



Department of Permitting Services
255 Rockville Pike, 2nd Floor
Rockville, MD 20850-4166
Phone: 311 in Montgomery County or 240-777-0311
Fax (240)-777-6262
<http://montgomerycountymd.gov/permittingservices/>



What are the space, use and location standards?

Answers to Frequently Asked Questions

This flyer does not reflect municipality and home owner association rules and regulations. If you live in a homeowner association or a municipality please consult their regulations.

Sec. 26-5. Space, use, and location. Applies to all dwellings including: single family detached and attached dwellings, apartments, accessory apartments, registered living units, townhouses, condominiums, guest houses.

The owner of any dwelling or dwelling unit must assure compliance with the following standards during human habitation:

(a) Floor area, dwelling unit. Every dwelling unit must contain at least 150 square feet of floor area for the first occupant and at least 100 additional square feet of floor area for every additional occupant. The floor area of that part of any room where the ceiling height is less than 5 feet or where the room width is less than 7 feet must not be considered in computing the habitable space of the room to decide its maximum permissible occupancy.

(b) Floor area, sleeping. In every dwelling unit of 2 or more rooms, every room occupied for sleeping purposes by one occupant must contain at least 70 square feet of habitable space, and every room occupied for sleeping purposes by more than one occupant must contain at least 50 square feet of habitable space for each occupant. However, in a mobile home every room occupied for sleeping purposes by one occupant must contain at least 50 square feet of habitable space; by 2 occupants, at least 70 square feet of habitable space; and by more than 2 occupants, at least an additional 50 square feet of habitable space for each additional occupant.

(c) Floor area, individual living unit. Each individual living unit must contain at least 150 square feet of floor area for each occupant. The floor area of that part of any room where the ceiling height is less than 5 feet or where the room width is less than 7 feet must not be considered in computing the habitable space of the room to decide its maximum permissible occupancy.

(d) Ceiling height. At least one-half of the floor area of every habitable room must have a ceiling height of at least 7 feet.

(e) Cellar space. Cellar space must not be used as habitable space without written permission from an enforcing agency.

(f) Basement space. Basement space must not be used as habitable space unless, in addition to all other requirements of this Chapter:

(1) the floor and walls are impervious to leakage of underground and surface runoff water and insulated against dampness; and

(2) the minimum aggregate glass area of windows required by this Chapter is located entirely above the grade of the ground adjoining the window area.

(g) Access to sleeping room. The access to any sleeping room must not pass through another sleeping room.

(h) Privacy. Each dwelling unit and individual living unit must be arranged to provide privacy, with doors and floor to ceiling walls.