HB 2583: MAXIMUM OCCUPANCY LIMITS

Office of Representative Julie Fahey – last updated 02/10/2021

BACKGROUND

Many Oregon cities impose limits on the number of unrelated people who can live in a single dwelling unit. These limits are not tied to the size of the dwelling, meaning that the same limits apply to a studio apartment as a large 6-bedroom house.

In 1977, the U.S. Supreme Court struck down occupancy limits based on people who are related to each other.[3] Because of this ruling, occupancy limits are only applicable to people considered *unrelated* under the law. This arbitrary distinction relies on definitions of "related" that are often outdated and do not reflect all the reasons people may choose to live together today. Many cities consider people related by "*blood, marriage, legal adoption, or guardianship*" to be related to each other, but occupancy limits still apply to unmarried couples, roommates, and other common living arrangements.

Oregon's housing shortage is major driver of our affordability crisis. The state estimates that current housing supply in Oregon is 110,000 units below what is needed for our population.[4] Limits on the number of people living together is one barrier to fully utilizing the housing stock we have.

Occupancy limits in selected Oregon cities

City	Max. unrelated people in unit[1]	Standard for "related" in definition of *family* or *household*
Ashland	**5**	*"blood, marriage, legal adoption, or guardianship"*
Beaverton[2]	**5**	*"blood, marriage, legal adoption, or guardianship."* Exempts live-in servants from count of unrelated people.
Coos Bay[2]	**5**	*"blood, marriage, legal adoption, or guardianship."* Exempts live-in servants from count of unrelated people.
Corvallis	**5**	*"blood, adoption, marriage, or domestic partnership"*
Eugene	**5**	*"blood, marriage, adoption, guardianship or other duly-authorized custodial relationship"*
Hillsboro[2]	**5**	*"blood, marriage, domestic partnership (as defined in the Hillsboro Municipal Code), legal adoption, or guardianship"*
Junction City	**5**	*"blood or marriage"*
Monmouth	**5**	*"blood, marriage, domestic partnership, legal adoption, or guardianship"*
Portland[2]	**6**	*"blood, marriage, domestic partnership, legal adoption or guardianship."*

SOLUTION

HB 2583 will prohibit governments from imposing occupancy limits on the number of people who can live in a single dwelling unit.

The bill does not prevent landlords and other private entities from setting occupancy limits for their own units, within existing law (ORS 90.262). The -1 amendment clarifies that the bill will not change cities' ability to limit the number of people per square foot or enforce fire and building codes.

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[1] Does not reflect exceptions for people with disabilities, people receiving residential care, live-in servants, and other variations among city codes.

[2] These cities' limits are defined as a "family" plus not more than X additional people. For instance, in Beaverton a family of five could live together with up to four unrelated people—but if none of the occupants are related to each other, the maximum is five. Coos Bay and Hillsboro allow a family plus three unrelated people, *or* five total unrelated people.

[3] Moore v. City of East Cleveland 431 US 494 (1977)

[4] Regional Housing Needs analysis, p. 19