

Group Living Text Amendment

Denver City Council
Land Use, Transportation and Infrastructure Committee
October 6, 2020



Goals for today



- Consider revisions to the proposed regulations for households
- Seek consensus on an approach

LUTI schedule



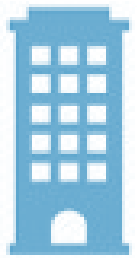
Date	Proposed Topics
Sept. 29 (partial meeting)	<ul style="list-style-type: none">• Follow-up from 9/1 LUTI• Proposed Schedule• Household Regulations introduction
Oct. 6 (full meeting)	<ul style="list-style-type: none">• Household Regulations: alternatives and revisions
Nov. 3 (partial meeting)	<ul style="list-style-type: none">• Residential Care introduction
Nov. 10 (full meeting)	<ul style="list-style-type: none">• Residential Care regulations• Community Corrections• Proposed “Type 2” size/lot minimums/locations
Nov. 17 (full meeting)	<ul style="list-style-type: none">• Former Chapter 59• Enforcement• Post-adoption monitoring
Dec. 1 (full meeting)	<ul style="list-style-type: none">• Wrap up and final committee action on all topics

Recap: Current & Proposed Household Regulations

Current



- Single-Unit use (typical detached house): **2 partners or unrelated adults**, unlimited family members of any age
- No off-street parking requirements



- Two- or multi-unit use (duplex, apartment, etc.): **4 unrelated adults**, unlimited family members of any age (from same list).
- Minimum off-street parking requirements

Proposed



- Up to 5 adults of any relationship, with unlimited relatives to each, in any dwelling unit
- Provisions for more unrelated adults (1 per 200ft² of finished floor area over 1,600ft²) in larger dwelling units, to a maximum of 10
- Minimum off-street parking requirements for larger households in single-unit uses.
- Prohibit rent-by-the-room configurations in low-intensity residential zones

Concerns we've heard:

- **Number of people allowed to live in a dwelling unit and fears of very large households of unrelated adults**
 - Code already permits unlimited related adults, including multigenerational families. Caps on the total number of adults could mean larger related households do not meet code requirements.
 - Code permits older unrelated people and protected classes to live together – is it right to have different regulations for everyone else?
- **Enforcement of proposed regulations, such as dwelling unit size and off-street parking for larger households**
 - Ensure regulations give code enforcement inspectors clear regulations that make use of information we already have about house structure size (e.g. square footage) and minimize intrusive inspections.

Alternative 1: Zoning Permit for Larger Households

Alternative 1a

Add “Large Household” zoning permit requirement, retain current proposed number of unrelated adults

- Permit 5 unrelated adults in any dwelling unit
- permit 1 additional unrelated adult per 200 ft² of finished floor area over 1,600 ft², to a maximum of 10, with a zoning permit.
- Retain unlimited relatives, with no cap on related adults

Advantages	Disadvantages
<ul style="list-style-type: none">• Provides opportunity for staff to ensure parking, fire safety requirements have been met	<ul style="list-style-type: none">• Equity Impact: Permit requirement for larger groups of unrelated people who function like a family but are not related means those groups face additional costs (~\$250) and process that are not imposed on large families
<ul style="list-style-type: none">• Opportunity to track where larger households are located and any code complaints associated with the permit	

Alternative 1b

Add “Large Household” zoning permit requirement, reduce base and maximum number of unrelated adults.

- Permit **4** unrelated adults in any dwelling unit
- permit 1 additional unrelated adult per 200 ft² of finished floor area over 1,600 ft², to a maximum of **8**, with a zoning permit.
- Retain unlimited relatives, with no cap on related adults

Advantages	Disadvantages
<ul style="list-style-type: none">• Provides opportunity for staff to ensure parking, fire safety requirements have been met	<ul style="list-style-type: none">• Equity Impact: Permit requirement for larger groups of unrelated people who function like a family but are not related means those groups face additional costs (~\$250) and process that are not imposed on large families
<ul style="list-style-type: none">• Lower overall number of unrelated adults may help address overcrowding concerns	
<ul style="list-style-type: none">• Opportunity to track where larger households are located and any code complaints associated with the permit.	

Alternative 1c

Add “Large Household” zoning permit requirement, reduce base and maximum number of unrelated adults, establish a cap on the total number of adults of any relationship in any house.

- Permit **4** unrelated adults in any dwelling
- permit 1 additional unrelated adult per 200 ft² of finished floor area over 1,600 ft², to a maximum of **8**, with a zoning permit.
- Permit no more than **10** adults of any relationship in any dwelling unit.

Advantages	Disadvantages
<ul style="list-style-type: none">• Provides opportunity for staff to ensure parking, fire safety requirements have been met	<ul style="list-style-type: none">• Equity Impact: Permit requirement for larger groups of unrelated people who function like a family but are not related means those groups face additional costs (~\$250) and process that are not imposed on large families
<ul style="list-style-type: none">• Addresses concerns about unlimited numbers of adults in a household by setting a specific limit	<ul style="list-style-type: none">• Equity Impact: Would not impact existing larger multigenerational family homes that were legally established, but would prevent new homes of more than 10 adults even if related. Larger households (whether related or not) are more likely to be families of color.
<ul style="list-style-type: none">• Opportunity to track where larger households are located and any code complaints associated with the permit.	

Alternative 2: Maximum # of unrelated adults in any dwelling unit

Alternative 2a

Permit up to 5 unrelated adults in any dwelling unit, retaining current allowance for unlimited relatives

- Permit 5 unrelated adults in any dwelling unit
- Retain unlimited relatives, with no cap on related adults

Advantages	Disadvantages
<ul style="list-style-type: none">• Addresses concerns among some stakeholders about larger numbers of unrelated adults living in households	<ul style="list-style-type: none">• Prevents more unrelated people from choosing to live together in larger dwelling units, missed opportunity for structures that could safely house more people.

Alternative 2b

Permit up to 5 unrelated adults in any dwelling unit, permit relatives to a maximum of 10 adults in any dwelling unit

- Permit 5 unrelated adults in any dwelling unit
- Retain unlimited relatives, to a maximum of 10 adults per household

Advantages	Disadvantages
<ul style="list-style-type: none">• Addresses concerns among some stakeholders about larger numbers of unrelated adults living in households	<ul style="list-style-type: none">• Prevents more unrelated people from choosing to live together in larger dwelling units, missed opportunity for structures that could safely house more people.
	<ul style="list-style-type: none">• Equity Impact: Would not impact existing larger multigenerational family homes that were legally established, but would prevent new homes of more than 10 adults even if related. Larger households (whether related or not) are more likely to be families of color.

Other approaches that could be combined
with the alternatives above

Permit additional unrelated adults by bedroom

Allow more unrelated adults over the “base” amount by bedroom, rather than the currently-proposed 1 per 200 ft² of finished floor area over 1,600 ft²

Example:

- Permit 5 unrelated adults in any house
- permit 1 additional unrelated adult per bedroom in houses with 4 or more bedrooms
- Retain unlimited relatives, with no cap on related adults

Advantages	Disadvantages
<ul style="list-style-type: none">• Addresses concerns about large numbers of unrelated adults in houses perceived not to have enough space/bedrooms	<ul style="list-style-type: none">• Potential for more intrusive enforcement: Denver has information about the square feet of finished floor area in existing dwelling units, but not number of bedrooms
	<ul style="list-style-type: none">• Denver building and fire codes allow people to sleep in any area that is at least 70 ft² and has proper smoke alarms and fire egress. There is not a requirement that people sleep in a formal bedroom, and many dwelling units, such as studio apartments, do not have separate bedrooms.
	<ul style="list-style-type: none">• Staff has heard concerns that this would encourage home owners to create non-conforming bedrooms.

Regulate by number of adults, regardless of relationship

Revert to the project team and GLAC's original recommendation of up to a specific number of adults, regardless of relationship.

- Permit 8 (or __) adults of any relationship in any house up to Denver median house size of 1,600 ft²
- permit additional adults with additional floor area/bedrooms

Advantages	Disadvantages
<ul style="list-style-type: none">• Moves away from outdated and criticized practice of regulating by relationship	<ul style="list-style-type: none">• Equity Impact: Would not impact existing larger multigenerational family homes that were legally established, but would prevent new households of larger families to live in smaller dwelling units. Larger households (whether related or not) are more likely to be families of color.

Allow unrelated or related adults, but not a combination

Permit up to 5 unrelated adults in any dwelling unit, without relatives. Permit households of related people (per current regulations).

- Permit 5 unrelated adults in any dwelling unit; **or**
- Permit unlimited related people in any dwelling unit

Advantages	Disadvantages
<ul style="list-style-type: none">• Addresses concerns among some stakeholders about larger numbers of unrelated adults living in households	<ul style="list-style-type: none">• Prevents more unrelated people from choosing to live together in larger dwelling units, missed opportunity for structures that could safely house more people.
<ul style="list-style-type: none">• Addresses concerns about perceived “unlimited” adults in households of related and unrelated people by only permitting one or the other, without a combination.	<ul style="list-style-type: none">• Presents enforcement difficulties
	<ul style="list-style-type: none">• Reduces flexibility, prevents families from providing housing to a friend

Recap: Possible Alternatives

Alternative 1: Zoning Permit for larger Households

- 1a: Zoning Permit for larger households
- 1b: Zoning Permit for larger households, reduced “base” and maximum number of unrelated adults
- 1c: Zoning Permit for larger households, reduced “base” and maximum number of unrelated adults, cap on the total number of adults (of any relationship)

Alternative 2: Maximum number of unrelated adults in any dwelling unit

- 2a: Max # of unrelated adults in any dwelling unit
- 2b: Max # of unrelated adults in any dwelling unit, total cap of adults in a dwelling unit (regardless of relationship)

Other approaches:

- Permit additional unrelated adults in larger households by bedroom instead of finished floor area
- Regulate by number of adults, regardless of relationship
- Max # of unrelated adults in any dwelling unit, without relatives, **or**, households of unlimited related people (per current regulations).

LUTI questions from 9/1 meeting

Key questions from 9-1 LUTI

Do other cities allow unlimited relatives to unrelated adults?

- It varies – some only permit either a household of unlimited relatives or a specific number of unrelated adults. Our proposal is modeled on the DZC's current allowance for unrelated adults with unlimited family members.

How many related adults are permitted in peer city zoning?

- All cities we looked at permit unlimited relatives to live together. Some do not permit it in combination with unrelated adults (either/or)

Do other cities permit more unrelated adults in larger houses?

- Other cities whose zoning codes we reviewed regulate all households the same and do not have provisions for larger houses.

Key questions, cont.

Single-unit houses, duplexes and ADUs – total occupancy

- Currently no limit on the number of related adults who may live in a primary dwelling unit.
- A duplex, if permitted by underlying zoning, creates two primary dwelling units.
- Accessory Dwelling Units are only permitted with a primary single-unit use (e.g one house, not a duplex) and are limited to one occupant per 200 square feet.

Scenarios:

1. Current zoning scenario: one 2,000 sf house and one ADU
 - House: 2 partners or unrelated adults, unlimited relatives = unlimited occupants, but most must be related
 - ADU: 1 occupant per 200 sf. 1,000 sf ADU = 5 occupants
2. Proposed zoning scenario: one 2,000 sf house and one ADU
 - House: 6 unrelated adults, unlimited relatives = unlimited occupants, but some must be related
 - ADU: 1 occupant per 200 sf. 1,000 sf ADU = 5 occupants
3. Proposed zoning scenario with duplex: one 2,000 sf house, divided into two 1,000 sf units (where permitted by underlying zoning)
 - Units: 5 unrelated adults, unlimited relatives = 10 total unrelated adults, plus unlimited relatives
 - ADU: not permitted with a duplex use.

Key questions, cont.

How many homeowners associations (HOAs) are there in Denver?

- Approximately 900, most related to condominiums (source: various, including Fidelity National Title, CO Division of Real Estate). More info: <https://www.colorado.gov/pacific/dora/hoa-information-and-resource-center>

Who regulates HOAs?

- Homeowners associations are regulated by the state Dept. of Regulatory Agencies Real Estate Division. State and Federal HOA laws in effect in Colorado can be found here: <https://www.colorado.gov/pacific/dora/hoa-related-state-and-federal-laws>

What language in the Denver Zoning Code is outdated or unclear?

- This is detailed at length in the Problem Statements at [this link](#), and includes:
 - Confusing shelter type definitions, with ineffective and inequitable public involvement procedures,
 - Current spacing requirements make it difficult or impossible to combine a continuum of housing services at one site.
 - Regulation of shelter “beds” by city council districts uses a geography that changes every 10 years
 - Vehicle parking requirements for assisted living, community corrections and other uses exceeds demand and takes up space that could be used for programming.
 - List of specific uses makes it unclear how common but undefined uses – like recovery homes – should be regulated

Household Regulations

Household regulations overview

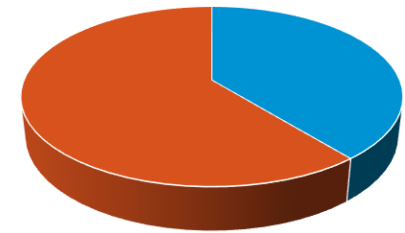
- Who lives in households?

- Families
- “Found” families
- Groups of adults of all ages seeking affordability and/or camaraderie
- Increasingly, more than one family seeking to share housing costs
- Average Denver Household Size: 2.31 people
 - Number of houses with 6 or more adults: 2%
 - Percent of those households that are Black or Latinx: 80%

- Why change current regulations?

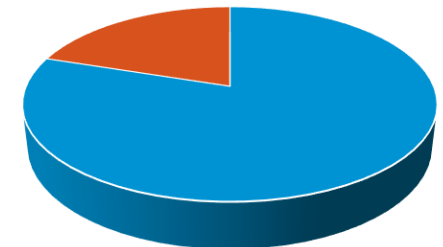
- The current regulations for households date from the 1950s and prevent most of these common configurations

Denver Population



■ Black or Latinx: 39.1% ■ Other: 60.9%

Houses with 6 or more adults



■ Black or Latinx: 80% ■ Other: 20%

Peer Cities: Unrelated adults permitted in a single-unit dwelling

2	Avg HH	3	Avg HH	4	Avg HH	5	Avg HH	6	Avg HH	8	Avg HH
Denver	2.31	Boulder	2.18	Aurora	2.82	Arvada	2.48	Austin	2.47	Seattle	2.12
Englewood	2.15	Commerce City	3.10	Brighton	2.92	Castle Rock	2.88	Portland, OR	2.36	Vancouver, WA	2.46
		Fort Collins	2.46	Golden	2.24	Co. Springs	2.52	San Diego	2.96		
		Littleton	2.25	Northglenn	2.71	Lakewood	2.30	Spokane	2.43		
		Loveland	2.55	Thornton	2.86	Longmont	2.60				
		Wheat Ridge	2.16	Westminster	2.62	Parker	2.94				
		Salt Lake City	2.48	Las Vegas, NV	2.66	Uninc. Adams Cty.	3.00				
		Minneapolis	2.25	Boston	2.37	Uninc. Arap. Cty.	2.66				
				New Orleans	2.44	Albuquerque	2.48				
						Boise	2.46				
						Kansas City	2.36				
						Oklahoma City	2.59				
						Phoenix	2.87				
Avg HH	2.23		2.43		2.63		2.63		2.56		2.29

Notes: All cities permit unlimited adult relatives to live as a household, but some (ex. Albuquerque, Aurora) do not permit a combination of related and unrelated adults in a household

Sources: U.S. Census Bureau Quick Facts; city and county zoning regulations

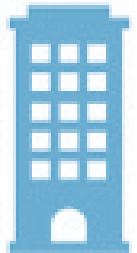
Average U.S. Household Size (2019): 2.51

What would change: Current & Proposed Household Regulations

Current



- Single-Unit use (typical detached house): **2 partners or unrelated adults**, unlimited family members of any age
- No off-street parking requirements



- Two- or multi-unit use (duplex, apartment, etc.): **4 unrelated adults**, unlimited family members of any age (from same list).
- Minimum off-street parking requirements

Proposed



- Up to 5 adults of any relationship, with unlimited relatives to each, in any dwelling unit
- Provisions for more unrelated adults (1 per 200ft² of finished floor area over 1,600ft²) in larger dwelling units, to a maximum of 10
- Minimum off-street parking requirements for larger households in single-unit uses.
- Prohibit rent-by-the-room configurations in low-intensity residential zones

Household Regulation Details: Unrelated Adults and Parking

Dwelling Unit Size (square feet of finished floor area)	Unrelated adults permitted
Less than 1,800	5 adults
1,800 to 1,999	6 adults
2,000 to 2,199	7 adults
2,200 to 2,399	8 adults
2,400 to 2,599	9 adults
2,600 or more	10 adults

Context	Parking required for single-unit dwelling Use with 6 or more adult residents (note: bicycle parking is not required)
Suburban	2 vehicle spaces
Urban Edge	2 vehicle spaces
Urban	1 vehicle spaces
General Urban	1 vehicle space
Urban Center	0 vehicle spaces CCN only: 1 vehicle space
Downtown	0 vehicle spaces
I (where applicable)	1 vehicle space
CMP (where permitted)	0 vehicle spaces
Master Planned	1 vehicle space

Household Regulation Details: Non-Profit Housekeeping Unit

Non-Profit Housekeeping Unit.

A household comprised of people who live together as a family or as the functional equivalent of a family, and who share household activities and responsibilities, such as meals, chores, rent, and expenses. The choice of specific adults comprising the single non-profit housekeeping unit is determined by the members of such housekeeping unit rather than by a landlord, property manager, or other third party. Members of a single non-profit housekeeping unit are not required to seek services or care of any type as a condition of residency. All adult residents jointly occupy the entire premises of the dwelling unit.

Household Regulation Details: relatives

A non-profit housekeeping unit shall be comprised of up to 5 unrelated adults, plus additional adults per the table below, and any persons related to each unrelated adult by blood, marriage, civil union, committed partnership, adoption, or documented responsibility (such as foster care or guardianship)

Additional Slides