Group Living Code Amendment

Denver City Council
Land Use, Transportation and Infrastructure Committee
December 1, 2020: Review of Alternatives
## Welcome and Agenda

<table>
<thead>
<tr>
<th>Time</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:00 a.m.</td>
<td>Where are we now?</td>
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<tr>
<td></td>
<td>• Household size</td>
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<td>• Residential care</td>
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<td>• Community corrections</td>
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<tr>
<td>10:30 a.m.</td>
<td>Q&amp;A</td>
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<td>12:00 p.m.</td>
<td>Adjourn</td>
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</table>
Why is CPD proposing changes?

- Current regulations prohibit the residential care facilities our city needs and prevent people from sharing housing
- We have exclusionary regulations with roots in classism and racism
- We need a more equitable approach for locating residential care uses and we need to allow people to legally share housing costs
- We also need to fix problems with the Denver Zoning Code
  - Outdated and unclear language
  - Unpredictable permitting and notification requirements

“The community knows about us. We give back to the community, we maintained the block, cleaning it up, we cut neighbor’s grass and we helped our neighbors.”

- Maurice, formerly homeless, former Community Corrections resident, and Denver Rescue Mission worker
Household Size

This discussion focuses only on adults over age 18. There are no restrictions on how many related children can live in a house in any of these proposals.

“There are a lot of social benefits living in a community...I think it should be accessible for people to choose those people they want to live with.”

- Samantha, Cooperative Housing Resident and Elementary School Teacher
What’s allowed now?

In one, detached home

Two unrelated adults
Unlimited relatives

No off-street parking requirement

In duplexes, apartments, condos (anything with 2 or more attached homes)

Four unrelated adults
Unlimited relatives

Has a minimum off-street parking requirement

= unrelated adults

= relatives
What was approved at Planning Board?

Proposed

• Up to 5 adults of any relationship, with unlimited relatives, in any dwelling unit
• Provisions for more unrelated adults in larger dwelling units, to a maximum of 10
• Minimum off-street parking requirements for large households in all homes
Common Values and Goals (from Oct. 6 LUTI)

• Allowing blended families and some number of unrelated adults as a household, without a special permit

• More flexibility (within limits): government should not regulate who is a family

• External impacts, such as parking, are what really matter

• Regulations should be simple to understand and enforce

Who Are We Serving?

• Multigenerational families
• Two families sharing housing
• Adults sharing housing as roommates, a cooperative home or “found” family
• Couples who want/need to take a roommate
• Anyone who needs to share mortgage or rent costs
• Foster families*

*Requires a permit now, but these amendments would remove that barrier.
<table>
<thead>
<tr>
<th>Proposed amendments received from council</th>
<th>Will this be addressed in the new proposal?</th>
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</thead>
<tbody>
<tr>
<td>Remove adding another adult per 200 square feet over the median Denver house structure size of 1,600 square feet</td>
<td><strong>YES</strong> – this provision will be removed for households that have unrelated adults</td>
</tr>
<tr>
<td>Hard cap of 4 or 5 (exception for group homes for protected classes)</td>
<td><strong>YES</strong> – we will have a hard cap for households that have unrelated adults</td>
</tr>
<tr>
<td>Building code issues for larger households, parking, etc.</td>
<td><strong>YES</strong> – the provision to allow even larger households will be removed</td>
</tr>
<tr>
<td>Preserve existing codes that allow unlimited relatives to live together</td>
<td><strong>YES</strong> – Any number of related people can still live together</td>
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</table>
Compromise that appears to have the most support (from 10/6 LUTI)

- Allow…
  - Households of any number of people as long as all residents are related *(allowed now)*
  - Households that consist of unrelated people or a mixture of related and unrelated people *BUT* include a maximum limit on the total number of adults regardless of relationship (example: 4, 5, or 6 total adults)
    - No allowance for more people in larger homes with more square footage

Likely revision based on City Council feedback to date
Residential Care

Examples of Residential Care facilities:
- shelters
- community corrections or “halfway houses”
- sober living
- rehabilitation facility
- assisted living
- nursing home
- hospice care

“The opposite of addiction is connection. Having the ability to be in a community of recovery could be why I am so successful and [able to] be employed.”

- Jill, former sober living resident and current manager of a recovery home
What was approved by Planning Board?

- **Consolidate** all uses where care is provided into a single type called “Residential Care”
  - Regulate by facility size and scale, rather than the type of care provided.
  - Zoning is not intended to regulate different types of people.

- **Remove restrictions and buffers rooted in bias** that concentrate some people in industrial zones where they lack access to transit and other daily needs

- Encourage more **equitable distribution** of residential care facilities citywide

- Require **community meetings** for larger facilities and any that will serve non-paroled individuals

- **Strengthen requirements for spacing** between facilities and **density limitations** that prevent concentration of facilities in a given area.

- **Keep existing local, state, and federal regulations** that govern facility safety and operations
Amendments aim to address:

- **Community corrections in low-intensity residential zone districts**
  - Staff and some members of GLAC have recommended moving away from regulating residential care uses by housing status of the guests served
  - Highly-regulated facilities, slow growth (new facility once every 10 years or so; last one opened in 2003)
  - Some stakeholders have advocated for smaller-scale community corrections facilities that could offer more therapeutic, community-based programs for people re-entering society

- **Larger residential care facilities (Type 2) in low-intensity residential zone districts**
  - Structures exist in low-intensity zone districts that have been used to safely accommodate a larger number of guests
  - 12,000 sq. ft. minimum lot size proposed for SU, TU and RH to ensure appropriate space

- **Lack of spacing requirement for Type 1 (smallest, up to 10 guests) residential care uses**
  - There is not currently a spacing requirement for the smallest residential care uses (up to 8 people, more in Transitional Housing), but this is under consideration

- **Continuing a system of concentrating larger residential care uses in only a few neighborhoods**
  - Northeast Park Hill, Five Points, Capitol Hill, Globeville, Elyria-Swansea, which are in these neighborhoods due to old codes rooted in bias
Common Values and Goals (from LUTI discussions)

- Allow people to access residential care in their communities and where they have access to daily needs
- Encourage equitable distribution of future facilities around the city
- Move away from regulations that exclude people based on the type of care they need
- Ensure Denver’s compliance with the Federal Fair Housing Act and other regulations

Who Are We Serving?

- People transitioning back into community after incarceration
- People in recovery
- People who are elderly and/or living with disabilities
- People who have experienced homelessness
Proposed Alternatives

Community corrections:
  - Prohibit in Single Unit (SU) and Two-Unit (TU) zone districts

Type 2 (11-40 guests) residential care facilities (in Single-unit, Two-unit and Row House zone districts)
  - Reduce size from 11-40 guests to 11-20 guests
  - Limit to existing structures built for a Civic, Public or Institutional use, such as unused churches, schools, and government buildings (prohibit in houses)

Type 1 (1-10/seasonal) residential care facilities
  - Add required spacing between facilities
    - or
  - Limit the number of facilities in an area (density limitation)
<table>
<thead>
<tr>
<th>Proposed amendment received from council</th>
<th>Could this be addressed with a proposed alternative?</th>
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<tbody>
<tr>
<td>Remove community corrections from SU, TU and RH zones because pre-parole felons are still in state custody and it is legitimate to regulate this use as different from senior living and other group home protected classes.</td>
<td><strong>YES</strong> – We could remove community corrections from SU and TU zone districts. We recommend allowing it in RH zone districts, which already allow other more intensive uses.</td>
</tr>
<tr>
<td>Remove Type 2 facilities of any type from SU, TU and RH zones on the basis that a facility holding 40 people is out of character in such zones.</td>
<td><strong>YES</strong> – In these zone districts, we could limit these facilities to existing structures originally constructed for a Civic, Public or Institutional use; prohibit them in houses; and explore a reduction in overall size.</td>
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<tr>
<td>Overconcentration of the smallest residential care facilities (Type 1) should be prevented.</td>
<td><strong>YES</strong> – We could establish density limitations for Type 1 facilities, which will prevent a new Type 1 location if there are more than three Residential Care uses already within a 1-mile radius.</td>
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</table>
Spacing and Density Scenarios
Spacing Requirement: How this tool works

- Proposed Residential Care Type 1
  - Subject Site (hypothetical)
- Existing Residential Care Type 1
- Existing Residential Care Type 2

1,200 foot (appr. 3-block) required spacing between facilities

Proposed use permitted

Proposed use not permitted
Density limits: How they work

- Proposed Residential Care Type 1
  Subject Site (hypothetical)
- Existing Residential Care Type 1
- Existing Residential Care Type 2
- Existing Residential Care Type 3
- Existing Residential Care Type 4

No more than 3 Residential Care uses within 1-mile radius of a subject site for a Type 1 Residential Care facility. In this example, a new Residential Care Type 1 use would be allowed. If the subject site were slightly further north, the use would not be allowed.
Spacing and Density for Community Corrections

Current Spacing and Density Requirements

- Community Corrections Facility
- 2000' Radius
- One facility within area
- 4000' Radius
- No more than two other such uses within area

Proposed Spacing and Density Requirements (for Type and Type 4 Facilities)

- Community Corrections Facility
- 1,200' Radius
- One facility within area
- 1 Mile Radius
- No more than three other such uses within area
**Current** Community Corrections Facilities; buffers, and areas where new facilities could be established

- New facilities could be established in tan areas.

- Approximately 3,200 acres, or approximately 1,200 parcels, most in areas where these uses are already concentrated.

- Where 4,000’ (grey) buffers overlap tan areas, presence of other Large Residential Care Facilities would prohibit new CCFs.
Proposed:
Expand available space for community corrections, but not in SU and TU districts

- Still reflects a significant expansion of land available for these uses: from ~3,210 acres today to ~19,777 acres
- Would allow these uses on commercial corridors around the city, where there are structures that could accommodate them and access to transit, jobs, and daily needs.
Recap: Proposed Alternatives

Community corrections:
• Prohibit in Single Unit (SU) and Two-Unit (TU) zone districts

Type 2 (11-40 guests) residential care facilities (in Single-unit, Two-unit and Row House zone districts)
  • Reduce size from 11-40 guests to 11-20 guests
  • Limit to existing structures built for a Civic, Public or Institutional use, such as unused churches, schools, and government buildings (prohibit in houses)

Type 1 (1-10/seasonal) residential care facilities
  • Add required spacing between facilities
    or
  • Limit the number of facilities in an area (density limitation)
Questions and discussion
# Next Steps

**LUTI process**

<table>
<thead>
<tr>
<th>Date</th>
<th>Proposed Topics</th>
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| Sept. 29 (partial meeting) | • Follow-up from 9/1 LUTI  
                          | • Proposed Schedule  
                          | • Household Regulations introduction                                   |
| Oct. 6 (full meeting)    | • Household Regulations: alternatives and revisions                           |
| Nov. 3 (partial meeting)  | • Residential Care introduction                                               |
| Nov. 10 (full meeting)   | • Residential Care regulations  
                          | • Community Corrections  
                          | • Proposed “Type 2” size/lot minimums/locations                           |
| Nov. 17 (full meeting)   | • Former Chapter 59  
                          | • Enforcement  
                          | • Post-adoption monitoring                                                |
| Dec. 1 (full meeting)    | • Wrap-up and final discussion                                                |
| Dec. 22                  | • Final LUTI Committee action                                                 |

**Questions?**

[website](www.denvergov.org/groupliving)  
[E-mail](Andrew.webb@denvergov.org)
Extra Slides

• Background information
• Older approaches (pre LUTI discussions)
About Community Corrections Facilities in Denver

### Existing Facilities

<table>
<thead>
<tr>
<th>Facility</th>
<th>Established</th>
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<tbody>
<tr>
<td>CoreCivic - Ulster</td>
<td>2003</td>
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<tr>
<td>CoreCivic -46th</td>
<td>1980s</td>
</tr>
<tr>
<td>CoreCivic -Columbine</td>
<td>1970s</td>
</tr>
<tr>
<td>CoreCivic Fox</td>
<td>1990s</td>
</tr>
<tr>
<td>Tooley Hall</td>
<td>Early 1980s (temp. closed)</td>
</tr>
<tr>
<td>Williams Street Center</td>
<td>1970s (closed in 2019)</td>
</tr>
<tr>
<td>Independence House Filmore</td>
<td>1980s</td>
</tr>
<tr>
<td>Independence House Pecos</td>
<td>1976</td>
</tr>
<tr>
<td>Independence House South Federal</td>
<td>1988</td>
</tr>
<tr>
<td>Peer I</td>
<td>1980s</td>
</tr>
<tr>
<td>The Haven</td>
<td>1980s</td>
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### Operation and Safety

- Most existing facilities are already near schools and residential areas.
- Dept. of Safety crime data from the last decade does not show any property or violent crime occurring near existing facilities that can be attributed to a resident or the presence of the facility.
- Regulated by Denver’s Department of Public Safety, state regulations and Denver Community Corrections Board, among others
- Less than 2% percent of Denver community corrections program participants are terminated from the program for committing a new crime.
- The newest facility was opened in 2003.
## Peer Cities: Unrelated adults permitted in a single-unit dwelling

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<thead>
<tr>
<th></th>
<th>Avg HH</th>
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<th>Avg HH</th>
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<tbody>
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<td>Boulder</td>
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<td>Aurora</td>
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<td>Longmont</td>
<td>2.60</td>
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<td>Wheat Ridge</td>
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<td>Westminster</td>
<td>2.62</td>
<td>Parker</td>
<td>2.94</td>
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<td>Uninc. Adams Cty.</td>
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<td>Oklahoma City</td>
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<td>Avg HH</td>
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<td>2.56</td>
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<td>2.29</td>
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Notes: All cities permit unlimited adult relatives to live as a household, but some (ex. Aurora) do not permit a combination of related and unrelated adults in a household.  
Sources: U.S. Census Bureau Quick Facts; city and county zoning regulations. 
Average U.S. Household Size (2019): 2.51
Advantages/Disadvantages of Making These Changes
Community Corrections

Prohibit community corrections in SU and TU zone districts

<table>
<thead>
<tr>
<th>Advantages</th>
<th>Disadvantages</th>
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<tbody>
<tr>
<td>• Still reflects a significant expansion of land available for these uses over what is available today: <strong>from approximately 3,210 acres today to 19,777 acres</strong></td>
<td>• Precludes establishment of community corrections uses directly in neighborhoods, where residents could benefit from being in the communities they will eventually return to upon completion of sentences.</td>
</tr>
<tr>
<td>• Would allow these uses on commercial corridors around the city, where there are structures that could accommodate them and access to transit, jobs, daily needs, etc.</td>
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Type 2 Residential Care

• Reduce overall size (11-40 guests → 11-20 guests)
• Only allow in structures originally built for larger-scale uses, such as unused churches, schools, government buildings, etc.
• Prohibit in houses
• Minimum lot size must be at least 12,000 square feet

<table>
<thead>
<tr>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Preserves existing provisions in the code for Residential Care, Large uses in low-intensity residential districts (SU, TU and RH)</td>
<td>• Reduces flexibility for residential care operators that may have buildings that could accommodate more guests.</td>
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<td>• Would prevent these facilities from using large houses, addressing neighborhood concerns about scale</td>
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Advantages
Disadvantages
Type 1 Residential Care: Spacing Alternative

Apply the proposed 1,200 foot spacing requirement to Type 1 facilities in SU, TU and RH zone districts

<table>
<thead>
<tr>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Would prevent concentration on a block face by requiring that these facilities be at least 3 blocks apart.</td>
<td>• Would prevent an operator from operating several homes next door to each other.</td>
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<tr>
<td></td>
<td>• Not an existing requirement and not recommended by CAO for smallest facilities.</td>
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<tr>
<td></td>
<td>• Would make some existing facilities “compliant,” meaning they were legally established but do not meet a new use limitation. Existing facilities could continue, but new facilities next door to each other or even in the same block would not be allowed.</td>
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</table>
Type 1 Residential Care: Density Alternative

Apply the proposed 1-mile density limit, which would prevent a new Type 1 location if there are more than three Residential Care uses already within a 1-mile radius

<table>
<thead>
<tr>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Would prevent concentration of facilities in a neighborhood or a given area of the city</td>
<td>• Not an existing requirement, not recommended by CAO for smallest facilities.</td>
</tr>
<tr>
<td>• Would provide more flexibility for operators</td>
<td>• Would make some existing facilities “compliant,” meaning they were legally established but do not meet a new use limitation. Existing facilities could continue, but new facilities within an affected geography (where there is already a concentration of facilities) would not be allowed.</td>
</tr>
</tbody>
</table>