

**Hillandale Citizens Association, Inc.**  
**Silver Spring, Maryland**

Testimony to the Montgomery County Council, March 8, 2016  
Transient Housing Bill 2-16 and Bed and Breakfast Zoning Text Amendment (ZTA) 16-03

The Hillandale Citizens Association discussed short-term tenancy and the policy's impact on our community during our February general meeting. Residents were advised of the pending legislation in our Bulletin newsletter that is mailed to over 1400 homes and is attached. The discussion covered not only the Bill and ZTA, but also the County's ability/inability to manage housing standards and uses through code enforcement by DHCA and DPS. The group's consensus is reflected in this testimony.

Hillandale understands the short-term tenancy issue. We had a DPS-registered bed and breakfast operating under the AirBnB model for years prior to the home's sale this past fall. We have illegal accessory apartments with some now being used as AirBnB properties. And we have a range of room rentals offered on Craig's List and posted at bus stops. We've seen the problems with the old DPS registration procedure and DHCA's responses to complaints, including AirBnB businesses and month-to-month room rentals.

**With these experiences in Hillandale, we request that Council NOT change the "Conditional Use" approval requirement for bed and breakfast operations — under the current standards — in the R-90 zone. These requirements were part of the Zoning ReWrite that just became effective on October 30, 2014. The Executive Branch, through DPS and DHCA enforcement, never began to implement this code change and we urge them to do so now. See the two attached "cases."**

However, if Council decides to move forward to make changes, please consider the following for the R-90 Zone:

- **Limit the number of rooms available for overnight rental to two per home under a Limited Use approval; three to five rooms with a Conditional Use approval; whole-house rental with a Conditional Use approval with standards for absent residents.**
- **Require inspection by DHCA for compliance with Chapter 26 for both Limited and Conditional Use approvals**
- **Require annual inspections by DHCA paid for by licensees**
- **DHCA must determine of number of occupants for each rental bedroom and have that posted appropriately**
- **Require one off-street parking space per rental room for Limited Use approval; if off-street spaces are not available, the Conditional Use approval process would apply.**
- **Appoint an Ombudsman to be on call (totally independent of the 311 operations) for neighbors to discuss problems/difficulties and obtain resolution.**

These six requests are quite reasonable given the additional burdens that short-term tenancy places on neighbors, and the improbability of actually enforcing the "household standard" for overnight rentals. And please, the physical safety of the renter cannot be ignored. If the County is collecting hotel taxes on these properties, they need to be safe and inspected. In that spirit, please know that the one legal "bnb" in Hillandale had, in addition to individual rooms, a suite in the basement without egress windows or exterior doors. This suite included one bedroom and a living area that was advertised for a family — up to 6 people.

Some Hillandale residents have contacted Council to voice their concerns of strangers regularly being in the neighborhood, parking problems and the potential commercialization of the residential character of the community. These concerns are real and must not be dismissed by Council.

Thank you for considering our testimony. The Hillandale Citizens Association and residents of Hillandale are eager to share information and experiences with Council to address the myriad of issues associated with short-term tenancy in single-family residential zones. Please engage us in the discussion.