



**Community Development & Neighborhood Services**

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**MEMORANDUM**

**Date:** May 11, 2023

**To:** Mayor Arndt and City Councilmembers

**Through:** Kelly DiMartino, City Manager <sup>DS</sup>  
Tyler Marr, Deputy City Manager <sup>CC</sup>  
Caryn Champine, Director of Planning, Development, and Transportation <sup>DS</sup>  
Paul Sizemore, Director of Community Development and Neighborhood Services <sup>PS</sup>

**From:** Marcy Yoder, Neighborhood Services Manager <sup>DS</sup>  
Meaghan Overton, Housing Manager <sup>MO</sup>  
Megan Valliere, Graduate Management Assistant

**Re:** May 9, 2023 Work Session Summary – Occupancy Regulations

The primary purpose of the May 9 work session was to receive Council guidance on potential changes to the City’s occupancy regulations. The work session included an overview of existing conditions, policy analysis completed to date, and a summary of community engagement. Key policy topics for this work session included 1) the current family definition used in the City’s occupancy regulations; 2) the maximum number of occupants in a home; and 3) the City’s current extra occupancy process. Staff also sought Council direction on the timeline for future community engagement. The staff presentation was provided by Caryn Champine, Marcy Yoder, Meaghan Overton, and Megan Valliere. Mayor Arndt was absent; all other Councilmembers were in attendance.

**Summary of Feedback**

Overall, staff heard support from most Councilmembers to continue working on the City’s occupancy regulations, and to engage with community members about potential occupancy ordinance revisions in the summer and fall of this year. Specific feedback is summarized below:

- Council indicated support for continuing to regulate occupancy. Several Councilmembers discussed the benefits of limits on occupancy.
- Most Councilmembers indicated support for removing “family” from the definition and enforcement of the occupancy ordinance.
- There was a range of opinions about how to regulate the maximum number of occupants in a dwelling. Councilmembers discussed regulating by the number of bedrooms and the number of adults. Most Councilmembers indicated that they wanted to review additional potential options, particularly those that were identified as potential solutions by community members.
- Specific implications Council was concerned about included impacts to multi-generational families and overcrowding of homes with many bedrooms.
- Several Councilmembers supported changes to the City’s extra occupancy regulations that could create an administrative permit process (rather than a land use approval).
- Councilmembers requested additional research and data including:

- Information about the impact of occupancy changes in communities that have modified their regulations recently (Denver and cities in Iowa and Oregon were mentioned)
- Updated market research where possible
- A heat map of the geographic distribution of occupancy complaints and founded violations
- Updates on the implementation of the Public Nuisance Ordinance

**Clarifications**

Councilmembers discussed several scenarios under the current occupancy regulations that are/are not permitted. Staff would like to clarify scenarios related to single parents (i.e., an adult and their dependents). The current occupancy regulations specifically state that two adults and their dependents may live together in a single dwelling unit. This was incorrect in the AIS materials. Additional scenarios are outlined below:

Allowable scenarios:	Unallowable scenarios:
<ul style="list-style-type: none"> <li>• Two adults and their dependents, plus one additional occupant</li> <li>• A family of any size and configuration, plus one additional occupant</li> </ul>	<ul style="list-style-type: none"> <li>• Two adults and their dependents, plus an adult and their dependents (i.e., three single parents)</li> <li>• Two adults and their dependents, plus two additional occupants</li> <li>• A family of any size and configuration, plus an adult and their dependents (i.e., a single parent)</li> <li>• A family of any size and configuration, plus two additional occupants</li> </ul>

**Next Steps**

- Councilmembers supported pausing work on occupancy pending the outcome of a petition that could impact next steps with this work. The deadline for petition signatures is June 27.
- Staff will plan to re-assess the scope and content of public engagement in late June/early July, after the outcome of the petition process is known.
- As additional research and data is completed, staff will inform Council via memorandum.