

# Group Living Project – Common Questions

General questions about the project: Page 1

Household Regulations: Page 3

Residential Care: Page 6

Advisory Committee: Page 9

Next Steps: Page 10

## **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.

## **This project is addressing different types of group living at the same time. Why not take on these issues one at a time?**

One of the key goals of the group living project is to address what makes the current system of rules so confusing and unworkable for both providers and residents. To achieve this, we believe that the best approach is a holistic one. Some elements of the Denver Zoning Code's current group living regulations date back decades while others have been updated individually and incrementally over time. What we have now is a complicated interrelated system that can be

difficult to navigate for providers, and unpredictable and frustrating for residents. “Unbundling” the rules won’t necessarily result in a simpler system because addressing individual issues has been part of how we got here.

Standardizing rules and permits, creating predictability for providers and neighbors, and addressing types of services equitably—all of these goals are best served by a holistic approach. By looking at group living uses, intent, and outcomes all at once, we can create better policy that’s easier to understand and manage and works better for everyone.

### **How does this project address equity in the zoning code?**

The project aims to address the housing needs of all Denverites, which is why its scope includes all the various types of group living. Carving out certain pieces would only address the needs of some and leave others behind. One of the overarching goals is to reframe how we look at all group living, focusing on the size and impact of a use rather than type of service provided, because categorizing uses by type has resulted in discriminatory outcomes.

Additionally, advancing comprehensive zoning solutions for the full continuum of housing types from independent living to supportive housing models will support Denver’s Comprehensive Plan 2040 goals to:

- Support housing as a continuum to serve residents across a range of incomes, ages and needs;
- Develop housing that is affordable to residents of all income levels;
- Make neighborhoods accessible to people of all ages and abilities; and
- Increase housing options for Denver’s most vulnerable populations.

### **Is it true that some areas of the city are exempt from this proposal? Why won’t these new rules apply everywhere?**

The changes being proposed by the group living project would apply on all properties governed by the Denver Zoning Code, which covers the vast majority of the city. About 20 percent of Denver properties, however, continue to be governed by the Former Chapter 59 of the Denver Revised Municipal Code or “the old zoning code.” These amendments or any other updates proposed for the Denver Zoning Code cannot be made to the old zoning code because city law does not allow updates to the Former Chapter 59 zoning code. When City Council adopted the Denver Zoning Code in 2010, it prohibited amendments to the old zoning code to ensure all properties would eventually be rezoned into the new code.

As we implement Blueprint Denver in the Denver Zoning Code, we know that the ongoing use of Former Chapter 59 in about one-fifth of the city means that we have additional work to do to ensure that our vision for an equitable, affordable and inclusive Denver truly has citywide reach. In the meantime, the code that applies in the other 80 percent of the city must still be kept current and updated to reflect the needs of Denver’s residents, who are right now struggling with housing costs. Public feedback has made it clear that community members want the benefits of updated group living rules to be applied equitably across the city, and we agree. We’re looking at the steps we can take to apply these necessary changes to Former Chapter 59 properties and will report back as we make progress.

### **Why does Denver have two zoning codes? Why wasn't the entire city rezoned in 2010?**

When most of the city was rezoned in 2010, the properties that remained in Former Chapter 59 zoning were those with custom zoning, a site-specific development plan or that otherwise required additional analysis to ensure consistency with relevant plans before rezoning. Our intent then and now is for all old code properties to rezone into the Denver Zoning Code, and we have been working on that over the last 10 years, providing incentives for property owners and including old code properties in CPD-led rezoning projects. City Council members also can and have led legislative rezonings of these properties.

## **HOUSEHOLD REGULATIONS**

### **Is it true that these amendments would permit more roommates to live together in a 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.

The proposed change (as recommended to the City Council's Land Use, Transportation and Infrastructure Committee in December 2020) would allow up to five unrelated adults (or a mix of 5 related and unrelated adults) to live together as a household in any dwelling unit. As is currently the case, there would not be a limit on the number of people permitted to live as a household when all residents are related to each other.

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

The proposed change would allow a maximum of five adults to live together as a household in any dwelling unit when not all residents are related. As is currently the case, there would not be a limit on the number of people permitted to live as a household when all residents are related to each other. The zoning code does not regulate children. Denver's 2019 Building and Fire Code sets no limit on the number of people who may live together, as long as all safety requirements have been met (smoke alarms, safe entry and escape from sleeping areas, etc.).

### **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. 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.

### **How do you currently enforce complaints about unrelated adults?**

Our Zoning and Neighborhood Inspections team responds to code enforcement issues and works with residents to ensure they are aware of and comply with zoning and property maintenance rules. Typically, when a complaint is made about unrelated adults, inspectors can ask for proof of relationships, which are considered on a case-by-case basis. Complaints may be submitted through 311 or Pocketgov.

However, as residents grapple with the impact of the pandemic, enforcing the number of unrelated people currently allowed to live together (2) is not a priority for inspectors. This is especially true if there are no visible impacts to the street or neighborhood that suggest the property is not safe or being kept properly. The intent of these rules is to reduce the impact of certain land uses on a neighborhood, not to target people for how they choose to live. If there is an external impact that constitutes a code violation, like too many cars, outdoor storage or overgrown vegetation, neighborhood inspectors will follow their standard process as outlined here: [www.denvergov.org/neighborhoodinspections](http://www.denvergov.org/neighborhoodinspections).

This approach is in line with Governor Jared Polis' request to suspend limits on unrelated people who can live together to prevent homelessness among those who might be evicted or displaced during the pandemic. See Denver Post story: <https://www.denverpost.com/2020/07/14/jared-polis-occupancy-limit-housing-boulder/>

### **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 these amendments 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.

**Since homeowner associations (HOAs) set their own rules, can they avoid these potential changes?**

HOAs or homeowner groups with deed restrictions do not set their own rules. They are required to follow all city, state and federal housing laws, including zoning laws that affect what may be done on a property. HOAs are allowed to add restrictions that go beyond existing city rules—such as setting stricter limits on the number of signs someone can put on their yard—but they can do so only as long as those additional restrictions are not discriminatory in nature and are not in violation of the federal Fair Housing Act.

**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. These proposed amendments would establish a new maximum of 6 vehicles, regardless of the number of licensed drivers, permitted to be parked on a zone lot. The Zoning Code does not regulate the public right-of-way (street parking).

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 located on parcels that are 12,000 square feet or larger, and have previously been used for a Civic, Public or Institutional use like a closed church or government building. They would not be permitted in houses. Additionally, smaller facilities serving up to 10 people would have a new density limitation that prohibits the concentration of facilities in any one neighborhood. 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?**

We believe that to the extent possible, land-use regulations like zoning should regulate facilities 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. This proposal would expand areas where halfway houses are permitted from industrial zone districts to higher-intensity residential, commercial and mixed-use districts around the city, including along corridors where guests can have access to day-to-day needs like transit and job opportunities. These changes would not permit halfway houses in the lowest-intensity residential districts, like single-unit and two-unit. Additionally,

these amendments 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.

**How does the proposal affect current spacing requirements for community corrections facilities?**

Under the proposal, all residential care facilities—including community corrections—would be regulated according to their size, rather than the needs of the people they serve. This would make it possible to establish facilities in more places and give those residents better access to transit and services, by eliminating the barriers that currently limit shelters and community corrections facilities to industrial areas and underserved neighborhoods. For community corrections, this shift in approach would include reducing the required spacing between facilities and removing a current requirement that they not be established within 1,500 feet of a school.

**Why change current spacing requirements? What about safety near schools?**

Most of the city’s 11 existing facilities were established before this rule existed and about half of existing facilities are already within 1,500 feet of one or more schools. Spacing requirements are arbitrary, and there is no data showing that they have an impact on crime or safety. Overall, data do not show an increased risk of crime near these facilities – a review of Department of Safety crime data for the last decade does not show any property or violent crimes external to existing facilities that could be attributed to residents or the presence of those facilities.

**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

The Denver Planning Board voted to recommend that City Council approve the proposed group living text amendment on August 19. Council review of the proposal began with an information item before the Land Use, Transportation and Infrastructure Committee on Tuesday, September 1 and continued through the fall. The committee is scheduled to hold a vote on an updated proposal at its meeting Tuesday, December 22. Stay tuned to the project website ([www.denvergov.org/groupliving](http://www.denvergov.org/groupliving)) for information.