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Maximum Occupancy of Dwelling Units for Sleeping Purposes

This information bulletin provides a guideline to help determine the maximum number of people that may legally sleep within a dwelling unit or an efficiency dwelling (or efficiency living) unit.

Definitions

Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provision for living, sleeping, eating, cooking and sanitation. [HCD 1-AC] for the purpose of Chapter 11A, a single unit of residence for a family of one or more persons. Examples of dwelling units covered by Chapter 11A include condominiums, an apartment unit with an apartment building, and other types of dwellings in which sleeping accommodations are provided but toileting or cooking facilities are shared by occupants of more than one room or portion of the dwelling. Examples of the latter include dormitory rooms and sleeping accommodations in shelter intended for occupancy as residences for homeless persons

Efficiency dwelling unit or efficiency living unit A dwelling unit constructed in accordance with Health and Safety Code Section 17958.1 or the Building Code 1207.4 or the 1997 Uniform Housing Code.

Dwelling Unit

Required Minimum Floor Areas of Rooms. The Uniform Housing Code (section 503.2) requires that a dwelling unit have at least one room which is not less than 120 square feet in area. Other habitable rooms, except kitchens, are ***required*** to have a floor area of not less than 70 square feet.

Minimum Floor Areas for Sleeping Purposes. The Uniform Housing Code (section 503.2) further states that where more than two persons occupy a room used for sleeping purposes, the ***required*** floor area shall be increased at the rate of 50 square feet for each occupant in excess of two. It should be noted there is nothing in the Housing Code that prevents people from sleeping in the living or dining rooms, as long as these rooms have an openable window or door meeting all the provisions of the California Building Code for emergency egress.

Example Calculations. Using the above information, the following example calculations will indicate the maximum number of persons that may sleep in a dwelling unit of various sizes. All dwelling units require a kitchen and at least one bathroom.

A one-bedroom apartment with a combination living/dining room area:

- Where the bedroom is at least 120 square feet in area (70 plus 50 square feet), three people could sleep there.
- Where the living/dining area is at least 170 square (120 plus 50 square feet) three persons could sleep there.

Thus, a total of 6 people can legally sleep in a one-bedroom apartment with the above minimum room sizes.

A two-bedroom apartment with a combination living/dining room area:

- Where the bedrooms are at least 120 square feet three people could sleep in each bedroom (70 square feet for two people plus 50 square feet for the third person).
- Where the living/dining area is at least 170 square feet three people could sleep there. (120 square feet for two people plus 50 square feet for the third person).

Thus, a total of 9 people can legally sleep in a two-bedroom apartment with the above minimum room sizes.

A three-bedroom house, with a separate living room and a separate dining room:

- Where the bedrooms are at least 120 square feet three people could sleep in each bedroom. (70 square feet for two people plus 50 square feet for the third person). This would sleep 9 persons.
- Where the living room is at least 170 square feet three persons could sleep there (120 square feet for two people plus 50 square feet for the third person).
- Where the dining room is at least 170 square feet (120 square feet for two people plus 50 square feet for the third person) three persons could sleep there.

Thus, a total of 15 people can legally sleep in a three-bedroom house with above minimum room sizes.

Efficiency Dwelling Unit

Required Minimum Floor Areas of Rooms. An exception to Uniform Housing Code section 503.2 provides a specific allowance for the use of an efficiency dwelling unit. It **requires** the efficiency dwelling unit have at living room which is **not** less than 220 square feet in area.

Minimum Floor Areas for Sleeping Purposes. The exception further states that where more than two persons occupy the living room for sleeping purposes, the **required** floor area shall be increased at the rate of 100 square feet for each occupant in excess of two. The living room must have an openable window or door meeting all the provisions of the California Building Code for emergency egress.

Using the above information, the following table indicates the maximum number of persons that may sleep in an efficiency dwelling unit of various sizes. All efficiency dwelling units require a kitchen and at least one bathroom.

Living Room Area	Maximum Occupants
220 s.f. or more, but less than 320 s.f.	2
320 s.f. or more, but less than 420 s.f.	3
420 s.f. or more, but less than 520 s.f.	4
520 s.f. or more, but less than 620 s.f.	5
Etc.	Etc.