

“Golden Girls” Occupancy Reform Model Legislation

Section 1. Title

- (a) This Act shall be known and may be cited as "The Golden Girls Act".

Section 2. Purpose And Intent

- (a) The Legislature finds and declares all of the following:
- (1) Artificial limits on the number of unrelated people who may reside together in a single dwelling unit discriminate against nontraditional households, infringe on personal freedoms, and undermine housing access.
 - (2) Local ordinances that regulate occupancy based on familial or non-familial status have been used to exclude low-income individuals, seniors, students, and other lawful renters.
 - (3) State law should ensure that housing regulations are based on objective health and safety standards, such as square footage and building capacity, rather than relationship status.
 - (4) The purpose of this Act is to eliminate occupancy restrictions based on the relationship of household members and ensure that local ordinances regulating occupancy do so solely on the basis of health and safety standards.

Section 3. Definitions

- (a) "Dwelling unit" means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, intended for occupancy by one or more persons.
- (b) "Household" or "occupancy" means the group of individuals residing in a dwelling unit, regardless of relationship, familial status, legal partnership, or other personal association.
- (c) "Local Authority" means a city, county, city and county, or other local jurisdiction, including a charter city or charter county, with authority to adopt or enforce land use, zoning, housing, building, property maintenance, nuisance, or occupancy standards applicable to dwelling units.

Section 4. Prohibition on Occupancy Limits Based on Relationship Status

- (a) A Local Authority shall not adopt or enforce any ordinance, regulation, or policy that limits or restricts the number of persons who may occupy a dwelling unit based on

whether such persons are related or unrelated by blood, marriage, adoption, or any other legal or familial relationship.

- (b) Local Authorities may establish maximum occupancy limits based solely on objective health and safety standards, such as building code requirements for habitable space, plumbing fixtures, or fire safety, provided such limits are uniformly applied to all residents regardless of relationship.

Section 5. Preemption of Local Ordinances

- (a) Any local ordinance, policy, or regulation in effect as of the effective date of this Act that conflicts with this Act is hereby preempted and shall be unenforceable.
- (b) Local Authorities shall revise any local ordinance or zoning code provision that conflicts with this Act within 180 days of the effective date.

Section 6. Enforcement and Remedies

- (a) A person who is denied housing or subjected to enforcement based on a prohibited occupancy restriction shall have a private right of action against the Local Authority for declaratory and injunctive relief.
- (b) Courts may award attorney's fees and costs to a prevailing party in any action brought pursuant to this section.

Section 7. Severability

- (a) If any provision of this Act or its application is held invalid, the remainder of the Act shall not be affected and shall continue in full force and effect.

Section 8. Effective Date

- (a) This act is ordered to take effect on January 1st of the subsequent year of when the act is established.