

RECAP GROUND RULES AND PROCESS

Krista Neilson recapped the ground rules and process for the stakeholders group

- Ø As we approach final recommendations of the group, the group will not revisit past decisions as it will lengthen process and the group would not be able to meet its deadline.
- Ø Staff and interdepartmental team may put forth a different recommendation than the one formed by this group.

FAMILY DEFINED IN OTHER ZONING ORDINANCES

Katrina Young facilitated discussion of definitions of family as found in other jurisdictions code. There were two primary issues that appeared in most other codes.

- Most Ordinances limited the number of unrelated people living together as a family unit. The range was 3-6 people with six (6) being the most common number used.
- Most Ordinances allowed relatives by blood, marriage or adoption with no limit.

Stakeholder suggestions relating to definition of family

- Ø Get away from family and call it low density residential which has kitchen, bath, separate mailing addresses.
- Ø Issue is occupancy with a phrase about a typical family
- Ø Can we combine family and occupancy?
- Ø We have low density residential zoning (R-3, R-4 Single family detached) that allows only one address
- Ø If we just deal with occupancy how do we address boarding houses?
- Ø (There is a group looking at allowed uses in residential districts)
- Ø It comes down to what is enforceable; how easy and how quick.
- Ø Number of occupants/ number of adults
- Ø Visitors - how long can they stay?

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- Ø We should define core family and extended family
- Ø Price of housing impacts how many occupants live in a house. Sometimes this occupancy creates unsafe conditions
- Ø Maybe there needs to be some community education
- Ø Most neighborhoods with these concerns do not have homeowners associations which give them the right to control occupancy or secondary impacts

Katrina also discussed that the average family size declined from in 1970 when there were 3.58 individuals per household to 1990 when there were- 3.17 individuals per household. In today's society a far larger proportion of our households are single person or single parent household.

LEGAL PRECEDENTS ON FAMILY DEFINITION

Terrie Hagler-Gray, Assistant City Attorney discussed with the group the legal precedents on definition of family. Terrie discussed with stakeholders some pertinent court cases that addressed family.

One compelling case was the Supreme Court Case of Moore vs. East Cleveland. In this case the court decision concerned a housing ordinance that limits the number and relation of residents.

The gist of the case was that a grandmother lived with her son and two grandsons (who are first cousins). The East Cleveland housing ordinance limited occupancy of a dwelling unit to members of a single family, but defines "family" such that only one grandchild could live at the home but not the other. One grandson lived in the home with his father; the other grandson came to live with his grandmother after his mother's death. The way the Ordinance was written excluded the second grandson because of his relation to the other occupants. The Court held the local ordinance infringed upon federally protected Fourteenth Amendment rights to due process. Terrie also discussed other issues with defining relationships in an ordinance.

The group by a consensus vote agreed that the secondary impacts of too many individuals living in a home was not created by the definition of family but was created due to an occupancy issue (the quantity of people living in a residence).

STAFF PRESENTATIONS ON OCCUPANCY

FIRE CODE

Fire Marshal Bart Massey presented to the stakeholders information on the North Carolina Fire Code. Bart explained that the Fire Code is a state code that is adapted from the International Building Code (IBC). The colored pages (blue) in the NC Fire Code are specific to North Carolina, and not taken from the IBC.

Code Section 102A states the exceptions to Applicability of the Fire Code. One and two family dwelling units are listed as an exception. Therefore, Bart explained that the Fire Code does not include regulations for one and two family dwelling units.

Code Section 160A-292 states the Duties of Fire Chief. These are to seek out and have corrected all places and conditions dangerous to the safety of the city and its citizens from fire and make annual reports to the council concerning these duties. Bart explained that if the fire department responds to a complaint or calls for help at a residence and observe possible building code violations that they request an inspection by the building inspector.

One stakeholder commented that the Fire Code needs to be proactive rather than reactive. The Fire Code should give the Fire Dept. the authority to proactively look for fire hazards and not just respond to complaints.

Q. Has there been dialog to change code to apply to single family residential?

A. Even if the Code was changed to apply to single family dwellings, it still does not set residential occupancy limits so it would not change much.

Q. Is there anything you would like to see added to code?

A. Residential fire sprinklers

BUILDING CODE

Tim Taylor, Mecklenburg County Residential Housing Core Process Manager provided a presentation to the stakeholders on the North Carolina Building Code. He explained that the North Carolina Building Code is based on the International Building Code with some amendments specific to North Carolina.

The definition of family is located in the Building Code in the area specific to North Carolina. It is used to help determine the type of uses.

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There is no occupancy limits for single family dwellings in the North Carolina Building Code.

Multi-Family projects do have occupancy limits. The occupancy limit is calculated at 200 sf per person.

The minimum size for a room according to the North Carolina Building Code is 70 sf and at least one (1) room is required to be at least 120 sf.

Question & Answer

Q. Is this limit enforced in Multi-family?

A. Not much enforcement authority. If occupancy is violated people have to leave.

Q. Does age matter?

A. (No)

MINIMUM HOUSING CODE

Minimum Housing Code Inspector Scott Edwards presented information to the stakeholders on the Minimum Housing Code, which is a local code.

He stated that habitable room means a room occupied by one or more persons for living, eating, or sleeping, but does not include bathrooms, toilet compartments, laundries, serving and storage pantries, halls, corridors, basements and other spaces that are not used frequently or during extended periods

There are two test used to determine overcrowding at a residence:

- Ø Habitable area
- Ø Bedroom area

Habitable rooms calculation formula

1. At least one room was 150 SF
2. The kitchen/dining room combination is at least 100 SF
3. The first bedroom is at least 100 SF
4. The second bedroom is at least 70 SF
5. Each room has at least 70 SF of habitable space

Bedroom calculation formula

1. First occupant requires 80 square feet of bedroom floor space
2. Second occupant requires 20 square feet
3. 30 square feet for each occupant over the number of 2

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Scott provided an example. Using a 1000 sf residence and deducting the uninhabitable areas such as closets, bathrooms etc, the house has 823 sf of habitable area and 373 sf of bedroom area. As shown below, both tests allow approximately 11 people to occupy the house.

Total by habitable room (823 square feet)

# of Occup.	1	2	3	4	5	6	7	8	9	10	11
SF req.	150	250	350	450	500	550	600	650	700	750	800

Calculation by bedroom

	Bedroom 1			Bedroom 2		Bedroom 3			Total Bedroom Area			
Square footage	100			130		143			373			
Sq ft.	373	293	273	243	213	183	153	123	93	63	33	3
Occupant sf	1	2	3	4	5	6	7	8	9	10	11	

The number of occupants allowed in the house would typically be the lesser of the two tests, but since both tests come out the same in this situation, the number of occupants allowed would be 11.

Q. Does habitable sf equate to fire code occupancy?

A. In concept

Q. Why Two formulas?

A. In some instances one calculation will provide for fewer occupants

Q. How old is code?

A. Probably 1960's

Comments

Stakeholders thought that the Minimum Housing Code is too liberal

NEXT STEPS

SECONDARY IMPACTS

The stakeholders believe that the secondary impacts of too many people occupying a residence include:

- Property Values & Taxes
 - Trash
 - Cars

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- Noise
- Crime
- Weakened Infrastructure (sewer, schools)
- Public Health

The next meeting will focus on educating the members to the different agencies that provide services or enforce these issues.

PARKING LOT

These are comments that the stakeholders brought up to be addressed at a later time - most likely when the group begins to consider recommendations.

1. Change Fire Code
2. International Building Code requires 50 sf for second occupant in bedroom. Minimum Housing Code requires 20. Can the Minimum Housing Code be change to require 50 for second occupant?
3. How do you follow up with code enforcement after reporting issues?
4. Need a code enforcement inspector and territory document
5. Reasonable Occupancy based on square footage
6. Social Services Input
7. Affordable Housing