

HOUSE BILL 1234

N1, C9

5lr0879

By: **Montgomery County Delegation**

Introduced and read first time: February 7, 2025

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Prohibited Restrictions on Use – Accessory Dwelling**
3 **Units**

4 **MC 2–25**

5 FOR the purpose of providing that certain restrictions on use that prohibit the use of real
6 property in Montgomery County for accessory dwelling units otherwise authorized
7 under law are void and unenforceable; applying this Act retroactively; and generally
8 relating to restrictions on use of real property in Montgomery County.

9 BY adding to
10 Article – Real Property
11 Section 2–126
12 Annotated Code of Maryland
13 (2023 Replacement Volume and 2024 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Real Property**

17 **2–126.**

18 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
19 **INDICATED.**

20 **(2) “ACCESSORY DWELLING UNIT” MEANS A SECONDARY DWELLING**
21 **UNIT ON THE SAME LOT, PARCEL, OR TRACT AS A PRIMARY DWELLING UNIT THAT IS**
22 **CONSTRUCTED:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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; OR

(III) AS A NEW BUILDING, DETACHED FROM THE PRIMARY DWELLING UNIT AND ANY EXISTING ACCESSORY STRUCTURE.

(3) "RESTRICTION ON USE" MEANS ANY COVENANT, RESTRICTION, OR CONDITION CONTAINED IN:

(I) A DEED;

(II) A DECLARATION; OR

(III) THE BYLAWS OR RULES OF A HOMEOWNERS ASSOCIATION.

(B) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

(C) A RESTRICTION ON USE THAT PROHIBITS THE USE OF REAL PROPERTY FOR ACCESSORY DWELLING UNITS OTHERWISE AUTHORIZED UNDER LAW IS VOID AND UNENFORCEABLE AS CONTRARY TO PUBLIC POLICY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any restriction on use recorded before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.