

Group Living Advisory Committee Meeting

Date and Time: Tuesday, October 30, 2018, 4:00-6:00 PM

Location: Webb Municipal Building

Attendees

ADVISORY COMMITTEE MEMBERS

Bill Rutherford
JR Ronczy
Paul Bindel
Joel Noble
Laura Rossbert
Robert Fisher
Michael Henry
Kevin Priestly
Sarah Wells
Loretta Koehler
Chris Coddington
John Hayden
Brice Hancock (internet participant)

GUESTS

Ean Tafoya

DENVER ELECTED OFFICIALS

Deborah Ortega
Robin Kniech (partial)

DENVER STAFF

Andrew Webb
Eugene Howard
Will Lindsey
Edson Ibanez
Kyle Dalton
Polly Kyle (obo Councilmember Kniech)

FACILITATOR

Meagan Picard

Agenda

Time	Topic
4:00 – 4:15	Welcome, Agenda, Recap and Objectives
4:15 – 4:45	Present and Discuss 3 Alternatives
4:45 – 5:15	Small Group Workshops <ul style="list-style-type: none">Poster Exercise: Analyze against criteria
5:15 – 5:50	Report Out and Refine <ul style="list-style-type: none">Seek agreement on final recommendation
5:55 – 6:00	Gratitude, Next Steps and Close

Meeting Summary

1. WELCOME AND CHECK-IN

Prior to officially opening the meeting, Meagan checked in with attendees to determine if the meeting could go forward, given the small proportion of the committee present at the time the meeting was supposed to begin. Participants considered:

- Rescheduling the meeting,
- Proceeding with the meeting and seeking a consensus decision as planned, or
- Proceeding with the meeting and arriving at a preliminary recommendation to the rest of the committee with a follow-up survey to affirm the decision.

Committee members decided to honor the time and effort that they took to participate either in person or via phone/video conference and continue the meeting. They also determined that a follow-up survey on the decision would not be advisable because absentee votes would not have the benefit of the deliberation that occurs during the meeting, and they acknowledged that there would be an opportunity to affirm all decisions at the end of phase 3 of this committee's work. With these decisions, the meeting proceeded according to the above agenda.

2. MEETING AGENDA AND OBJECTIVES

Meagan reviewed the agenda with the committee, noting that this meeting is part two of the committee's effort to reach consensus on a household definition and regulatory mechanism and that this discussion will pick up from where the group left off in part one, as promised in part one. She also reminded participants of group process agreements and addressed a few housekeeping items.

3. STAFF PRESENTATION

Andrew Webb presented some background information that would be useful to committee members as they continued the household definition discussion – some review for members that

missed the last meeting and some new information in response to questions from the last meeting:

- **Public feedback on the problem statements from the open house in August** included support for expanding number of unrelated people permitted to live together; support for flexibility and variety of affordable housing options, creative spaces, etc.; support for changes to address need for shelter, community corrections, etc.; concern about concentrations of poverty, services in neighborhoods; and support for updating spacing and density regulations for clarity and enforceability.
- **Phase 3 schedule is extended through April** to allow sufficient staff time to prepare for each meeting and respond to emerging concerns and/or questions that require additional research, etc.
- **Progress made at the last meeting** included a recommendation to include “foster care/legal guardianship” in any list of related individuals in the updated definition of “household,” agreement that the number of unrelated adults permitted to live in a home should be increased, and identification of three preferred options for defining household.
- **The current definition in the DZC** (described below) complicates cooperative housing, co-living, and co-ownership of homes.

- Permits two unrelated adults, plus an unlimited number of certain specified relations living together as a housekeeping unit in single unit uses.
- Does not include Group Living uses (residential uses where care or services are provided)
 - Committee will consider Group Living uses throughout the rest of the project
- Requires **Home Occupation permit** for:
 - Foster Family Care
 - Rooming and Boarding (1+ roommates in SU)

- **Additional information to consider regarding the definition:**
 - A “dwelling unit” is defined as one or more habitable rooms constituting a unit for permanent occupancy, having but one kitchen together with facilities for sleeping, bathing, and which unit occupies a structure or a portion of a structure.
 - There is no limit to the number children or family members that may live together, per current DZC.
 - Code permits two unrelated adults and any number of relatives to each in SU uses. However, partnered adults are not considered relatives per the current code. This means that two partners or two unrelated adults can live together with any number of relatives to each, however, two sets of partners with relatives would not be permitted.
- **Peer cities** allow a range of 2 to unlimited number of unrelated adults to live together.
- **Decision-making criteria that the city used** to refine options include:
 - Is **consistent with adopted plans** (Pass/Fail - Must Pass per Charter 3.2.9(C) and DZC 12.4.11.4.A)
 - Is **clear to administer and enforce**
 - Is **clear and predictable** to all stakeholders
 - Uses **language that is consistent** with relevant city, state and federal regulations

- Is **enforceable** with **minimal entry to properties** by Zoning & Neighborhood Inspection Services and other staff
- **Decision-making criteria that the committee will use** to review and select among the remaining three options include:
 - Is **equitable** – not necessarily equal – **in terms of neighborhood policies and impact**
 - Provides for **more affordable and attainable housing options** across the full range of resident incomes, considering creative options in the process
 - **Limits potential for unintended consequences**

Andrew continued the presentation with a discussion of the three remaining city and committee preferred alternatives, including Q&A with committee members on each.

Committee preferred alternative 1: Max of (8) adults per dwelling unit

This is the city’s top preferred alternative because a dwelling unit is a clear measurement for enforcement. Q&A follows:

Questions	Answers
Does this presume there are enough bedrooms?	No. there are no square footage regulations in existence, except that Building and Fire Code requires fire suppression and other safety measures when a household includes 16 or more people.
Other codes don’t limit the number of people who can live together?	A sleeping room has to be a certain size, but there is no cap on the number of people.
Does the basement have to have egress?	Yes
Should zoning conform to other codes?	Yes
How is alt 1 different from alt 3?	Limit to 8 unrelated persons in 1 household, plus families
Being married isn’t considered family?	According to current code, that is correct.

Committee preferred alternative 2: Unlimited number of unrelated adults per dwelling unit

Andrew shared the following information on this option:

- Building and Fire Code does not require a certain square footage per person in a conventional dwelling unit
- State Health Codes do not set recommended or minimum square footage per person in a dwelling unit.
- Dwelling Units are only required to have one bathroom.
- More than 16 residents (related or unrelated) triggers additional Building and Fire Code requirements.
- Number of residents could exceed the 8-person threshold for what Federal and State group home laws require be accommodated in residential neighborhoods

Q&A follows:

Questions	Answers
8-person threshold clarification...?	Federal and state laws require that a group of up to 8 unrelated people who would be considered “protected” by those laws must be reasonably accommodated in residential neighborhoods (re: residential care). This suggests that 8 people may be an appropriate starting point for what could be considered a “household.”
Could “bad” person abuse option 2, related to 8-person limit?	This applies to household uses, not care facilities; people would have to be in dire straits to live in over-crowded conditions.
Does Denver get complaints about the number of people?	About parking, noise, etc.
Would no limit expose the city to legal action? Affect group living regulations?	Group living can be fairly discussed. It is unlikely to expose the city.

Committee members also noted that the city shouldn’t build the code on *assumptions* and that co-op living is looking to *house more folks*.

Committee preferred alternative 3: Max of 2 adults per sleeping room

Andrew shared the following information on this option:

- Sleeping Room as defined by Denver Building and Fire Code: at least 70 square feet, egress/rescue window, closet.
- Presents enforcement challenges
 - adults and unlimited family per room
 - Studio apartments, unenclosed sleeping rooms, etc.
- Not a common practice in other cities

Q&A follows:

Questions	Answers
This is just about 1 unit?	Yes
What would compliance look like?	Neighborhood inspection would enter home to identify and measure sleeping rooms, affirm egress, etc.
Why is closet a part of the sleeping room definition	Unsure – can be a problem for this option
Do bedrooms have to be enclosed?	No

Committee members also noted that the city should be mindful of safety (egress – basement living) and that none of these options would be kicking out existing roommates.

4. SMALL GROUP WORKSHOPS

The committee organized itself in 3 groups with at least one neighborhood representative per group and as much variety of subgroup participation in each. Each group examined the options and developed recommendations.

Alternative 1 Discussion Notes

- A variety of threshold numbers were discussed from 4 with married people as family to 8 as presented. Some said 4 is too low. 6 was offered but no traction was gained around it.
- Issues with group living as neighbors: clearly address what care is happening (not related to this option)
- Regarding unintended consequences, this may open up abuses related to small residential care and may be difficult to regulate those uses if not otherwise regulated
- Should be regulating overcrowding – the underlying issue
- Split opinions on equity across neighborhoods because overcrowding (within units and in neighborhoods) is not addressed – may play out differently in poorer versus richer neighborhoods, but increased housing options are needed.

Alternative 2 Discussion Notes

- How can parking issues be addressed?
- Can other regulations limit negative consequences regarding neighborhoods and the people who live there?
 - No risk identified by Denver Building Code if under 16 people live together
 - Limit consequences if Building Code limited people per square foot
- Most people aren't going to want to live in an overcrowded situation
- Desire to have something to tie to square footage seems most promising (health, safety, neighborhood impact)

Alternative 3 Discussion Notes

- Defining rooms is too challenging to regulate – not recommended

Ultimately, **the committee reached a consensus recommendation that the city adopt alternative 2 (no limits on unrelated or related adults) with clear direction to seek other mechanisms to address overcrowding** within units and in neighborhoods to prevent negative unintended consequences.

5. NEXT STEPS AND CLOSE

Overcrowding will be explored, including answering the committee's question about how California cities regulate "unlimited" and following up on Minnesota processes to prohibit "slumlords".

With agreement to explore overcrowding issues revisit and refine this recommendation later in phase 3, in light of all other recommendations developed, the meeting was concluded.