



Occupancy Discussion City Council Work Session

Ginny Sawyer and Sylvia Tatman-Burruss

3-26-2024

1. What questions do Councilmembers have regarding the potential implementation of HB24-1007?
2. Are there any implementation actions Councilmembers would like staff to pursue?

2023: Council Direction to consider occupancy modifications and bring options by July 2024

Staff focused on:

- Non-binary options (not maintain/not eliminate)
- Removal of family definition
- Maintain neighborhood quality
- Identify “outlier” scenarios
- Research other communities

January 2024: HB24-1007 introduced



Bill language:

The bill prohibits local governments from enacting or enforcing residential occupancy limits based on familial relationship while allowing local governments to implement residential occupancy limits based on demonstrated health and safety standards such as international building code standards, fire code regulations, or Colorado department of public health and environment wastewater and water quality standards.

- Bill has passed the house with modifications that removed occupancy based on square footage and with a July 1st compliance date.
- Currently in the Senate and expected to pass.

Options:

- Rely on Nuisance Ordinance alone
- Consider or develop regulation based on square footage and/or occupancy loads defined in the International Property Maintenance Code (IPMC)
- Combination of codes and square footage

Considerations:

- Bill language
- Enforcement mechanisms
- Cost
- Unintended consequences:
 - Different housing types (mobile home, efficiency or studio apartments)
 - larger families at risk of being in violation

- Updated in 2022
- Regulates two types of nuisances:
 - Public Nuisance and Chronic Nuisance

A “**nuisance activity**” defined in the PNO includes 66 categories of various criminal and civil violations happening on the property that individually, or in combination, result in either a public nuisance or chronic nuisance property.

A “**public nuisance**” is more generally defined, while the definition of a “chronic nuisance property” is tied to a certain number of nuisance activities occurring on a property within a set period.

