

# Group Living Project – Common Questions

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## 1. What is this project about and how long has it been going on?

For the last two years, Denver city planners have been working with residents, policy experts, advocates and service providers for vulnerable populations and other community members to update the Denver Zoning Code’s regulations on residential uses. These regulations govern everything from conventional households to group homes, shelters and assisted living facilities.

## 2. Why do residential use rules need to be updated?

Current rules create obstacles for residents who need flexible housing options and for providers who offer much-needed services to vulnerable populations. Current rules also perpetuate inequity by making it harder for certain communities to live in residential neighborhoods and near jobs, transit or other services they need.

The project and the proposed changes aim to increase flexibility and housing options for residents, to streamline permitting processes for providers while fostering good relationships with neighbors, and to make it easier for those experiencing homelessness, trying to get sober or who have other special needs live and access services with dignity.

## RESIDENTIAL CARE

## 3. Why do residential care facilities need more flexibility?

There is a clear need in our city for housing and services. This proposal would create more opportunities for the city to meet this need and would support the city’s vision of using shelters for a rehousing strategy with a more tailored residential approach.

## 4. How does this proposal affect residential care facilities?

Facilities that serve residents through shelter or transitional housing and services face barriers under the current zoning code. Our goal with these updates is to reduce and eliminate those barriers, as well as locate such facilities near jobs, transit and other amenities. While the zoning code previously categorized these homes by the type of service they provided, the proposed update would categorize them by their size or how many people they served, to better address potential impacts on neighborhoods. New rules would also offer greater clarity on the rules and the permitting process for both providers and neighbors.

## 5. What are the parking requirements for residential care facilities? Are they changing?

Minimum off-street parking requirements for most residential care uses are currently regulated by “unit,” where a certain number or fraction of spaces are required per habitable room intended for occupancy “by a resident in a group living use” (per DZC Sec. 10.4.4.2.C.2). In practice, this has proven problematic, because different types of residential care uses house different numbers of guests in individual rooms. This results in inconsistent parking requirements and in some cases, more parking than is required by residents who do not drive – most notably in community corrections, assisted living and nursing home facilities. To ensure

appropriate off-street parking for various residential care uses, staff is exploring regulating parking by gross floor area, rather than units, with an eye generally toward reducing off-street parking requirements in uses where unused parking space could be used for additional programming, housing, etc.

## HOUSEHOLD DEFINITION

### 6. Is it true eight roommates could live in one house? Why should this be allowed?

The Denver Zoning Code currently limits the number of people who are not related by blood who can live together as a household to two people. This restriction doesn't reflect how people live today and severely limits options for people to save on housing costs by having multiple roommates or combining households or people who want to live in intentional communities like cooperatives and multi-generational households of unrelated people. Zoning is primarily focused on reducing a land use's potential impacts on a neighborhood or community; treating eight unrelated adults living together substantially differently from eight related adults living together does not result in reduced impacts.

Additionally, the [state of Colorado's Group Home statute](#) already requires Denver to treat a group of up to eight people that fall within one of that statute's protected classes (people over the age of 60 or people with behavioral or mental health disorders, for example) as a household for the purposes of zoning.

### 7. Are there any space restrictions for this number of people living together?

The proposed change would allow eight unrelated people to live together as a household in a house of up to 1,600 square feet in size, with one additional adult permitted per 200 square feet of finished floor area in larger dwelling units. Staff are recommending this number for this size based on:

- The state's Group Home statute (see above)
- A guideline from the U.S. Department of Housing and Urban Development (HUD) intended to prevent substandard housing that recommends 200 feet of floor area per person in a dwelling unit.
- The zoning code's existing standard, which caps the number of occupants of an accessory dwelling unit to one adult per 200 square feet.

Denver's 2019 Building and Fire Code sets no limit on the number of people who may live together. (Specific codes and standards applied vary depending on the number of people and whether they are related.) Likewise, Denver's zoning code does not limit the number of related people who may live together.

### 8. What about bathrooms? Are there requirements for a certain number of bathrooms based on the square footage of house, number of bedrooms, or number of residents?

The [Denver Residential Code](#), not the zoning code, establishes those types of standards, and those standards will not change as a result of this project. A house of any size is required to have at least one bathroom and a kitchen.

**9. What about potential health or fire safety issues?**

Along with working to provide more housing options for residents, we want to ensure those options are habitable and safe. Our agencies will continue their enforcement of all applicable codes to ensure buildings meet appropriate rules for safety and fire prevention. Regardless of the number of residents, dwelling units will continue to be required to have smoke alarms on every floor (including the basement), in each bedroom and just outside of bedrooms.

The 2019 Denver Building Code Amendments, acknowledging a shift in some households toward housekeeping units of non-related people, allows residences occupied by up to 10 unrelated people to be treated the same as a one-family dwelling occupied by related people for purposes of fire safety – neither is required to have an automatic fire sprinkler system. In comparison, dwelling units for more than 10 people and all congregate care facilities must install an automatic fire sprinkler system. Residents can report building safety concerns to 311.

**10. What about the impact on neighbors?**

Noise and maintenance and other potential issues stemming from a larger household will continue to be governed by the Denver Revised Municipal Code and will not change. As is currently the case, enforcement will typically begin with a call to Denver 311. As always, we will monitor staffing levels in our Zoning and Neighborhood Inspections workgroup so that to ensure they address demand and workload appropriately.

**11. Can a homeowners association or landlord have tighter restrictions than what is permitted by zoning?**

Yes. An HOA or landlord can establish more restrictive standards for how many people can live in a dwelling unit, etc., just as they can for other characteristics, such as the number of permitted pets. HOAs and landlords are responsible for enforcing their rules, and must be aware of the implications of the Federal Fair Housing Act, which protects certain classes of people from housing discrimination.

**12. Won't this give an opening to unscrupulous landlords to buy up large houses and rent out rooms?**

This proposed change would update Denver's definition of a "household" to include up to eight unrelated people living together. The code defines a "household" as a group of people living together as a single housekeeping unit and who share the entire home and make decisions about the household together.

People already rent out homes they own in Denver, and this would not change that. However, it would clarify that households of unrelated people living as roommates are permitted – a scenario that occurs all over Denver and in all cities but which is not technically legal under the Zoning Code. While we do expect that this update will legitimize common housing arrangements, we do not expect it to change the way operators and owners of rental housing do their business. As is currently the case, all houses will have to meet the Housing Code's requirements to provide basic needs (bathing and toilet facilities, functional kitchens, etc.) and Building Code requirements for efficiency, safety and fire protection.

**13. Will this option be available to an owner who wants to subdivide a large house into four separate bedrooms?**

Any addition of bedrooms to a house would have to meet Denver Building and Fire Code requirements.

“Subdivision” in the strictest sense could also mean dividing a house into completely independent dwelling units, each with its own sleeping, bathing and kitchen areas. This would not be permitted by the proposed change to the definition of “household.” Residential zone districts establish limits on the number of dwelling units permitted on a zone lot and would not change as part of this code update.

**14. Will there be restrictions on cars? How will CPD address neighborhood on-street parking issues?**

The Denver Zoning Code allows one car per driver plus one additional car for each household. In residential areas where neighbors have raised concerns about on-street parking, resident parking permit systems, time limits and other strategies can help mitigate issues. The city will continue to work with neighborhoods to find solutions as problems arise. For more information about the City’s permit parking programs and how to apply for one in your neighborhood, visit: <https://www.denvergov.org/content/denvergov/en/home-page/permits.html>

**15. How does letting more people live together help our housing and homelessness crisis?**

We need many strategies to address housing affordability. Updating the definition of a household to include more unrelated people is only one piece of this project, which also addresses outdated, multilayered zoning rules for shelters and other residential care facilities.

The household definition does not directly affect homelessness, but it relates to housing affordability, which is one of many factors contributing to homelessness in Denver and other booming cities. We know that [people are seeking more affordable housing options](#) and that more people are living together to save on housing costs. This change is proposed, in part, to acknowledge peoples’ need for affordable housing. For links to peer city research visit the project webpage: [www.DenverGov.org/groupliving](http://www.DenverGov.org/groupliving).

We do not expect this proposal to change the pricing of rent or property, but to allow more people to legally share those costs of one house if they choose to. This is one more tool in a series of tools and strategies that the city is implementing to tackle these complex issues.

**16. Is increasing the number of unrelated people who live together the only change happening?**

This definition is one part of a full set of proposals for updating current residential regulations. Other proposed changes include:

- Reducing inequity by allowing residential care and group homes in more places to allow their residents to live closer to jobs, transit and needed services.
- Standardizing processes and regulations to improve predictability to providers and neighborhoods.
- Requiring community information meetings for larger residential care uses to notify and educate neighbors and foster positive relationships.

A detailed report outlining the full proposal will be available for review soon.

## HALFWAY HOUSES

### 17. What is a “halfway house”?

A halfway house is a place to live for those who have been sentenced to live there by District Court as an alternative to prison or who are state prison inmates eligible for parole who have met the requirements to transition to a halfway house. In Denver, Halfway Houses are referred to as “Community Corrections,” consistent with terminology used by the Colorado Division of Criminal Justice. The state's standards for operation of halfway houses can be found here: <https://www.colorado.gov/pacific/dcj/colorado-community-corrections-standards-statutes>.

### 18. How is a halfway house supervised?

These facilities are under strong oversight at the local and state levels. The Colorado Department of Corrections and the court have responsibility over the clientele in halfway houses. The Colorado Division of Criminal Justice, in conjunction with the Denver Community Corrections Board, creates standards of operation. In addition, Denver’s Department of Public Safety provides oversight, ensuring compliance with state regulations and local ordinances. All clients placed in Denver facilities must be approved by the Denver Community Corrections Board and the local provider. Less than two percent of clients are terminated from the halfway house program for committing a new crime.

### 19. How does this proposal affect halfway houses and how they are regulated?

Zoning shouldn’t discriminate based on type of person. Right now, the code does, but it’s our belief that facilities need to be regulated by size, not who they serve. The proposed changes to the zoning code would regulate community corrections facilities – and all other residential care living uses – by the size of the facility (the number of people they serve), rather than who they serve, to better and more equitably address the impacts of a facility on a neighborhood. The proposal would remove some of the current restrictions on where they can be located, but it would not change other regulations, codes or oversight that apply to these types of facilities, how they are established, how they are run or who is eligible to live in them. All clients placed in Denver facilities must be approved by the Denver Community Corrections Board and the local provider, and this would not change.

### 20. How are violent crimes treated? Are there safeguards in place?

Individuals in community corrections facilities are supervised according to individual circumstances and needs. These facilities provide 24/7 supervision and structure for individuals to receive treatment and supportive services to assist with their transition back into the community. All clients placed in Denver facilities must be approved by the Denver Community Corrections Board and the local provider, and have oversight by a number of agencies, not the zoning code. Less than two percent of the clients are terminated from the halfway house program for a new crime.

**21. What is the Group Living Advisory Committee’s role and who is on it?**

The advisory committee has been working with staff for the last two years to evaluate existing regulations and provide insight into community needs, the evolution of those needs, how the code works today and potential improvements. The committee represents a broad cross-section of community members, registered neighborhood organization (RNO) representatives, group-living service providers and clients, elected officials, design professionals and other stakeholders. Committee members ([listed on the project website](#)) consider and offer their perspectives on staff recommendations, which are based on research and best practices from peer cities. Committee members were appointed by CPD in late 2017 following outreach for member recommendations from RNOs, council members, agency partners and advocates.

**22. What have Denver planners learned from other cities where group living regulations are similar to what is being proposed?**

The research done as part of the project is summarized on the project webpage under “Get Answers to Common Questions.” Local residents have shared their concerns about similar initiatives having negative effects on other cities, such as too much trash or parking problems, but from our conversations with planners in other cities, they haven’t seen these issues play out. Most other cities that allow a higher number of unrelated adults to live as a housekeeping unit have done so for a long time and have found that the number of people living together in household settings has not changed dramatically or produced differences in waste volume.

**23. What are the next steps?**

In the coming weeks, we will be sharing a detailed strategy report outlining recommended changes and hosting four public open houses. After the open houses, we will share a draft of the zoning code amendments, showing the specific changes being proposed. Later this spring, the Denver Planning Board will review the proposal and hold a public hearing in early April. This is the first step in the legislative review process, which would conclude with City Council review, including a public hearing, this summer.

**24. How can I learn more or share my opinion?**

City planners will be hosting four public open houses in February and March for community members to learn about the project and weigh in. Additional information and materials are available on the project webpage at [www.DenverGov.org/groupliving](http://www.DenverGov.org/groupliving).