



## DEFINITION OF "FAMILY" IN SELECT ZONING REGULATIONS

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### UNRELATED INDIVIDUALS CONSIDERED A "FAMILY" FOR ZONING PURPOSES

Most Connecticut municipalities with populations similar in size to Milford define "family" to include not only related individuals, but also a limited number of unrelated individuals living together as a single housekeeping unit.

By defining these unrelated individuals as a "family," municipalities effectively authorize them to occupy houses in neighborhoods zoned for single-family residences.

### QUESTION

How do Milford and Connecticut municipalities with populations similar in size define "family" in their zoning regulations?

### SUMMARY

Milford, which has a population of 52,759 according to the 2010 Census, defines "family" in its zoning regulations as "[p]ersons related by blood, marriage or adoption, or no more than 4 individuals occupying a dwelling unit who are committed to living together as a single housekeeping unit, in harmony with the surrounding neighborhood, responsible for maintaining a common household. A boarder shall not be considered a member of a family for the purposes of this definition." To answer your question, we looked at the definition of "family" in the zoning regulations of 12 municipalities with populations similar in size to Milford's.

Of these 13 municipalities, two, Manchester and Stratford, limit the definition to related individuals only. Nine define "family" to include (1) related individuals and (2) a limited number of unrelated individuals living together as a single housekeeping unit. Two others, East Hartford and Meriden, define "family" as any number of individuals, related or not, living together as a single housekeeping unit. Definitions vary as to (1) which legal relationships make individuals related to one another; (2) the maximum number of unrelated individuals who may live together and qualify as a "family"; and (3) treatment of certain types of unrelated individuals (e.g., boarders, servants).

Table 1 shows how the 13 select municipal zoning regulations define “family.” The included definitions are from zoning regulations in Milford and the six towns that rank just above and just below Milford in population based on 2010 Census data (Bristol, East Hartford, Enfield, Fairfield, Hamden, Manchester, Meriden, Middletown, Southington, Stratford, Wallingford, and West Haven).

**Table 1: Select Zoning Regulations**

<b><i>Municipality, Regulation Citation, and 2010 Census Population</i></b>	<b><i>Definition of “Family”</i></b>
Bristol Zoning Regs., Section II (B) Population: 60,477	“One person, or a group of two or more persons related by blood, marriage, legal adoption or legal guardianship, or a group of not more than six unrelated persons, living and cooking together as a single housekeeping unit, including domestic help but excluding boarders or roomers.”
East Hartford Zoning Regs., Article II (Section 200) Population: 51,252	“Individuals living together as a single, non-profit housekeeping unit occupying a dwelling unit that has complete housekeeping facilities.”
Enfield Zoning Regs., Article II (Section 2.30 (32)) Population: 44,654	“Any number of persons related by blood or marriage, legal adoption or legal guardianship, living in the same dwelling unit, or a group of not more than five (5) persons who need not be so related, living and cooking together in the same dwelling unit as a single housekeeping unit.”
Fairfield Zoning Regs., Section 31.2.13 Population: 59,404	Except in beach districts, “(a) Persons living together as a single housekeeping unit who are all related by blood, marriage or adoption. Two (2) roomers, boarders or lodgers shall also be permitted, provided there is one (1) off-street parking space for each roomer, boarder, lodger, in addition to the parking otherwise required for such uses, bona fide domestic servants in the paid employ of a resident family may be included in the single housekeeping unit, provided the number of servants shall be limited to three (3); or (b) Persons living together as a single housekeeping unit who are unrelated by blood, marriage or adoption except that such a group shall not exceed five (5) individuals.” In beach districts, “no dwelling or dwelling unit [] may be occupied by more than four (4) unrelated persons.”
Hamden Zoning Regs., Article VIII (Section 830) Population: 60,960	“One or more persons related by blood, marriage, civil union, or adoption; or a group of not more than four persons who need not be so related and who are living together in a dwelling unit and maintaining a common household. Foster children or wards of the state are included as members of a family. <i>Exception: Unrelated individuals occupying a dwelling unit and meeting the definition of students will be classified as a student-housing unit.</i> ”
Manchester Zoning Regs., Article I (Section 2.01) Population: 58,241	“An individual or two or more persons related by blood, marriage, legal adoption or guardianship.”
Meriden Ordinances, Article II (Section 213-7(B)) Population: 60,868	“One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel, boardinghouse, club, fraternity or sorority house.”

Table 1 (continued)

<b><i>Municipality, Regulation Citation, and 2010 Census Population</i></b>	<b><i>Definition of "Family"</i></b>
<p>Middletown Zoning Code, Article I (Section 16.06.01) Population: 47,648</p>	<p>"An individual, or two (2) or more persons related by blood, adoption, civil union or marriage, or a group of not more than five (5) persons not related by blood, adoption, civil union or marriage, living together as a single housekeeping group in a dwelling unit. The establishment of a family in a dwelling unit with four (4) to five (5) persons but not more than five (5) persons not related by blood, adoption, civil union or marriage, living together as a single housekeeping group in a dwelling unit shall require special exception approval from the Planning and Zoning Commission. Living together as a single housekeeping group in a dwelling unit entails common bath, common kitchen and one lease for all occupants."</p>
<p>Milford Zoning Regs., Amendment to Article XI Population: 52,759</p>	<p>"Persons related by blood, marriage or adoption, or no more than 4 individuals occupying a dwelling unit who are committed to living together as a single housekeeping unit, in harmony with the surrounding neighborhood, responsible for maintaining a common household. A boarder shall not be considered a member of a family for the purposes of this definition."</p>
<p>Southington Zoning Regs., Section 2-06 Population: 43,069</p>	<p>"Any number of persons related by blood or marriage living in the same dwelling; or not more than four persons unrelated by blood or marriage living together as a single housekeeping unit."</p>
<p>Stratford Zoning Regs., Section 1.18 Population: 51,384</p>	<p>"Any number of individuals related by blood, marriage or adoption, living together as a single housekeeping unit."</p>
<p>Wallingford Zoning Regs., Article II (Section 2.2) Population: 45,135</p>	<p>"Any number of individuals related by blood or marriage, or not more than six persons not so related, living together on the premises as a single housekeeping unit."</p>
<p>West Haven Zoning Regs., Article II (Section 2.2) Population: 55,564</p>	<p>"A person living alone, or any of the following groups living together, with any domestic servants or gratuitous guests thereof, as a single non-profit housekeeping unit and sharing common, bathing, sleeping, cooking and eating facilities, sharing at least one common living room space: (a) any number of people related by blood, marriage, adoption or legally recognized foster relationship; (b) a group of up to four (4) people who need not be so related with up to an additional four (4) people related to a person in the group by blood, marriage, adoption or legally recognized foster relationship; (c) not more than eight (8) people who are disabled as defined in the Fair Housing Act, 42 USC §3602 (h) and this Regulation as well as one (1) facility manager. This definition does not include those persons currently illegally using a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C. s 802 (6) or those persons claiming to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record or being a sex offender.</p> <p><b>Exceptions</b> – "Family" does not include and shall not be interpreted to include the following facilities addressed in this and other sections of this Regulation: Convalescent Homes (including hospices), Rest Homes, Nursing Homes and Sanitariums, Rectories, Convents, Rooming, Boarding or Lodging Houses, Fraternities, Sororities, Custodial Care Facilities or Dormitories.</p> <p><b>Note</b> – For the purposes of this Regulation, the term "disabled" shall have the same meaning as the term "handicapped" as contained in the Fair Housing Act."</p>

## COMPARISON OF SELECT REGULATIONS

### ***Related Individuals***

Eleven of the 13 zoning regulations specifically include related individuals under the definition of “family” (only East Hartford and Meriden define “family” without reference to related individuals). These regulations define “related individuals” very similarly. The most frequently mentioned qualifying family relationships are those of blood, marriage, or adoption. Several also mention relationships related to civil unions, foster children, and legal guardianship (e.g., Enfield, Hamden, Middletown, and West Haven).

### ***Single Housekeeping Unit***

All 11 municipalities that allow unrelated individuals living together to be considered a “family” require them to live together as a “single housekeeping unit” (though Hamden uses the term “common household”). This requirement also applies to related individuals in some municipalities (e.g., Fairfield, Stratford, and West Haven).

Only four municipalities include in their regulations an explanation as to what constitutes a “single housekeeping unit.” Bristol and Enfield’s regulations specify that living as a single housekeeping unit entails “living and cooking together.” In West Haven, members of a single housekeeping unit must share “common bathing, sleeping, cooking, and eating facilities” and “at least one common living space.” In Middletown, regulations specify that a “single housekeeping group” “entails common bath, common kitchen, and one lease for all occupants.” Based on a review of case law, it appears that these definitions are similar to courts’ interpretations of the term.

### ***Unrelated Individuals***

Of the 11 municipalities that include unrelated individuals living together in their definition of “family,” nine cap the number while two others do not, as Table 2 shows.

**Table 2: Maximum Number of Unrelated Individuals Qualifying as a Family**

<b><i>Maximum Number of Unrelated Individuals</i></b>	<b><i>Municipality</i></b>
4	Hamden, Milford, Southington, West Haven
5	Enfield, Fairfield, Middletown
6	Bristol, Wallingford
No maximum identified	East Hartford, Meriden

Some municipalities subject certain groups of unrelated individuals living together as a single housekeeping unit to special rules. For example, in West Haven, up to eight individuals with disabilities, along with a facility manager, can qualify as a “family” (the number is otherwise capped at four). In Middletown, although up to five individuals living together as a single housekeeping unit can qualify as a family, special approval is necessary for groups of four or five. Additionally, in some municipalities, special rules apply to students, guests, lodgers, boarders, or domestic servants. For example, in Bristol, domestic help, but not boarders or roomers, are counted as members of the housekeeping unit. And in Fairfield, a family of related individuals may live with (1) up to three domestic servants and (2) two roomers, boarders, or lodgers, if each has an off-street parking spot.

## **HYPERLINKS**

Bristol Zoning Regulations, Section II (B),  
<http://www.bristolct.gov/index.aspx?nid=541> last visited February 7, 2014.

East Hartford Zoning Regulations, Article II (Section 200),  
[http://easthartfordct.gov/Public\\_Documents/EastHartfordCT\\_ZBA/regulations](http://easthartfordct.gov/Public_Documents/EastHartfordCT_ZBA/regulations), last visited February 7, 2014.

Enfield Zoning Regulations, Article II (Section 2.30 (32)), [http://www.enfield-ct.gov/filestorage/91/12798/797/Zoning\\_Regulations\\_amended\\_to\\_03-21-11.pdf](http://www.enfield-ct.gov/filestorage/91/12798/797/Zoning_Regulations_amended_to_03-21-11.pdf), last visited February 7, 2014.

Fairfield Zoning Regulations, Section 31.2.13,  
<http://www.fairfieldct.org/TPZ/ZoningReg.pdf>, last visited February 7, 2014.

Hamden Zoning Regulations, Article VIII (Section 830),  
[http://www.hamden.com/filestorage/37/Draft\\_Zoning\\_Regulations\\_070809.pdf](http://www.hamden.com/filestorage/37/Draft_Zoning_Regulations_070809.pdf), last visited February 7, 2014.

Manchester Zoning Regulations, Article I (Section 2.01),  
<http://www.townofmanchester.org/Planning/FormsandReports.cfm>, last visited February 7, 2014.

Meriden Ordinances, Article II (Section 213-7(B)),  
<http://ecode360.com/13396419?#13396419>, last visited February 7, 2014.

Middletown Zoning Code, Article I (Section 16.06.01),  
<http://www.middletownplanning.com/zoningcode/pzcode16.html>, last visited February 7, 2014.

Milford Zoning Regulations, Amendment to Article XI,  
[http://www.ci.milford.ct.us/sites/milfordct/files/regulation\\_changes\\_and\\_moratorium\\_effective\\_12.27.2013.pdf](http://www.ci.milford.ct.us/sites/milfordct/files/regulation_changes_and_moratorium_effective_12.27.2013.pdf), last visited February 7, 2014.

Southington Zoning Regulations, Section 2-06,  
<http://www.southington.org/content/17216/17806/17912.aspx>, last visited February 7, 2014.

Stratford Zoning Regulations, Section 1.18,  
<http://townofstratford.com/filestorage/1302/402/619/ZONINGREGSREVISED06.pdf>, last visited February 7, 2014.

Wallingford Zoning Regulations, Article II (Section 2.2),  
<http://www.town.wallingford.ct.us/images/customer-files/ZoningRegs101511.pdf>, last visited February 7, 2014.

West Haven Zoning Regulations, Article II (Section 2.2),  
<http://www.jud.ct.gov/lawlib/ordinances.htm>, last visited February 7, 2014.

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