

From: [Loretta Koehler](#)
To: [denc - City Council](#)
Subject: [EXTERNAL] "Single-Family Zoning, Intimate Association, and the Right to Choose Ho" by Rigel C. Oliveri
Date: Saturday, September 26, 2020 12:42:24 PM

Basis for an argument against keeping current code and move zoning amendment forward.

<https://scholarship.law.ufl.edu/flr/vol67/iss4/8/>

Abstract

[Rigel C. Oliveri](#)

Many local governments use single-family zoning ordinances to restrict occupancy in residential areas to households whose members are all related to one another by blood, marriage, or adoption. The Supreme Court upheld such ordinances in the 1974 case of *Belle Terre v. Boraas*, and they have been used to prevent all sorts of groups from living together—from unmarried couples who are raising children to college students. This Article contends that *Belle Terre* is wholly incompatible with the Court's modern jurisprudence on privacy and the right of intimate association. The case appears to have survived this long because of a reflexive deference paid to the “police power,” which gives local governments wide latitude to pass laws to promote the general welfare of the community. This Article disputes that the police power can stretch so far, and asserts that Constitutional protection should attach to the choice of household companions. If such protection is accorded, the reasons traditionally given for such ordinances—reduction of overcrowding, protection of children—fail to stand up to heightened scrutiny. This Article also takes issue with so-called “functional family” reforms, which allow groups who resemble or operate like families to live in single-family zoned areas. While these reforms do expand the class of people who can choose their household companions, they leave untouched the assumption that governments can regulate this decision absent a

compelling reason. Moreover, they allow government actors to decide, based on largely subjective criteria and after an often-invasive inquiry, whether groups of people are sufficiently “family-like” to live together. If the right of intimate association within the home is to have any force, it must be available to everyone, regardless of their identities, motivations, or characteristics.

From: [Leiker, Travis](#)
To: [dencc - City Council](#); [Sandoval, Amanda P. - CC Member District 1 Denver City Council](#); [Flynn, Kevin J. - CC Member District 2 Denver City Council](#); [Torres, Jamie C. - CC Member District 3 Denver City Council](#); [Black, Kendra A. - CC Member District 4 Denver City Council](#); [Sawyer, Amanda - CC Member District 5 Denver City Council](#); [Kashmann, Paul J. - CC Member District 6 Denver City Council](#); [Clark, Jolon M. - CC Member District 7 Denver City Council](#); [Herndon, Christopher J. - CC Member District 8 Denver City Council](#); [candidebaca@denvergov.org](#); [Hinds, Chris - CC Member District 10 Denver City Council](#); [Gilmore, Stacie M. - CC XA1405 President Denver City Council](#); [Kniech, Robin L. - CC Member At Large Denver City Council](#); [Ortega, Deborah L. - CC Member At Large Denver City Council](#)
Cc: [planningboard@denvergov.org](#); [Planning Services - CPD](#); [Development Services](#); [Landmark - Community Planning and Development](#); [Rezoning - CPD](#); [Webb, Andrew - CPD City Planner Senior](#); [Dmitrii Zavorotny](#); [frank](#); [Sarah Wells](#); [Travis Leiker](#); [CHUN Secretary](#)
Subject: [EXTERNAL] CHUN Supports Group Living Advisory Committee
Date: Monday, June 29, 2020 10:56:56 AM
Attachments: [CHUN Position RE GLAC Recommendations.pdf](#)

Greetings Denver City Council Members,

On behalf of Capitol Hill United Neighborhoods--Denver's oldest, largest registered neighborhood organization--please find the attached letter of support for the Group Living Advisory Committee's recommendations.

We are hopeful Denver Community Planning and Development, in partnership with the City Council, moves these recommendations forward as adopted policy as soon as possible.

Should you have any questions or concerns please contact me at 303-817-5744 or email travis.leiker@chundenver.org.

All the best,

Travis

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Travis Leiker, MPA

President | Board of Directors

Capitol Hill United Neighborhoods, Inc.

1290 Williams Street, Suite 102

Denver, CO 80218

P. 303.830.1651 M. 303.817.5744

chundenver.org

Preserving the past, improving the present, and planning for the future of Denver's greater Capitol Hill community.

From: [Nicole Petrovic](#)
To: [dence - City Council](#)
Subject: [EXTERNAL] Denver Zoning Change - Support
Date: Sunday, September 13, 2020 5:44:03 PM

Hi!

I currently am a resident of Washington Park West and I support the change to the Denver Zoning Laws. Let me know if there are other ways for me to support these changes.

Thanks!

Nicole

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Nicole Petrovic
BSc : Chemistry | University of Illinois at Urbana - Champaign (2018)
MPH Candidate : Epidemiology and Global Health | Colorado School of Public Health

From: [Leslie Gehring](#)
To: [dence - City Council](#); [Webb, Andrew - CPD City Planner Senior](#); [District 1 Comments](#)
Subject: [EXTERNAL] Group Living Code Amendment
Date: Tuesday, December 15, 2020 9:14:38 AM

Hello,

As a resident and homeowner of district 1, I would like to express my support for the Group Living Code Amendment. The city has no business dictating who qualifies as family. The current version of the amendment has been watered down, so while I believe it is a step in the right direction, there should be no hard cap on the number of unrelated adults--the cap should be based on the number of bedrooms, 2 adults per bedroom. If parking scarcity is truly a concern, then the city should actually address that issue by pricing on-street parking at its actual cost, as opposed to making it a giveaway of public space. There is no reason to allow a married couple with two teenagers and two adult children to park six cars on the street but not allow a house of six unrelated adults to do the same. The city should also invest heavily in transit and protected bike infrastructure so that driving isn't the only option, which would reduce the demand for parking. In fact, in a city, driving should be the slower, more expensive, and less convenient option as compared to biking, walking, and transit. The city's Vision Zero and climate action goals demand a reallocation of priorities, and watering down this amendment for concerns about parking availability does not help move Denver to only 50% SOV commuters. Please eliminate the cap on the total number of unrelated adults and make it dependent on the number of bedrooms.

Thank you,
Leslie Gehring

From: [Diego Bleifuss Prados](#)
To: [dence - City Council](#)
Subject: [EXTERNAL] Group Living Ordinance
Date: Wednesday, December 16, 2020 10:27:49 AM

Good morning Denver City Council,

My name is Diego Bleifuss Prados and I'm a Denver resident, union member with the Denver Newsguild Local 37074, and organizer with Denver DSA. **I'm emailing to urge you to support the Group Living Code Amendment coming before City Council.** Unfortunately, as the cost of living, and housing specifically, has increased in Denver, wages have not kept pace. So many of my friends and colleagues are struggling to continue living in this city. The COVID-19 pandemic has only aggravated this issue, as thousands of Denverites have lost hours of work or their jobs entirely.

Facing such an economic crisis, and with the state eviction moratorium about to expire, now is not the time to limit options for families trying to stay off the streets.

Because of this, I'm asking Denver City Council to increase the number of unrelated people that can live in a home, and to make it easier for shelters and residential living facilities to operate and support our community members. These changes will make Denver a better and safer city, where everyone has a chance to thrive.

Thank you,
Diego Bleifuss Prados
312-401-8606

From: [willie pusede](#)
To: [dence - City Council](#); mayorsoffice@denver.gov
Subject: [EXTERNAL] Group Living Zoning Code Amendment #7
Date: Sunday, September 27, 2020 8:07:00 AM

I received a hateful flyer today in the mail from Safe and Sound Denver. I hope the proponents of this amendment are well funded because #7 it is the right thing to do!

I am 100% in favor of Amendment #7.

thank you,
Willie Pusede

From: [KC McFerson](#)
To: [dence - City Council](#)
Subject: [EXTERNAL] Group Living Zoning Code Amendment #7
Date: Wednesday, November 25, 2020 8:51:57 AM

Hello,

I got a flyer on my house in Park Hill that is against Amendment #7. I found it to be sensationalist and not representing my views. I am supportive of the City's efforts on this front and appreciate you taking on this work.

As examples of thinking and arguments I think are flatly wrong, listing "unlimited street parking" as a way it'll impact the neighborhood is nonsensical. I know we can place restrictions on street parking, but it's public space and generally a public resource so I found the phrasing and argument odd. Also, knowing of similar, if smaller, accommodations I don't see the same impacts to property values, noise, trash, traffic, safety, or almost any of the items vaguely listed in the flyer. Finally, it lists sober living homes then includes "(alcohol/drugs)" without indicating that a sober home means those items *won't* be present. This flyer is drumming up confused thinking in my neighborhood and I strongly disagree with its content and stance on Amendment #7.

I want to live in an inclusive Denver. I want to live in a community that supports people on our many and varied paths through life. The kind of thinking promoted in the flyer is cold and individualistic. This appears to me to be a thinly veiled exclusionary argument parading as an economic one. I support inclusive action by the City Council.

Best,
KC McFerson

From: [Tim](#)
To: [dence - City Council](#); [Clark, Jolon M. - CC Member District 7 Denver City Council](#); [kniechatlarge](#); [Deborah Ortega - Councilwoman At Large](#); [Hancock, Michael B. - MO Mayor](#)
Subject: [EXTERNAL] I Support Group Living Zoning Code Amendment #7
Date: Wednesday, September 16, 2020 12:58:05 PM

Hi All,

My wife and I support Group Living Zoning Code Amendment #7. Victims of domestic abuse, the mentally ill, people with addiction issues--these fellow human beings exist. Better to have services for our fellow human beings than pretend they don't exist. I'd much rather having "Harry" sleeping in a homeless shelter than on our corner. I'd much rather have "Cathy" in a halfway house on my block rather than smoking crack and tuning tricks in our alley.

The asswad fearmongerers at "Safe and Sound Denver" trespassed on my property and littered by leaving thier flyer. They present a false choice - between the problems of halfway houses and homeless shelters or no problems at all.... Victims of domestic abuse, the mentally ill, people with addiction issues--they all actually exist and are in our neighborhoods. Let's help them. Let's take some of the burden off the Denver PD by offering services to these people. If this zoning code update will help people, let's do it!

Thanks,
Tim

Tim Mahon
361 S. Williams St.
Dever CO 80209

From: [Evan Derby](#)
To: [dence - City Council](#); [Webb, Andrew - CPD City Planner Senior](#)
Subject: [EXTERNAL] IN FAVOR of Group Living Changes
Date: Wednesday, December 16, 2020 12:03:20 PM

Hello City Council and Mr. Webb,

I am writing today to add my support for the Group Living changes being proposed in Denver. In fact, I would support a more ambitious set of changes which would truly help create equity for those who need it in Denver's housing market today.

As someone who rents & lives with several roommates in a single family home, I thought I could address some of the concerns that City Council members and opponents of the Group Living proposal have about letting more unrelated people live in a single family home:

- My roommates and I are not a disturbance to our neighborhood; We have not changed the "neighborhood character," a term with racist connotations going back to the redlining and segregation of Denver's neighborhoods throughout the 20th century. We just need a place to live. So do so many other people.
- We have not created any burden on the parking infrastructure near our home; the substantial amount of on-street parking near our home continues to go mostly unused day and night;
- We have not created a burden on waste infrastructure, all of our waste fits in the bins we were assigned;
- We cannot comment on the impact on sewer and water infrastructure, but can only say that sewer and water infrastructure becomes more efficient and cost effective when it serves denser areas;
- And we have not observed an uptick in other homes being rented out or being scraped by developers, any more than the existing regulatory environment and housing market already support this process.

It is time for real change that will actually help young people, not just protect the interests of property owners. Please support the group living changes.

Evan Derby

From: [Chaer Robert](#)
To: [dence - City Council](#)
Cc: [Webb, Andrew - CPD City Planner Senior](#)
Subject: [EXTERNAL] Please Support Group Living Changes
Date: Monday, December 14, 2020 9:12:54 AM

Dear City Council Members:

I am a lifelong Denverite. I am lucky to be old enough to have bought my house during the 1985 recession, when housing prices were still borderline affordable for working class people without access to savings, family loans or wealth.

Our 1902 Denver square is currently a single family home for my husband and myself, though his children and grandchildren have lived here for a time when they couldn't afford a place of their own. We are surrounded on all four sides by older apartment houses and a fourplex rental. We sit on the border between historically single family Congress Park to the south and multifamily buildings to the North.

We moved where we did due to proximity to the Colfax bus and its frequent service, and restaurants and businesses in close walking distance. Such amenities are dependent on density.

Denver has been short on affordable housing options for more than a decade. Building and land costs make it impossible to add more housing that is affordable without greater public subsidies.

Allowing more people to share a home helps the homeowner who might struggle to meet a mortgage singlehandedly (especially given recent massive job loss). It also helps others sharing the home by providing a more affordable opportunity to afford a roof over their head.

These crises- the longstanding crisis of lack of affordable housing in Denver and the current COVID/job loss crisis- create the overdue imperative to develop new solutions.

Please support The Group Living Changes.

Questions: contact me at chaerrobot@hotmail.com

Chaer Robert

Chaer Robert

chaerrobot@hotmail.com

2714 East 13th Avenue

Denver, Colorado 80206

From: [Jennifer Jordan](#)
To: [dencc - City Council](#)
Subject: [EXTERNAL] Re zoning single family homes to multiple family homes
Date: Tuesday, August 18, 2020 4:36:18 PM

Dear City Council Members,

I am writing to offer my support for the idea of rezoning single family homes to multiple family homes. As a native to Denver and a long time renter I know how stressful it can be to come up with that \$1500 a month (if not more) for rent every month. As everyone who lives here should know Denver rent has gone through the roof in the past ten years and has not kept up with the cost of living. Every year my rent goes up a minimum of \$100 extra a month. But unfortunately my pay does not. I get maybe a 2-3% cost of living increase that doesn't come close to covering the additional cost of rent.

I also have a developmentally disabled sibling who used to live in a group home around Congress Park that was closed. Its unfortunate because he really loved that living situation. He loved the guys who worked with the residents and he loved having a close group of friends to do things with every day. The group home was closed for reasons that are not clear to me and he was moved into an apartment where lived alone and was very isolated in spite of family and friends stopping by regularly to visit with him. Additionally the rent was more than Human Services covered and family had to chip in several hundred dollars every month to help him live. Being isolated and without the day to day help he failed to take his medication for schizophrenia and started acting strangely. The apartment eventually evicted him. He now lives with family but his happiest living experience was when he lived at the group home. People like him do not do well living on their own. They need help with day to day things like remembering to take their medications and they need socialization.

With 40 or 50 million people now in this country unemployed this only makes the affordability for rent an even greater problem than it was before the pandemic. We need to think about options outside of the box to ensure people continue have a roof over their heads. I heard about this rezoning concern on the Nextdoor website. I am a lifelong south Denver resident and like the rest of Denver we have seen our neighborhoods change. I have seen little craftsman houses bulldozed to make room for McMansions. People who have grown up in this neighborhood can no longer afford to live here. Most of these new homes are selling for a million if not more. Yet I am reading a lot of "not in my backyard" posts on Nextdoor. When you tear down affordable housing what option do people have for affording a place to live? Wouldn't it be better to offer a solution like this than to see more people homeless?

I don't really see why it is anyone's business if a home owner decided to rent out extra bedrooms. As long as the tenants are being quiet and respectful why should one person be allowed to dictate what another does with their property? So for this reason and all the others I have mentioned I ask you to pass the rezoning rules allowing single family homes to become multiple family homes.

Thank you for your time and consideration in reading this.

Sincerely,
Jennifer Jordan

From: [Arielle Milkman](#)
To: [dencc - City Council](#)
Subject: [EXTERNAL] Support for the Group Living Code Amendment
Date: Wednesday, December 16, 2020 10:13:04 PM

Dear Land Use, Transportation & Infrastructure Committee:

My name is Arielle Milkman and I'm a graduate student and Denver District 9 resident living in the Whittier neighborhood. I'm emailing to urge you to support the Group Living Code Amendment coming before City Council. This matters to me because I can't afford to live in Denver on my own and have gotten by the last 5+ years thanks to an amazing community of housemates. I have witnessed how unaffordable our city has become in the last decade and how working Denverites who have lived here for generations are now being pushed out of our city. I believe this is one small step our city can take to reduce class and race-based housing discrimination. Because of this, I'm asking Denver City Council to increase the number of unrelated people that can live in a home, and to make it easier for shelters and residential living facilities to operate and support our community members.

Thank you for your work on behalf of our communities.

Arielle Milkman

From: [Loretta Koehler](#)
To: [dencc - City Council](#)
Subject: [EXTERNAL] The Atlantic: The Rise of the 3-Parent Family
Date: Saturday, September 26, 2020 12:25:52 PM

Families are changing dramatically & I see this working with the never married parents & those lower & lower numbers of couples who marry (divorcing parents) needing court orders. This has been a rising trend (for the last 30+ years) that will continue for years to come. Denver needs to acknowledge that this is a reality of today and for the future of housing in our city.

Women are continuing to be negatively affected by the break up of a relationship and monetarily disadvantaged, so they seek communal living situations more often - for assistance with child care or for the reality that we continue to make 51 cents on the dollar compared to men.

Our zoning code is outdated and discriminatory (ask me if you need more documentation, but I'm sure you have a great deal of reasons why some policies were implemented) and needs to be updated as soon as possible. With lower income wage earners losing their jobs (due to COVID-19 and the inconsistent gig economy) and risky futures due to unemployment compensation, more people are becoming homeless and not only unable to support themselves, but also their families. Again, I have first hand experience hearing from people as they cannot keep housing nor do they see any stability in the foreseeable future. Allowing people to live in housing that is less expensive because they rent a room with other adults allows people to stay off the streets and I think all of you would agree with less homelessness.

Thanks and please understand that folks live differently and I hope that you'll agree with me that I want Denver to be an accepting city.

Thanks

Loretta Koehler

Baker resident & happy to live in Denver for over 21 years (& a proud Native - on many levels)

The Rise of the 3-Parent Family

The typical path to parenthood didn't work for David Jay, a founder of the asexual movement. So he designed his own household—and is trying to show others what is possible.

Read in The Atlantic: <https://apple.news/AjQaiU1QjQmG2peISdhAEzQ>

Shared from [Apple News](#)

Sent from my iPhone

From: [Ann Garcia](#)
To: [dence - City Council](#)
Subject: [EXTERNAL] Whittier resident support for the group living code amendment
Date: Wednesday, December 16, 2020 10:29:11 PM

Dear members of the Land Use, Transportation & Infrastructure Committee:

My name is Ann Garcia and I'm an immigrants' rights attorney and resident of District 9 in Denver. I'm emailing to urge you to support the Group Living Code Amendment coming before City Council. Denver's occupancy limits are discriminatory and based on antiquated ideas of what it means to be a family. Having lived in group houses for the last 14 years and having referred my clients to transitional housing, I can vouch that our homes make our communities stronger. In 2021, as many Denverites struggle to stay housed and in community, it is time for the City Council to make these changes. Because of this, I'm asking Denver City Council to increase the number of unrelated people that can live in a home, and to make it easier for shelters and residential living facilities to operate and support our community members.

Thank you,

Ann Garcia

From: [Samantha Scheller](#)
To: [dence - City Council](#)
Subject: [EXTERNAL] Write in Support of Group Living Zoning Code Amendment #7
Date: Sunday, September 20, 2020 5:03:31 PM

Hello,

I write to express support for Group Living Zoning Code Amendment #7, which the Denver City Council will vote on this October. This amendment will benefit individuals who are attempting to get their lives back on track, and I fully support it. Please represent the citizens of Denver and vote to pass Group Living Zoning Code Amendment #7. Thank you!

Best,
Sam

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Samantha Hope Scheller
samanthascheller@gmail.com

From: [Tiffany Bray](#)
To: [dence - City Council](#); mayorsoffice@denver.gov
Subject: [EXTERNAL] YES on Amendment #7
Date: Monday, September 28, 2020 7:24:24 AM

To whom it may concern;

I am a homeowner in the Sunnyside neighborhood of Denver, CO and I fully support amendment #7!!! Please, please pass this!!

This is a moral issue and should have been passed long ago! How can we progress forward while we still have people living in poverty or on the streets?!

We need to pass this amendment NOW, please. We are better humans than this, and passing amendment 7 will allow us to heal and grow as a community.

Please - do the right thing and pass amendment #7

Thank you,
Tiffany Bray
Concerned Denver Citizen

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Be well, Tiffany Bray 720-936-7182

From: [Cat Sergeant](#)
To: [District 1 Comments](#); [Flynn, Kevin J. - CC Member District 2 Denver City Council](#); [Torres, Jamie C. - CC Member District 3 Denver City Council](#); [Black, Kendra A. - CC Member District 4 Denver City Council](#); [City Council District 5](#); [Kashmann, Paul J. - CC Member District 6 Denver City Council](#); [Clark, Jolon M. - CC Member District 7 Denver City Council](#); [Herndon, Christopher J. - CC Member District 8 Denver City Coun](#); [District 9](#); [Hinds, Chris - CC Member District 10 Denver City Council](#); [Gilmore, Stacie M. - CC XA1405 President Denver City Council](#); [kniechatlarge](#); [Deborah Ortega - Councilwoman At Large](#); [dencc - City Council](#); [Hancock, Michael B. - MO Mayor](#); [Mayorsoffice](#)
Subject: [EXTERNAL] YES to the Group Living Zoning Code Amendment with NO Chapter 59 Exemption
Date: Friday, August 28, 2020 9:09:02 AM

I highly support the changes to the Denver Group Living laws to cut homelessness and legalize housing arrangements Denverites are already utilizing today without incident. The prior requirement that people be related legislates discrimination against residents who are poor, single, LGBTQ+, and more. To support equity across Denver, we can not exempt neighborhoods from this effort. Please remove all exemptions from former Chapter 59 areas when you pass this.

Thank you,
Cat Sergeant
Denver, CO 80222

From: [Sally Lewis](#)
To: [dence - City Council](#); mayorsoffice@denver.gov
Subject: [EXTERNAL] Zoning code amendment 7
Date: Friday, September 25, 2020 7:20:26 AM

We live at 752 N High St, Denver, CO 80218 and would like to express our support for the group living zoning code amendment 7. It will add diversity and equity to this neighborhood and be a wonderful change.

Sally Lewis and Alan Fine