

THREE UNRELATED PERSONS ORDINANCE RESTRICTION AND ENFORCMENT

Over the past couple of years, complaints about over-occupancy in single family dwellings have risen steadily. As you may know, the City of Norman zoning ordinances limit single family dwellings to residents that are family members, either by blood, marriage or adoption, or not more than three unrelated persons living together and sharing the common areas like the kitchen and living areas. This includes apartments, condominiums, and town homes. This restriction has been part of the zoning ordinance since 1954 and over the years, the City has explored various avenues of enforcement to protect City residents from the issues that arise when multiple unrelated persons live in single family homes. Complaints generally revolve around traffic, noise, and parking.

The City of Norman Zoning Ordinance limits the number of people who can live in single family dwellings through its definition of “single family”. Norman Code, 22 §450(38). “Single family” is defined as:

An individual, or two or more persons related by blood, marriage, or legal adoption living together as a single housekeeping unit in a dwelling unit, including foster children, domestic servants, and not more than two roomers; OR

Three unrelated persons living together in a quasi-unit quarter; OR

A group home as defined by 60 O.S. §862.

Single Family Restriction Enforcement Process:

[Future link to Occupancy Investigation Form]

[Future link to Occupancy Vehicle Log Form]

- If you know of a single family dwelling in your neighborhood that has more than three unrelated people residing in it, call the City of Norman Revitalization Division at (405) 366-5332 to begin the complaint process. Do not call the Police Department unless you have a complaint regarding noise, illegal parking, or other disturbance.
- Upon receipt of a complaint, staff will begin an investigation and a Code Compliance Officer will be assigned to process the complaint.
- The owner/property manager of the property in question will be contacted as part of the investigation. Identifiable tenants may be contacted as well.
- If the investigation produces probable cause to suspect the property is in violation of the zoning restriction, the Code Compliance Inspector will give notice to all tenants, the landlord, the property manager, and the owner setting forth a specific time frame in which voluntary compliance with the restriction may be achieved.
- Correcting the situation within the given time frame will result in no citation being issued.

- If a citation is issued, correcting the situation will not relieve any of the parties of the potential fine (up to \$500 per day in violation).
- After being cited, the charged party will be required to set a court date with the Norman Municipal Court and appear in court to enter a plea and face possible sentencing of up to \$500 per day for each day in which the property is in violation.
- If the charged party pleads Not Guilty to the violation, any person who filed the complaint or witnessed pertinent evidence may receive a subpoena to testify as a witness for the City at trial.

Three Unrelated Persons Restriction FAQ's

1) Why does the City of Norman restrict the number of unrelated persons who may live in single family dwellings and how long has the restriction been on the books?

ANSWER: Since 1954, the City of Norman has limited, via ordinances, occupancy in single family dwellings to families and no more than 3-unrelated persons. The City addresses occupancy to help ensure health and safety of residents, and to help protect the quality and character of neighborhoods. This ordinance helps to reduce traffic, noise, and parking problems that can occur when multiple unrelated people are dwelling in a single family home.

2) What about a house with two siblings and two additional roommates? Or two cousins and two additional roommates?

ANSWER: Neither of these arrangements would be in violation. In the first scenario, the siblings would be related to each other. Because the siblings are related, there would not be more than three unrelated persons in the home. The same applies to the two cousins and two additional roommates scenario. Because the two brothers are related, there would not be more than three unrelated persons in the home.

3) What about a home with a married couple, their parents, and their children?

ANSWER: This arrangement would not be in violation. The ordinance is limited to living arrangements with more than three unrelated people. In this example, all of these individuals would be related to each other by either blood or marriage.

4) Our ordinance prevents more than three unrelated persons living together in a “quasi-unit quarter.” What is a quasi-unit quarter?

ANSWER: A quasi-unit quarter is a unit of dwelling space that shares common living and kitchen facilities. This does not include sorority or fraternity houses, dormitories, or rooming or boarding houses but does include apartments (unless the apartment complex has obtained a zoning exception).

5) Is an ordinance like this legal?

ANSWER: Yes. The United States Supreme Court, in the case of *Village of Belle Terre v. Boraas*, determined that cities have the right to enact and enforce ordinances of this type.

6) How do I avoid being in violation of this residency limit?

ANSWER: Make sure you're complying with the law. If you have a family or do not live with more than three unrelated persons, then you're not in violation. If you want more than the limit in your dwelling unit, then you might want to look into the possibility of becoming a boarding house (a process that may involve rezoning).

7) I own and occupy my house. Do I still have to follow the residency restrictions?

ANSWER: Yes.

8) Does the residency limit apply to apartments? Modular homes? Duplexes?

ANSWER: Yes to all. The residency limits apply to all dwelling units within city limits. There are apartment complexes built *and approved* for 4 tenants. These complexes have a disclosure statement to reflect this occupancy limit.

9) What does the residency restriction enforcement process look like?

ANSWER: The City has Code Compliance Inspectors who are responsible for enforcing this code. They take complaints, notify owner/tenants of the complaint, conduct an investigation, compile evidence, and issue a citation if justified. The defendant could then go to court and the Judge determines if the evidence shows a violation has occurred. If so, they will impose a fine and give an order to come into compliance.

10) What should I do if I live next to a house that may be in violation?

ANSWER: First, notify the City of Norman Revitalization division. They can be reached at (405) 366-5332. Second, it's important that you pay attention to the number of cars and people at the home. If there are multiple cars parked at the house on a regular basis, note that. The more information you can provide to the Revitalization division, the easier it will be to stop the problem.

11) What if I live near a house that only has three-unrelated residents, but the occupants are loud or park their vehicles illegally?

ANSWER: Call the police. The Norman Police Department may be able to issue citations for disturbing the peace, parking violations, or for having a nuisance party. You can make a complaint by calling (405) 321-1444.

12) What if I have guests on most weekends? Will I be in violation even though these guests don't technically live with me?

ANSWER: It depends if those guests are occupants. The limit in single-family dwellings to three unrelated persons applies to occupants—not guests. Therefore, a frequent guest could actually be considered to be an occupant. If the City receives a complaint, there would be an investigation to see if there's reasonable suspicion of a violation of the residency limit.

13) Are group homes or homes for recovering drug addicts and alcoholics subject to this ordinance?

ANSWER: No. Group homes are regulated by Oklahoma state law. Group homes are homes for mentally disabled or challenged adults. Under state law, group homes are allowed to have up to 6 unrelated residents. Home for recovering drug addicts or alcoholics (commonly called "Oxford houses") are regulated under the federal Fair Housing Act ("FHA"). The FHA has priority over our Norman ordinance and allows multiple unrelated persons in a single one of these houses. They must still comply with maximum occupancy standards that take into account square footage, number of bedrooms, number of bathrooms, etc.

If you have any more questions, you may call the City's Revitalization Division at (405) 366-5332.