National Association of Residential Property Managers

NARPM® Policy Statement

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Issue: Occupancy Standards
Sponsor: Governmental Affairs

The National Association of Residential Property Managers (NARPM®) supports the Fair Housing Act ("the Act"), which prohibits discrimination on the basis of familial status, the presence or expected presence of children in a household. The Fair Housing Act exempts from its coverage the application of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

Uncertainty in the application of the Fair Housing Act increases the likelihood that property managers will find themselves defending a discrimination charge in the enforcement of reasonable occupancy standards.

Occupancy standards are designed to protect the safety and health of residents and to protect the building and its facilities. Property managers find themselves caught between the need to limit the maximum number of occupants in a unit, and their commitment not to discriminate on the basis of familial status. Most standards based on square footage are designed to protect the health and safety of the residents and allow greater density that is reasonable, considering wear and tear on the property and the ability to service the residents. In some jurisdictions, local governments have enacted strict occupancy limits, which are based on a one or two people per bedroom standard. These standards limit the property owner and manager's ability to allow more people in a unit when the market conditions warrant a higher occupancy level.

NARPM supports the right of property owners and property managers to restrict occupancy in a reasonable manner that is consistent with the letter and spirit of the Fair Housing Act and believes that an occupancy limit of two persons per bedroom is reasonable under the Fair Housing Act. Moreover, NARPM® believes that property managers should be shielded from discrimination charges that arise form enforcing any occupancy standard that is enacted by a state or locality.