

Group Living Advisory Committee

Household Definition and Residential Care Uses

Date and Time: Wednesday, October 15, 2019, 4:00 – 6:00 PM

Location: Webb Municipal Building, Room 1B6

Attendees

ADVISORY COMMITTEE MEMBERS

Paul Bindel, Paul Scudo, Debbie Ortega, Robin Kniech, Polly Kyle, Brice Hancock, Chris Coddington, Bill Rutherford, Michael Henry, Joel Noble, Loretta Koehler, Shannon Carst, James Ronczy, Terrell Curtis, Terese Howard, Sarah Wells, John Hayden, Heidi Aggeler

DENVER STAFF MEMBERS

Andrew Webb, Kyle Dalton, Edson Ibanez, Steve Elkins, Will Lindsey, Greg Mauro

COMMUNITY GUESTS

Marty Jones, Steve Fisher, Kailyn Lamb, Reid Reynolds

FACILITATOR

Meagan Picard

Meeting Summary

1. WELCOME, AGENDA AND CHECK-IN

Meagan Picard opened the meeting, welcomed everyone and invited participants to greet their neighbors and share anything that they were really hoping to discuss in the meeting. Two people reported out to the larger group that they wanted to address:

- Need for the Group Living project package to be shared with the public for input (especially from neighborhood reps) sooner rather than later
- Discomfort with 8 as the number of unrelated adults allowed to live together within household definition

Meagan shared the meeting agenda, reminded of group process agreements and decision-making criteria, welcomed guests to participate in discussion and asked guests to refrain from voting during straw polls.

2. HOUSEHOLD DEFINITION PROPOSAL RECAP

After giving a brief update on the project schedule, Andrew Webb gave a presentation on the group's recommendation from the last meeting, results of additional outreach to test that recommendation and some additional options to respond to feedback.

3. HOUSEHOLD DEFINITION DISCUSSION AND RESOLUTION

Before beginning committee deliberations, community guests were invited to share their perspectives:

- Old San Rafael neighborhood reps expressed concerns about the makeup of the GLAC, saying that not enough outreach has been done on the Group Living topics and that this is important to Five Points and other neighborhoods that have been disproportionately affected by years of Denver policy. Andrew explained that broader public engagement is planned once the committee has developed its recommendations and that outreach to RNOs and other groups has been occurring along the way.
- Another guest asked: How would Code Enforcement issues be addressed under this new household definition? Would the owner of the property be held responsible? All the unrelated tenants?
 - Andrew explained that the current system would stay in place to address Code Enforcement issues (noise, trash, weeds, etc.)

Committee discussion addressed several key issues:

- Limit of 8 preferred because it works with the Building/Fire code.
- Concern about unintended consequences related to residential care uses that may not be distinguishable if household definition includes up to 8 people. It was clarified that Residential Care would remain a separate use, but the number of 8 unrelated adults correlates with the City's definition for Small Res. Cares which can occur in residential areas of the City.
- Concern about sober living, which is not considered a Residential Care use unless medical or custodial care is being provided by employees on-site. It was clarified that neighborhoods' concern isn't about the type of people living in a home but the for-profit nature of some uses. A guest shared that neighborhoods would probably be more supportive of an SRO approach where operators must use the SRO property as their primary residence. One participant contended that sober living is a care use because it is about assisting those with a medical disorder, but it is generally understood to be a group of people committed to not drinking or using drugs and supporting each other in keeping that commitment while living together. Lack of understanding about Sober Living has made it a hot-button issue.
- Not for profit is included in the household definition and is not proposed to change. It was clarified that this does not mean a legal 501(c)(3) entity.
- General preference among the group not to distinguish between related/unrelated. One person shared that they want to move away from a system where the government is supposed to police whether you are/are not unrelated to the people you live with, though another suggested that just because there are under 8 unrelated adults doesn't make it a household, saying that it is fundamentally different than a household of related people. Another felt that it seemed a bit nebulous to tie household to numbers, uses or relations and that it would make the most sense to set a number for all peoples and all uses.
- Concern about potential for unintended consequences related to trash and overcrowding. It was noted that this can happen now with a household of related people, but it has not. The group was reminded that the transitional housing/residential care group looked at this issue and found no significant complaints related to residences with more people.
- Question: What components of the Household definition can/can't the DZC regulate? Can't regulate all of the external effects of a new household definition (trash, noise, nuisance neighbors, etc.) Can regulate the number, so that should be the GLAC's focus.

A straw poll of committee members on the current proposal (8 unrelated + unlimited related) revealed 3 committee members in opposition. Discussion followed to explore different options that could help the group to arrive at consensus. 16 of 17 members said they support recommending a household definition of 8 adults (no matter their relation) plus unlimited minor relatives in up to a 1600 sf structure, plus ability to add 1 adult per additional 200 sf) over 1600 sf. The one objector said that they did not want to hold up the committee so could live with the recommendation.

Related items to addressed in follow-up:

- It was recommended that the non-profit component of household definition be better explained to address community fears about properties being purchased by third parties to rent out.
- It was suggested that sober living shouldn't be able to fall under the recommended household definition. In current recommendation, sober living would be a household if 8 or fewer residents but group living or residential care if more than 8 (in 1600 sf structure).
- It was suggested that implications for boarding/rooming uses be reviewed.

4. RESIDENTIAL CARE STRATEGY

Andrew presented the proposed residential care updates and impacts on currently defined uses based on the recommended household definition. Concerns, ideas and other thoughts on the proposal were shared to help staff think about next steps in developing the approach to residential care in the DZC:

- Good to see a proposed spacing/density requirement for small residential care uses
- Some of these uses have licenses at the State level, and some of those uses defer to local zoning for regulation, potentially creating a loophole if only making reference to state regulations of care providers. Also, if the state regulations are wrong, it would be poor practice for the DZC to defer or reference state regulations.
- Concerned about stipulation for "at least 30 days", that distinction does not function well from an operational standpoint. Look at actual projects and get feedback from providers.
- New model of multi-use site that provides a range of services for those experiencing homelessness and transitioning into housing: If you have shelter and transitional on the same site how do spacing and density requirements apply? Andrew clarified that the approach allows for multiple uses on a site, but staff needs to do more work to clarify which spacing/density regulations would apply (if different regulations for providers that are co-located).
- Assisted Living/Hospice doesn't seem appropriate under the same Residential Care umbrella as Transitional Housing uses.
- Transitional definition should make the distinction about how a resident is allowed to stay until they hit a milestone/landmark that precipitates their ability to move on to a permanent housing solution, rather than using some timeframe for stay in the definition.
- Question: What are low intensity residential zone districts? Answer: SU, TU, RH zone districts. GLAC has indicated a desire that staff explore specific spacing and density regulations for Small Residential Care facilities that go beyond the current_DZC institutionalization language. These are under consideration for low-intensity residential zone districts.

5. GRATITUDE, NEXT STEPS AND CLOSE

The meeting was brought to close just after 6:00 pm.