AGENDA ITEM SUMMARY
City Council

STAFF

Sylvia Tatman-Burruss, Senior Policy and Project Manager
Ginny Sawyer, Lead Policy and Project Manager

SUBJECT

Items Relating to Residential Occupancy Ordinance.

EXECUTIVE SUMMARY

A. First Reading of Ordinance No. 081, 2024, Amending the Land Use Code of the City of Fort Collins to Remove Residential Occupancy Limitations.

B. First Reading of Ordinance No. 082, 2024, Amending the Code of the City of Fort Collins to Conform with the Removal of Residential Occupancy Limitations from the Land Use Code.

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

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on First Reading.

BACKGROUND / DISCUSSION

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.

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.

HB24-1007 Prohibits Residential Occupancy Limits Based on Familial Relationship

HB24-1007 limits the 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.

City Compliance

Occupancy and related regulations are currently in both the Land Use Code and in the Municipal Code. Staff is prepared to bring ordinances amending these in compliance with the July 1, 2024, compliance deadline.

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.

CITY FINANCIAL IMPACTS

No financial impacts to the City are anticipated as a result of these changes.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Staff presented the proposed changes to the Planning and Zoning Commission at their May work session. Staff will again present the proposed changes, seeking a recommendation, at the June hearing on June 20, 2024.

PUBLIC OUTREACH

Staff have already begun auditing fcgov.com for references to occupancy which will need to be removed and will add updated language and FAQs. Additional awareness efforts include:

- Edits to City web pages to reflect changes related to HB24-1007.
- Press release, social media posts and other City communications regarding the change to the Occupancy regulations.

ATTACHMENTS

1. Ordinance A for Consideration
2. Ordinance B for Consideration
3. Presentation