

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 implementation of HB24-1007.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

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

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.

At the March 26, 2024 work session, Council discussed potential options for the City to comply with the requirements of the Bill. Discussion included:

- The reliance on health and safety regulations going forward.
- Overview and questions regarding existing ordinances, codes, and policies for addressing property maintenance and nuisance issues.
- Acknowledgement of enforcement challenges in using square footage per person or occupancy language in the International Building Code (IBC) or International Property Maintenance Code (IPMC) to regulate residential occupancy.
- Desire to discuss options further at the scheduled May 14, 2024 work session.

HB24-1007 Prohibit Residential Occupancy Limits

HB 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.

Amendments to the Land Use Code would 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.”

In the Municipal Code, sections related to Occupancy, Extra Occupancy, and Occupancy Disclosure will need to be amended out. These 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.

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

Neighborhood Quality

The City’s commitment to neighborhood quality remains. The tools and regulations that will continue to be utilized include property maintenance codes, nuisance codes, and the public nuisance ordinance.

If there is a desire to develop occupancy criteria based on square footage or occupancy loads as defined in the International Property Maintenance Code (IPMC) or International Building Code (IBC) staff can work on recommendations. The operationalizing of either of these will require entry into a home. If voluntary entry is not provided a search warrant from the judge based on probable cause would be required.

NEXT STEPS

Staff is preparing to bring Code changes to Council and to the Planning and Zoning Commission with the following sequence of dates (PLEASE NOTE: Staff is requesting that second reading of the code changes be moved to the July 2 Regular Council meeting to allow for Planning and Zoning Commission review and to provide a recommendation at their June hearing on June 20.):

- June 4, 2024: First Reading of Code changes related to occupancy within the Land Use Code and Municipal Code.
- June 20, 2024: Planning and Zoning Commission hearing for a recommendation about Land Use Code changes.
- **July 2, 2024: Staff is requesting Second Reading of Code changes related to occupancy within the Land Use Code and Municipal Code be held on July 2 to allow the Planning and Zoning Commission to review and provide a recommendation.**

ATTACHMENTS

1. HB24-1007 Final Bill Language
2. Presentation