



Residential Occupancy Ordinance

City Council Regular Meeting

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Purpose

The purpose of this item is to consider adoption of changes to the City's Land Use Code and Municipal Code to comply with House Bill 24-1007, which prohibits residential occupancy limits based on familial relationship.

Bill language:

“A local government shall not limit the number of people who may live together in a single dwelling based on familial relationship. Local governments retain the authority to implement residential occupancy limits based only on:

- (a) 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, OR
- (b) Local, State, Federal, or Political Subdivision Affordable Housing Program Guidelines.”

The City's occupancy ordinance limits occupancy of residential dwellings to a family of any size plus one additional unrelated occupant *OR* no more than three unrelated occupants.

Active enforcement of the ordinance (Section 3.8.16 of the Land Use Code, also called "U+2") began in 2005.

The State legislature recently passed House Bill 24-1007, and it was signed into law by the Governor of Colorado in April, with an effective date of July 1, 2024.

Proposed amendments to the Land Use Code include:

- Replacing the word “family” with the word “unit” throughout the document.
- Removing Occupancy section 3.8.16 and any references to that section of the document.
- Removing references to Group Homes, associated requirements, and removing the definition from the document.
- Removing references to “Extra Occupancy.”

Proposed amendments to the Municipal Code include:

- Section 5-264 related to Extra Occupancy in single-family, two-family or multi-family dwellings.
- Section 5-265 related to disclosure and posting of maximum permissible occupancy.
- Section 20-111 definition of “Dwelling unit occupancy limits” and reference to 3.8.16 in the Land Use Code.
- Sections 14-3, 14-6, and 14-8 of the Historic Preservation provisions to replace “family” with “unit” and to update the dwelling unit definition to match the Land Use Code.
- Sections 15-641, 15-644, 15-646, and 15-648 of the Short Term Rental provisions to replace “family” with “unit” and to update the reference to the short term rental parking requirements in the Land Use Code.

Compliance required by July 1, 2024.

Does Council wish to adopt Ordinance Nos. 081, 2024, and 082, 2024, for the proposed Land Use Code updates on First Reading?

