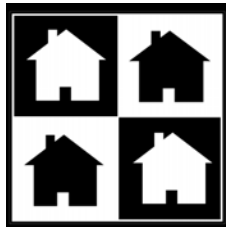


# Local Occupancy Codes In Northeast Ohio



2010

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### About the Housing Research & Advocacy Center

The Housing Research & Advocacy Center (the “Housing Center”) is a 501(c)(3) non-profit organization whose mission is to eliminate housing discrimination and assure choice in Northeast Ohio by providing those at risk with effective information, intervention and advocacy. The Housing Center works to achieve its mission through work in three primary areas: research and mapping, education and outreach, and enforcement of fair housing laws through testing and litigation. In addition to addressing traditional issues of housing discrimination and segregation, the Housing Center also provides research, education, and analysis of subprime and predatory lending practices and trends in the region.

### Disclaimer

Data on local occupancy codes was collected from local cities and governments in 2010. The Housing Center has made every effort to ensure the accuracy of the information contained in this report. However, nothing in this report should be relied upon as legal advice, and individuals should contact local governments regarding current laws regarding occupancy.

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## Introduction

The federal Fair Housing Act (42 U.S.C. Section 3601, *et seq.*) prohibits discrimination in housing based on race, color, religion, national origin, sex, familial status, and disability. Similarly, Ohio law (O.R.C. Section 4112.02(H)) prohibits discrimination on all of these grounds, as well as ancestry and military status.

The familial status provisions of federal and state fair housing laws are designed to prohibit discrimination against families with children. “Familial status” is defined under federal and Ohio law to mean one or more individuals under 18 years of age living with a parent, legal custodian, or the designee of such a parent or legal custodian. In addition, discrimination is prohibited against pregnant women and against individuals in the process of securing legal custody of a minor. *See* 42 U.S.C. Section 3602(k); O.R.C. Section 4112.01(A)(15).

This report examines local occupancy codes – codes which limit the number of individuals who can occupy a given residence and/or the configurations of individuals who can occupy a residence – in Northeast Ohio. These codes are relevant to fair housing law as they can be used to discriminate not only based on familial status and disability but also as a proxy for racial/ethnic and national origin discrimination.

Occupancy codes can be discriminatory in several ways: (a) by limiting occupancy in a dwelling to “families” and a certain number of people who are not related, (b) by limiting the total number of residents in a dwelling, and (c) by being selectively enforced against certain racial, ethnic, and other groups.<sup>1</sup> The history of occupancy codes in the U.S. provides evidence for all three of these.

This report examines limits on the total number and configuration of residents allowed in dwellings under occupancy codes of villages and cities in six counties in Northeast Ohio: Ashtabula, Cuyahoga, Geauga, Lake, Lorain, and Medina counties. This data has been collected to make the varied requirements easily referenced and comparable. The charts in this study are designed to be used as a reference by researchers, fair housing groups, state and local government, and housing providers, tenants and others.

Housing providers should have an understanding of the local occupancy codes in their jurisdictions. A housing provider may usually follow a local occupancy code to avoid a charge of discrimination based on familial status, assuming the code is not unreasonably restrictive or otherwise discriminatory. In addition, housing providers may, in certain limited circumstances, be justified in adopting a personal occupancy standard that is more restrictive than a local municipal code, provided there is a rational business necessity for

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<sup>1</sup> *See, e.g.*, Ellen Pader, “Restricting Occupancy, Hurting Families,” Planners Network (1999) (“[P]roperty owners and municipalities have long used overly restrictive occupancy codes explicitly to keep out unwanted populations and maintain a particular ethnic status quo in a community.”)

such a standard. For example, if a housing provider could show that a property could not have more than three residents because the septic system could not handle more capacity, the provider could potentially limit occupancy to three residents even though the municipal code might allow more based on the unit's size. However, before utilizing such a restrictive personal occupancy code, a housing provider should ensure that there is not a less restrictive means of achieving the goal and that this restrictive code is truly necessary.

### History of Occupancy Codes

Occupancy codes are often justified based on protection of public health and safety. However, despite the apparent logic of such claims, there is little empirical research on such benefits, and Elizabeth Pader and others have demonstrated that the codes have an economic, political, social, and racialized history in the United States, enforcing white, northern European upper class ideals about living and sleeping arrangements over those of other groups.<sup>2</sup>

The first occupancy codes in the U.S. were enacted in San Francisco in 1870 and New York City in 1879. San Francisco's code, the Lodging Housing Ordinance, was aimed at male workers of Chinatown, who often shared living spaces. Proposed by the "Anti-Coolie Association," it required a minimum of 500 cubic feet of air space per person, purportedly to improve the health and welfare of city residents. However, as the name of its proponent's implies, its real aim was to target one sector of the population, and predictably, enforcement of the ordinance was disproportionately centered on Chinatown.<sup>3</sup> Similarly, the New York code was aimed at immigrants, primarily Jewish, Polish, Italian, and Slavic residents of the Lower East Side of Manhattan.<sup>4</sup>

More recently, occupancy codes have been used by local communities such as Cicero, IL, and Wildwood, NJ, in an attempt to limit Latino/Hispanic immigrants in those communities. In Cicero, a suburb of Chicago, the city enacted an overly-restrictive occupancy code and applied it only to new residents (primarily Latinos) and not to the predominantly white existing homeowners. The code, which would have limited some three-bedroom homes to only two residents, was dropped after the U.S. Department of Justice filed a lawsuit under the Fair Housing Act, alleging that the city was attempting to prevent or discourage Latino families with children from becoming residents.<sup>5</sup>

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<sup>2</sup> Ellen Pader, "Space of Hate: Ethnicity, Architecture and Housing Discrimination," 54 *Rutgers L. Rev.* 881 (2002); Ellen Pader, "Housing Occupancy Standards: Inscribing Ethnicity and Family Relations on the Land," *Journal of Architectural and Planning Research* vol. 19, no. 4 (Winter 2000), p. 300. See also Frank S. Alexander, "Life Together: How Housing Laws Define America's Families (February 2005).

<sup>3</sup> Pader, "Housing Occupancy Standards," p. 308. See also Alexander, "Life Together," pp. 7-8.

<sup>4</sup> See Pader, "Housing Occupancy Standards," pp. 306-307.

<sup>5</sup> Pader, "Spaces of Hate," p. 889. See also U.S. Department of Justice, "Justice Department and Illinois Town Reach Fair Housing Agreement," Press Release, December 11, 1997, available at <http://www.usdoj.gov/opa/pr/1997/December97/522cr.html>.

In Wildwood, New Jersey, the city adopted an occupancy code that was so restrictive that in most instances, it permitted only one person per bedroom. After the Department of Justice sued the City regarding the ordinance, the city conceded that its occupancy code adversely impacted families with children, especially Latino/Hispanic families, and that it had enforced the ordinance primarily against persons living in year-round rental units as well as those receiving public housing assistance.<sup>6</sup>

#### HUD Policy Regarding Occupancy Codes

The U.S. Department of Housing and Urban Development (HUD), which is charged with implementing the Fair Housing Act, has taken several different positions on how to evaluate whether occupancy codes discriminate based on familial status. On March 20, 1991, then-General Counsel Frank Keating issued a memorandum regarding HUD's position in the area of occupancy codes. The memorandum, widely referred to as the "Keating Memorandum," stated that the Department "believes that an occupancy policy of two persons in a bedroom, as a general rule, is reasonable under the Fair Housing Act."<sup>7</sup> The memo further noted that in addition to considering the number of bedrooms, HUD should consider their size, the ages of children, the configuration of the unit, other physical limitations (such as septic, sewer or other limitations), state and local law, and "other relevant factors." Although the memo noted that this two-person-per-bedroom reasonableness presumption is "rebuttable," some have noted that this has rarely happened.<sup>8</sup>

Four years later, on July 12, 1995, then-General Counsel Nelson Diaz issued a memorandum which rescinded the Keating memo and affirmed that occupancy codes should be evaluated based on the size, in square feet, of a dwelling.<sup>9</sup> However, just two months later, on September 25, 1995, Elizabeth Julien, Acting Deputy Assistant Secretary for Policy and Initiatives, issued a memorandum that stated that because of "considerable confusion [that had] arisen about the interpretation of the [Diaz] memorandum," HUD would "not use that memorandum as a basis for conducting investigations or making determinations." Rather, HUD returned to following the Keating Memorandum in evaluating the legality of occupancy codes.

Subsequently, Congress legislated the Keating Memorandum as official HUD policy in passing the Quality Housing and Work Responsibility Act of 1998, which provided that "the specific and unmodified standards provided in the March 20, 1991, Memorandum from the General Counsel of [HUD] to all Regional Counsel [the Keating Memorandum]

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<sup>6</sup> U.S. Department of Justice, "Justice Department Obtains Settlement in Housing Discrimination Case Against Wildwood, New Jersey," Press Release, September 8, 1994, *available at* [http://www.justice.gov/opa/pr/Pre\\_96/September94/507.txt.html](http://www.justice.gov/opa/pr/Pre_96/September94/507.txt.html).

<sup>7</sup> Available at 63 Federal Register 70983 (December 22, 1998).

<sup>8</sup> See, e.g., Pader, "Housing Occupancy Standards," p. 303.

<sup>9</sup> Available at [www.fairhousing.com](http://www.fairhousing.com). The Diaz memo further stated that "consideration by a housing provider of the sex of the children in establishing occupancy standards violates the provisions of the Fair Housing Act with respect to sex discrimination."

shall be the policy of [HUD] with respect to complaints of discrimination under the Fair Housing Act ... on the basis of familial status which involve an occupancy standard established by a housing provider.”<sup>10</sup>

#### BOCA and IPMC Standardized Codes

The Building Officials and Code Administrators International, Inc. (BOCA) was created in 1915 and represented code officials primarily from eastern and Midwestern portions of the United States. BOCA developed a series of model codes which some jurisdictions, primarily in the Midwest, adopted.<sup>11</sup>

Subsequently, in 1994, the International Code Council (ICC) was established to develop a single set of comprehensive national model construction codes that would combine the regional codes developed by BOCA and two other regional organizations.<sup>12</sup> Both BOCA and the ICC, through its International Property Maintenance Code (IPMC), have included model occupancy codes as part of the codes they periodically publish.

#### Occupancy Codes in Northeast Ohio

In the six counties surveyed in Northeast Ohio, a number of local jurisdictions have adopted the occupancy codes set forth in the BOCA 1996 edition, as well as the IPMC codes from 1998, 2000, 2003, 2006, and 2009. The requirements for each of these model codes are set forth in Appendix A.

Other jurisdictions have adopted their own occupancy codes, while still others have adopted a version of one of the BOCA or IPMC codes in addition to enacting a local code,<sup>13</sup> and a final group does not have any provisions restricting occupancy based on the number of residents and the size of the premises. The requirements for each jurisdiction in these six counties are set forth in Appendix B.

All jurisdictions in Northeast Ohio with their own occupancy codes base their limits on the number of residents on the size, in square feet, of the premises. Most codes with occupancy requirements specify a minimum “habitable floor area” for each occupant in a dwelling unit, requiring a specific amount of “total habitable floor area,” measured in square feet, for one occupant, and then additional amounts for each additional occupant. For the first occupant, most codes require between 120 square feet and 350 square feet. Codes generally require a slightly smaller “habitable floor area” requirement for each additional occupant. This requirement generally ranges from 100 to 250 square feet per additional occupant.

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<sup>10</sup> See 63 Fed. Reg. 70256-57 (Dec. 18, 1998).

<sup>11</sup> See <http://growth-management.alachua.fl.us/building/buildcode.php>.

<sup>12</sup> See <http://www.iccsafe.org/news/about>.

<sup>13</sup> In the jurisdictions that adopted both a model code and a local code, determining the number of occupants permitted would require examining both codes and determining whether there are any inconsistencies between them.

For example, Ashtabula City in Ashtabula County requires 150 square feet for the first occupant, and an additional 100 square feet for each additional occupant. This would mean that in order to house one occupant, a dwelling in Ashtabula City is required to have at least 150 square feet of “total habitable floor area.” For two occupants, a dwelling must have 150 square feet for the first occupant, and 100 square feet for the second occupant, requiring at least 250 square feet of “total habitable floor area.” For three occupants, a dwelling must have 150 for the first occupant, and an additional 100 square feet for both the second and third occupant, requiring at least 350 square feet of “total habitable floor area,” and so on.

The definition of the term “habitable floor area” varies slightly from code to code, but generally refers to floor space in rooms used or built for living, sleeping, or eating, which comply with the window, ventilation, lighting, ceiling, and dimension requirements of the code.<sup>14</sup> “Habitable floor area” generally excludes the floor space in bathrooms, storage spaces, foyers, hallways, utility rooms, basements, and kitchens.

In addition to setting a total minimum habitable floor area, many codes also require a minimum “habitable floor area” for a “sleeping room,” defined as a room used or intended for sleeping purposes. For example, in addition to the “total habitable floor area” requirements noted above, Ashtabula City also requires that for one occupant, a “sleeping room” must contain at least 70 square feet of “habitable floor area.” If there are two or more occupants, however, there must be 50 square feet per occupant. Thus, if there are two occupants sleeping in a bedroom in Ashtabula City, there must be at least 100 square feet of “habitable floor area” in that room. If there are three occupants, there must be at least 150 square feet, and so on.

Locally, 37 governments in Cuyahoga County have local occupancy codes that restrict the number of occupants per floor space, compared to 3 in Ashtabula County,<sup>15</sup> 7 in Lake County,<sup>16</sup> 7 in Lorain County, and 4 in Medina County. (There are no local occupancy codes in Geauga County.)

#### Definitions of “Family” in Zoning Codes

In addition to limiting the total number of people who may occupy a unit of a given size, many local jurisdictions have zoning codes which limit what combinations of people can occupy a property based upon the type of neighborhood they are in. While such restrictions can play an important part in ensuring that neighborhoods remain stable (so

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<sup>14</sup> Many codes specify a minimum width, height, and area of a room in order for the room’s floor space to be calculated in the dwelling’s “total habitable floor area.”

<sup>15</sup> In addition, the Village of Jefferson, while it does not have an overall occupancy code, has an ordinance limiting the occupancy of multifamily senior housing.

<sup>16</sup> In addition to the seven jurisdictions with occupancy codes, the Lake County Board of Health has a regulation that sets forth minimum floor space requirements in the County. These regulations apply countywide, even if a jurisdiction has not written its own occupancy code.

that a factory or hotel could not be sited in the middle of a residential neighborhood, for example), such restrictions can potentially reflect and impose discriminatory attitudes about what types of living situations are appropriate in a particular neighborhood.

One of the most common types of zoning restrictions is to limit certain areas to “single family occupancy.” In enacting such restrictions, local jurisdictions have defined “family” in a variety of ways, from a very restrictive definition that focuses entirely on relationships based on blood and marriage, to broader ones that allow non-related individuals to share housing. Restrictive definitions of “family” may violate fair housing laws, as well as federal and state constitutional rights to freedom of association, equal protection, and due process. For example, if a zoning code defines “family” as including only persons related by blood, marriage, or adoption, two married parents with children would be permitted to reside on the premises, while two unmarried individuals with children might not.

Restrictive definitions of “family” can have a disparate impact based on race – as African Americans and Hispanics/Latinos are more likely to live with people they are not related to<sup>17</sup> – as well as disability, by preventing or putting barriers in the way of group homes from operating in residential neighborhoods.

In addition to listing local restrictions on the number of people who can occupy a given housing unit, this report also examines local definitions of “family” – and in particular restrictions on the number of unrelated persons who can reside in a household – for each of the jurisdictions reported. In Cuyahoga County, 56 cities have such restrictions, compared to 8 in Ashtabula County, 3 in Geauga County, 15 in Lake County, 11 in Lorain County, and 8 in Medina County.

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<sup>17</sup> More than 8 in 10 Asian children lived with two married parents, compared to more than three-quarters of white children, more than two-thirds of Hispanic/Latino children, and more than one-third of African American children. Rose M. Kreider and Diana B. Elliott, U.S. Census Bureau, “The Complex Living Arrangements of Children and Their Unmarried Parents,” Issued May 2009, available at <http://www.census.gov/population/www/socdemo/complex-abstract.pdf>, p. 4.

**Appendix A**

Code	1 Occupant	2 Occupants	3-5 Occupants	6+ occupants	Relevant Code Sections
<b>BOCA 1996</b>	Minimum Kitchen space=50 sq. ft.	Minimum Kitchen space=50 sq. ft.	Minimum living room space =145 sq. ft. Minimum Dining room space=100 sq. ft. Minimum Kitchen space=70 sq. ft.	Minimum living room space =175 sq. ft. Minimum Dining room space=120 sq. ft. Minimum Kitchen space=85 sq. ft.	405.3, 405.5
	Sleeping purposes = 70 sq. ft.	Sleeping purposes = 100 sq. ft.	Sleeping purposes = add'l 50 sq. ft.	Sleeping purposes = add'l 50 sq. ft.	
<b>IPMC 1998</b>	Minimum Kitchen space=50 sq. ft.	Minimum Kitchen space=50 sq. ft.	Minimum living room space =120 sq. ft. Minimum Dining room space=80 sq. ft. Minimum Kitchen space=50 sq. ft.	Minimum living room space =150 sq. ft. Minimum Dining room space=100 sq. ft. Minimum Kitchen space=60 sq. ft.	404.4.1, 404.5
	Sleeping purposes = 70 sq. ft.	Sleeping purposes = 100 sq. ft.	Sleeping purposes = add'l 50 sq. ft.	Sleeping purposes = add'l 50 sq. ft.	
<b>IPMC 2000</b>	Minimum Kitchen space=50 sq. ft.	Minimum Kitchen space=50 sq. ft.	Minimum living room space =120 sq. ft. Minimum Dining room space=80 sq. ft. Minimum Kitchen space=50 sq. ft.	Minimum living room space =150 sq. ft. Minimum Dining room space=100 sq. ft. Minimum Kitchen space=60 sq. ft.	404.4.1, 404.5
	Sleeping purposes = 70 sq. ft.	Sleeping purposes = 100 sq. ft.	Sleeping purposes = add'l 50 sq. ft.	Sleeping purposes = add'l 50 sq. ft.	
<b>IPMC 2003</b>			Minimum living room space =120 sq. ft. Minimum Dining room space=80 sq. ft.	Minimum living room space =150 sq. ft. Minimum Dining room space=100 sq. ft.	404.4.1, 404.5
	Sleeping purposes = 70 sq. ft.	Sleeping purposes = 100 sq. ft.	Sleeping purposes = add'l 50 sq. ft.	Sleeping purposes = add'l 50 sq. ft.	

<b>IPMC 2006</b>	Every living room must at least be = 120 sq. ft.	Every living room must at least be = 120 sq. ft.	Every living room must at least be = 120 sq. ft.	Every living room must at least be = 120 sq. ft.	404.4.1, 404.5
	Every bedroom must at least be = 70 sq. ft. # of persons occupying dwelling unit must not create conditions that in the opinion of the code official, endanger life, health, safety or welfare of the occupants.	Every bedroom must at least be = 70 sq. ft. # of persons occupying dwelling unit must not create conditions that in the opinion of the code official, endanger life, health, safety or welfare of the occupants.	Every bedroom must at least be = 70 sq. ft. # of persons occupying dwelling unit must not create conditions that in the opinion of the code official, endanger life, health, safety or welfare of the occupants.	Every bedroom must at least be = 70 sq. ft. # of persons occupying dwelling unit must not create conditions that in the opinion of the code official, endanger life, health, safety or welfare of the occupants.	
<b>IPMC 2009</b>	Every living room must at least be = 120 sq. ft.	Every living room must at least be = 120 sq. ft.	Every living room must at least be = 120 sq. ft.	Every living room must at least be = 120 sq. ft.	404.4.1, 404.5
	Every bedroom must at least be = 70 sq. ft. # of persons occupying dwelling unit must not create conditions that in the opinion of the code official, endanger life, health, safety or welfare of the occupants.	Every bedroom must at least be = 70 sq. ft. # of persons occupying dwelling unit must not create conditions that in the opinion of the code official, endanger life, health, safety or welfare of the occupants.	Every bedroom must at least be = 70 sq. ft. # of persons occupying dwelling unit must not create conditions that in the opinion of the code official, endanger life, health, safety or welfare of the occupants.	Every bedroom must at least be = 70 sq. ft. # of persons occupying dwelling unit must not create conditions that in the opinion of the code official, endanger life, health, safety or welfare of the occupants.	

**Appendix B**

Ashtabula County							
Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code adopted/ amended as of	Relevant Code Sections	# of unrelated persons allowed under family definition
Andover	No					None	No definition
Ashtabula City <sup>18</sup>	IPMC, 2009	Minimum habitable floor space = 150 sq. ft.	Minimum habitable floor space = 250 sq. ft.	Minimum habitable floor space = additional 100 sq. ft. per occupant	9/15/08; 1980	1361.23; 1365.03	Any
		Sleeping purposes = 70 sq. ft.	Sleeping purposes = 100 sq. ft.	Sleeping purposes = additional 50 sq. ft. per occupant			
Conneaut	IPMC, 2006				3/12/07	1361	5 + any domestic servants
Geneva <sup>19</sup>	BOCA, 1996				10/26/81	1420	5
Geneva on the Lake	No					None	3
Jefferson <sup>20</sup>	No					None	2
North Kingsville	No					None	4
Orwell	No					None	No definition
Roaming Shores	No					None	4
Rock Creek	No					None	4

<sup>18</sup> Adopts most recent IPMC version.

<sup>19</sup> Adopts most recent BOCA version.

<sup>20</sup> In a 640 sq. ft. multifamily unit for senior citizen housing, there is a max. occupancy of two persons.

Cuyahoga County							
Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code adopted/ amended as of	Relevant Code Sections	# of unrelated persons allowed under family definition
Bay Village <sup>21</sup>	IPMC, 2009	Minimum habitable floor space = 150 sq. ft.	Minimum habitable floor space = 250 sq. ft.	Minimum habitable floor space = additional 100 sq. ft. per occupant	6/4/07; 4/26/07	1334.01; 1344.04	0
		Sleeping purposes = 70 sq. ft.	Sleeping purposes = 120 sq. ft.	Sleeping purposes = additional 50 sq. ft. per occupant			
Beachwood <sup>22</sup>	IPMC, 2009	Minimum habitable floor space in rental unit = 250 sq. ft.	Minimum habitable floor space in rental unit= 300 sq. ft.	Minimum habitable floor space in rental unit = additional 150 sq. ft. per occupant	10/19/09	1393.34; 1393.02	0
Bedford	IPMC, 2003				6/12/06	1311	0 + any domestic servants
Bedford Heights	No	Minimum habitable floor space = 200 sq. ft.	Minimum habitable floor space = 350 sq. ft.	Minimum habitable floor space = additional 150 sq. ft. per occupant	11/19/02; 9/3/91	1376.03; 1376.05; 1387.14	2 adults – additional restrictions on minors
		Sleeping purposes = 70 sq. ft.	Sleeping purposes = 100 sq. ft.	Sleeping purposes = additional 50 sq. ft. per occupant			
Bentleyville	BOCA, 1996				1996	1480	Any

<sup>21</sup> Adopts most recent IPMC version; in no case shall any dwelling contain less than 600 sq. ft. of finished livable floor area.

<sup>22</sup> Adopts most recent IPMC version; only applies to rental dwellings.

Local Occupancy Codes in Northeast Ohio 2010

Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code adopted/ amended as of	Relevant Code Sections	# of unrelated persons allowed under family definition
Berea	No	Minimum habitable floor space = 150 sq. ft.	Minimum habitable floor space = 250 sq. ft.	Minimum habitable floor space = additional 100 sq. ft. per occupant	11/1/65	1355.02; 1355.03	4
		Sleeping purposes = 70 sq. ft.	Sleeping purposes = 100 sq. ft.	Sleeping purposes = additional 50 sq. ft. per occupant			
Bratenahl	No	Minimum habitable floor space = 150 sq. ft.	Minimum habitable floor space = 250 sq. ft.	Minimum habitable floor space = additional 100 sq. ft. per occupant	10/15/69	1411.03-04	3
Brecksville <sup>23</sup>	IPMC, 2009				7/21/98	1303	3
Broadview Heights <sup>24</sup>	IPMC, 2003				5/17/04	1348	4
Brooklyn	IPMC, 2003				2/28/05	1309	Any
Brooklyn Heights	No					None	No definition
Brook Park	IPMC, 2006				3/18/08	1308	1 roomer per unoccupied room
Chagrin Falls	No					None	3

<sup>23</sup> Adopts most recent IPMC version.

<sup>24</sup> A family shall not include any group of individual in excess of four in number, the majority of whom are not related to one another (i.e., 5 related and 2 unrelated, or 3 related and 1 unrelated, or up to 4 unrelated).

Local Occupancy Codes in Northeast Ohio 2010

Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code adopted/ amended as of	Relevant Code Sections	# of unrelated persons allowed under family definition
Cleveland <sup>25</sup>	No	Minimum habitable floor space in rental unit = 150 sq. ft.	Minimum habitable floor space in rental unit = 250 sq. ft.	Minimum habitable floor space in rental unit = additional 100 sq. ft. per occupant	4/3/67	371.06; 371.12	3 + 5 foster children
		Sleeping purposes in rental unit = 70 sq. ft.	Sleeping purposes in rental unit = 120 sq. ft.	Sleeping purposes in rental unit = additional 50 sq. ft. per occupant			
Cleveland Heights	No	Minimum habitable floor space = 170 sq. ft.	Minimum habitable floor space = 290 sq. ft.	Minimum habitable floor space = additional 120 sq. ft. per occupant	2/1/82	1351.03	2 adults – additional restrictions on minors
		Sleeping purposes = 100 sq. ft.	Sleeping purposes = 120 sq. ft.	Sleeping purposes = additional 50 sq. ft. per occupant			
Cuyahoga Heights <sup>26</sup>	No	Minimum habitable floor space = 170 sq. ft.	Minimum habitable floor space = 290 sq. ft.	Minimum habitable floor space = additional 120 sq. ft. per occupant	8/13/08	1492.03	Any
		Sleeping purposes = 100 sq. ft.	Sleeping purposes = 120 sq. ft.	Sleeping purposes = additional 50 sq. ft. per occupant			
East Cleveland	IPMC, 2000				2000	1309	2 adults – additional restrictions on minors

<sup>25</sup> Applies only to rental dwellings; a child under 1 year of age is exempt from section on total required minimum floor space.

<sup>26</sup> No room less than 100 square feet shall be counted in determining habitable floor area designed and used for sleeping purposes unless such room was designed for sleeping purposes and had been fully constructed prior to 2008, in which case such room may be lawfully used for sleeping purposes by one person.

Local Occupancy Codes in Northeast Ohio 2010

Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code adopted/ amended as of	Relevant Code Sections	# of unrelated persons allowed under family definition
Euclid <sup>27</sup>	No	Minimum habitable floor space = 150 sq. ft.	Minimum habitable floor space = 250 sq. ft.	Minimum habitable floor space = additional 100 sq. ft. per occupant	6/15/70	1755.02; 1755.03	Any
		Sleeping purposes = 70 sq. ft.	Sleeping purposes = 100 sq. ft.	Sleeping purposes = additional 50 sq. ft. per occupant			
Fairview Park <sup>28</sup>	IPMC 2009	Minimum habitable floor space = 300 sq. ft.	Minimum habitable floor space = 450 sq. ft.	Minimum habitable floor space = additional 150 sq. ft. per occupant	4/18/05; 11/6/89	1349; 1357.03	2 including servants and roomers
		Sleeping purposes = 80 sq. ft.	Sleeping purposes = 130 sq. ft.	Sleeping purposes = additional 50 sq. ft. per occupant			
Garfield Heights <sup>29</sup>	No	Minimum habitable floor space = 250 sq. ft.	Minimum habitable floor space = 400 sq. ft.	Minimum habitable floor space = additional 150 sq. ft. per occupant	11/23/98	1411.03	4
		Sleeping purposes = 80 sq. ft.	Sleeping purposes = 100 sq. ft.	Sleeping purposes = additional 50 sq. ft. per occupant			
Gates Mills	No					None	Any
Glenwillow	No					None	3
Highland Heights	No					None	0

<sup>27</sup> All units must have at minimum 250 sq. ft. of habitable floor space; requirements for sleeping purposes apply only to rental units.

<sup>28</sup> Adopts most recent IPMC version; all units must have at minimum 300 sq. ft. of habitable floor space.

<sup>29</sup> A family shall not include any group of individuals in excess of four, the majority of whom are not related to one another (i.e., 5 related and 2 unrelated, or 3 related and 1 unrelated, or up to 4 unrelated).

Local Occupancy Codes in Northeast Ohio 2010

Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code adopted/ amended as of	Relevant Code Sections	# of unrelated persons allowed under family definition
Highland Hills	No					None	2 adults – additional restrictions on minors
Hunting Valley	No					None	4 + any domestic servants
Independence	No					None	3
Lakewood	No	Minimum habitable floor space = 150 sq. ft.	Minimum habitable floor space = 250 sq. ft.	Minimum habitable floor space = additional 100 sq. ft. per occupant	4/20/98	1306.15	Any
		Sleeping purposes = 70 sq. ft.	Sleeping purposes = 100 sq. ft.	Sleeping purposes = additional 50 sq. ft. per occupant			
Linndale	IPMC, 2003				5/9/06	1365	No definition
Lyndhurst <sup>30</sup>	No	Minimum habitable floor space = 150 sq. ft.	Minimum habitable floor space = 250 sq. ft.	Minimum habitable floor space = additional 100 sq. ft. per occupant	9/21/70	1385.03	4
Maple Heights	IPMC 2006					1490.02	Any
Mayfield Heights	IPMC, 2003				5/9/05	1393.01	Any
Mayfield Village	IPMC 2006	Minimum habitable floor space = 300 sq. ft.	Minimum habitable floor space = 500 sq. ft.	Minimum habitable floor space = additional 200 sq. ft. per occupant	1/22/08; 11/7/89	1355; 1157.03	3 same sex individuals
Middleburg Heights	No					None	3
Moreland Hills	No					None	Any

<sup>30</sup> All units must have at minimum 250 sq. ft. of habitable floor space.

Local Occupancy Codes in Northeast Ohio 2010

Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code adopted/ amended as of	Relevant Code Sections	# of unrelated persons allowed under family definition
Newburgh Heights	No					None	Any
North Olmsted	No					None	Any
North Randall	IPMC, 1998				4/12/99	1494	Any
North Royalton	No					None	3
Oakwood <sup>31</sup>	IPMC, 2009				9/14/04	1327.01	2 adults – additional restrictions on minors
Olmsted Falls <sup>32</sup>	BOCA, 1996				5/28/96	1480	Related + 2 unrelated or ≤4 unrelated
Orange Village	No					None	4 + any domestic servants
Parma	No	Minimum habitable floor space = 150 sq. ft.	Minimum habitable floor space = 250 sq. ft.	Minimum habitable floor space = additional 100 sq. ft. per occupant	10/6/08	1707.04	Any
Parma Heights	No					None	No definition
Pepper Pike	IPMC, 2006				6/20/07	1428	2 adults – additional restrictions on minors
Richmond Heights <sup>33</sup>	IPMC, 2009				5/8/07	1309	Any
Rocky River <sup>34</sup>	IPMC, 2003				7/25/05	1370; 1147.05	0 + any renters
Seven Hills	No					None	3

<sup>31</sup> Adopts most recent IPMC version.

<sup>32</sup> Occupants under 2 years old shall not be counted as an occupant; children 2 years old and under 5 years old, shall be counted as 1/2 a person; and all occupants 5 years old and older shall be counted as 1 person.

<sup>33</sup> Adopts most recent IPMC version.

<sup>34</sup> The occupancy of any rental dwelling unit shall be limited to no more than 2 persons per bedroom unit.

Local Occupancy Codes in Northeast Ohio 2010

Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code adopted/ amended as of	Relevant Code Sections	# of unrelated persons allowed under family definition
Shaker Heights	No	Minimum habitable floor space = 250 sq. ft.	Minimum habitable floor space = 400 sq. ft.	Minimum habitable floor space = additional 150 sq. ft. per occupant	7/22/02	1411.02	3 including no more than 1 roomer or servant
Solon	No					None	4
South Euclid <sup>35</sup>	No	Minimum habitable floor space = 300 sq. ft.	Minimum habitable floor space = 400 sq. ft.	Minimum habitable floor space = additional 100 sq. ft. per occupant	9/29/92	1405.03	3
Strongsville	IPMC, 2003				3/6/06	1480	3
University Heights	No	Minimum habitable floor space = 300 sq. ft.	Minimum habitable floor space = 500 sq. ft.	Minimum habitable floor space = additional 200 sq. ft. per occupant	1/16/67	1478.03	Any <sup>36</sup>
Valley View	No					None	2
Walton Hills	No					None	2
Warrensville Heights	IPMC, 2003	Minimum habitable floor space = 350 sq. ft.	Minimum habitable floor space = 450 sq. ft.	Minimum habitable floor space = additional 100 sq. ft. per occupant	7/19/05; 3/7/89	1306; 1377.03	0
Westlake	No					None	3
Woodmere <sup>37</sup>	No	Minimum habitable floor space = 500 sq. ft.	Minimum habitable floor space = 500 sq. ft.	Minimum habitable floor space = additional 250 sq. ft. per occupant	5/15/74	1317.15	0

<sup>35</sup> All units must have at minimum 300 sq. ft. of habitable floor space.

<sup>36</sup> There shall be no more than one roomer or unrelated occupant per bedroom or sleeping room. Two persons, who are related as defined in Section 1240.10(a) or 1472.14(a), or specifically permitted by reason of qualifying under Section 1240.10(c) or 1472.14(c), may occupy a single bedroom or sleeping room.

<sup>37</sup> All units must have at minimum 500 sq. ft. of habitable floor space.

Geauga County							
Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code adopted/ amended as of	Relevant Code Sections	# of unrelated persons allowed under family definition
Aquilla Village	No					None	No definition
Burton Village	No					None	2 lodgers or 4 unrelated + servants and gratuitous guests
Chardon	No					None	5
Middlefield Village	No					None	4
South Russell Village	No					None	No definition

Lake County							
Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code adopted/ amended as of	Relevant Code Sections	# of unrelated persons allowed under family definition
Eastlake	No	Minimum habitable floor space = 150 sq. ft.	Minimum habitable floor space = 250 sq. ft.	Minimum habitable floor space = additional 100 sq. ft. per occupant	9/23/86	1385.1	0
		Sleeping purposes in = 70 sq. ft.	Sleeping purposes in = 100 sq. ft.	Sleeping purposes = additional 50 sq. ft. per occupant			
Fairport Harbor Village <sup>38</sup>	No	Minimum habitable floor space = 300 sq. ft.	Minimum habitable floor space = 300 sq. ft.	Minimum habitable floor space = additional 120 sq. ft. for every odd numbered occupant	11/12/02	1318.04; 1318.05	No definition
		Sleeping purposes = 120 sq. ft.	N/A	N/A			
Grand River Village	No					None	No definition
Kirtland	No					None	1 guest + any servants
Kirtland Hills Village	No					None	5
Lake County <sup>39</sup>	No	Minimum habitable floor space = 150 sq. ft.	Minimum habitable floor space = additional 100 sq. ft.	Minimum habitable floor space = additional 100 sq. ft.		1610.02	No definition
Lakeline Village	No					None	No definition
Madison Village	No					None	Any
Mentor	No					None	5

<sup>38</sup> Applies only to rental units. In addition, in a multiple family dwelling: no more than one person can occupy an efficiency unit; no more than two people can occupy the same bedroom; and no room within a rental dwelling unit, other than a bedroom, shall be occupied for sleeping purposes.

<sup>39</sup> These regulations have been set by the Lake County Board of Health and apply to all jurisdictions countywide.

Local Occupancy Codes in Northeast Ohio 2010

Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code adopted/ amended as of	Relevant Code Sections	# of unrelated persons allowed under family definition
Mentor on the Lake	IPMC, 2006				7/8/08	1460	= to # of bedrooms
North Perry Village	No					None	≤ 2 heads of household
Painesville <sup>40</sup>	No	Minimum habitable floor space = 150 sq. ft.	Minimum habitable floor space = 250 sq. ft.	Minimum habitable floor space = additional 100 sq. ft. per occupant	12/31/68; 8/17/98	1367.03; 1371.04	2 adults
		Sleeping purposes = 70 sq. ft.	Sleeping purposes = 100 sq. ft.	Sleeping purposes = additional 50 sq. ft. per occupant			
Perry Village	No					None	4
Timberlake Village	IPMC, 2006				8/15/06	1490	2
Waite Hill Village	No					None	4 + any servants
Wickliffe	IPMC, 2006				1/22/06	1147	3
Willoughby City	No					None	Related + 3 unrelated or ≤4 unrelated
Willoughby Hills	No					None	Related + 2 unrelated or ≤3 unrelated
Willowick <sup>41</sup>	IPMC, 2003	Minimum habitable floor space = 200 sq. ft.	Minimum habitable floor space = 350 sq. ft.	Minimum habitable floor space = additional 150 sq. ft. per occupant	4/5/05; 7/2/02	1367; 1334.02	Any
		Sleeping purposes = 150 sq. ft.	Sleeping purposes = 225 sq. ft.	Sleeping purposes = additional 75 sq. ft. per occupant			

<sup>40</sup> In rooming houses, every room occupied for sleeping purposes by more than one person shall contain at least 70 sq. ft. and an additional 50 sq. ft. per occupant.

<sup>41</sup> Stricter standards apply only to rental units. In addition, all rental units must have at minimum 300 sq. ft. of habitable floor space.

Lorain County							
Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code adopted/ amended as of	Relevant Code Sections	# of unrelated persons allowed under family definition
Amherst	No	Minimum habitable floor space = 150 sq. ft.	Minimum habitable floor space = 250 sq. ft.	Minimum habitable floor space = additional 100 sq. ft. per occupant	7/31/67	1355.01	5
Avon	No					1222.02	Related + 2 unrelated or ≤4 unrelated
Avon Lake	No					None	No definition
Elyria	IPMC, 2003				3/7/05	1305.01	No definition
Grafton Village	IPMC, 2003				6/1/04	1488.01	6
Kipton Village	No					None	No definition
LaGrange Village	No					None	No definition
Lorain <sup>42</sup>	IPMC, 2006	Minimum habitable floor space = 150 sq. ft.	Minimum habitable floor space = 250 sq. ft.	Minimum habitable floor space = additional 100 sq. ft. per occupant	4/2/07; 11/5/62; 2/5/90	1509; 1525.07; 1527.10	Any
		Sleeping purposes = 70 sq. ft.	Sleeping purposes = 100 sq. ft.	Sleeping purposes = additional 50 sq. ft. per occupant			
North Ridgeville	No	Sleeping purposes = 70 sq. ft.	Sleeping purposes = 100 sq. ft.	Sleeping purposes = additional 50 sq. ft. per occupant	4/5/04	1480.22	Any
Oberlin	IPMC, 2003				3/7/05	1151	5
Rochester Village	No					None	No definition

<sup>42</sup> No sleeping room shall be occupied by more than two adults, except (1) one child under eight years of age in addition to two adults may be permitted, and (2) rooms occupied by persons of the same sex or by children under twelve years of age may be occupied by more than two persons where space permits.

Local Occupancy Codes in Northeast Ohio 2010

Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code adopted/ amended as of	Relevant Code Sections	# of unrelated persons allowed under family definition
Sheffield Lake	No					None	Any
Sheffield Village	No					None	Related + 3 unrelated or $\leq 4$ unrelated
South Amherst Village	No					None	Any
Vermillion <sup>43</sup>	IPMC, 2009				1/9/07	1480	Any
Wellington Village <sup>44</sup>	No	Minimum habitable floor space = 150 sq. ft.	Minimum habitable floor space = 250 sq. ft.	Minimum habitable floor space = additional 100 sq. ft. per occupant	7/2/07	1191.15	Any
		Sleeping purposes = 100 sq. ft.	Sleeping purposes = 100 sq. ft.	Sleeping purposes = additional 50 sq. ft. per occupant			

<sup>43</sup> Adopts most recent IPMC version.

<sup>44</sup> May be intended to mean that a room used for sleeping purposes shall contain  $\geq 100$  sq. ft. of habitable floor area if used for one occupant and an additional 50 sq. ft. per occupant (i.e., 150 sq. ft. for 2 occupants).

Medina County							
Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code adopted/ amended as of	Relevant Code Sections	# of unrelated persons allowed under family definition
Brunswick	IPMC, 2003				12/8/03	1480	Any
Chippewa Lake Village	No					None	Any
Gloria Glens Village	No					None	2
Lodi Village	No					None	No definition
Medina	IPMC, 2003				3/28/05	1381.01	Any
Rittman	No	Minimum habitable floor space = 150 sq. ft.	Minimum habitable floor space = 250 sq. ft.	Minimum habitable floor space = additional 100 sq. ft. per occupant	10/28/68	1321.05	Any
		Sleeping purposes = 70 sq. ft.	Sleeping purposes = 100 sq. ft.	Sleeping purposes = additional 50 sq. ft. per occupant			
Seville Village	No					None	Any- includes employees
Spencer Village	No					None	No definition
Wadsworth	No	Residential Unit: Sleeping purposes = 80 sq. ft.	Sleeping purposes = 120 sq. ft.	Sleeping purposes = additional 60 sq. ft. per occupant	12/21/85	152.29	Any in addition to related individuals or ≤4 unrelated individuals
		Rooming Unit: Sleeping purposes = 70 sq. ft.	Sleeping purposes = 100 sq. ft.	Sleeping purposes = additional 50 sq. ft. per occupant			
Westfield Center Village	No					None	Any- includes servants