



Department of Community Development

RESIDENTIAL OCCUPANCY FACT SHEET Prepared July 13, 2018

The City of Manassas Zoning Ordinance defines a “family” as follows:

- (1) An individual;
- (2) Two or more persons related by blood, marriage, adoption, or guardianship, living and cooking together as a single housekeeping unit, exclusive of not more than one additional nonrelated person;
- (3) A number of persons, not exceeding three, living and cooking together as a single housekeeping unit though not related by blood, marriage, adoption, or guardianship; or
- (4) Not more than two unrelated persons and their dependent children living and cooking together as a single housekeeping unit.

A “boarding house” is not permitted in the City of Manassas and is defined as

- (1) A Dwelling Unit arranged or used for lodging for compensation, other than a Hotel or Bed and Breakfast as defined by this chapter, with or without meals;
- (2) Any Dwelling Unit which has any one Residential Guest for a period of more than 30 consecutive days; or
- (3) Any Dwelling Unit which has one or more Residential Guests for a period of more than 104 calendar days in a single calendar year.

The City primarily enforces over-occupancy of residential structures by both determining if the structure is being used as a boarding house or if the occupants are in violation of the Zoning Ordinance under the definition of family. If the occupants are two or more persons related by blood, marriage, adoption, or guardianship, living and cooking together as a single housekeeping unit, exclusive of not more than one additional nonrelated person (Section (2) of the “family” definition) then the City Property Code Enforcement staff also applies the Virginia Property Maintenance Code (VPMC) to determine if the unit is over-occupied. The VPMC limits the number of persons that may occupy each bedroom based on bedroom size and provides specific criteria for a room to be called a bedroom, such as adequate light, ventilation and means of egress in case of an emergency. The following table illustrates those limitations and is designed to protect public safety.

Bedroom Size (square feet)	Maximum Number of Occupants per Bedroom (includes adults and children)	
	70 sq. ft. – 1 st occupant	50 sq. ft. – 2 or more occupants
70	1	
100	2	
150	3	
200	4	
250	5	

Note that it is not unusual for a master bedroom in a modern home to be 200 square feet or more which would permit occupancy of 4 people.

Additional limitations for total occupancy of the house are based on the size of the living room and dining room. The following table illustrates the minimum size that these rooms need to be under the code for the number of people in the home. Cumulatively, these two tables determine how many people can live in a home.

Space	Minimum Square Footage Needed for Occupants per Room (includes adults and children)	
	1 to 5 occupants in the home need...	6 or more occupants in the home need...
Living Room	120sf minimum	150sf minimum
Dining Room	80sf minimum	100sf minimum

Brief History of City Enforcement of Over-Occupancy in Residential Structures

In 2005 the City of Manassas adopted a Zoning Ordinance amendment that attempted to address overcrowding complaints by limiting the number of related family members that could live in a home in addition to applying the VPMC as shown above. A lawsuit was filed by the Washington, DC-based Equal Rights Center (“ERC”), Virginia-based Opportunities Made Equal (“HOME”) and eleven residents of Manassas alleging that the City had discriminated against Hispanic residents through its Residential Overcrowding Code Enforcement Program. The amendment was repealed and a settlement agreement reached with the plaintiffs. In the settlement agreement the City agreed to a new protocol for City investigations of residential overcrowding designed to address the concerns raised by the plaintiffs while allowing the City to fulfill its duties to ensure the health, safety and welfare of its resident through compliance with fire, safety and building codes and the effective prevention of unlawful overcrowding. In addition to clearly defined inspection procedures the agreement included fair housing training for relevant City employees and the hiring of a City Housing Manager and Advocate.

The agreement resolved the federal litigation and, while the City continues to deny that it engaged in any discriminatory action, the protocol that was developed did result in significant long-term benefits to the residents of the City of Manassas. Consequently, even though the settlement agreement expired in March, 2012 the City has continued to maintain the same protocols for residential overcrowding inspections which include the following:

- (1) Not accepting anonymous complaints;
- (2) Requiring a credible witness who has directly observed the violation (i) from a public vantage point on more than one occasion or (ii) from private property with permission from the owner/occupier;
- (3) The witness must provide the basis for suspecting a violation such as personal knowledge of the number of residents or of lease agreements; and
- (4) Prior to initiating an interior inspection the enforcement staff will first review City assessment data and determine that such data has not revealed that the structure has the requisite number of rooms and/or square footage to safely house the reported number of occupants.

Generally, the most reliable witnesses are neighbors that have been directly impacted by the suspected overcrowding and have repeatedly noticed the number of people coming and going from the home, using multiple entrances to the home, etc. In addition, per the settlement agreement, City code enforcement staff does not make internal inspections of a home based only on external conditions, such as number of vehicles parked at the residence, although such conditions are considered when evaluating a complaint.

Residents concerned about residential overcrowding in their neighborhoods are encouraged to call (703) 257-8424 and leave a message regarding the nature of the complaint. Messages are saved and complainants' identities are protected by law. The complainant will receive a call-back within 24 hours and be interviewed by a City property code enforcement officer. If the criteria are met the officer will recommend an investigation which is subject to supervisor approval. If the criteria are not met educational information may be provided to the homeowner or the case closed with "insufficient evidence." Property owners found to be in violation of either the Zoning Ordinance or the VPMC are first given corrective notices, followed by actual Notices of Violations.