54-45, 54-46, 54-47, and 54-48

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

28 premises a permanent register containing:

29 (a) the name of each visitor;

30 (b) the residence address of each visitor, including state, city or town, street
31 and street number or rural mail delivery route number;

32 (c) the number of the room or facility occupied by each visitor; and

33 (d) the date and time of registration and checkout of each visitor.

34 The register must include a record of the license plate numbers and state of
35 registration of any automobiles or trailers that guests are using. The owner or operator
36 of the establishment must see that the license plate and automobile or trailer
37 registration information is correct. A person must not occupy any room until the
38 registration required under this section is provided. The permanent register may be in
39 a bound book, looseleaf book, or cards. If a looseleaf book or cards are used, the pages
40 or cards must be numbered consecutively before use and all numbered pages or cards
41 must be kept even though they are not used. The register required by this section must
42 be kept for at least 3 years and must be open to inspection upon the request of the
43 Director or of any law enforcement officer of the county or the state.]

44 A violation of any provision of Article II or Article III of this Chapter is a class
45 A violation. However, notwithstanding Section 1-19, the maximum penalty for a civil
46 violation of Article III is \$1,000 for an initial or repeat offense. Each day a violation
47 continues is a separate offense.

48 * * *

49 **Article II. Hotels.**

50 **Division 1. Generally.**

51 * * *

52 **54-13. [Violation of article; penalties] Guest register – Required.**

53 [A violation of any provision of Article II or Article III of this Chapter is a class
54 A violation.]

55 Any person who owns or operates a hotel in the County must maintain on the
56 premises a permanent register containing:

- 57 (a) the name of each visitor;
- 58 (b) the residence address of each visitor, including state, city or town, street
59 and street number or rural mail delivery route number;
- 60 (c) the number of the room or facility occupied by each visitor; and
- 61 (d) the date and time of registration and checkout of each visitor.

62 The register must include a record of the license plate numbers and state of
63 registration of any automobiles or trailers that guests are using. The owner or operator
64 of the establishment must see that the license plate and automobile or trailer
65 registration information is correct. A person must not occupy any room until the
66 registration required under this section is provided. The permanent register may be in
67 a bound book, looseleaf book, or cards. If a looseleaf book or cards are used, the pages
68 or cards must be numbered consecutively before use and all numbered pages or cards
69 must be kept even though they are not used. The register required by this section must
70 be kept for at least 3 years and must be open to inspection upon the request of the
71 Director or of any law enforcement officer of the county or the state.

72 * * *

73 **Division 2. Licenses.**

74 * * *

75 **54-26. Revocation or suspension generally.**

76 * * *

77 (b) The Director may revoke or suspend any license issued under this
78 Division if the Director finds that the hotel is disruptive to the general
79 peaceful enjoyment, dangerous to the health and safety, of the
80 community, or is a nuisance because of noise or indecent or immoral
81 activity by any guest, owner, operator or employee. The Director may

82 also revoke or suspend any license issued under this Chapter if the owner
83 or operator of the hotel has, while operating the hotel, been convicted of
84 violating:

85 (1) the provisions of the Criminal Law Article of the Maryland Code
86 as listed in Section 54-20; or

87 * * *

88 **Article III. [BED AND BREAKFAST AND SHORT-TERM RESIDENTIAL**
89 **RENTAL] Bed and Breakfast and Short-Term Residential Rental.**

90 * * *

91 **54-43. [Certification] Application for a License.**

92 An application for a license to operate a bed and breakfast [license] or short-
93 term residential rental or a license renewal for either use must be signed by the
94 applicant and include the State Sales Tax and Use Registration number. The applicant
95 must provide supporting documents as the Department may require and certify that:

96 [(a) the building in which the bed and breakfast license or short-term
97 residential rental is located complies with all applicable zoning standards
98 under Chapter 59 of this Code;]

99 (a) the applicant is the owner of the dwelling unit where the bed and breakfast
100 or the short-term residential rental is located;

101 [(b) the total number of overnight guests in the short-term residential rental
102 who are 18 years or older is limited to 6, and the total number of overnight
103 guests over 18 years of age per bedroom is limited to 2;]

104 (b) the dwelling unit where the bed and breakfast or short-term residential
105 rental is located is the primary residence of the applicant;

106 [(c) only habitable rooms will be used by guests;]

107 (c) the building in which the bed and breakfast or short-term residential rental
108 is located complies with all applicable zoning standards under Chapter 59

- 109 of this Code;
- 110 [(d) smoke detectors in all units and carbon monoxide detectors in all units
- 111 using natural gas operate as designed;]
- 112 (d) the applicant will maintain a registry of all guests at the bed and breakfast
- 113 or the short-term residential rental, readily available for inspection by the
- 114 Department;
- 115 [(e) sanitation facilities operate as designed;]
- 116 (e) except for persons visiting the primary resident, only registered guests
- 117 under (d) will be allowed in the dwelling unit or on the property;
- 118 [(f) the applicant has not been found guilty of a violation of this Chapter in
- 119 the past 12 months;]
- 120 (f) the number of registered guests in the short-term residential rental who
- 121 are 18 years or older is limited to 2 per bedroom, provided that the total
- 122 number of registered guests in the short-term residential rental must not
- 123 exceed 6;
- 124 [(g) all local taxes and required fees are paid in full;]
- 125 (g) only habitable rooms will be used by guests;
- 126 [(h) the dwelling unit where the bed and breakfast or short-term residential
- 127 rental is located is the primary residence of the applicant;]
- 128 (h) smoke detectors, and carbon monoxide detectors where natural gas is
- 129 used, operate as designed;
- 130 [(i) the applicant is the owner or owner-authorized agent of the facility;]
- 131 (i) sanitation facilities operate as designed;
- 132 [(j) the applicant posted rules and regulations inside the rental, including
- 133 contact information for a representative designated for emergency
- 134 purposes;]
- 135 (j) the applicant has not been found guilty of a violation of this Chapter in

- 136 the past 36 months;
- 137 [(k) the designated representative resides within 15 miles of the unit and be
- 138 accessible for the entirety of any contract where the primary resident is
- 139 not present;]
- 140 (k) all local taxes and required fees are paid in full;
- 141 [(l) a record of all overnight visitors will be maintained and readily available
- 142 for inspection;]
- 143 (l) a representative designated for emergency purposes, identified by name,
- 144 address, and phone number, resides within 15 miles of the unit and will
- 145 be available to the Department for the entirety of any contract whenever
- 146 the owner is not present;
- 147 [(m) where applicable, the following parties were notified:
- 148 (1) in a single-unit or attached unit, abutting and confronting
- 149 neighbors;
- 150 (2) in a multi-unit building, neighbors living across the hall and those
- 151 that share a ceiling, floor, and walls with the applicant’s unit;
- 152 (3) the municipality in which the residence is located;
- 153 (4) any applicable homeowner’s association, condominium, housing
- 154 cooperative; and
- 155 (5) the owner of the unit or the owner’s rental agent, if the applicant is
- 156 not the owner;]
- 157 (m) the applicant posted rules and regulations inside the dwelling unit,
- 158 including the name, address, and phone number for the representative
- 159 designated for emergency purposes;
- 160 [(n) the application is not prohibited by any homeowner’s association or
- 161 condominium document, or a rental lease;]
- 162 (n) where applicable, the applicant has notified the following parties of the

163 application and the procedure for challenging the application before the
 164 Director:

165 (1) in a single-unit or attached unit, abutting and confronting
 166 neighbors;

167 (2) in a multi-unit building, neighbors living across the hall and those
 168 that share a ceiling, floor, and walls with the applicant's unit;

169 (3) the municipality in which the bed and breakfast or short-term
 170 residential rental is located; and

171 (4) any applicable homeowner's association, condominium, housing
 172 cooperative.

173 [(o) the common ownership community fees for the dwelling unit are no more
 174 than 30 days past due;]

175 (o) the use of the dwelling unit as a bed and breakfast or short-term
 176 residential rental is not prohibited by any homeowner's association or
 177 condominium document, or a rental lease;

178 [(p) except for persons visiting the primary resident, only registered guests
 179 will be allowed on the property; and]

180 (p) the common ownership community fees for the bed and breakfast or
 181 short-term residential rental are no more than 30 days past due;

182 (q) any on-line rental listing will include the short-term residential rental
 183 license number[.]; and

184 (r) the dwelling unit will not be used as a short-term residential rental for
 185 more than 120 days in a calendar year when the property owner is not
 186 physically present in the dwelling unit.

187 **54-44. Applications.**

188 The Director must establish an electronic method of submitting, issuing,
 189 renewing, denying, suspending, and revoking an application for a license through the

190 internet.

191 **54-45. License Approval and Renewal.**

192 The Director [must]:

193 (a) [accept the self-certification of the applicant after verifying compliance
 194 by reviewing available records;] must review the application, including
 195 supporting documents provided by the applicant, for conformance with
 196 this Chapter and all other applicable laws and regulations;

197 (b) may inspect the property;

198 [(b)](c) must approve or deny a license or a license renewal [within 15] no
 199 earlier than 30 and no later than 60 [working] days after receipt of [the] a
 200 completed application and all required fees unless the Director receives a
 201 challenge to the [certifications] application under Section 54-46; and

202 [(c)](d) must, if the license or license renewal is approved:

203 (1) issue the license for a term of one year, renewable for additional
 204 one-year terms, subject to re-application, payment of the license
 205 fee₂ and compliance with all applicable laws and certifications
 206 required for the license[.]; and

207 (2) provide written notice to the parties listed in section 54-43(n) of
 208 the issuance of the license and the procedure to file an appeal with
 209 the Board of Appeals.

210 **54-46. Challenge to [Certifications] Applications.**

211 (a) Within 30 days after the application is filed, a [A] challenge [to any
 212 required certification made by the applicant] may be filed with the
 213 Director [within 30 days after the application is filed] by any party
 214 entitled to notice under section 54-43(n).]:

215 (1) a resident or owner of real property located within 300 feet of a
 216 licensed or proposed license;

- 217 (2) the municipality in which the residence is located;
- 218 (3) any applicable homeowners association, condominium, housing
- 219 cooperative; or
- 220 (4) the owner of the unit or the owner’s rental agent, if the applicant is
- 221 not the owner.]

222 (b) The Director must, within 60 days after receipt of the challenge:

- 223 (1) provide notice of the challenge to the applicant;
- 224 (2) provide an opportunity for the applicant to respond to the
- 225 challenge;
- 226 (3) investigate [the] any question of fact raised by the challenge; [and]
- 227 (4) [~~revoke~~] approve or deny the license or license renewal after
- 228 reviewing the application, including supporting documents
- 229 provided by the applicant and challenger, for conformance with
- 230 this Chapter and all other applicable laws and regulations; and [if
- 231 the Director finds that one or more facts certified by the applicant
- 232 is false.]

233 (5) if the license or license renewal is approved:

234 (i) issue the license for a term of one year, renewable for

235 additional one-year terms, subject to re-application,

236 payment of the license fee, and compliance with all

237 applicable laws and certifications required for the license;

238 and

239 (ii) provide written notice to the parties listed in section 54-

240 43(n) of the issuance of the license and the procedure to file

241 an appeal with the Board of Appeals.

242 **54-47. Suspension and Revocation.**

243 (a) [The license must be suspended for any applicant receiving at least three

244 complaints that are verified as a violation of the license or of the County
 245 Code within any 12-month period.] The Director may suspend or revoke
 246 any license issued under this Article if the Director finds that the licensee:

- 247 (1) has violated this Chapter or any other applicable law or regulation;
 248 (2) has operated, or permitted to be operated, the bed and breakfast or
 249 short-term residential rental in a manner that is disruptive to the
 250 general peaceful enjoyment of the community, dangerous to the
 251 health and safety of the community, or is a nuisance because of
 252 noise or other activity; or
 253 (3) has been convicted of violating any of the provisions of the
 254 Criminal Law Article of the Maryland Code listed in in Section 54-
 255 20 while operating the bed and breakfast or short-term residential
 256 rental.

257 (b) [Renewal or reinstatement of licenses must follow procedures established
 258 by the Director.] Prior to any suspension or revocation, the Director may
 259 require the holder of the license to appear before the Director and show
 260 cause why the license should not be suspended or revoked.

261 **54-48. Appeals.**

262 Any person aggrieved by [an approval] the issuance, renewal, denial, revocation
 263 or suspension of a bed and breakfast license or short-term rental license may appeal
 264 the Director's decision to the Board of Appeals within 30 days of the Director's
 265 decision, regardless of whether a challenge to the application was filed under Section
 266 54-46. [The Board of Appeals must hold a hearing on the appeal within 60 days after
 267 the notice of appeal has been filed, and must act on the appeal within 30 days after the
 268 hearing.]

269

270

Ordinance No.: _____
Zoning Text Amendment No.: 23-04
Concerning: Residential Uses – Short-
Term Residential Rental
Revised: 4/13/2023 Draft No.: 1
Introduced: April 18, 2023
Public Hearing: _____
Adopted: _____
Effective: _____

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Council President Glass at the Request of the County Executive

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) require that a dwelling unit used as a short-term residential rental be the property owner’s primary residence;
- (2) delete provisions allowing a property owner’s authorized agent to assume certain responsibilities assigned to the property owner;
- (3) limit the number of overnight guests regardless of age; and
- (4) generally amend the provisions governing a short-term residential rental.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 3.3. “Residential Uses”
Section 3.3.3. “Short-Term Residential Rental”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

- 27 e. The maximum number of occupants is limited by Chapter 26, Section
28 5; however, the total number of overnight guests in the Short-Term
29 Residential Rental [who are 18 years or older] is limited to six, and the
30 total number of overnight guests over 18 years of age per bedroom is
31 limited to two.
- 32 f. One off-street parking space must be provided for each rental contract
33 unless the online listing indicates that vehicle parking is prohibited.

34 * * *

35 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
36 date of District Council adoption.

LEGISLATIVE REQUEST REPORT

BILL: XX-23, Transient Housing - Short-Term License

- DESCRIPTION:** Bill XX-23 assign enforcement responsibility of bed and breakfast and short term residential rental licensing to the Department of Housing and Community Affairs; increase the maximum penalty for violations; amend the application process for bed and breakfast and short-term residential rental licensing, including a requirement that the applicant is the primary resident; specify a limit on guests and require smoke and carbon monoxide detectors; clarify of the process for challenging an application for bed and breakfast and short-term residential rental license; clarify of the process for suspending or revoking a bed and breakfast or short-term residential rental license.
- PROBLEM:** All short-term rentals do not operate within the County’s regulatory framework, which causes problems for neighboring properties. This highlights shortcomings in County law, particularly in enforcement.
- GOALS AND OBJECTIVES:** To ensure County law enforcement on all short-term rentals
- COORDINATION:** The Office of the County Executive and Office of the County Attorney
- FISCAL IMPACT:** Office of Management and Budget
- ECONOMIC IMPACT:** Office of Legislative Oversight
- EVALUATION:** To be researched
- EXPERIENCE ELSEWHERE:** To be researched
- SOURCE OF INFORMATION:** Office of the County Attorney, Edward Lattner, 240-777-6735
Office of the County Executive, Ken Hartman, 240-777-8206
- APPLICATION WITHIN MUNICIPALITIES:** To be researched
- PENALTIES:** A violation of any provision of Article II or Article III of this Chapter is a class A violation. However, notwithstanding Section 1-19, the Maximum penalty for a civil violation of Article III is \$1,000 for an initial




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

March 17, 2023

TO: Evan Glass, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Proposed Bill XX-23, Transient Housing – Short-Term Rental License and ZTA 23-XX, Amendments to the Montgomery County Zoning Ordinance, Chapter 59

I am transmitting the attached proposed Bill XX-23, Transient Housing – Short-Term Rental License and ZTA 23-XX, Amendments to the Montgomery County, Zoning Ordinance, Chapter 59 of the Montgomery County Code for the County Council's introduction.

Although most short-term rentals operate within the County's regulatory framework, there are some that do not, causing serious problems for neighboring properties and, in at least one case, potential threats to public safety. These cases have highlighted shortcomings in County Law, particularly in enforcement. At my request, the Office of the County Attorney, the Department of Health and Human Services, and the Department of Housing and Community Affairs reviewed these shortcomings and recommended changes to the law. This Bill sets forth their recommendations, as follows:

1. Assign enforcement responsibility of bed and breakfast and short-term residential rental licensing to the Department of Housing and Community Affairs.
2. Increase the maximum penalty for violations.
3. Amend the application process for bed and breakfast and short-term residential rental licensing, including a requirement that the applicant is the primary resident.
4. Specify a limit on guests and require smoke and carbon monoxide detectors.
5. Clarify of the process for challenging an application for bed and breakfast and short-term residential rental license.
6. Clarify of the process for suspending or revoking a bed and breakfast or short-term residential rental license.

Bill XX-23, Transient Housing – Short-Term Rental License and ZTA 23-XX, Amendments to
the Montgomery County Zoning Ordinance, Chapter 59

March 17, 2023

Page 2 of 2

Please let me know if you need additional information in support of this Bill. Thank you.

Enclosure

Bill No. _____ [Click - type number]
Concerning: Transient Housing – Short-
Term Rental License
Revised: [date] Draft No. 7
Introduced: [date]
Expires: [18 mos. after intro]
Enacted: [date]
Executive: [date signed]
Effective: [date takes effect]
Sunset Date: [date expires]
Ch. [#], Laws of Mont. Co. [year]

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1) assign enforcement responsibility to the Department of Health and Human Services for Article II (hotels) and to the Department of Housing and Community Affairs for Article III (bed and breakfasts and short-term residential rentals);
- (2) increase the maximum penalty for a violation of Article III of Chapter 54;
- (3) amend the application process for a bed and breakfast or short-term residential rental license, including license criteria and notice requirements;
- (4) clarify the process for challenging an application for bed and breakfast or short-term residential rental license;
- (5) clarify the process for suspending or revoking a bed and breakfast or short-term residential rental license;
- (6) clarify the process for appealing the Director’s decision on a bed and breakfast or short-term residential rental license to the Board of Appeals; and
- (7) make other stylistic changes.

By amending

Montgomery County Code
Chapter 54, Transient Lodging Facilities
Sections 54-1, 54-2, 54-13, 54-26, 54-43, 54-44, 54-45, 54-46, 54-47, and 54-48

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The County Council for Montgomery County, Maryland approves the following Act:

28 premises a permanent register containing:

29 (a) the name of each visitor;

30 (b) the residence address of each visitor, including state, city or town, street
31 and street number or rural mail delivery route number;

32 (c) the number of the room or facility occupied by each visitor; and

33 (d) the date and time of registration and checkout of each visitor.

34 The register must include a record of the license plate numbers and state of
35 registration of any automobiles or trailers that guests are using. The owner or operator
36 of the establishment must see that the license plate and automobile or trailer
37 registration information is correct. A person must not occupy any room until the
38 registration required under this section is provided. The permanent register may be in
39 a bound book, looseleaf book, or cards. If a looseleaf book or cards are used, the pages
40 or cards must be numbered consecutively before use and all numbered pages or cards
41 must be kept even though they are not used. The register required by this section must
42 be kept for at least 3 years and must be open to inspection upon the request of the
43 Director or of any law enforcement officer of the county or the state.]

44 A violation of any provision of Article II or Article III of this Chapter is a class
45 A violation. However, notwithstanding Section 1-19, the maximum penalty for a civil
46 violation of Article III is \$1,000 for an initial or repeat offense. Each day a violation
47 continues is a separate offense.

48 * * *

49 **ARTICLE II. HOTELS.**

50 **DIVISION 1. GENERALLY.**

51 * * *

52 **54-13. [Violation of article; penalties] Guest register—Required.**

53 [A violation of any provision of Article II or Article III of this Chapter is a class
54 A violation.]

55 Any person who owns or operates a hotel, in the County must maintain on the
56 premises a permanent register containing:

- 57 (a) the name of each visitor;
- 58 (b) the residence address of each visitor, including state, city or town, street
59 and street number or rural mail delivery route number;
- 60 (c) the number of the room or facility occupied by each visitor; and
- 61 (d) the date and time of registration and checkout of each visitor.

62 The register must include a record of the license plate numbers and state of
63 registration of any automobiles or trailers that guests are using. The owner or operator
64 of the establishment must see that the license plate and automobile or trailer
65 registration information is correct. A person must not occupy any room until the
66 registration required under this section is provided. The permanent register may be in
67 a bound book, looseleaf book, or cards. If a looseleaf book or cards are used, the pages
68 or cards must be numbered consecutively before use and all numbered pages or cards
69 must be kept even though they are not used. The register required by this section must
70 be kept for at least 3 years and must be open to inspection upon the request of the
71 Director or of any law enforcement officer of the county or the state.

72 * * *

73 DIVISION 2. LICENSES.

74 * * *

75 **54-26. Revocation or suspension generally.**

76 * * *

77 (b) The Director may revoke or suspend any license issued under this
78 Division if the Director finds that the hotel is disruptive to the general
79 peaceful enjoyment, dangerous to the health and safety, of the
80 community, or is a nuisance because of noise or indecent or immoral
81 activity by any guest, owner, operator or employee. The Director may

82 also revoke or suspend any license issued under this Chapter if the owner
83 or operator of the hotel has, while operating the hotel, been convicted of
84 violating:

85 (1) the provisions of the Criminal Law Article of the Maryland Code
86 as listed in Section 54-20; or

87 * * *

88 **ARTICLE III. BED AND BREAKFAST AND SHORT-TERM**
89 **RESIDENTIAL RENTAL.**

90 * * *

91 **54-43. [Certification] Application for a License.**

92 An application for a license to operate a bed and breakfast [license] or short-
93 term residential rental or a license renewal for either use must be signed by the
94 applicant and include the State Sales Tax and Use Registration number. The applicant
95 must provide supporting documents as the Department may require and certify that:

96 [(a) the building in which the bed and breakfast license or short-term
97 residential rental is located complies with all applicable zoning standards
98 under Chapter 59 of this Code;]

99 (a) the applicant is the owner of the dwelling unit where the bed and breakfast
100 or the short-term residential rental is located;

101 [(b) the total number of overnight guests in the short-term residential rental
102 who are 18 years or older is limited to 6, and the total number of overnight
103 guests over 18 years of age per bedroom is limited to 2;]

104 (b) the dwelling unit where the bed and breakfast or short-term residential
105 rental is located is the primary residence of the applicant;

106 [(c) only habitable rooms will be used by guests;]

107 (c) the building in which the bed and breakfast or short-term residential rental
108 is located complies with all applicable zoning standards under Chapter 59

- 109 of this Code;
- 110 [(d) smoke detectors in all units and carbon monoxide detectors in all units
- 111 using natural gas operate as designed;]
- 112 (d) the applicant will maintain a registry of all guests at the bed and breakfast
- 113 or the short-term residential rental, readily available for inspection by the
- 114 Department;
- 115 [(e) sanitation facilities operate as designed;]
- 116 (e) except for persons visiting the primary resident, only registered guests
- 117 under (d) will be allowed in the dwelling unit or on the property;
- 118 [(f) the applicant has not been found guilty of a violation of this Chapter in
- 119 the past 12 months;]
- 120 (f) the number of registered guests in the short-term residential rental who
- 121 are 18 years or older is limited to 2 per bedroom, provided that the total
- 122 number of registered guests in the short-term residential rental must not
- 123 exceed 6;
- 124 [(g) all local taxes and required fees are paid in full;]
- 125 (g) only habitable rooms will be used by guests;
- 126 [(h) the dwelling unit where the bed and breakfast or short-term residential
- 127 rental is located is the primary residence of the applicant;]
- 128 (h) smoke detectors (and carbon monoxide detectors where natural gas is
- 129 used) operate as designed;
- 130 [(i) the applicant is the owner or owner-authorized agent of the facility;]
- 131 (i) sanitation facilities operate as designed;
- 132 [(j) the applicant posted rules and regulations inside the rental, including
- 133 contact information for a representative designated for emergency
- 134 purposes;]
- 135 (j) the applicant has not been found guilty of a violation of this Chapter in

- 136 the past 36 months;
- 137 [(k) the designated representative resides within 15 miles of the unit and be
- 138 accessible for the entirety of any contract where the primary resident is
- 139 not present;]
- 140 (k) all local taxes and required fees are paid in full;
- 141 [(l) a record of all overnight visitors will be maintained and readily available
- 142 for inspection;]
- 143 (l) a representative designated for emergency purposes, identified by name,
- 144 address, and phone number, resides within 15 miles of the unit and will
- 145 be available to the Department for the entirety of any contract whenever
- 146 the owner is not present;
- 147 [(m) where applicable, the following parties were notified:
- 148 (1) in a single-unit or attached unit, abutting and confronting
- 149 neighbors;
- 150 (2) in a multi-unit building, neighbors living across the hall and those
- 151 that share a ceiling, floor, and walls with the applicant's unit;
- 152 (3) the municipality in which the residence is located;
- 153 (4) any applicable homeowner's association, condominium, housing
- 154 cooperative; and
- 155 (5) the owner of the unit or the owner's rental agent, if the applicant is
- 156 not the owner;]
- 157 (m) the applicant posted rules and regulations inside the dwelling unit,
- 158 including the name, address, and phone number for the representative
- 159 designated for emergency purposes;
- 160 [(n) the application is not prohibited by any homeowner's association or
- 161 condominium document, or a rental lease;]
- 162 (n) where applicable, the applicant has notified the following parties of the

163 application and the procedure for challenging the application before the
 164 Director:

165 (1) in a single-unit or attached unit, abutting and confronting
 166 neighbors;

167 (2) in a multi-unit building, neighbors living across the hall and those
 168 that share a ceiling, floor, and walls with the applicant's unit;

169 (3) the municipality in which the bed and breakfast or short-term
 170 residential rental is located; and

171 (4) any applicable homeowner's association, condominium, housing
 172 cooperative.

173 [(o) the common ownership community fees for the dwelling unit are no more
 174 than 30 days past due;]

175 (o) the use of the dwelling unit as a bed and breakfast or short-term
 176 residential rental is not prohibited by any homeowner's association or
 177 condominium document, or a rental lease;

178 [(p) except for persons visiting the primary resident, only registered guests
 179 will be allowed on the property; and]

180 (p) the common ownership community fees for the bed and breakfast or
 181 short-term residential rental are no more than 30 days past due;

182 (q) any on-line rental listing will include the short-term residential rental
 183 license number[.]; and

184 (r) the dwelling unit will not be used as a short-term residential rental for
 185 more than 120 days in a calendar year when the property owner is not
 186 physically present in the dwelling unit.

187 **54-44. Applications.**

188 The Director must establish an electronic method of submitting, issuing,
 189 renewing, denying, suspending, and revoking an application for a license through the

190 internet.

191 **54-45. License Approval and Renewal.**

192 (a) The Director [must]:

193 [(a)] (1) [accept the self-certification of the applicant after verifying
194 compliance by reviewing available records;] must review the
195 application, including supporting documents provided by the
196 applicant, for conformance with this Chapter and all other
197 applicable laws and regulations;

198 (2) may inspect the property;

199 [(b)] (3) must approve or deny a license or a license renewal [within 15] no
200 earlier than 30 and no later than 60 [working] days after receipt of
201 [the] a completed application and all required fees unless the
202 Director receives a challenge to the [certifications] application
203 under Section 54-46; and

204 [(c)] (4) must, if the license or license renewal is approved:

205 (i) issue the license for a term of one year, renewable for
206 additional one-year terms, subject to re-application,
207 payment of the license fee, and compliance with all
208 applicable laws and certifications required for the license[.];
209 and

210 (ii) provide written notice to the parties listed in section 54-
211 43(n) of the issuance of the license and the procedure to file
212 an appeal with the Board of Appeals.

213 **54-46. Challenge to [Certifications] Applications.**

214 (a) Within 30 days after the application is filed, a [A] challenge [to any
215 required certification made by the applicant] may be filed with the
216 Director [within 30 days after the application is filed] by any party

- 217 entitled to notice under section 54-43(n).]:
- 218 (1) a resident or owner of real property located within 300 feet of a
- 219 licensed or proposed license;
- 220 (2) the municipality in which the residence is located;
- 221 (3) any applicable homeowners association, condominium, housing
- 222 cooperative; or
- 223 (4) the owner of the unit or the owner's rental agent, if the applicant is
- 224 not the owner.]
- 225 (b) The Director must, within 60 days after receipt of the challenge:
- 226 (1) provide notice of the challenge to the applicant;
- 227 (2) provide an opportunity for the applicant to respond to the
- 228 challenge;
- 229 (3) investigate [the] any question of fact raised by the challenge; [and]
- 230 (4) [~~revoke~~] approve or deny the license or license renewal after
- 231 reviewing the application, including supporting documents
- 232 provided by the applicant and challenger, for conformance with
- 233 this Chapter and all other applicable laws and regulations; and [if
- 234 the Director finds that one or more facts certified by the applicant
- 235 is false.]
- 236 (5) if the license or license renewal is approved:
- 237 (i) issue the license for a term of one year, renewable for
- 238 additional one-year terms, subject to re-application,
- 239 payment of the license fee, and compliance with all
- 240 applicable laws and certifications required for the license;
- 241 and
- 242 (ii) provide written notice to the parties listed in section 54-
- 243 43(n) of the issuance of the license and the procedure to file

244 an appeal with the Board of Appeals.

245 **54-47. Suspension and Revocation.**

246 (a) [The license must be suspended for any applicant receiving at least three
247 complaints that are verified as a violation of the license or of the County
248 Code within any 12-month period.] The Director may suspend or revoke
249 any license issued under this Article if the Director finds that the licensee:

250 (1) has violated this Chapter or any other applicable law or regulation;

251 (2) has operated, or permitted to be operated, the bed and breakfast or
252 short-term residential rental in a manner that is disruptive to the
253 general peaceful enjoyment of the community, dangerous to the
254 health and safety of the community, or is a nuisance because of
255 noise or other activity; or

256 (3) has been convicted of violating any of the provisions of the
257 Criminal Law Article of the Maryland Code listed in in Section 54-
258 20 while operating the bed and breakfast or short-term residential
259 rental.

260 (b) [Renewal or reinstatement of licenses must follow procedures established
261 by the Director.] Prior to any suspension or revocation, the Director may
262 require the holder of the license to appear before the Director and show
263 cause why the license should not be suspended or revoked.

264 **54-48. Appeals.**

265 Any person aggrieved by [an approval] the issuance, renewal, denial, revocation
266 or suspension of a bed and breakfast license or short-term rental license may appeal
267 the Director's decision to the Board of Appeals within 30 days of the Director's
268 decision, regardless of whether a challenge to the application was filed under Section
269 54-46. [The Board of Appeals must hold a hearing on the appeal within 60 days after
270 the notice of appeal has been filed, and must act on the appeal within 30 days after the

271 hearing.]

272

273 *Approved:*

274

275

276 _____
Evan Glass, President, County Council

Date

277 *Approved:*

278

279

280 _____
Marc Elrich, County Executive

Date

281 *This is a correct copy of Council action.*

282

283

284 _____
Judy Rupp, Clerk of the Council

Date

285

286

APPROVED AS TO FORM AND LEGALITY

OFFICE OF THE COUNTY ATTORNEY

BY: Ed Hottel

DATE: 3/17/23

Ordinance No.: _____
Zoning Text Amendment No.: 23-xx
Concerning: _____
Revised: [insert date] Draft No.: _____
Introduced: _____
Public Hearing: _____
Adopted: _____
Effective: _____

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: District Council at the Request of the County Executive

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) require that a dwelling unit used as a short-term residential rental be the property owner’s primary residence;
- (2) provide that a dwelling unit can be used as a short-term residential rental for a maximum of 120 days if the property owner is not present in the residence;
- (3) provide that there is no limit on the number of days that a dwelling unit can be used as a short-term residential rental if the property owner is physically present and occupies the residence during the rental stay;
- (4) delete provisions allowing a property owner’s authorized agent to assume certain responsibilities assigned to the property owner, and
- (5) generally amend the provisions governing a short-term residential rental.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 3.3	“Residential Uses”
Section 3.3.3	“Short-Term Residential Rental”

EXPLANATION: **Boldface** indicates a Heading or a defined term.
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
* * * indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. DIVISION 59-3.3 is amended as follows:**

2 **Division 3.3. Residential Uses**

3 * * *

4 **Section 3.3.3. Accessory Residential Uses**

5 * * *

6 **I. Short-Term Residential Rental.**

7 **1. Defined**

8 Short-Term Residential Rental means the residential occupancy of a dwelling
9 unit for a fee for less than 30 consecutive days. Short-Term Residential Rental
10 is not a Bed and Breakfast.

11
12 **2. Use Standards**

13 Where Short-Term Residential Rental is allowed as a limited use, it must
14 satisfy the following standards:

- 15 a. Short-Term Residential Rental is prohibited in a Farm Tenant Dwelling
16 or on a site that includes an Accessory Dwelling Unit.
- 17 b. The dwelling unit used as a Short-Term Rental must be the property
18 owner’s [or owner-authorized resident’s] primary residence, regardless
19 of dwelling unit type.
- 20 c. If the property owner [or owner-authorized resident]is not present in
21 the residence, the property can be used as a Short-Term Residential
22 Rental for a maximum of 120 days in a calendar year. If the property
23 owner [or owner-authorized resident]is physically present and
24 occupies the residence during the rental stay, there is no limitation on
25 the number of days the property can be used as a Short-Term
26 Residential Rental.
- 27 d. The use must be licensed under Chapter 54.

28 e. The maximum number of occupants is limited by Chapter 26, Section
29 5; however, the total number of overnight guests in the Short-Term
30 Residential Rental [who are 18 years or older]is limited to six, and the
31 total number of overnight guests over 18 years of age per bedroom is
32 limited to two.

33 f. One off-street parking space must be provided for each rental contract
34 unless the online listing indicates that vehicle parking is prohibited.

35 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
36 date of District Council adoption.

This is a correct copy of Council action.

Judy Rupp
Clerk of the Council

APPROVED AS TO FORM AND LEGALITY:

OFFICE OF THE COUNTY ATTORNEY

BY: Ed Hutter

DATE: 3/17/03