

Overcrowding

- Definitions
 - **HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.
 - **NONHABITABLE SPACES** are bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas.
- Minimum width
 - 7 feet minimum for any room except kitchens. Kitchens do not have a minimum width. This was removed prior to 2003 during the property maintenance code adoption that year.
 - Been in the code since 1955 BOCA Building Code
- Minimum ceiling height
 - 7 feet for all habitable spaces, corridors/hallways, bathrooms, toilet rooms, and habitable basements
 - 1955 – 7 feet 6 inches Building Code, PMC 1981 to mid-1990s was 7’4”
 - Several exceptions to this rule
 - There is one for beams and girders. Rarely seen in our old homes in Hagerstown. (more than 4 feet apart and not more than 6 inches below)
 - Laundry, study, or recreation basements can be reduced to 6 feet 8 inches, 6 feet 4 inches under beams, girders, ducts and similar
 - Bedrooms with sloped ceilings
 - 1/3 floor, 7 feet
 - Do not measure 5 foot or less as habitable space
- Configuration of unit - Walk-through spaces
 - We have two provisions for walk-through spaces.
 - 404.4.2 Access from bedrooms – original floor plan
 - No locking and latching devices on doors separating the rooms
 - The door separating the two adjoining rooms must open into furthest room
 - 404.4.3 Water closet accessibility – original floor plan
 - One exception – a means of egress or exits cannot lead through toilet rooms or bathrooms (702.4 Arrangement)
 - Basically, you cannot walk through a bedroom to get to another bedroom unless this was how the structure was constructed.
 - Also, you cannot walk through a bedroom to get to a bathroom unless this was how the structure was constructed.
 - Spaces were converted/changed from their original design
 - Example: A duplex that was a side by side and is not 4 units with over/under on each side.

TABLE 404.5
MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET			
	1-2 occupants	3-5 occupants	6-8 occupants	9 or more occupants
Living room (a,b)	No requirements	120	150	180
Dining room (a,b)	No requirements	80	100	120
Bedrooms	Shall comply with Section 404.4			

For SI: 1 square foot = 0.093 m².

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

- Chart Living and dining
- Combination spaces
 - Living-dining area
 - Must meet the requirements of both rooms square footage in one larger room
 - Eat-in kitchens (kitchens with dining)
 - Must have 3 feet (36 inches) clearance egress path
 - 30 inches Non-egress path
 - Must have the clearance and dining room square footage requirement
 - Food prep size
 - Examples to explain
 - Example #1 – Big enough for 3-5 people. Remember 1 or 2 people do not require dining or living space
 - Example #2 – This size would not be large enough to meet the requirements for an eat-in kitchen but it does not mean it could never be
 - Example #3 – Reconfigure the space and make all of the kitchen equipment on one wall. Rounding up, we get 80 square feet meeting the code for 3-5 people
- Bedrooms
 - One person – 70 sq. ft.
 - Two people – 100 sq. ft.
 - Three people – 150 sq. ft.
 - The code does not differentiate on the size of the occupant. Infant, child or adults requires the same amount of square footage
- Examples
 - Single family home
 - Typical duplex or single family home in Hagerstown.
 - Look at the dimensions
 - Maximum occupancy is 5 people

- Bedrooms and dining space limited this occupancy to 5 people.
 - Remember, need 100 square feet of dining space to be 6 to 8 occupants.
- Another single family home with a twist.
 - Each room was shrunk 1 foot in length
 - Now the maximum occupancy is 3 people due to bedroom sizes
 - Bedroom #2 is no longer considered a bedroom
 - Bedroom #1 is for 1 person and Bedroom #3 is for 2 people
- Now let's look at a multi-family dwelling.
 - Common configuration but note we only call them rooms, not bedroom/living/dining
 - Due to configuration of the room and most likely not being original design, the front room would have to be a bedroom
 - Remember, original design does not permit a person to walk through a bedroom to get to a bathroom. If Room #2 was the bedroom, then a person would have to walk through a bedroom to get to the bathroom
 - Also, if they were in the kitchen, they would have to walk through Room #2 to get to Room #1. You cannot walk through a bedroom to get to another bedroom
- Another example of common multi-unit structure.
 - For this one we will be entering the unit at the hallway
 - Is this right, 3 people based on room square footage
 - No, this would again only be 2 people.
 - 3 people require living and dining space
 - Could be thinking, you just showed me earlier how the Kitchen similar in size may be an eat-in kitchen. That is true but you still need to meet the living room square footage requirements
- The multi-family configuration with 2 rooms again.
 - This one we will be entering the unit through the kitchen.
 - Same as before with the walkthrough space. Room #2 cannot be a bedroom, this would have to be the living/dining space
 - Room #1 would be large enough for 2 people
- Hypothetical, I have 3 bedrooms, based on the square footage of the bedrooms; I could have 7 people occupy the space, right?
 - Not exactly correct, the unit must have the square footage for the living and dining for 6 to 8 people.
 - The occupancy is determined by the bedrooms, living room, and dining room space.
 - The lowest number based on the chart or bedroom code is the maximum occupancy.
- Efficiency Unit

- Go through code
- Questions
 - Will our office come out and measure your unit to determine occupancy?
 - Yes. Asking us to measure, we certainly can. You might be surprised if you think there is overcrowding.
 - How do we enforce overcrowding?
 - This is a complaint driven investigation. We do not proactively knock on doors. We do respond to complaints but we must be given access.
 - Proving overcrowding is very difficult. Our inspections will general determine the number of occupants are permitted to reside in the structure.
 - We advertise as X number of bedrooms because that is how the space has always been used, is that correct?
 - Not always. We get calls about a tenant being rented a “for example” a 3 bedroom unit but they are not sure of the one bedroom is a legal bedroom. We come out and make a determination. At times it is a 3 bedroom and at times it is not a legal bedroom and only legally 2 bedrooms. This could be a difficult situation for a property owner if they advertised and then rented a space with an illegal bedroom.
 - Also, our office determines the number of bedrooms for the Hagerstown Housing Authority. HHA does not make those determinations; they go by the City’s records. Our office is called regularly for this determination.