

Definition of *Family* in the Saint Paul Zoning Code

Sets a maximum number of occupants allowed to live in a dwelling unit based on relatedness.

Michael Wade, *City Planner*

Planning and Economic
Development

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Comprehensive &
Neighborhood Planning
Committee

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The Definition of *Family*

Section 60.207. F.

Sets a maximum number of occupants allowed to live in any dwelling unit based on relatedness.


"Family. One (1) or two (2) persons or parents, with their direct lineal descendants and adopted or legally cared for children (and including the domestic employees thereof) together with not more than two (2) persons not so related, living together in the whole or part of a dwelling **comprising a single housekeeping unit**. Every additional group of four (4) or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this code."

Includes "family members" and "unrelated people"; may be more accurately called a "household".


The Definition of *Family*

Section 60.207. F.

Any four of the below are permitted to live together in a dwelling unit.



1 Adult with Kids:
1 Parent & their direct lineal descendants & adopted or legally cared for children (e.g. children [kids and adults], grandchildren, etc.)



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Adult:
1 adult with no kids. Adult can be the other parent, a friend, guest, etc.



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The Definition of *Family*

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Other land uses use this number to trigger spacing or minimum lot area requirements.

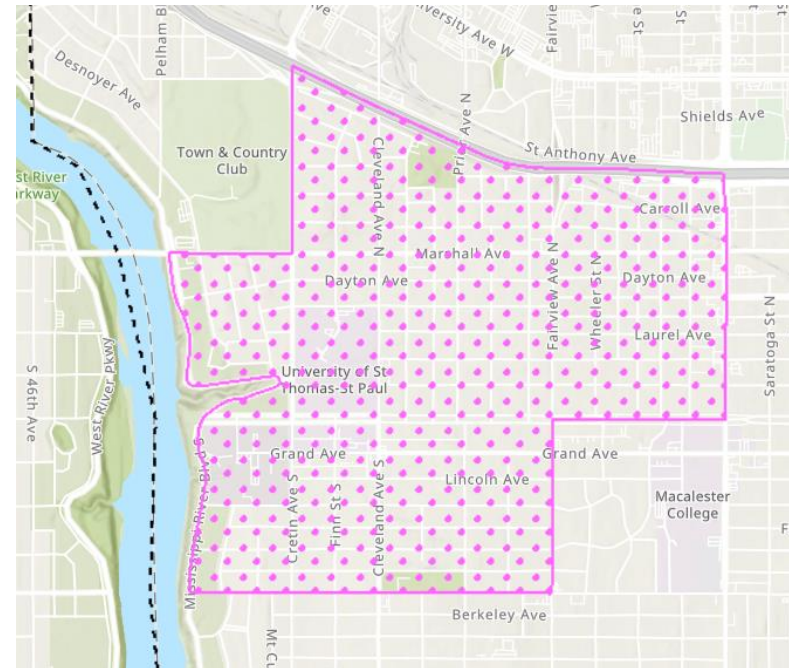
- Adult care home
- Licensed correctional facility
- Overnight shelter
- Sober house
- Supportive housing
- Roominghouse
- Accessory dwelling unit

Other occupancy regulations are set by the Minnesota Fire Code, Chapter 34 of the Saint Paul Legislative Code (housing and property maintenance), the Minnesota Building Code, and the Minnesota Residential Code

Students

This definition applies to all dwelling units regardless of student status.

- Within the **SH Student Housing Neighborhood Impact Overlay District**, a rental house or duplex with three or four students is considered a *student dwelling* and is subject to special requirements:
 - No more than four students
 - Registration with the City, regularly renewed
 - 150 feet between each student dwelling
 - Adequate parking (no "grandfathered" sub-standard parking)



Why update?

Problems to be addressed & goals
to be achieved

Why update this definition?

- This definition limits households that don't closely conform to a "nuclear family" and could violate Fair Housing laws
 - Larger households
 - Cousins and other relatives
 - Community care for the young or old
 - Large groups of unrelated individuals
- Disproportionately affects households of color
- Limits access to affordable rental housing
- Limits density

FHIC Report (2017)

"2017 Addendum to the 2014 Regional Analysis of Impediments to Fair Housing Choice", written for the Fair Housing Implementation Committee

- Cities' occupancy restrictions were scored on risk of being "arbitrary or discriminatory"

3 – High risk

- Allows only 3 unrelated occupants in some or all districts

2 – Medium risk

- Saint Paul
- "neither the most permissive nor the most restrictive definition"

1 – Low risk

- Allows 5 unrelated occupants
- More neutral (square footage, # of occupants)

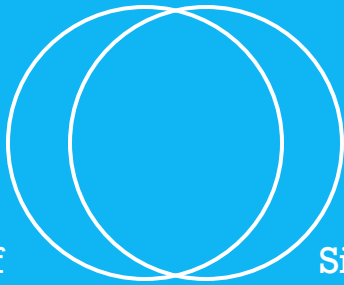
- Saint Paul's definition of *Family*:

- ✓ Doesn't discriminate based on handicapped status (Minnetonka)
- ✗ Allows only four unrelated people to live together
- ✗ Doesn't allow for individual review of larger households

FHIC Report (2017)

- FHIC report recommendations:
 1. "...have their definition of "family" more closely correlate to **neutral maximum occupancy restrictions** found in safety and building codes;
 2. "...**increase the number of unrelated persons** who may reside together to better allow for nontraditional family types; or
 3. "...create an administrative process that allows for a **case-by-case approach** to determining whether a group that does not meet the code's definition of family or housekeeping unit is nonetheless a functionally equivalent family." (Minneapolis tried and was still scored a 3)

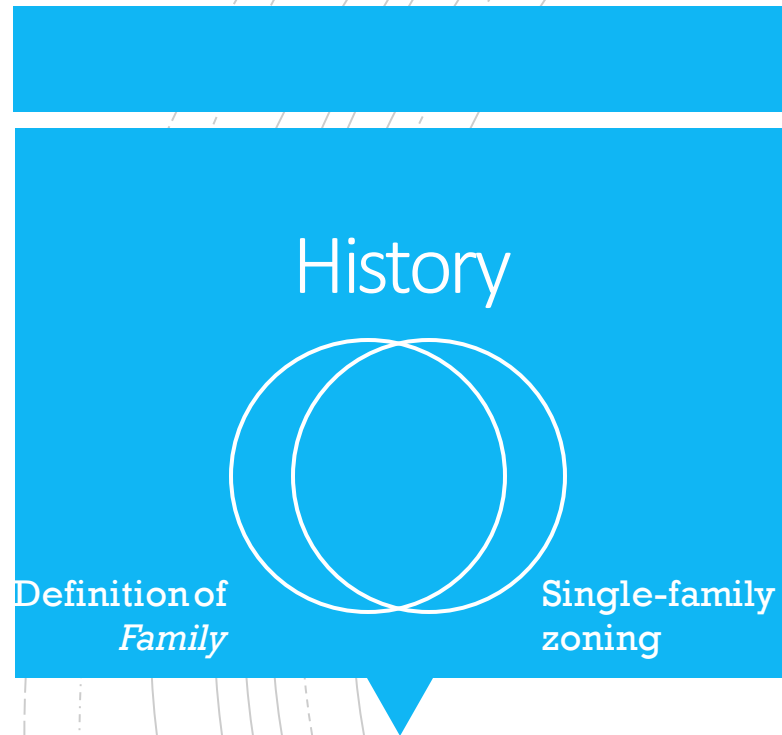
History



Definition of
Family

Single-family
zoning

- Definition before 1975: *One or more persons customarily living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a hotel, club, religious or institutional building, boarding or lodging house, or fraternity.*
- This was established by cities around the nation as an occupancy regulation in the 1970s.



Original reasons for establishing:

- **Population density control** - traffic, safety, overcrowding ("traditional families tend to be self-limiting")
- **Limit nuisances** – noise, behavior, illicit dealings. (Households of unrelated people are associated with fraternities and "flop houses".)
- **Housing affordability** – landlords seeking higher rents from larger households.
 - Keep housing affordable to two-parent households;
 - Keep landlords from demolishing smaller houses that are more affordable for ownership.
- **Low density character neighborhoods** - the sum of the parts result in quiet, clean, low-density residential areas that are good for families, especially youth.

Staff Perspectives

➤ Inspection:

- Relatedness is difficult to ascertain and enforce, so remove consideration of relatedness;
- Nuisances occur when occupants are very greatly removed from the accountability for the property;
- Raising the number of allowed unrelated occupants by even one occupant would allow larger households that are not creating nuisances.

➤ Legal:

- Relatedness can present a more complicated legal position, so remove consideration of relatedness

➤ Housing:

- To allow the most people access to the most housing possible, keep consideration of relatedness to allow unlimited related occupants, and raise the number of allowed unrelated occupants.

Proposed amendment options

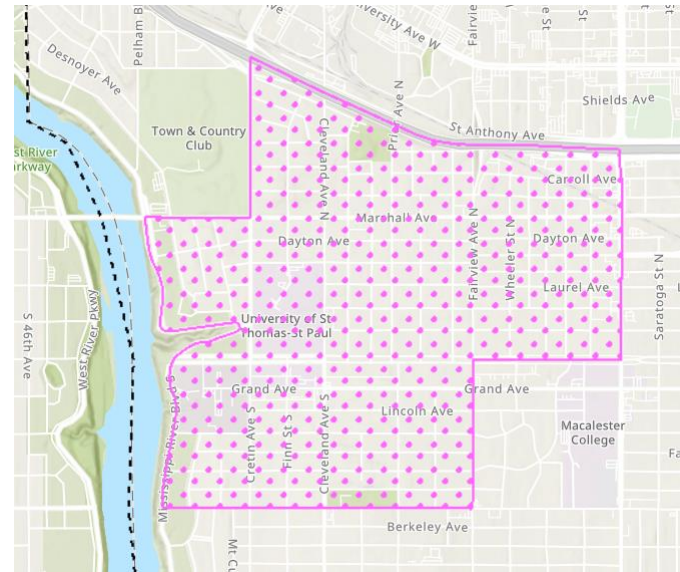
Option 1 - "Any six"

Option 2 - "Family or five"

Option 3 - "Family *plus* four"

ALL THREE OPTIONS

- Any number of minors
- Student dwellings in the SH Student Housing Neighborhood Impact Overlay District are still subject to a maximum of four students and other requirements.
 - As maximums change, other nonstudents can reside with the students.



Proposed amendment options

Option 1 - "Any six"

Option 2 - "Family or five"

Option 3 - "Family *plus* four"

OPTION 1 - "ANY SIX"

Family. Six (6) or fewer adults, together with minor children in their care, living as a single housekeeping unit.

- Removes relatedness
 - Worse for family households with 7+ adults
 - Maximum of six unrelated occupants
 - Easier to enforce
- Should accommodate most households of related people.
- In the SH overlay district, two non-students may live with a maximum of four students.

Proposed amendment options

Option 1 - "Any six"

Option 2 - "Family or five"

Option 3 - "Family *plus* four"

OPTION 2 - "FAMILY OR FIVE"

Family. Five (5) or fewer adults, or any number of adults who are all related to each other by blood, marriage, guardianship, or domestic partnership as defined by Chapter 186 of the Saint Paul Legislative Code, together with minor children in their care, living as a single housekeeping unit.

- Retains relatedness
 - Better for family households with 6+ adults
 - Maximum of five unrelated occupants
 - Mixed households (related + unrelated) are subject to five maximum adults
 - Difficult to enforce
- In the SH overlay district, one non-student may live with a maximum of four students.

Proposed amendment options

Option 1 - "Any six"

Option 2 - "Family or five"

Option 3 - "Family *plus* four"

OPTION 3 - "FAMILY *PLUS* FOUR"

Family. Any number of adults who are all related to each other by blood, marriage, guardianship, or domestic partnership as defined by Chapter 186 of the Saint Paul Legislative Code and up to four (4) additional adults, together with minor children in their care, living as a single housekeeping unit.

- Retains relatedness
 - Better for family households with 6+ adults
 - Still maximum of five unrelated occupants (one of those "occupants" could include an entire family)
 - Difficult to enforce
- In the SH overlay district, one non-student may live with a maximum of four students.

Discussion

OPTION 1 - "ANY SIX"

- Family. Six (6) or fewer adults, together with minor children in their care, living as a single housekeeping unit.

OPTION 2 - "FAMILY OR FIVE"

- Family. Five (5) or fewer adults, or any number of adults who are all related to each other by blood, marriage, guardianship, or domestic partnership as defined by Chapter 186 of the Saint Paul Legislative Code, together with minor children in their care, living as a single housekeeping unit.

OPTION 3 - "FAMILY PLUS FOUR"

- Family. Any number of adults who are all related to each other by blood, marriage, guardianship, or domestic partnership as defined by Chapter 186 of the Saint Paul Legislative Code and up to four (4) additional adults, together with minor children in their care, living as a single housekeeping unit.

Recommended motion:

- Initiate the study of the definition of *family* and related issues and requirements;
- Release the staff report and its attachments for public review and comment; and
- Set a public hearing date for November 13, 2020.

Study Background

Origins of the study:

- City Council Resolution 18-1204 (2018)
 - Requests "[z]oning studies by the Planning Commission to explore ways to increase density in residential districts including ... **reviewing and updating the definition of 'family'.**" (Context: strategies for increasing density // affordable housing // fair housing)
- 2040 Comprehensive Plan (2018 - 2020)
 - **"Ensure that the regulatory definition of family and allowable dwelling types meet the needs of residents and reflect how people want to live, while meeting fair housing requirements"**
- 2030 Comprehensive Plan (2008)
 - "Ensure fair housing" // "Support new housing opportunities for low-income housing units" // "Promote fair housing choices for all"