Group Living Project – Common Questions

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What is this project about and how long has it been going on?
For the last two and a half 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.

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 to live and access services with dignity.

Why can’t we move more slowly with these changes?
This project has been in progress for more than two years. The issues addressed have become even more urgent in the wake of the ongoing pandemic, job losses that are leading to a wave of evictions, the forthcoming loss of Denver’s existing community corrections resources, and our country’s long-overdue awakening to issues of equity.

In June, Governor Polis reiterated how the pandemic has exacerbated these needs and encouraged local governments to suspend or eliminate restrictions on group homes, boarding houses and the number of unrelated people who can live in a single household to improve our collective ability to ensure housing is legally available to those in need. While these group living proposals do not go this far, they will come at a time when housing is a critical need for our most vulnerable residents.
HOUSEHOLD REGULATIONS

Is it true that 5 to 10 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. This restriction doesn’t reflect how people live today and severely limits options for people to save on housing costs by having multiple roommates, combining households or living in multi-generational households. It is also out of step with neighboring Front Range cities, most of which permit at least 4 or 5 unrelated adults to live together. As part of efforts to confront an expected wave of unemployment and evictions caused by the COVID-19 pandemic, Gov. Jared Polis has asked Colorado cities to amend or eliminate barriers to unrelated people living together.

Additionally, the state of Colorado’s Group Home statute already requires Denver to treat a group of up to 8 people that fall within one of that statute’s protected classes (people over a certain age, people with mental or physical disabilities, etc.) as a household for the purposes of zoning.

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

The proposed change would allow five unrelated people to live together as a household in any dwelling unit, with additional unrelated adults permitted for every 200 feet of finished floor area over 1,600 square feet, to a maximum of 10. 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) that recommends 200 feet of floor area per person in a dwelling unit. (For reference, this exceeds other standards, such as building codes, which only require 70 square feet of space for a room to be considered a habitable size.)
- 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. Likewise, Denver’s zoning code does not limit the number of related people who may live together.

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?

Yes. The Denver Residential Code, not the zoning code, establishes these standards, which will not change as a result of this project. A house of any size is required to have at least one bathroom.

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 code enforcement 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.

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.

Won’t this give an opening to unscrupulous landlords to buy up large houses and rent out rooms?
No. This change would expand Denver’s definition of a “household” to include related and unrelated people living together as a family or the functional equivalent of a family. The code defines a “household” as a group of people living together as a non-profit housekeeping unit and who share all spaces, make decisions about the household together, and who have jointly chosen to live in the unit. Rent-by-the-room scenarios managed by non-residents would still be prohibited in single unit, two unit, and row house zone districts, as they are today.

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 building code requirements to provide basic needs (bathing and toilet facilities, functional kitchens, etc.) as well as building code requirements for efficiency, safety and fire protection. Additionally, operators and owners of rental housing could still choose to limit the number of people allowed to live in a home.

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. Renting individual rooms to different people in such a scenario would be a change of use from a “household” to a rooming and boarding house, which is not permitted in single-unit, two-unit and row house zone districts. Anyone who made such a use change without a permit would be in violation of the zoning code.

“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.
Are these changes eliminating “single-family” zoning?
No. Single-unit, or SU, zone districts, which comprise more than half of Denver’s land area, permit one dwelling unit per lot, and in some cases a second accessory dwelling unit. This will not change with these amendments.

Will there be restrictions on cars? How will CPD address neighborhood on-street parking issues?
The Denver Zoning Code currently allows one car per driver plus one additional car for each household. However, there are currently no minimum off-street parking requirements for single-unit uses (typical detached houses). These proposed amendments would make two key changes:

- A new minimum off-street parking requirement for homes with 6 or more adult residents. This requirement would be “context sensitive,” which means that the requirement would vary by the intensity of the zone district. Two off-street parking spaces would be required for such households in Suburban and Urban Edge zone districts, with one or no spaces in higher intensity districts.
- A new maximum of 6 vehicles, regardless of the number of licensed drivers, permitted to be parked on a zone lot.

Additionally, in residential areas where neighbors have raised concerns about on-street parking, resident parking permit systems, time limits and other strategies can 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

Will these changes encourage residents to turn front lawns into parking?
The Denver Zoning Code sets forth specific requirements for the design and surface composition of parking areas. Parking on lawns is not permitted. Additionally, the Zoning Code’s design standards for houses and other building forms establish the maximum area of front setbacks that may be used for parking based on lot width. Generally speaking, just over 30% of a front setback may be used for parking.

How does letting more people live together help our housing and homelessness crisis?
We need many strategies to address housing affordability. The household definition 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 everyone’s need for housing they can afford.

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.
RESIDENTIAL CARE

What are “residential care” facilities?
Residential Care facilities are structures that provide short- or long-term housing for people who receive treatment, assistance with daily tasks, emergency shelter, supervision or other types of care. They include assisted living facilities and nursing homes, shelters, community corrections (or “halfway houses”) and similar uses.

How does this proposal affect residential care facilities?
Facilities that serve residents through shelter or transitional housing and related services face barriers under the current zoning code. The city’s goal with these updates is to reduce and eliminate those barriers, as well as locate these residential 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. Making this change shifts the focus of regulations away from who the facility serves, and instead, emphasizes regulations based on size and scale. New rules would also offer greater clarity on the permitting process for both providers and neighbors.

Will existing buffers from residential areas or schools go away? How about spacing and density requirements?
The code currently requires that shelters and community corrections facilities (halfway houses) be located a certain distance away from schools and residential areas, despite there being no evidence that these buffers have any impact on the safety of these facilities or surrounding neighborhoods. The buffers used in the past have been largely arbitrary and have created major barriers to the establishment of much-needed facilities. Under current zoning, the locations available for shelters and community corrections facilities is extremely limited, which inhibits Denver’s ability to provide much-needed housing and services to people experiencing homelessness, people working to get sober, and people transitioning back into life after serving a sentence.

Residential care facilities need to be regulated by size and impact, not who they serve or what services they provide. The proposed new codes would do this by only allowing the largest facilities in high-intensity zone districts and limiting those in neighborhoods to smaller facilities. Building form and off-street parking requirements will ensure that they blend in with the surrounding neighborhood, and existing regulations governing the safety and operations of any Residential Care facility will remain in force.

The code also requires spacing between residential care uses and limits the density of some facilities within a certain geographic area. These amendments will preserve spacing and density requirements, but will tie them to geographies (in feet or miles) derived from block lengths and neighborhood boundaries. They will replace some existing geographies referenced in the Zoning Code, such as City Council districts, which are redrawn every 10 years and have caused previously conforming facilities to become non-conforming and limited the ability to establish facilities where they are needed most.
Will this allow every house on my block to become a residential care facility?

Pursuant to the Colorado Group Home Statute, smaller residential care facilities are already permitted in neighborhoods and exist all over the city. These amendments would require that any facility serving 11 or more people be spaced out from others by approximately 3 blocks, and they would only be permitted on parcels that are 12,000 square feet or larger. In single-unit zone districts, building form standards such as setbacks, maximum heights, and bulk planes ensure that new buildings and additions are appropriate in size and scale for the neighborhood. Residential care facilities, even when established in houses, require off-street parking.

Does this proposal target lower-income communities?

No. It will help alleviate the burden these communities have felt for decades. Current regulations, especially for residential care facilities like halfway houses and shelters, effectively limit such uses only to industrial areas of the city, within or adjacent to underserved neighborhoods. An overarching goal of this project has been to ensure that a more equitable distribution of housing of all types can be established in all areas of the city. These regulations would apply citywide, and would not differ by individual neighborhood.

How do proposed changes to Residential Care impact homelessness?

Denver and its provider partners seek to provide a range of housing options for people who are experiencing or who are at risk of homelessness. Top priorities are keeping people in existing housing or securing housing for those who have become unhoused. However, for many reasons, a network of shelters, transitional housing and other facilities is necessary to ensure everyone has access to a safe, human place to sleep at night. These zoning changes will impact Denver’s ability to provide for its unhoused residents in several ways, including:

- Allowing some shelters that are effectively “frozen” in place due to non-conforming status or council district bed limits to more effectively serve guests by renovating or reconstructing existing structures.
- Providing clearer criteria for emergency expansion, and the ability for any Residential Care Facility to expand for a short period of time in an emergency.
- Moving away from locking operators into specific use types allows operators to determine the best configuration of housing types to assist guests as they move through a continuum of housing toward housing of their own.
- Permitting shelters and all other Residential Care uses to exist where guests have access to transit, employment and other daily needs, reducing the need for high-cost transportation services.
- Allowing multiple temporary shelters to cover an entire calendar year.
- Establishing effective regulations up-front with community meeting requirements to help ensure such facilities are good neighbors.

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” following the state’s terminology.
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, and all clients placed in Denver facilities must be approved by the Denver Community Corrections Board and the local provider. According to the Denver Department of Safety, less than two percent of clients who are in placement are terminated from the halfway house program for committing a new crime. None of this is controlled by the zoning code, and none of it would change as a result of this proposal.

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.

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. While in placement, less than two percent of the clients are terminated from the halfway house program for a new crime, according to the Denver Department of Safety.
GROUP LIVING ADVISORY COMMITTEE

What is the Group Living Advisory Committee’s role and who is on it?
The advisory committee has worked with staff for more than 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.

Our objective was to reach a broad range of perspectives and lived experiences in order to help us develop forward-thinking and fair zoning codes. The committee included 40 individuals who represented a 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) considered and offered their perspectives on staff recommendations, which are based on research and best practices from peer cities.

Additionally, Community Planning and Development staff have participated in nearly 40 neighborhood meetings or events discussing this work with residents and has hosted 5 citywide community workshops attended by nearly 1,000 people.

NEXT STEPS

What are the next steps, and how can I share my opinion?
With the release of the public review draft, these proposed amendments are now in the legislative review phase, during which they’ll be considered for recommendation and adoption by the Denver Planning Board, and subsequently the Denver City Council. The public review draft will be online for public comment for a period of 30 days, during which stakeholders can submit written comments to project manager Andrew Webb, at andrew.webb@denvergov.org. All comments received during this period will be provided to the Planning Board as attachments to the staff report. Staff may make additional changes to the draft amendments prior to the Planning Board hearing based on this input. Additionally, Community Planning and Development will offer virtual “appointment with a planner” opportunities to allow people to meet one-on-one or in small groups with project staff to get answers to questions.

The Planning Board and City Council hearings are public, and stakeholders may also attend and provide spoken testimony. Stay tuned to the project website (www.denvergov.org/groupliving) for information about the dates and locations of these hearings, which are expected to conclude in fall of 2020.