

WORK SESSION AGENDA ITEM SUMMARY

City Council



STAFF

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SUBJECT FOR DISCUSSION

Occupancy Ordinance Discussion.

EXECUTIVE SUMMARY

The purpose of work session is to seek Council feedback on next steps regarding the Occupancy Ordinance and the potential impacts/implementation of HB24-1007.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

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

BACKGROUND / DISCUSSION

The City has had an adopted occupancy ordinance since 1963. The current version of the City's occupancy ordinance limits occupancy of residential dwellings to a family of any size plus one additional unrelated occupant, or to no more than three unrelated occupants. Active enforcement began in 2005 when violation of the Ordinance was classified as a civil infraction.

During recent Council discussions on occupancy Council requested staff to develop potential revisions to the existing ordinance and bring forward options by June 2024.

Direction included:

- Bring options to modify current occupancy limits
- Focus on non-binary options (not maintain/not eliminate)
- Remove of family definition
- Maintain neighborhood quality
- Identify "outlier" scenarios
- Research other communities

HB24-1007 Prohibit Residential Occupancy Limits

At the start of the 2024 legislative session, the Colorado House of Representatives introduced a Bill that seeks to limit regulation of occupancy based “only 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.”

In addition, the bill states that, “A local government shall not limit the number of people who may live together in a single dwelling based on familial relationship.” The Bill states an effective date of July 1, 2024.

Staff has shifted the focus of occupancy revisions to understanding this Bill and any actions that may be required or desired by the City.

Currently, the City exempts all occupancy related language from the International Property Maintenance Code (IPMC) since to date we have had our own local standards. Should HB24-1007 pass, the City may want to amend our Building Code to include other parts of the IPMC.

Potential Options Considering HB24-1007 Language

Staff has considered several options based on the language of the proposed bill. Options that have been considered include:

- Rely on existing Public Nuisance Ordinance
 - Removes family definition.
- Consider or develop regulation based on square footage and/or occupancy loads defined in the International Property Maintenance Code (IPMC)
 - Removes family definition.
 - Provides mechanism for less intrusive enforcement.
 - Potential impact to families in small homes.
- Combination of codes and square footage requirements
 - Removes family definition.
 - Provides mechanism for enforcement.
 - Potential impact to families in smaller homes/larger families.

The staff team includes members from Building Services who would be responsible for enforcement in the above options as well as Neighborhood and Parking Services as we anticipate potential nuisance and/or parking concerns.

Engagement

Staff has engaged in small, informal meetings with neighbors, ASCSU, and landlords to gather any thoughts, concerns and need for messaging if HB24-1007 were to pass. Within our limited conversations with landlords, they do not believe there would be any major increases in occupancy in Fort Collins within the coming year given that student leases for the start of the fall semester have already been signed.

NEXT STEPS

Staff will continue to track progress of HB24-1007. If it passes, the City can be prepared to utilize the already scheduled June 4, 2024, regular meeting to make any code adjustments. If it does not pass, staff will pick up previous work of local occupancy revisions and utilize the May 14, 2024, work session and the June 4, 2024, regular meeting for revision consideration and hearing.

ATTACHMENTS

1. HB24-1007 Bill Language (as of March 14, 2024)
2. Presentation