

Group Living Advisory Committee

Phase 3, Meeting 2 (Household Definition)

Date and Time: Wednesday, May 8, 2019, 4:00 – 7:00 PM

Location: Webb Municipal Building, Room 1B6

Note: Section 4 of this summary was edited on Sept. 10, 2019 to correctly describe the outcome of a straw poll of meeting attendees.

Attendees

ADVISORY COMMITTEE MEMBERS

Cole Chandler, Polly Kyle, Robin Kniech, Debbie Ortega, Chris Coddington, Joel Noble, Michael Henry, Sarah Wells, Paul Bindel, Rose Rodriguez, John Hayden, Bryce Hancock, Rachel Keeven, JR, Loretta, Greg Mauro, Mimi Florence, Paul Scudo, Kevin Priestley

DENVER STAFF MEMBERS

Andrew Webb, Kyle Dalton, Edson Ibanez, Scott Prisco, Tony Caro, Tina Axelrad, Adam Hernandez, Nate Lucero, Steve Elkins, Will Lindsey

GUESTS

Kayla VandenBosch, Anna Koop

FACILITATOR

Meagan Picard

Meeting Summary

1. WELCOME, AGENDA AND CHECK-IN

Meagan Picard opened the meeting, welcomed everyone and shared the meeting agenda and objectives. Participants checked in, sharing highlights from their respective subgroups that may be important to include in household definition considerations:

- Shelter group: recommendations to include shelters in all zones, noteworthy that some shelters have been operating under emergency declarations to meet demand
- Special care/transitional housing group: seeking safe and ethical options for sober living
- Emerging Trends group: Interested in how tiny home villages (THVs) can take on different building forms and configurations
- DIY/Artist group: Major DZC concerns can be addressed with HH definition change; other concerns are in building code; noted that it is interesting how households/family conceptions have been configured especially in the LGBTQ community

Other comments/questions were also shared at this time:

- Interest in seeing more uses like THVs allowed in more zones
- Interest in finding out how many people are violating household limitations now

- The state is trying to define and regulate sober living, so why does the household definition require so much separate discussion?
- There are trailer parks in the City, but they can't be replaced – need to change that regulation to allow for that affordable housing to continue, though noted as not in scope of this project
- Make sure that a new household definition doesn't have unintended consequences

2. PROJECT UPDATES AND SCHEDULE

Andrew Webb updated the group on Council Member Kniech's efforts to make changes to regulations for THVs sooner than this comprehensive update would address them. This will extend the advisory committee's work into Fall 2019.

Council Member Kniech shared her perspective on the urgent need to address THVs and noted that her bill will only address temporary THVs. This committee will continue to work on recommendations for permanent THVs.

3. HOUSEHOLD DEFINITION – ORIENTATION TO COMMITTEE TASKS

Andrew gave a presentation on previous discussions, the committee's tentative recommendation for unlimited number of people – related and/or unrelated – to live together but with direction to find backstops in other laws that may address overcrowding, staff research results, and new issues raised through discussions with Building and Fire staff. A lengthy Q&A session ensued.

Several questions were raised about why a city would define household, to which the answer is that the committee is following up on its tentative recommendation to define a household as any number of related or unrelated people living together, and one person suggested that people will take advantage of unlimited unrelated adults, and we need to be sure a limit exists to prevent that:

- Has the definition of a household fallen apart? Do we even need it?
- Why does the distinction between household and group living need to exist?
- Older adults (55+) can already live together in large groups, if it works for that group why not others?

People also talked about the value for communities in opening up opportunities for more people to live together:

- Benefits community when large groups of people are allowed to live together and integrate into neighborhoods
- Catholic Worker house has been beneficial to community but has a lot to do with scale of the facility; when a facility gets too big the benefit is lost.

Other questions were raised about other uses and forms and their relation to the household definition and potential impacts of a having no limitations on the household size:

- Q: How do things like SROs relate to household conversation? A: Currently a Lodging use in DZC but would change to a Group Living use
- Comment: Under unlimited household definition you could have less supervision/care for former inmates in a larger house

- Q: How would basement apartments factor into the new household definition? A: If the basement apartment is in a two-unit zone district and is a full dwelling unit than it is permitted. You could not divide a large house in an SU zone district into separate dwelling units.
- Q: Are there different restrictions for care based or correctional housing? A: Those are separate uses currently (special care home, community corrections, etc.)

The group also discussed factors related to safety and the Building and Fire Code:

- Comment: Health and safety seems to be bigger issue in distinction between Household vs Congregate Living than related vs unrelated
- Q: At what point would students who rent a single unit home need to have additional fire protection? Answer not recorded.

They then started talking about possible additional solutions beyond just regulations around number of people allowed to live together, after which the conversation was moved to the next agenda item:

- Suggestions: Is a household a group of people who have common commitment to one another? Concerned that the public won't perceive the new household definition as people living with a commitment to one another but unrelated individuals sharing a space and facilities (I.e. a boardinghouse)
- Suggestion: Many group living uses currently split into small and large, should we be thinking of a small vs large breakpoint for households?
- Q: What baseline data do we have to support a change to household definition? How likely is it that landlords will take advantage of this? One of the questions to ask: what does this look like? A: 50% of the housing stock in Denver is in Single Unit. RiNo is planning an effort to map what is going on in the neighborhood.

4. EXPLORING THE OPTIONS/UNINTENDED CONSEQUENCES

Andrew described a set of options between current code (2 unrelated people max) up to 10 and the rationale for considering those options. Discussion ensued to build shared understanding.

Bad actors...

- If 70sf is the minimum habitable space what can we do to prevent overcrowding? Someone will try to cram 8 unrelated individuals into small spaces.

Enforcement challenges...

- Enforcement of ratios related to square footage or bedrooms will be incredibly invasive and difficult to enforce
- It's easy to find square footage information via online resources, so neighbors would be able to easily verify when too many people are living in home

Overcrowding and other unintended consequences

- Overcrowding issues don't matter if everyone is behaving well
- Unlimited allows for liberty and choice, but also has lots of unintended consequences

- Q: What are the triggers that need to exist to mitigate overcrowding if the household definition is changed to unlimited? Is this an application process? Or is it use by right? A: use by right

Relation to other uses

- Depending on operational model, some recovery homes may not fall under a household definition that describes a non-profit housekeeping unit, as is currently the case in the DZC.
- A boardinghouse is different than a household. Some people might try to make boardinghouse set-up happen under household def, but City will try hard to mitigate that

Relation to Building and Fire Code

- Seems like there is a way for Building Code and Zoning Code to be complementary
- Building and Fire start to restrict unlimited, but with certain fire and building requirements unlimited can be implemented
- Consider: How do we make people come into compliance with building and fire codes when they increase the number of occupants per dwelling?

Best practices and other guidance...

- Q: In research of other cities was their one city that stood out as a best example? A: Seattle with 8 unrelated adults
- Definition of household is more than a number, it is about living as a single non-profit housekeeping unit. Backstops, like non-profit, housekeeping, etc., exist within the definition already.
- Ways to address parking concerns, square footage required, etc. are in the DZC already

Other options...

- Is it within the scope of the project to change definition to reclassify married couples as related
- Could zoning allow a reasonable accommodation for more than 8 unrelated adults if the house had mitigating factors (more parking, etc.)?
- Is there a way to start with a base number of 10, but allow an increase through administrative adjustments?
- Is there a way that a household could prove they are not-for-profit to demonstrate they aren't taking advantage of residents?
- Maybe Unlimited in DZC, but with caveats (square footage, bedrooms, etc.)

The group also talked about the artificial difference in regulations for related and unrelated adults – no real difference in potential for overcrowding, nuisance behaviors, parking impacts, fire safety, etc. It was clarified that limits cannot be applied to families by law, so impacts of higher numbers of people addressed for unrelated adults only.

Meagan noted that the group is looking at two paths for developing a regulation: Unlimited with caveats or some limit with ability to go above set number with caveats. The group was split on these paths but ultimately agreed to identify a number of unrelated adults allowed to live together without any additional regulation applied to them via the DZC (could be elsewhere, as in

Building and Fire Code depending on updates that are underway in that code and how regulations are defined and applied to Congregate Living). All agreed that the number of unrelated adults allowed to live together should be increased. Meagan facilitated a straw poll to determine how high that number could be increased and still have full, consensus agreement.

Consensus among those GLAC members present was reached that the number of unrelated adults allowed to live together without any further DZC caveats/regulations guiding their ability to live together should be increased to at least seven. To determine the degree of disagreement above that number, the poll continued and found that only one person disagreed that the limit should be increased to eight, and the group was significantly divided beyond that number. It was also noted that one person still strongly advocated for unlimited in order to take full advantage of the large homes available for group living around the city. It was clarified that this limit shouldn't bar larger groups of unrelated adults from living together but that the group would like to see additional regulations (not yet defined) applied for more than eight unrelated adults to live together.

The results of the straw poll indicate a near-consensus among GLAC members present during this meeting for a limit of 8 unrelated adults allowed to live together without any additional regulations applied via the DZC, and Tina Axelrad noted that a limit of eight would allow protected groups to be treated as households and would be easiest administratively. More work needs to be done to address potential conflicts with Building and Fire and to define additional regulations/caveats that allow for more than eight people to live together, such as square footage limits, etc. Members noted that parking, lot size and number of people per bedroom should not part of the considerations. The complete recommendation will be clearly defined with discussion of additional regulations.

5. GRATITUDE, NEXT STEPS AND CLOSE

The meeting was brought to close just after 7:00 pm, with a unanimous, positive response to the question, "Do you feel like we have made progress on this issue today?"