Complaint Registration

Filing A Complaint

Violation reports for excessive occupancy require that a complainant complete the **Excessive Occupancy Questionnaire** and the **Zoning Violation Complaint Form** (available at www.leesburgva.gov/eoep). These forms should be submitted to the Zoning Administrator Mike Watkins via email, fax, postal mail or in person at the Town Hall Zoning Counter, 2nd Floor.

Excessive Occupancy Enforcement Program
c/o Zoning Administrator
mwatkins@leesburgva.gov / fax 703-771-2774
Town of Leesburg, 25 W Market Street, Leesburg VA 20176

Once A Complaint is Received

The complainant is contacted by Zoning Staff to follow up on the complaint. **The complainant contact information always remains confidential.**

A case is opened by Zoning Staff, which includes site visits and surveillance. **Investigations generally take a few months to complete.**

If there is no violation, the case is closed **–OR–** if the investigation shows that probable cause exists, a courtesy letter is sent to the property owner of the dwelling in question to make inquiries regarding the complaint. If no response is received from the property owner, a notice is posted on the dwelling, giving the owner 10 days to respond.

If a violation is verified through the investigation and inquires, a notice of violation letter is sent to the property owner of the dwelling , advising them to abate the violation. If the property owner cooperates, the case is ultimately closed, if the property owner does not cooperate, staff will pursue compliance through all available means pursuant to department protocol, Town ordinances and State statutes.

If requested, Zoning Staff will notify the complainant at the conclusion of the investigation.

Excessive occupancy violations have become a growing concern in Leesburg, and the Town Council has realized the serious nature of the problem for our residential neighborhoods.   Excessive occupancy occurs when the family definition found in the Zoning Ordinance is violated, or when too many persons occupy a dwelling per the Virginia Property Maintenance Code as enforced by Loudoun   County. The Town and County assist one another in addressing excessive occupancy in Leesburg. Excessive occupancy can cause neighborhoods to experience various health, safety and quality of life issues ranging from poor property maintenance, overuse of Town facilities, abuse of open space areas, and the overall deterioration of homes in the community.

Recently ordinances have been changed to provide better explanation of excessive occupancy regulations in Leesburg. The Town upholds Fair Housing Act regulations, civil rights and property rights afforded to all residents. However, regulations are in place in the hopes that prospective home buyers and renters are knowledgeable about relevant codes and ordinances prior to permitting a potential legal situation.

Town of Leesburg VIRGINIA

The Town of Leesburg

Department of Planning and Zoning: 703-771-2765
25 West Market Street, 2nd Floor of Town Hall
Monday thru Friday
8:30am-5pm

www.leesburgva.gov/planning

A CITIZEN'S GUIDE

To The Excessive Occupancy Enforcement Program &

Residential Ordinances

Leesburg

STANDARDS FOR RESIDENTIAL USES
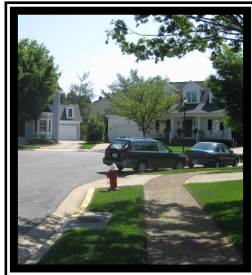
WHAT IS EXCESSIVE OCCUPANCY?

Excessively occupied housing impacts health, safety & other quality of life issues within a neighborhood.

Excessive occupancy within the Town is defined in two ways:

I. Under the Leesburg Zoning Ordinance, occupancy limitations are defined by familial relationships.

II. Under the Virginia Property Maintenance Code occupancy limitations are determined by the required minimum square footage of floor area, per resident of the dwelling (not familial relationship).

WHAT IS CONSIDERED TO BE THE APPROPRIATE OCCUPANCY OF A SINGLE-FAMILY DWELLING UNIT PER THE ZONING ORDINANCE?

- ➤ A person living alone.
- ➤ Any number of persons all of whom are related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship, as verified by official public records such as driver's license, birth or marriage certificates.
- ➤ Up to 4 persons not related to one another.
- ➤ Not more than 8 persons who are residents of a residential facility as defined by the Code of Virginia §15.2-2291, or handicapped as defined by the Fair Housing Act.

UNDER THE VIRGINIA PROPERTY MAINTENANCE CODE, WHAT ARE THE LIMITATIONS ON OCCUPANCY?

Limitations on occupancy are based on the minimum area requirements of Table 404.5 in Chapter 4 of the Virginia Property Maintenance Code

Space	Minimum Area in Square Feet		
	1-2 occupants	3-5 occupants	6 or more occupants
Living Room	120	120	150
Dining Room	No requirements	80	100
Kitchen	50	50	60
Bedroom	70 + 50 per person		

WHAT IS THE TOWN DOING TO ADDRESS THE ISSUE OF EXCESSIVE OCCUPANCY?

In addition to the enforcement program and actively investigating alleged violations, efforts include educating the community and working with property owners, homeowner associations, and other participants in the housing market on the topic of excessive occupancy. Ultimately, the Town desires to close the gap between enforcement and prevention with a broad base of community partnerships working to educate and therefore prevent the negative effects of excessive occupancy in the neighborhoods.

THINGS I SHOULD KNOW ABOUT EXCESSIVE OCCUPANCY IN THE TOWN OF LEESBURG...

I. It may take a long period of time to thoroughly investigate the matter and determine the existence of a violation.

II. A shortage of parking in a residential area may not indicate an ordinance violation.

III. Leesburg's Zoning Ordinance addresses different aspects of excessive occupancy than the Loudoun County Building Code:

i. The Town's Zoning Ordinance focuses on familial relationships of residents in a single dwelling.

ii. The County's Building Code focuses on property maintenance elements and minimum floor area requirements per the Virginia Property Maintenance Code (www.loudoun.gov/b&d/zoning).

For more information about the Excessive Occupancy Enforcement Program (EOEP), please visit the Town's website at www.leesburgva.gov/eoep