

Group Living Code Amendment

Number of Unrelated Adults in a Household: Group Living Advisory Committee (GLAC) recommendation and proposed implementation
June 27, 2019



What's in this packet?

1. Current Household Living and Group Living definitions
2. Problems with the current rule
3. What the Group Living Advisory Committee (GLAC) has recommended changing
4. Staff research into possible implementation approaches
5. Recommendations
6. Results, implications, and examples
7. Proposed building code amendment
8. Next steps and community outreach

Current Definitions

Household Living:

"A dwelling unit occupied by persons ... **living as a single non-profit housekeeping unit**, including any permitted domestic employees."



Single Unit: 2 adults plus any number of specified relatives of any age



Multi-Unit: 4 adults plus any number of specified relatives of any age

Why this matters: Any household that exceeds the number of unrelated adults above often needs to be permitted as a group living use instead. Often, group living isn't allowed in as many places and has stricter standards and procedures.

Group Living:

"Residential occupancy of a structure by a group of people that does not meet the definitions of "household living," "lodging," or "correctional institution"... Often, group living structures have a common eating area for residents. The residents **may receive care, training, or treatment**, and caregivers may or may not reside at the site.



- Assisted Living
- Nursing Home/Hospice
- Residence for Older (55+) Adults



- Residential Care
 - Transitional Housing
 - Community Corrections
 - Special Care Home



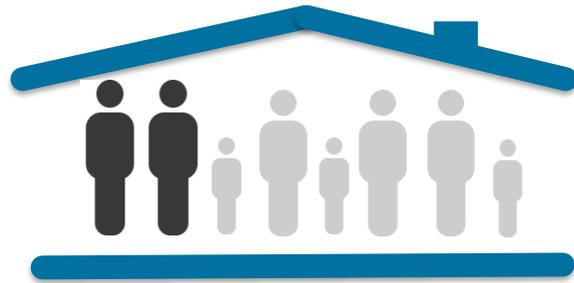
- Shelter for the Homeless
- Rooming and Boarding
- Student Housing



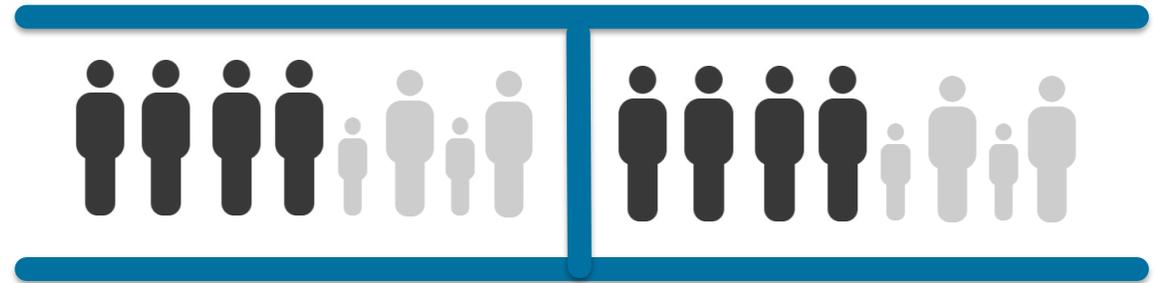
*sober living (as Transitional Housing or Special Care Home)

What does the current household definition look like in practice?

Single-unit uses



Multi-unit uses



 = unrelated adults

 = relatives (unlimited)

Problems with the current definition

1. Denver's limit of 2 unrelated adults is very conservative compared to Front Range and U.S. cities.
2. Current rule precludes unrelated adults sharing a home, limiting many desired uses like cooperative living, intergenerational living, artist/DIY housing, sober living, etc.
3. Current specific list of types of relatives allowed and others not allowed, like great-grandparents, may not be legal.
4. Inspectors have difficulty determining relationships to enforce the rule.
5. Current rule is a barrier to affordable housing where people choose to share a dwelling unit to reduce costs.

On May 8, GLAC reached near-consensus on the following recommendation:

1. Increase the number of unrelated adults who can live together in any household from 2 to 8.
2. Allow more than 8 unrelated adult residents in larger units, with measurable, enforceable thresholds for adding more unrelated adult residents. Some thresholds were ruled out, and city planners were directed to explore other thresholds (see next page) and report back.

May 8 GLAC recommendation continued:

2A. Thresholds for additional unrelated adults should not be based on number of bedrooms.

- Difficult to classify whether a room is considered a bedroom
- Studios and lofts may not have traditional bedrooms
- Bedroom sizes vary

2B. Thresholds for additional unrelated adults should not be based on number of vehicle parking spaces.

- Use of vehicles can vary, depending on the age and ability of residents
- Access to the multimodal transportation system varies (e.g. downtown versus suburban context)
- Do not want to incentivize paving open space and yards for more driveway spaces or garages

What city planners studied and learned

- Best practices, other cities' codes, and existing Denver code examples all pointed to square footage as the best measurement for addressing overcrowding.
- There is no existing per-occupant limit in Denver; previous square footage minimums were repealed from the Residential Housing Code to enable tiny houses when all other health and safety requirements can be met.
- Reviewed examples including old building code minimum room size standards (since repealed), building codes in other cities, and median house sizes

What city planners tested as possible rules

1. International Property Maintenance Code (2018 version, not currently adopted by City & County of Denver)

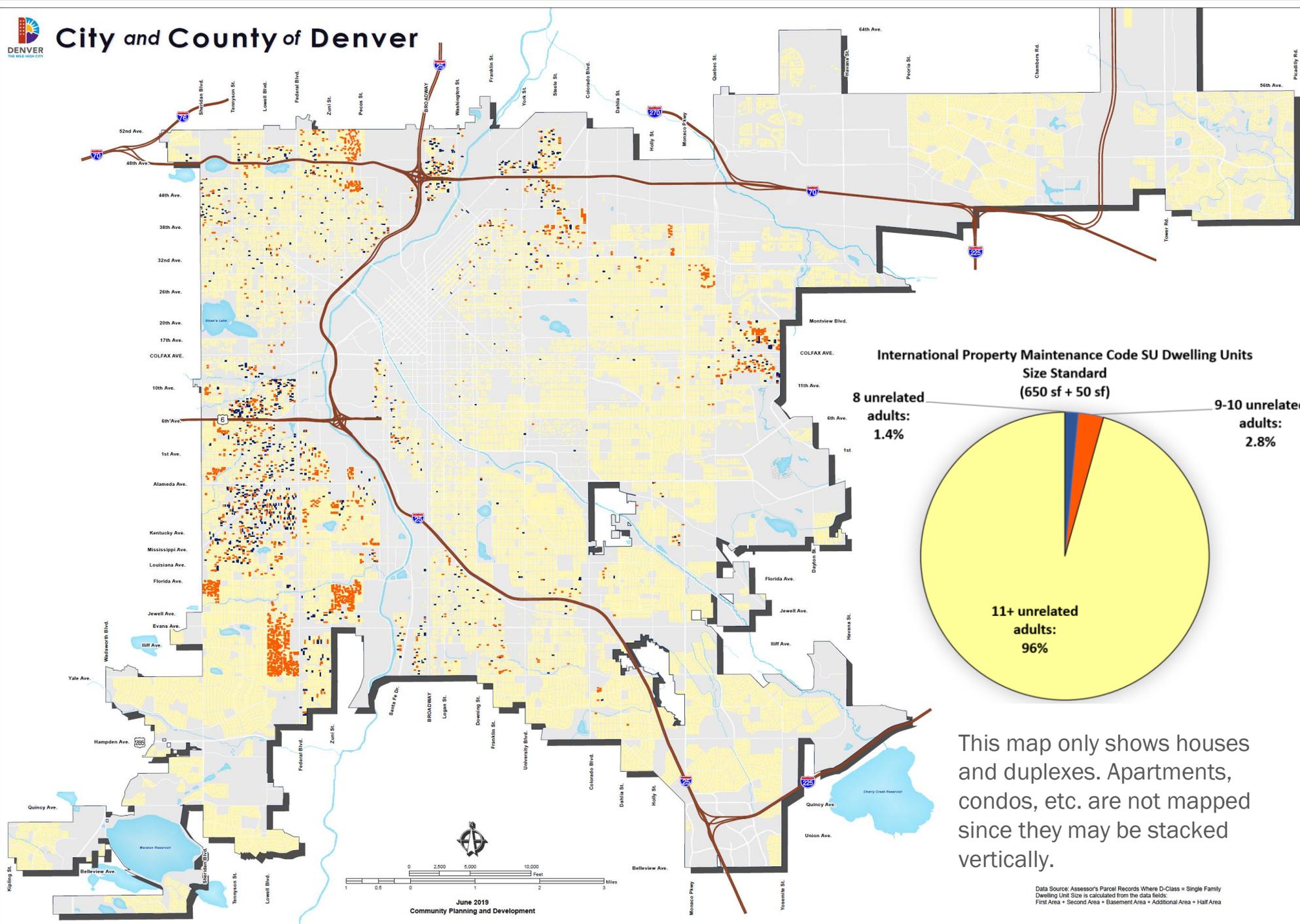
- Required 650 ft² for 8 occupants
- Additional 50 ft² for each additional occupant

2. Denver median single-unit house size (as reported in 2018, approximate)

- 1,600 ft²
- Additional 200 ft² for each additional occupant
 - Existing standard per occupant in accessory dwelling units (ADUs)

3. U.S. median single-unit house size (as reported in 2018, approximate)

- 2,400 ft²
- Additional 200 ft² for each additional occupant
 - Existing standard per occupant in accessory dwelling units (ADUs)

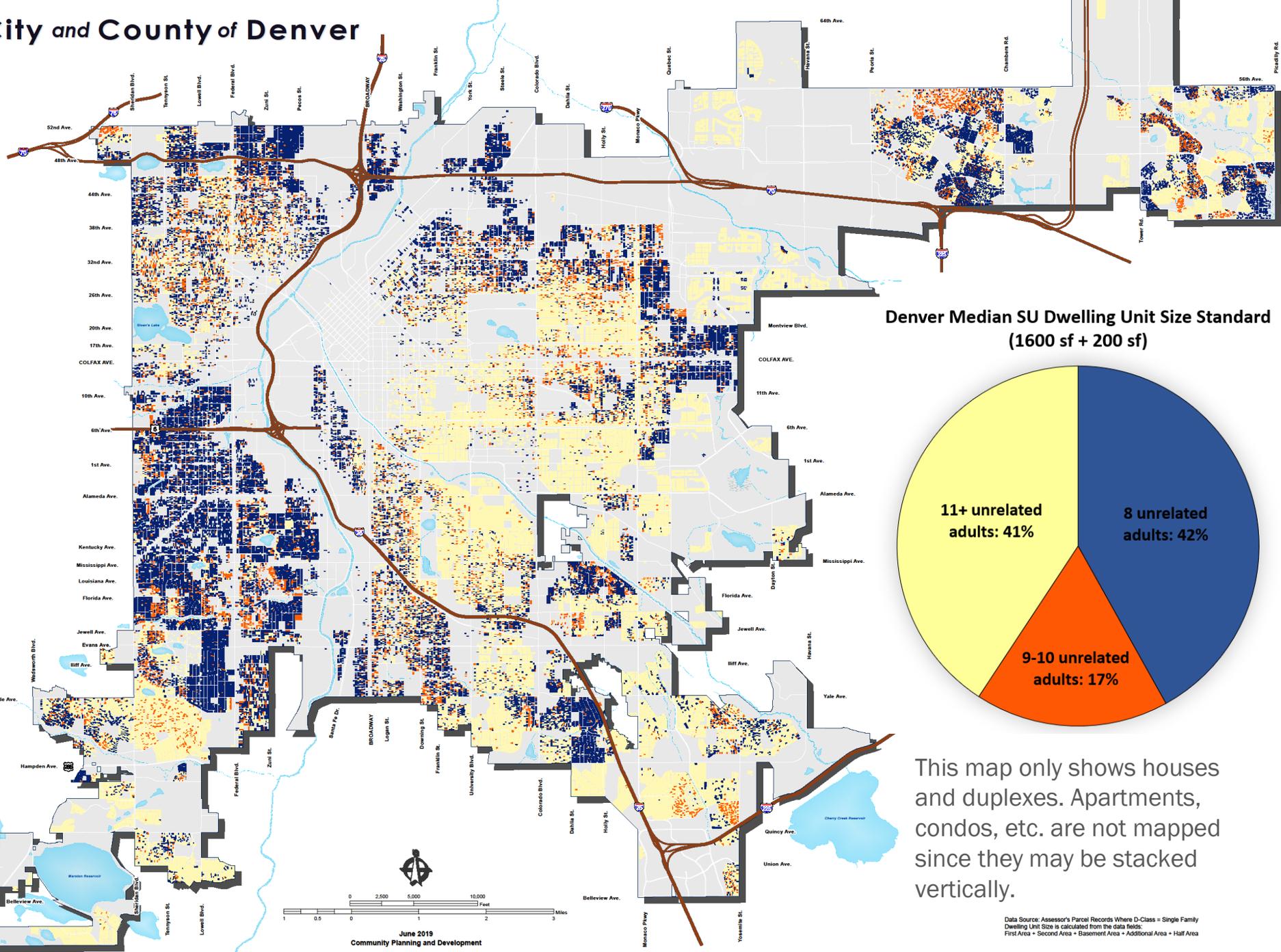


MAP 1: International Property Maintenance Code

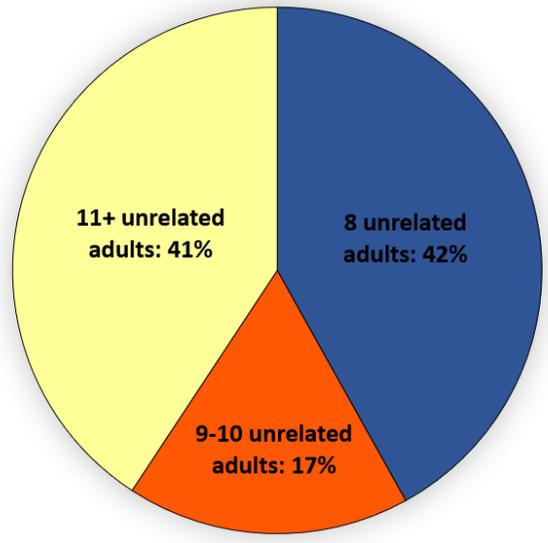
Conclusions:
If the IPMC standard were adopted, more than 90% of the city would be allowed 11 or more unrelated adults.

If this standard were adopted, there would be little effect of setting a limit of 8 unrelated adults because so many houses are larger and could have more people.

This map only shows houses and duplexes. Apartments, condos, etc. are not mapped since they may be stacked vertically.



Denver Median SU Dwelling Unit Size Standard (1600 sf + 200 sf)



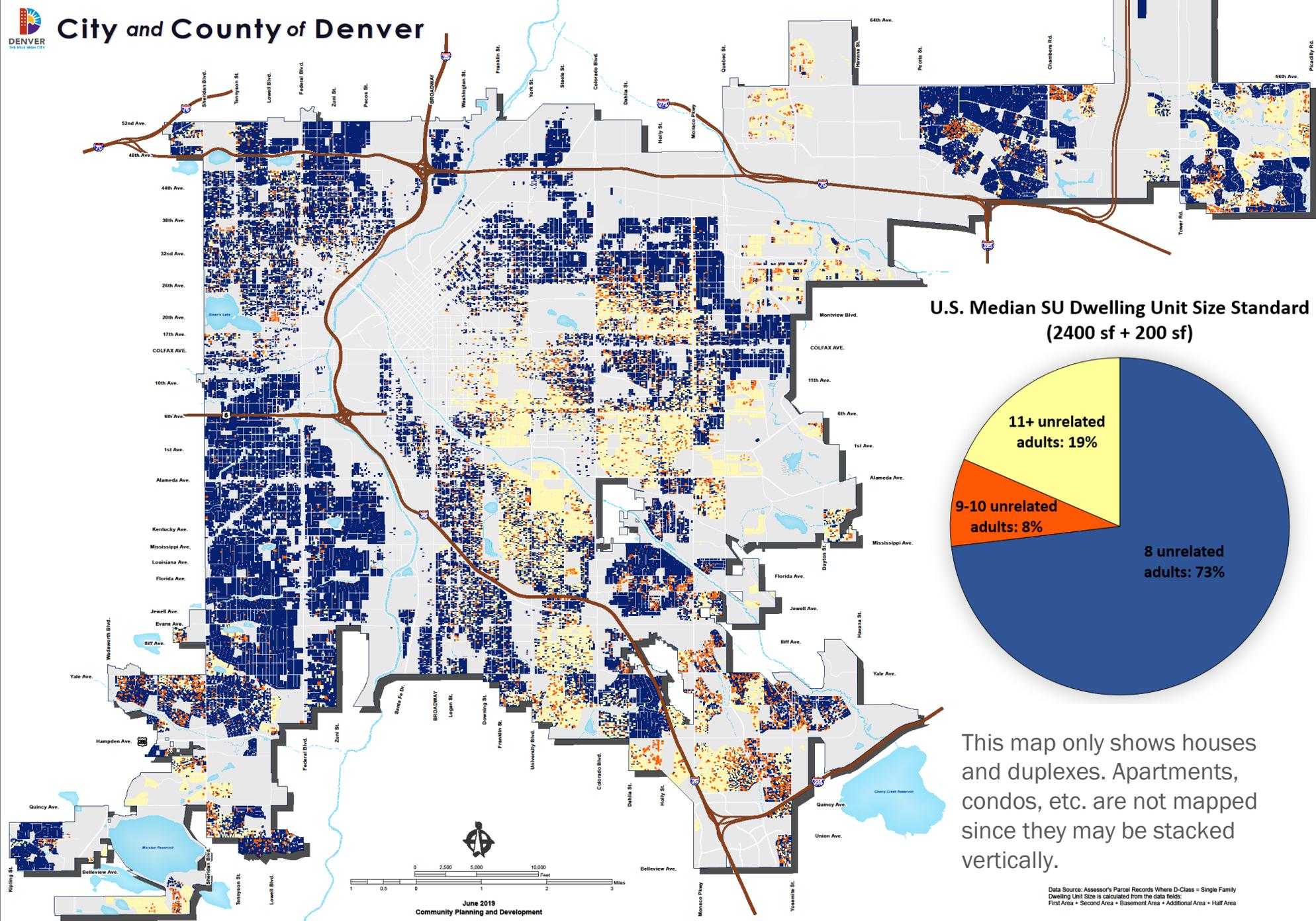
This map only shows houses and duplexes. Apartments, condos, etc. are not mapped since they may be stacked vertically.

Data Source: Assessor's Parcel Records Where D-Class = Single Family Dwelling Unit Size is calculated from the data fields: First Area + Second Area + Basement Area + Additional Area + Half Area

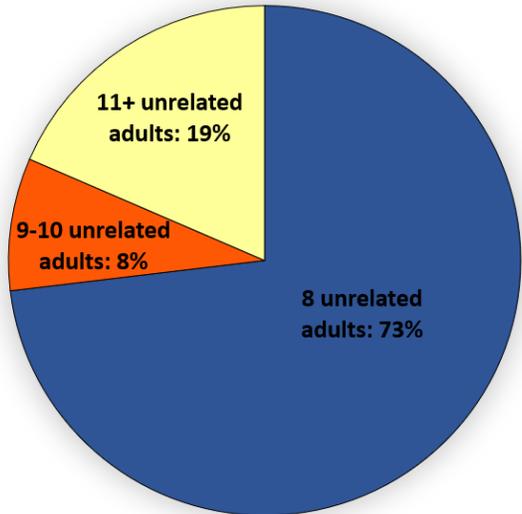
MAP 2: Denver Median House Size + 200SF

Conclusions: If this standard were adopted, more than half of homes would be allowed to have more than 8 unrelated adults.

Larger homes, especially found in central Denver, east-central Denver, southwest Denver, southeast Denver, and Stapleton would be allowed more than 11 unrelated adults.



U.S. Median SU Dwelling Unit Size Standard (2400 sf + 200 sf)



This map only shows houses and duplexes. Apartments, condos, etc. are not mapped since they may be stacked vertically.

Data Source: Assessor's Parcel Records Where D-Class = Single Family Dwelling Unit Size is calculated from the data fields: First Area + Second Area + Basement Area + Additional Area + Half Area

MAP 3: U.S. Median House Size + 200SF

Conclusions:

If this standard were adopted, almost 75% of homes could only have 8 unrelated adults.

The largest homes, especially found in south-central Denver, east-central Denver, and parts of southwest and southeast Denver, Stapleton, and Green Valley Ranch, would be allowed more than 11 unrelated adults.

Proposed Approach to Unrelated Adults: #2 – Denver Median House Size + 200 SF

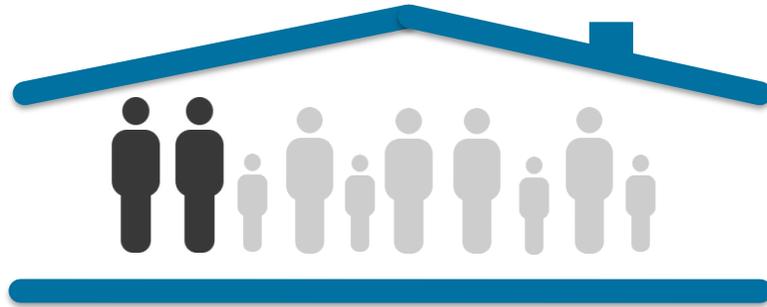


- Single unit dwellings (houses) and multi-unit dwellings (duplexes, apartments, etc.) would be treated the same
- Every dwelling could have any number of relatives of any age (including adoption, marriage, guardianship, etc.)
- Every dwelling could be occupied by up to 8 unrelated adults
- Where a structure exceeds 1600 square feet in gross finished floor area, an additional 1 unrelated adult would be permitted for every 200 additional square feet.

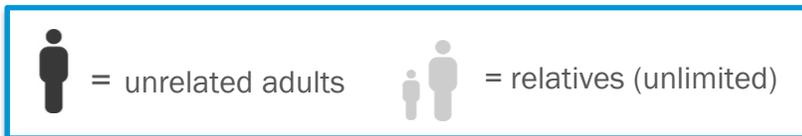
Dwelling Unit Size	0 to <1800 SF	1800 to <2000 SF	2000 to <2200 SF	2200 to <2400 SF	2400+ SF
Unrelated Adults	8	9	10	11	12+ (1 per 200 SF)
Related Adults	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Children	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited

What would this look like?

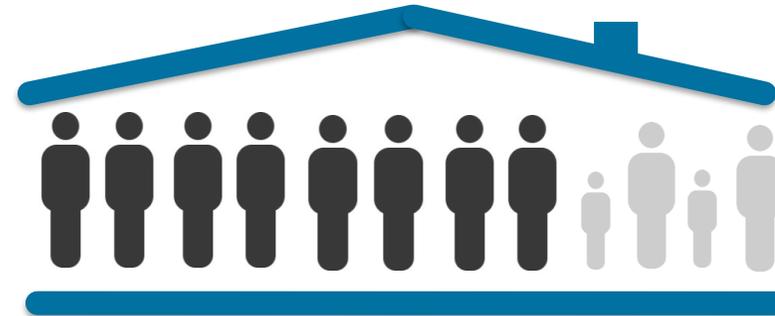
Current:



- 2 unrelated adults per dwelling unit
- Unlimited relatives to each

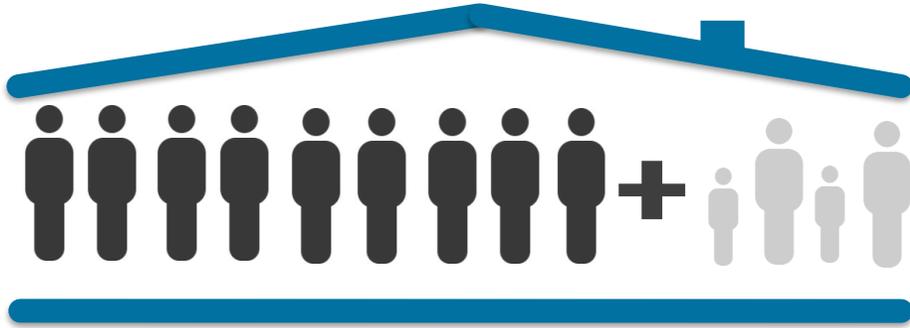


Proposed:



- 8 unrelated adults per dwelling unit, where the dwelling unit has a finished floor area of **less than 1,800** square feet.
- Unlimited relatives to each
- Approx. **42%** of Denver's single and two-unit dwelling units (houses and duplexes)

Larger Households:



- Approximately **58%** of detached houses and duplexes could have at least 9 unrelated adults.
- Approximately **41%** of detached houses and duplexes could have at least 11 unrelated adults.

What would this mean for current group living uses?



- “Residence for Older Adults” (age 55+) becomes Household Living, allowed subject to the 8+ unrelated adults rule when living in a single dwelling unit with no care provided.



- “Student Housing” becomes Household Living, allowed subject to the 8+ unrelated adults rule when living in a single dwelling unit (not a dormitory)



- Sober living homes become Household Living, allowed subject to the 8+ unrelated adults rule, when living in a single dwelling unit with no care provided (e.g. not a transitional housing or medical care facility)

Examples that would be treated as Household Living

- Intergenerational Living: unrelated people of varying ages living as a housekeeping unit
- Cooperative Living: unrelated people living intentionally cooperatively as a housekeeping unit
- DIY/Artist Housing: unrelated artists living together as a housekeeping unit

Scenarios Illustrating How the Proposed Rule Would Apply



= unrelated adults



= relatives (unlimited)

Scenario 1

A family of two parents and three children live together.



EXISTING CODE

- Allowed in any dwelling unit

PROPOSED CODE

- Allowed in any dwelling unit

Scenario 2

Two married adults live with an adult roommate.



EXISTING CODE

- Allowed in a single unit dwelling (house) with a rooming & boarding home occupation permit
- Allowed by-right in a duplex or multi-unit dwelling

PROPOSED CODE

- Allowed in any dwelling unit

Scenario 3

Two married adults live with two of their great-grandparents.



EXISTING CODE

- Unclear; requires a group living use permit including informational notice in a single unit dwelling (house)
- Allowed in a duplex or multi-unit dwelling with no extra permit

PROPOSED CODE

- Allowed in any dwelling unit

Scenario 4

Seven adults live together in intentional shared community as a co-op.



EXISTING CODE

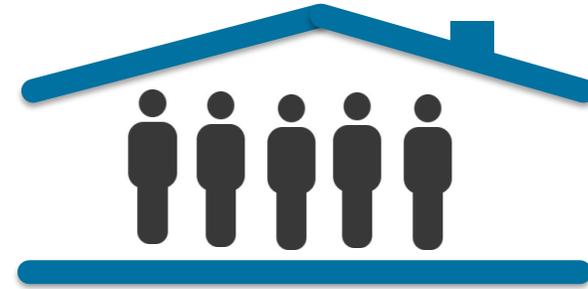
- Unclear; requires a group living use permit (residential care use, small) including informational notice in all types of dwellings (houses, duplexes, apartments, etc.)

PROPOSED CODE

- Allowed in any dwelling unit

Scenario 5

Five adults live together in intentional community to support each other in sobriety.



EXISTING CODE

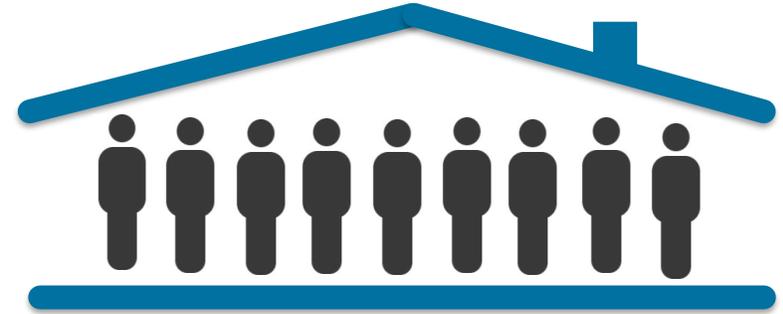
- Unclear; requires a group living use permit including informational notice in all types of dwellings (houses, duplexes, apartments, etc.), or other relief

PROPOSED CODE

- Allowed in any dwelling unit

Scenario 6

Nine adult college students live together.



EXISTING CODE

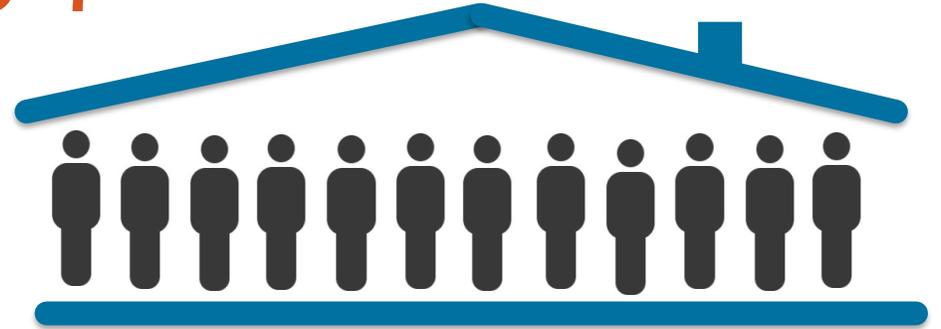
- Requires a group living use permit, possibly as Student Housing, and not allowed in all zone districts

PROPOSED CODE

- Allowed in any dwelling unit at least 1,800 square feet in size

Scenario 7

Twelve adults live together in intentional community in a house as a co-op.



EXISTING CODE

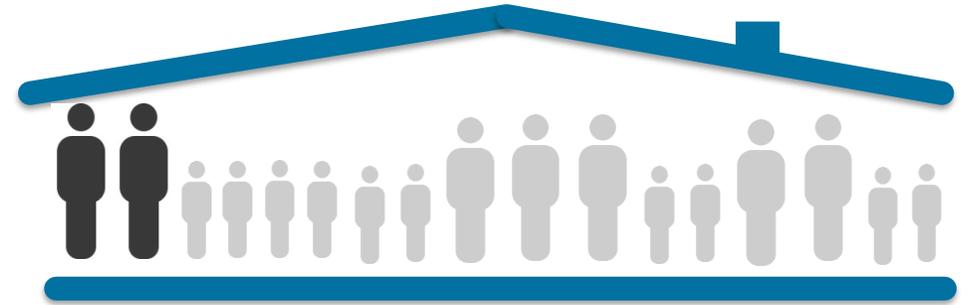
- Unclear; requires a group living use permit including informational notice in all types of dwellings (houses, duplexes, apartments, etc.)

PROPOSED CODE

- Allowed in any dwelling unit at least 2,400 square feet in size

Scenario 8

A married couple, their six children, two of their parents, three aunts and uncles, and four nieces and nephews all live together.



EXISTING CODE

- Allowed in any dwelling unit

PROPOSED CODE

- Allowed in any dwelling unit

Building and Fire Requirements

Proposed in a Separate Building Code Amendment

- 5 or fewer unrelated adults: typical building code requirements
- 6 to 10 unrelated adults: would also require interconnected fire alarms
- 10+ unrelated adults: existing “congregate living” building code occupancy rules would apply (additional fire suppression and alarm, egress, etc.)

Learn more at <https://www.denvergov.org/content/denvergov/en/denver-development-services/help-me-find-/building-codes-and-policies/new-code-adoption.html>

Next Steps and Community Outreach

- The recommendations above will be used as the starting point for other group living recommendations for larger group homes
- Several GLAC members highlighted the need for more community outreach to build consensus for their recommendations
- Share the proposal with the group(s) you represent and ensure they support your recommendations
- City planners are available on request to present to community organizations, neighborhood groups, professional associations, etc.
- Proposal will be shared in next round of CPD newsletters
- Community feedback will be invited at the next group living open house this fall