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**TO:** Denver City Council Land Use, Transportation and Infrastructure Committee  
**FROM:** Andrew Webb, Senior City Planner  
**DATE:** February 25, 2021  
**RE:** Amending DRMC Sec. 59-2 to make the Denver Zoning Code's updated definitions and regulations for households effective in applicable zone districts from Former Ch. 59.

## Staff Report and Recommendation

Based on the review criteria for text amendments stated in the Denver Zoning Code (DZC), Section 12.4.11 (Text Amendment), CPD staff recommends the committee move the bill amending DRMC Sec. 59-2 to make the Denver Zoning Code's updated definitions and regulations for households effective in applicable zone districts from Former Ch. 59 forward for consideration by full City Council. A strikethrough draft of the proposed amendment is available on the Community Planning & Development (CPD) website at [www.denvergov.org/groupliving](http://www.denvergov.org/groupliving); and is also included as a supplement to this staff report. The proposed text amendment to the Denver Revised Municipal Code is sponsored by City Council President Stacie Gilmore.

## Summary and Purpose

This proposed bill would amend DRMC Sec. 59-2 to make the Denver Zoning Code's updated definitions and regulations for households effective in applicable zone districts from Former Ch. 59, or the "old code." It is a follow-up to adopted Council Bill 20-0888, the "Group Living Text Amendment," which made multiple updates to the way the Denver Zoning Code regulates residential uses.

A key component of that text amendment was an update to the way Denver regulates households. The Denver Zoning Code now allows up to five adults to live together in households where not all residents are related, up from a maximum of two unrelated adults in detached houses and four in duplexes, condos and apartments. It also updated the way the Denver Zoning Code regulates "related" adults and added a definition to the previously undefined "non-profit housekeeping unit." These changes only applied to land zoned under the Denver Zoning Code. In the approximately 20% of the city still regulated by Former Ch. 59, the regulations remain nearly the same as they were in the Denver Zoning Code prior to the recent text amendment.

In areas still regulated by that code, only two unrelated adults are allowed to live together in a detached house and four in a duplex, condo or apartment. If adopted, this proposed "bridge" amendment would

mean that all households citywide would be regulated the same in terms of how many people can live together.

This amendment would not change the way residential care or any other residential uses, besides households, are regulated in areas under Former Ch. 59 – those uses will continue to be regulated by that code.

## Existing Regulations

The Former Ch. 59 code regulates dwelling units in three categories, and allows households (referred to as “housekeeping units”) as shown below:

Dwelling, single-unit (such as a house)	Up to 2 unrelated adults, plus any number of relatives from a specific list (in-laws, siblings, etc.)
Cluster multiple unit dwelling (a lower-density multi-unit use, such as row homes)	Only people who are related, from a specific list (husband, wife, mother, father, etc.)
Dwelling, multiple unit (such as an apartment)	Any number of persons who are related “by blood, marriage or adoption” or up to 4 unrelated adults.

When the Denver Zoning Code was adopted in 2010, a consolidated version of the above regulations for households was adapted into the then-new code, allowing a maximum of two unrelated adults in detached houses and four in duplexes, condos and apartments, with unlimited relatives to each from a specific list (aunts, uncles, siblings, etc.). The Group Living Amendments to the Denver Zoning Code, adopted Feb. 8, made significant changes to what is now allowed in a household under that code.

Under the current DZC regulations, a household can contain any number of people as long as all residents are related (as is currently the case), or up to 5 adults where not all adults are related. The definition of “related” was updated to read: “related by blood, marriage, civil union, committed partnership, adoption, or documented responsibility (such as foster care or guardianship).” A new definition of “Non-Profit Housekeeping Unit” was also added to specify that a household consists of people who jointly occupy a property and who function as a family or the equivalent thereof, and that “rent-by-the-room” uses where residents are managed by a 3rd party are not considered a household. Finally, the new language specifies that groups of up to 8 unrelated people who are considered protected classes under the Federal Fair Housing Act and Colorado Group Home Statute can be considered as a household for the purposes of zoning.

These amendments to the DRMC would effectively “bridge” that updated DZC definition of household to any reference in Former Ch. 59 to the makeup of a household for the purposes of enforcement, use permits, etc. This new language would be added to DRMC Sec. 59-2, which currently contains 8 other previously adopted “bridge” amendments that applied more modern Denver Zoning Code definitions, processes or standards to applicable entries in Former Ch. 59. Those include updates to regulations on use enclosures, protected districts, setbacks and gardens as an accessory use.

## Review Criteria and CPD Staff Evaluation

The recent amendments to the Denver Zoning Code’s household regulations were the culmination of a 3-year process that included nearly 100 meetings and presentations and input from thousands of Denver residents. These amendments to the DRMC to make updated household regulations effective citywide are closely aligned with that larger discussion, and advance key goals from that project. Although this proposed amendment does not amend the DZC, CPD analyzed them for compliance with the review criteria for a text amendment found in Section 12.4.11.4 of the DZC and finds that the proposed text amendment satisfies each of the review criteria:

#### **1. Consistency With Adopted Plans**

The proposed Group Living Text Amendment is consistent with the following adopted plans, strategies and policies:

- *Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)
- *Housing an Inclusive Denver* (2018)

#### **Denver Comprehensive Plan 2040**

The proposed text amendment to the DRMC is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed text amendment would increase flexibility for housing in various types of conventional dwelling units. It will allow more people to choose how they want to live together in households – enabling multi-generational housing, cooperative housing, living with roommates and sharing housing with other families. The proposed amendment is therefore consistent with the following strategies in the **Equitable, Affordable and Inclusive** vision element:

- Equitable, Affordable and Inclusive Goal 2, Strategy B to “Ensure city policies and regulations encourage every neighborhood to provide a complete range of housing options” (p. 28).
- Equitable, Affordable and Inclusive Goal 8, Strategy D to “Expand the supply of housing accessible to seniors and people with disabilities, including more housing choices for seniors to age in place” (p. 30).

#### **Blueprint Denver (2019)**

The proposed text amendment to the DRMC is consistent with numerous policies in two of *Blueprint Denver’s* overarching strategies.

#### **Content**

The following *Blueprint Denver* policy provides guidance specific to amending zoning regulations for household uses:

- Land Use and Built Form: Housing, Policy 1: Revise city regulations to respond to the demands of Denver’s unique and modern housing needs. (p. 82)
  - Strategy A. Update the zoning code to modernize permitted use categories related to group living and expand the allowance of flexible and affordable housing types.
  - Strategy B. Update the zoning code to provide a more inclusive definition of households. This should reflect the diverse needs of different types of household living arrangements, which may include increasing the number of unrelated people living together (such as co-housing living arrangements, which can provide an option to age in place) or other non-traditional families.

The proposed text amendment is consistent with *Blueprint Denver* because it provides clear, flexible regulations that will enable new flexibility in household uses. The text amendment implements all of the guidance of the cited *Blueprint Denver* strategies.

### **Blueprint Equity Concepts**

Blueprint Denver recommends that text amendments should be guided by the three equity concepts and maps in Chapter 2. The following analysis considers these proposed text amendments in light of those equity concepts:

- **Improving Access to Opportunity:** This text amendment is consistent with Blueprint Denver’s vision for more equitable access to amenities and quality-of-life infrastructure throughout the city. By allowing people more choices in how they live together in conventional housing, residents will be able to live their lives without fear that their household is in violation of zoning regulations.
- **Reducing Vulnerability to Displacement:** This amendment will reduce vulnerability to displacement by confirming that living with roommates, families sharing homes and cooperative houses are not in violation of the zoning code. Being able to double-up with another family to afford the cost of housing will help keep current residents in place. New definition language will specify that households are groups who have chosen to jointly occupy housing, and that “rent-by-the-room” uses are not permitted in single unit, two unit, and row house zone districts, thereby reducing the likelihood that families would be displaced to convert housing to rental sub-units.
- **Expanding Housing and Jobs Diversity:** By allowing new flexibility in household configurations, this amendment creates housing choices that accommodate households of different ages, sizes, and incomes. By expanding the areas allowed for housing for various populations – including families, the elderly, and people with disabilities, more Denverites will be able to live in neighborhoods of their choice. This also advances Denver’s goal to maintain and increase racial, ethnic, and socioeconomic diversity in Denver’s neighborhoods. Increasing the ability to attain homeownership by sharing costs can help build wealth and improve economic mobility. Therefore this text amendment is highly consistent with Blueprint’s recommendations for expanding housing diversity.

In sum, the text amendment is consistent with all applicable guidance in *Blueprint Denver*.

### **Housing an Inclusive Denver (2018)**

*Housing and Inclusive Denver* was not adopted as a supplement to the Denver Comprehensive Plan, but it was adopted by City Council and can be considered as relevant guidance for reviewing the group living project. The proposed text amendment is consistent with the following *Housing an Inclusive Denver* (2018) policies:

- **Legislative and Regulatory Strategies:** Recommendation 2: Expand and strengthen land use regulations for affordable and mixed-income housing. (p. 47)
- **Affordable and Workforce Rental Housing:** Recommendation 5: Promote development of new affordable, mixed-income and mixed-use rental housing. (p. 83)

The proposed text amendment is consistent with *Housing an Inclusive Denver* (2018) because it expands and strengthens land use regulations for affording housing by increasing the flexibility of regulations on housing of all types.

**2. Public Health, Safety and Welfare**

The text amendment furthers the public health, safety, and welfare of Denver residents, land owners, businesses, and community members by implementing the city's adopted plans through regulations that expand on recent updates to regulations for household uses.

**3. Uniformity of District Regulations and Restrictions**

The text amendment will result in processes and regulations for all residential use types that are uniform within each zone district in which these uses will be allowed.

**Attachments**

1. Strikethrough Draft