

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

CITY OF EDMONDS *v.* OXFORD HOUSE, INC., ET AL.
CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE
NINTH CIRCUIT

No. 94-23. Argued March 1, 1995—Decided May 15, 1995

Respondent Oxford House operates a group home in Edmonds, Washington, for 10 to 12 adults recovering from alcoholism and drug addiction in a neighborhood zoned for single-family residences. Petitioner City of Edmonds issued citations to the owner and a resident of the house, charging violation of the City's zoning code. The code provides that the occupants of single-family dwelling units must compose a "family," and defines family as "persons [without regard to number] related by genetics, adoption, or marriage, or a group of five or fewer [unrelated] persons." Edmonds Community Development Code (ECDC) §21.30.010. Oxford House asserted reliance on the Fair Housing Act (FHA), which prohibits discrimination in housing against, *inter alios*, persons with handicaps. Discrimination covered by the FHA includes "a refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford [handicapped] person[s] equal opportunity to use and enjoy a dwelling." 42 U. S. C. §3604(f)(3)(B). Edmonds subsequently sued Oxford House in federal court, seeking a declaration that the FHA does not constrain the City's zoning code family definition rule. Oxford House counterclaimed under the FHA, charging the City with failure to make a "reasonable accommodation" permitting the maintenance of the group home in a single-family zone. Respondent United States filed a separate action on the same FHA-"reasonable accommodation" ground, and the cases were consolidated. The District Court held that the City's zoning code rule defining "family," ECDC §21.30.010, is exempt from the FHA under 42 U. S. C. §3607(b)(1) as a "reasonable . . . restrictio[n] regarding the maximum number of occupants permitted to occupy a dwelling." The Court of Appeals reversed, holding

§3607(b)(1)'s absolute exemption inapplicable.

Held: Edmonds' zoning code definition of the term "family" is not a maximum occupancy restriction exempt from the FHA under §3607(b)(1). Pp. 4-12.

(a) Congress enacted §3607(b)(1) against the backdrop of an evident distinction between municipal land use restrictions and maximum occupancy restrictions. Land use restrictions designate districts—e.g., commercial or single-family residential—in which only compatible uses are allowed and incompatible uses are excluded. Reserving land for single-family residences preserves the character of neighborhoods as family residential communities. To limit land use to single-family residences, a municipality must define the term "family"; thus family composition rules are an essential component of single-family use restrictions. Maximum occupancy restrictions, in contradistinction, cap the number of occupants per dwelling, typically on the basis of available floor space or rooms. Their purpose is to protect health and safety by preventing dwelling overcrowding. Section 3607(b)(1)'s language—"restrictions regarding the maximum number of occupants permitted to occupy a dwelling"—surely encompasses maximum occupancy restrictions, and does not fit family composition rules typically tied to land use restrictions. Pp. 6-8.

(b) The zoning provisions Edmonds invoked against Oxford House, ECDC §§16.20.010 and 21.30.010, are classic examples of a use restriction and complementing family composition rule. These provisions do not cap the number of people who may live in a dwelling: So long as they are related by "genetics, adoption, or marriage," any number of people can live in a house. A separate ECDC provision—§19.10.000—caps the number of occupants a dwelling may house, based on floor area, and is thus a prototypical maximum occupancy restriction. In short, the City's family definition rule, ECDC §21.30.010, describes family living, not living space per occupant. Defining family primarily by biological and legal relationships, the rule also accommodates another group association: five or fewer unrelated people are allowed to live together as though they were family. But this accommodation cannot convert Edmonds' family values preserver into a maximum occupancy restriction. Edmonds' contention that subjecting single-family zoning to FHA scrutiny will overturn Euclidian zoning and destroy the effectiveness and purpose of single-family zoning both ignores the limited scope of the issue before this Court and exaggerates the force of the FHA's antidiscrimination provisions, which require only "reasonable" accommodations. Since only a threshold question is presented in this case, it remains for the lower courts to decide whether Edmonds' actions violate the FHA's prohibitions against discrimination. Pp. 9-12.

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18 F. 3d 802, affirmed.

GINSBURG, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and STEVENS, O'CONNOR, SOUTER, and BREYER, JJ., joined. THOMAS, J., filed a dissenting opinion, in which SCALIA and KENNEDY, JJ., joined.