

§ 45-24.3-11. Minimum space, use, and location requirements.

No person shall occupy, or let to be occupied, a dwelling or dwelling unit, for the purpose of living, unless there is compliance with the requirements of this section.

(1) Every dwelling unit must contain at least one hundred fifty (150) square feet of floor space for the first occupant, and at least one hundred thirty (130) square feet of floor space for every additional occupant, the floor space to be calculated on the basis of total habitable room space.

(2)(i) In every dwelling unit for two (2) or more rooms, every room occupied for sleeping purposes must contain at least seventy (70) square feet of floor space for the first occupant, and at least fifty (50) square feet of floor space for each additional occupant. A bathroom or water closet compartment must not be used as the only passageway to any habitable room, hall, basement, or cellar or to the exterior of a dwelling unit.

(ii) At least seventy-five percent (75%) of the floor area of every habitable room must have a ceiling height of no less than seven feet (7') and the floor area of that part of any room, where the ceiling height is less than five feet (5'), must not be considered as part of the floor area of the room for the purpose of determining the maximum permissible occupancy. At least fifty percent (50%) of the floor area in attic rooms must have a ceiling height of seven feet (7').

(iii) No space, located totally or partially below grade, shall be used as a habitable room or dwelling unit unless:

(A) The floor, and those portions of the walls below grade, are of waterproof and damp proof construction;

(B) The minimum window area, required in § 45-24.3-8, is located entirely above grade of the ground adjoining the window area or, if windows are located wholly or partly below grade, there is constructed a properly drained window well whose ground open area is equal to, or greater than, the area of the window opening; the bottom of the window well is below the top of the impervious masonry construction under this window; and the minimum horizontal projections of the bottom of the window well is equal to, or greater than, the vertical dimensions (depth) of the window well as measured from the bottom of the masonry opening for the window, and no part of the window well opposite this window protrudes above the line projected at a forty-five degree (45 °) angle from the bottom of the window opening at right angles to the outer wall;

(C) The total openable window area in each room is equal to at least the minimum, as required under this chapter, except where there is supplied some other device affording adequate ventilation and humidity control and approved by the appropriate authority; and

(D) There are no pipes, ducts, or other obstructions, less than six feet (6') above the floor level which interfere with the normal use of the room or area.

(3) Every dwelling unit must have at least four (4) square feet of floor to ceiling height closet space, for the personal effects of each permissible occupant. If it is lacking in whole or in part, an amount of space, equal in square footage to the deficiency, must be subtracted from the area of habitable room space used in determining permissible occupancy.

(4) A dwelling unit must not be occupied by more than one family plus two (2) occupants unrelated to the family, except for guests or domestic employees or by not more than one household if the occupants are unrelated, unless a permit for a rooming house has been granted by the appropriate authority.

(5) Each dwelling must have a suitable facility for the safe storage of medicines, toxic materials, and household poisons, such as ammonia, paint, gasoline, etc., to ensure safety for children in the residential environment.

History of Section.

P.L. 1970, ch. 325, § 1; P.L. 1972, ch. 118, § 5.