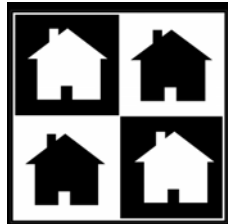


Local Occupancy Codes In Northeast Ohio



2007

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Acknowledgments

Research for this report was conducted by Jessica Agus, David Brown, Meran Chang, Jeffrey D. Dillman, and Hope Farmby. It was written by Jeffrey D. Dillman and Jessica Agus. We wish to thank the local government officials for answering questions about and providing copies of their local occupancy codes which we have analyzed in this report.

This study was funded by a Fair Housing Initiative Program Education and Outreach Initiative grant (FHIP-EOI) from the U.S. Department of Housing and Urban Development (HUD).

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.

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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.

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 – in northeast Ohio. These codes are relevant to fair housing law as they can be used to discriminate not only based on familial status 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.¹ The history of occupancy codes in the U.S. provides evidence for all three of these.

This report examines limits on the total number 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 unreasonable restrictive or otherwise discriminatory. In addition, housing providers may, in certain limited circumstances, be justified in adopting a person occupancy standard that is more restrictive than a local municipal code, provided there is a rational business necessity for

¹ *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 would not function otherwise, the provider could potentially limit occupancy even though the municipal code might allow more than three residents based on the unit's size. However, before utilizing such a restrictive personal occupancy code, the 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 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.²

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.³ Similarly, the New York code was aimed at immigrants, primarily Jews, Poles, Italians, and Slavics from the Lower East Side of Manhattan.⁴

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 against 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.⁵

² 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).

³ Pader, "Housing Occupancy Standards," p. 308. *See also* Alexander, "Life Together," pp. 7-8.

⁴ *See* Pader, "Housing Occupancy Standards," pp. 306-307.

⁵ 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>.

After the Department of Justice sued the city of Wildwood, NJ, the city conceded that its occupancy code adversely impacted families with children, especially Hispanic families, and that it enforced the ordinance primarily against persons living in year-round rental units as well as those receiving public housing assistance.⁶ The Wildwood code was so restrictive that in most instances it permitted only one person per bedroom.

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," states 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."⁷ 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.⁸

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.⁹ 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 would conduct such work as it had "prior to the issuance of the [Diaz] memorandum." That is, 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

⁶ 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.usdoj.gov/opa/pr/Pre_96/September94/507.txt.html.

⁷ Available at 63 Federal Register 70983 (December 22, 1998).

⁸ See, e.g., Pader, "Housing Occupancy Standards," p. 303.

⁹ Available at 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."

“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] 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.”¹⁰

BOCA and IPMC Standardized Codes

The Building Officials and Code Administrators (BOCA) International, Inc., 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.¹¹

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.¹² 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.

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

Occupancy Codes in Northeast Ohio

Jurisdictions with occupancy codes in northeast Ohio typically 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 to 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.

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

¹⁰ See 63 Fed. Reg. 70256-57 (Dec. 18, 1998).

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

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

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.¹³ “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, Ashtabula City 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, compared to 3 in Ashtabula County,¹⁴ 14 in Lake County,¹⁵ 7 in Lorain County, and 3 in Medina County. (There are no local occupancy codes in Geauga County.) Some jurisdictions have adopted a version of one of the BOCA or IPMC codes in addition to a local code. In these jurisdictions, determining the number of occupants permitted would require examining both codes and determining whether there are any inconsistencies between them. The requirements for each jurisdiction in these six counties are set forth in Appendix B.

¹³ 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.”

¹⁴ 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.

¹⁵ In Lake County six local jurisdictions have their own local occupancy codes, and eight other jurisdictions reported that they follow the Lake County Board of Health regulation that sets forth minimum floor space requirements in the county. Four jurisdictions in Lake County – Eastlake, Waite Hill Village, Willoughby City, and Willoughby Hills – indicated that they did not have a local code and did not indicate that they followed the county regulation.

Appendix A

<u>Code</u>	<u>1 Occupant</u>	<u>2 Occupants</u>	<u>3-5 Occupants</u>	<u>6+ occupants</u>	<u>Relevant Code Sections</u>
<u>BOCA 1996</u>	*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 = additional 50 sq. ft.	*Sleeping purposes = additional 50 sq. ft.	
<u>IPMC 1998</u>	*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 = additional 50 sq. ft.	*Sleeping purposes = additional 50 sq. ft.	
<u>IPMC 2000</u>	*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

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	*Sleeping purposes = 70 sq. ft.	*Sleeping purposes = 100 sq. ft.	*Sleeping purposes = additional 50 sq. ft.	*Sleeping purposes = additional 50 sq. ft.	
<u>IPMC 2003</u>			*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 = additional 50 sq. ft.	*Sleeping purposes = additional 50 sq. ft.	
<u>IPMC 2006</u>	*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 updated as of	Relevant Code Sections	Notes
Andover	No					None	
Ashtabula City	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	6/21/07	1365	
		*Sleeping purposes = 70 sq. ft.	*Sleeping purposes = 100 sq. ft.	*Sleeping purposes = additional 50 sq. ft. per occupant			
Conneaut	IPMC, 2003	*Minimum habitable floor space = 250 sq. ft.	*Minimum habitable floor space = 400 sq. ft.	*Minimum habitable floor space = additional 150 sq. ft. per occupant	9/12/06	1309	*For a club, dorm, sorority or fraternity house for more than five occupants, there must be 50 sq ft per occupant.
Geneva	BOCA, 1996				12/18/06	1420	
Geneva on the Lake	No					None	
Jefferson	No					None	*In a 640 sq ft multifamily unit for senior citizen housing, there is a max occupancy of two persons.
North Kingsville	No					None	

Local Occupancy Codes in Northeast Ohio

Orwell	No					None	
Roaming Shores	No					None	
Rock Creek	No					None	

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Cuyahoga County							
Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code updated as of	Relevant Code Sections	Notes
Bay Village	IPMC, 2006				6/19/06	1334	
Beachwood	IPMC, 2000				5/1/06	1303	
Bedford	IPMC, 2003				11/6/06	1311	
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	1/1/06	1376.05; 1387.14	
Bentleyville	BOCA, 1996				1/18/06	1480	
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	3/18/07	1355.02; 1355.03; 1355.05	
		*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	3/15/06	1411.03-04	

Local Occupancy Codes in Northeast Ohio

				occupant			
Brecksville	IPMC, 2006				5/1/07	1303	
Broadview Heights	IPMC, 2003				10/30/06	1494.01; 1494.08	
Brooklyn	IPMC, 2003				4/23/06	1309	
Brooklyn Heights	IPMC, 2003				1/3/06	1422	
Brookpark	IPMC, 1998				12/31/06	1308	
Chagrin Falls	No					None	
Cleveland	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	6/10/03	369	Applies only to rental units.
		*Sleeping purposes = 70 sq. ft.	*Sleeping purposes = 120 sq. ft.	*Sleeping purposes = 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	5/1/07	1351	
		*Sleeping purposes = 100 sq. ft.	*Sleeping purposes = 120 sq. ft.	*Sleeping purposes = additional 50 sq. ft. per occupant			
Cuyahoga Heights	No					None	

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East Cleveland	IPMC, 2000				10/1/02	1309	
Euclid	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	6/19/06	1755.02-04	*All units must have at minimum 250 sq. ft. of habitable floor space
		*Sleeping purposes = 70 sq. ft.	*Sleeping purposes = 100 sq. ft.	*Sleeping purposes = additional 50 sq. ft. per occupant			
Fairview Park	No	*Minimum habitable floor space = 300 sq. ft.	*Minimum habitable floor space = 450 sq. ft.	*Minimum habitable floor space = additional 150 sq. ft. per occupant	3/19/07	1357	*All units must have at minimum 300 sq. ft. of habitable floor space
		*Sleeping purposes = 80 sq. ft.	*Sleeping purposes = 130 sq. ft.	*Sleeping purposes = additional 50 sq. ft. per occupant			
Garfield 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	6/1/06	1411	
		*Sleeping purposes = 80 sq. ft.	*Sleeping purposes = 100 sq. ft.	*Sleeping purposes = additional 50 sq. ft. per occupant			
Gates Mills	No					None	
Glenwillow	No					None	
Highland Heights	No					None	
Highland Hills	No					None	

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Hunting Valley	IPMC, 2003				12/13/05	1391	
Independence	No					None	
Lakewood	IPMC, 2000	*Minimum habitable floor space = 150 sq. ft.	*Minimum habitable floor space = 250 sq. ft.	*Minimum habitable floor space = additional 100 sq. ft. per occupant	6/1/06	1310.01; 1306.15-16	
		*Sleeping purposes = 70 sq. ft.	*Sleeping purposes = 100 sq. ft.	*Sleeping purposes = additional 50 sq. ft. per occupant			
Linndale	IPMC, 2003				4/1/07	1365	
Lyndhurst	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	6/1/05	1385	*All units must have at minimum 250 sq. ft. of habitable floor space
Maple Heights	BOCA, 1996				12/31/06	1490	
Mayfield Heights	IPMC, 2003				1/31/07	1393	
Mayfield Village	BOCA, 1996				7/1/06	1335.01; 1367.01	
Middleburg Heights	No					None	
Moreland Hills	No					None	
Newburgh Heights	No					None	
North Olmstead	No					None	
North Randall	IPMC, 1998					1494	
North Royalton	No					None	

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Oakwood	IPMC, 2006				8/21/06	1327	
Olmstead Falls	BOCA, 1996				5/9/06	1480	
Orange	No					None	
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	12/31/06	1707	
Parma Heights	No					None	
Pepper Pike	IPMC, 2003				10/1/06	1428	
Richmond Heights	IPMC, 2006				5/8/07	1309	
Rocky River	No				6/2/05	1147	*The occupancy of any rental dwelling units shall be limited to not more than two (2) persons per bedroom unit.
Seven Hills	No					None	
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	4/23/07	1411	
Solon	No					None	

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South Euclid	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	12/21/05	1405	*All units must have at minimum 300 sq. ft. of habitable floor space
Strongsville	IPMC, 2000				12/31/05	1480	
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	12/31/06	1478	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 as specifically permitted by reason of qualifying under Section 1240.10 (c) or 1472.14(c), may occupy a single bedroom or sleeping room.
Valley View	No					None	
Walton Hills	No					None	
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	1/1/06	1377	
Westlake	No					None	

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Woodmere	No	*Minimum habitable floor space = 250 sq. ft.	*Minimum habitable floor space = 500 sq. ft.	*Minimum habitable floor space = additional 250 sq. ft. per occupant	6/27/07	1317	*All units must have at minimum 500 sq. ft. of habitable floor space
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Geauga County							
Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code updated as of	Relevant Code Sections	Notes
Aquilla Village	No					None	
Burton Village	No					None	
Chardon	No					None	
Middlefield Village	No					None	
South Russell Village	No					None	

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Lake County							
Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code updated as of	Relevant Code Sections	Notes
Eastlake	No					None	
Fairport Harbor Village	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		1318	*Applies only to rental units. In addition, a multiple family dwelling: no more than one person can occupy an efficiency unit; no more than two people can occupy the same bedroom.
		*Sleeping purposes = 120 sq. ft.	N/A	N/A			
Grand River Village	No					follows county	
Kirtland	No					follows county	
Kirtland Hills Village	No					follows county	
Lake County	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	
Lakeline Hills	No					follows county	
Madison Village	No					follows county	
Mentor	No					None	
Mentor on the Lake	IPMC, 1998				12/31/06	follows county	
North Perry Village	No				12/31/06	follows county	

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Painesville	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	11/11/06	1367; 1371	
		*Sleeping purposes = 70 sq. ft.	*Sleeping purposes = 100 sq. ft.	*Sleeping purposes = additional 50 sq. ft. per occupant			
Perry Village	No					follows county	
Timberlake Village	IPMC, 2006				3/31/07	1490	
Waite Hill Village	No					None	
Wickliffe	IPMC, 2006				2/6/07	Ch. 11	
Willoughby City	No					None	
Willoughby Hills	No					None	
Willowick	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	12/31/06	1367; 1334	*Applies only to rental units. In addition, all units must have at minimum 300 sq. ft. of habitable floor space
		*Sleeping purposes = 150 sq. ft.	*Sleeping purposes = 225 sq. ft.	*Sleeping purposes = additional 75 sq. ft. per occupant			

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Lorain County							
Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code updated as of	Relevant Code Sections	Notes
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	12/31/06	1355	
Avon	No					None	
Avon Lake	No					None	
Elyria	IPMC, 2003				1/31/06	1305	
Grafton Village	IPMC, 2003					1486	
Kipton Village	No					None	
LaGrange Village	No					None	
Lorain	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	5/1/06	1509; 1525; 1527	*No sleeping room shall be occupied by more than two adults, except that one child under eight years of age in addition to two adults may be permitted, and except that 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.
		*Sleeping purposes = 70 sq. ft.	*Sleeping purposes = 100 sq. ft.	*Sleeping purposes = additional 50 sq. ft. per occupant			

Local Occupancy Codes in Northeast Ohio

North Ridgeville	No	*Sleeping purposes = 70 sq. ft.	*Sleeping purposes = 100 sq. ft.	*Sleeping purposes = additional 50 sq. ft. per occupant	5/21/07	1480	
Oberlin	IPMC, 2003				3/20/07	1151	
Rochester Village	No					None	
Sheffield Lake	No					None	
Sheffield Village	No					None	
South Amherst Village	No					None	
Vermillion	IPMC, 2006				1/22/07	1480	
Wellington Village						None	

Local Occupancy Codes in Northeast Ohio

Medina County							
Municipality	IPMC or BOCA?	1 Occupant	2 Occupants	Additional Occupants	Code updated as of	Relevant Code Sections	Notes
Brunswick	IPMC, 2003				9/10/06	1480	
Chippewa Lake Village	No					None	
Gloria Glens Village	No					None	
Lodi Village	No					None	
Medina	IPMC, 2003				9/1/06	1381	
Rittman	No					None	
Seville Village	No					None	
Spencer Village	No					None	
Wadsworth	No	*Residential Unit: Sleeping purposes = 80 sq. ft.	Sleeping purposes = 120 sq. ft.	Sleeping purposes = additional 60 sq. ft. per occupant	9/17/07	152	
		*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	