



Memorandum

TO: Mayor Joines, Mayor Pro Tem Adams and Council Members
FROM: Angela I. Carmon, City Attorney
DATE: June 21, 2021
SUBJECT: CD/Housing/General Government Committee Item-C2- Minimum Housing Code (“MHC”)
CC: Lee D. Garrity, City Manager
Ben Rowe, Assistant City Manager
Marla Newman, Community Development Director

During the June 15th General Government Committee’s discussion of Item C2 regarding changes to the City’s Minimum Housing Code necessitated by Chapter 160D of the North Carolina General Statutes, CM Scippio asked whether the minimum standards set for in City Code Section 10-197(a)(8) (inserted below) would apply to cottage courts. My reply was “yes”. However, I indicated that I would confirm such with Mr. Bruce Bailiff with Community Development.

10-197. Standards

(a) *Space and use standards.*

- (1) A principal room shall have not less than 120 square feet.
- (2) A kitchen-dining room combination, shall have not less than 100 square feet.
- (3) A first bedroom, if any, shall have not less than 100 square feet.
- (4) A second bedroom, if any, shall have not less than 70 square feet.
- (5) Each habitable room shall have at least 70 square feet.
- (6) At least 120 square feet of floor space in habitable rooms shall be provided for the first occupant in each housing unit, at least 100 square feet of additional floor space shall be provided for each additional occupant (children one year of age and under shall not be counted).
- (7) At least 80 square feet of bedroom floor space shall be provided for the first occupant, and at least 30 square feet of additional bedroom floor space shall be provided for each additional occupant (children one year of age and under shall not be counted).
- (8) *Those habitable rooms which must be included to meet the minimum space standards set out in this subsection shall be at least seven feet wide in any part, with at least one-half of the floor area having a ceiling height of at least seven feet. That portion of any room where the ceiling height is less than five feet shall not be considered as part of the floor area.*

Mr. Bailiff, as well as Aaron King, confirmed that 10-197(a)(8) would apply to any residential unit for minimum space requirements. The text specifies the area that would be considered for habitable area calculations. The subject standards would apply to any

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dwelling constructed as part of a Cottage Court. Should you have any questions, please do not hesitate to let me know.