

Group Living Code Amendment

Group Living Advisory Committee
Meeting Handout
October 15, 2019



10/15/19 Meeting Agenda

Welcome and introductions	4:00-4:15 p.m.
Household Definition proposal recap and feedback	4:15-4:45
Household definition resolution	4:45-5:15
Review and discuss concept Residential Care definitions	5:15-5:50
Wrap-up and Next Steps	5:50-6:00

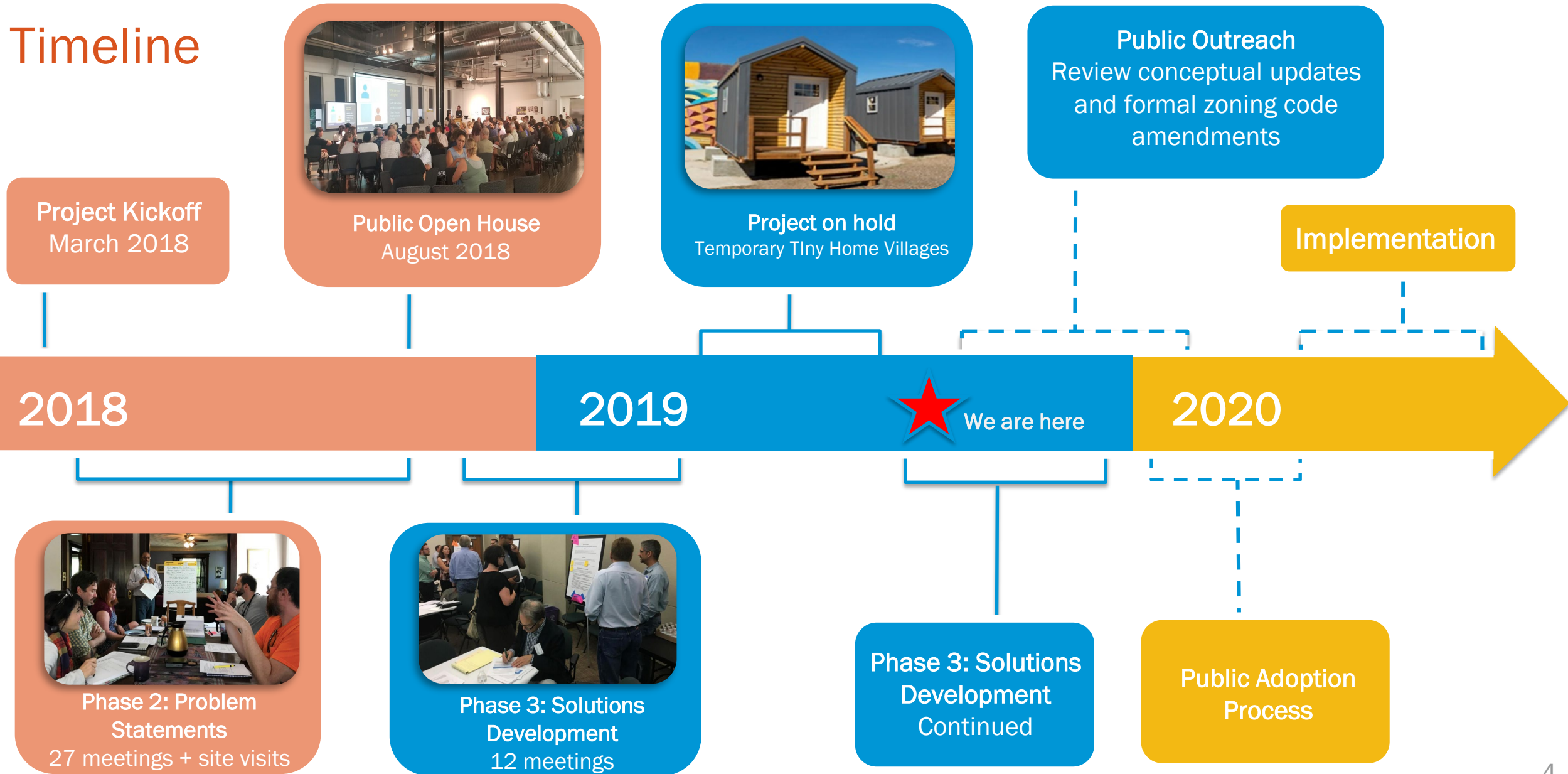
Handout Contents

Topic	Section
Household Size: recap and input received	Slides 4-10
Household Size: options and implications	Slides 11-17
Residential Care	Slides 18-24
Next Steps & Meetings	Slides 20-22

Decision-Making Criteria:

1. Is **consistent with adopted plans** (Pass/Fail - Must Pass per Charter 3.2.9(C) and DZC 12.4.11.4.A)
2. Is **equitable** – not necessarily equal – **in terms of neighborhood policies and impact**
3. Provides for **more affordable and attainable housing options** across the full range of resident incomes, considering creative options in the process.
4. **Limits potential for unintended consequences** perceived as negative or in conflict with community character, economic viability and existing or future plans and policies
5. Is **clear to administer and enforce**
6. Is **clear and predictable** to all stakeholders
7. Uses **language that is consistent** with relevant city, state and federal regulations
8. Is **enforceable with minimal entry to properties** by Zoning & Neighborhood Inspection Services and other staff

Timeline



Household Size

Recap: June Household Definition Proposal



- Treat single-unit dwellings (houses) and multi-unit dwellings (duplexes, apartments, etc.) the same
- Allow any dwelling unit to be occupied by up to 8 unrelated adults
- Allow any number of relatives of any age (including adoption, marriage, guardianship, etc.)
- 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, as follows:

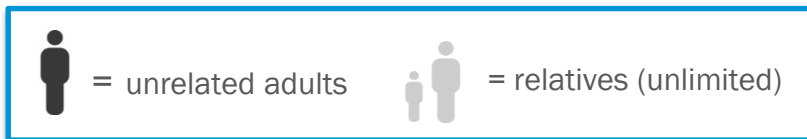
Dwelling Unit Size	0 to <1800 SF	1800 to <2000 SF	2000 to <2200 SF	2200 to <2400 SF	2400+ SF
Unrelated Adults	8	9	10	11	12+ (1 per 200 SF)
Related Adults	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Children	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited

What would this look like?

Current:



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

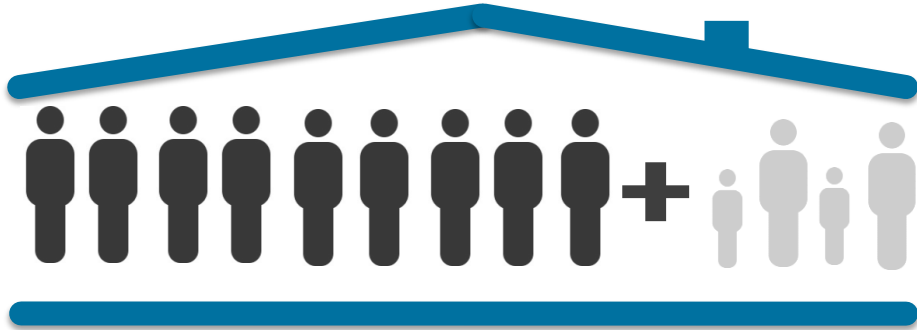


Proposed:



- 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.

Where did that proposal come from?

- October 2018 GLAC meeting: Recommendation to stop practice of differentiating between related and unrelated adults but "prevent overcrowding" be referencing an existing standard as a "backstop." Effectively this recommendation would allow unlimited unrelated adults
- May 2019 GLAC meeting: Staff highlighted challenges with October recommendation and recommended the committee consider a specific number.
 - Lack of "backstop" regulations for minimum dwelling unit or room size (all amended out of various local and national codes in recent years)
 - Concerns about adoptability
- May 2019 GLAC meeting: Near-consensus (almost all GLAC member in attendance) recommendation at May 8 meeting to increase the number of unrelated adults who can live together in any household from 2 to 8.
 - 8 adults came from staff recommendation, aligns with state's group home statute (# of people living as a group that cities must accommodate as they would a "family")
- May 2019 GLAC Meeting: Additional recommendation to allow more than 8 unrelated adult residents in larger units, with measurable, enforceable thresholds for adding more unrelated adult residents. Some thresholds (# of bedrooms; vehicle parking spaces) were ruled out, and city planners were directed to explore other thresholds and report back.
 - 200 square feet threshold for additional unrelated adults came from existing language in the Denver Zoning Code regarding the size of Accessory Dwelling Units. It aligns to a former HUD standard for housing unit structure size (neither HUD nor local or national building codes currently require a minimum square footage per person in a house).
 - 1,600 feet is Denver's median house (structure) size.
- Staff provided concept proposal reflecting above recommendations to GLAC June 27, 2019 and asked for members to seek feedback from their networks

What we're hearing: feedback received on June proposal:

Online survey of GLAC members (link sent to GLAC in June and again in July to get input from members who had not attended May 8 meeting)

- 12 responses
- 11 supported proposal
- 1 did not support proposal, commenting that a limit of 4-5 adults in a home, regardless of size, would be “more reasonable.”

Meetings with Registered Neighborhood Organizations and other stakeholders:

- General agreement that the current limit of 2 unrelated adults is outdated and incongruous with how people live in Denver
- Concern about parking (*Note: current regulations allow unlimited related adults, and families may also have many vehicles*)
- General feeling that 8 unrelated adults is “too many,” proposal is too big a “leap” from current limit of 2
 - Team members have heard comments that 4 to 6 adults would be more acceptable
- Concern that additional unrelated adults for every 200 square feet about 1,600 square feet would allow many more unrelated adults in larger houses
- Concerns about property owners profiting from higher number of unrelated adults permitted in a home
 - Sober living (where residents support each other but are not otherwise provided care and use is not a Residential Care Facility, which are regulated separately)
 - Rental property owners/landlords

Why this needs to be resolved

- **Current Household definition excludes uses that are in-use and needed in Denver**
 - Some are shoehorned into Group Living uses (typ Special Care Home or Transitional Housing) to allow permits in residential zone districts
 - e.g. sober living/FFHA housing
 - Others are operated in non-conformance with regulations
 - Co-ops and larger homes of unrelated adults seeking affordable options, etc.
 - Equity issue in high-cost city
- **Group Living project needs to settle this issue and move on to other priorities**
 - Community Corrections zoning constrains expansion or establishment of new facilities in time of transition for industry
 - Current operators' contracts begin to expire in December and will all have expired by June.
 - Denver Shelter Plan in-progress, outdated zoning needs overhaul
 - Group Living team needs to focus on other challenging items identified by GLAC, such as DIY/artist housing, permanent tiny home villages.



Where do we go from here?

Option 1: move forward with current GLAC recommendation

- Many concerns already addressed by Denver Revised Municipal Code (noise, short-term rental, etc.)
- Gives most freedom to people to choose how they want to live, seek affordable options
- Aligns household size with protected groups that cities must accommodate in residential areas

Option 2: revise GLAC recommendation *(Note: see next slide for a table version of the options below)*

These alternatives would preserve alignment with City's requirement to accommodate protected groups, and would preserve the ability to have larger households in larger structures. These options rank highest when considered against the GLAC decision-making criteria.

- A. Cap **total adults** in a household (regardless of relationship) at 8 with unlimited minor relatives under 18; with option to expand (e.g. one additional unrelated adult for every 200 ft² over Denver median home size of 1,600 ft²)
- B. Cap **total people** in a household (regardless of relationship) at 8, with option to expand (e.g. one additional unrelated adult for every 200 ft² over Denver median home size of 1,600 ft²)

These alternatives would require separate DZC uses for housing protected classes, multigenerational housing and co-ops in residential zone districts, but would preserve the ability to have larger households in larger structures. They rank lower when considered against the GLAC decision-making criteria, as they reduce housing options and add additional enforcement by necessitating separate uses for protected classes, co-ops, etc. depending on how low the base permitted adults number is set,

- C. Cap number of **unrelated adults** at ___ (<8), with unlimited relatives, one additional unrelated adult for every 200 ft² over Denver median home size of 1,600 ft²)
- D. Cap **total adults** in a household (regardless of relationship) at ___ (<8), with unlimited minor relatives under 18, one additional unrelated adult for every 200 ft² over Denver median home size of 1,600 ft²)
- E. Cap **total people** in a household (regardless of relationship) at ___ (<8), one additional person for every 200 ft² over Denver median home size of 1,600 ft²)

These alternatives would require separate DZC uses for housing protected classes, multigenerational housing and co-ops in residential zone districts. They would not provide for additional residents in larger homes. These options rank lower when considered against the GLAC decision-making criteria, as they reduce housing options and add additional enforcement by necessitating separate uses for protected classes, co-ops, etc. depending on how low the base permitted adults number is set.

- F. Cap **total adults** in a household at ___ (<8), with unlimited minor relatives under 18, regardless of dwelling unit size
- G. Cap **total people** in a household at ___ (<8), regardless of dwelling unit size

Table of revision options

Option	# of adults (or total people)	Relatives	Expanded households in larger structures
A	8 total adults regardless of relationship	Unlimited under 18	One additional adult/200 ft ² over 1,600 ft ²
B	8 people total	Up to 8 people total	One additional person/200 ft ² over 1,600 ft ²
C	_____ <8 unrelated adults	Unlimited any age	One additional adult/200 ft ² over 1,600 ft ²
D	_____ <8 total adults regardless of relationship	Unlimited under 18	One additional adult/200 ft ² over 1,600 ft ²
E	_____ <8 total people	Up to _____ <8 total people	One additional person/200 ft ² over 1,600 ft ²
F	_____ <8 total adults regardless of relationship	Unlimited under 18	No opportunity for larger households, regardless of dwelling unit size
G	_____ <8 total people	Up to _____ <8 total people	No opportunity for larger households, regardless of dwelling unit size



These alternatives would preserve alignment with City's requirement to accommodate protected groups, and would preserve the ability to have larger households in larger structures. These options rank highest when considered against the GLAC decision-making criteria.



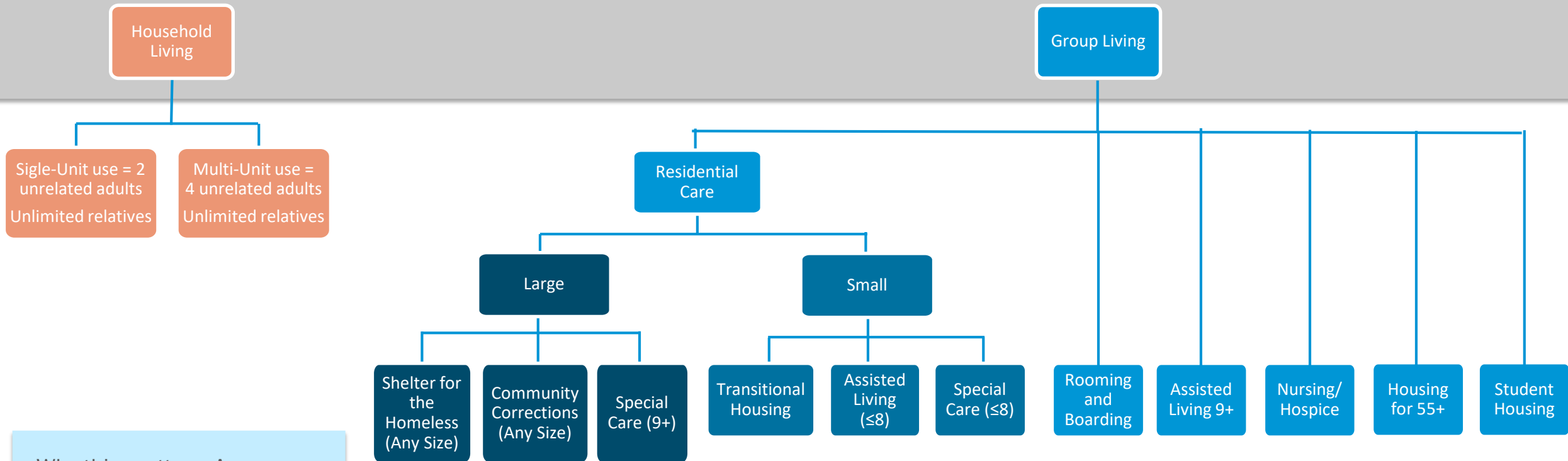
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How these options would impact other residential uses

Current DZC residential use breakdown



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.

Uses not clearly addressed in current code



Uses not clearly addressed in code

State/FFH
A Group
Housing

Housing for people protected under the Federal Fair Housing Act, State Group Home Statute, etc. Cities must accommodate protected classes in residential areas

Sober
Living

Housing for people who live together as a housekeeping unit and support each other in sobriety but do not receive in-home care. People in recovery are a FFHA protected class.

Co-Ops

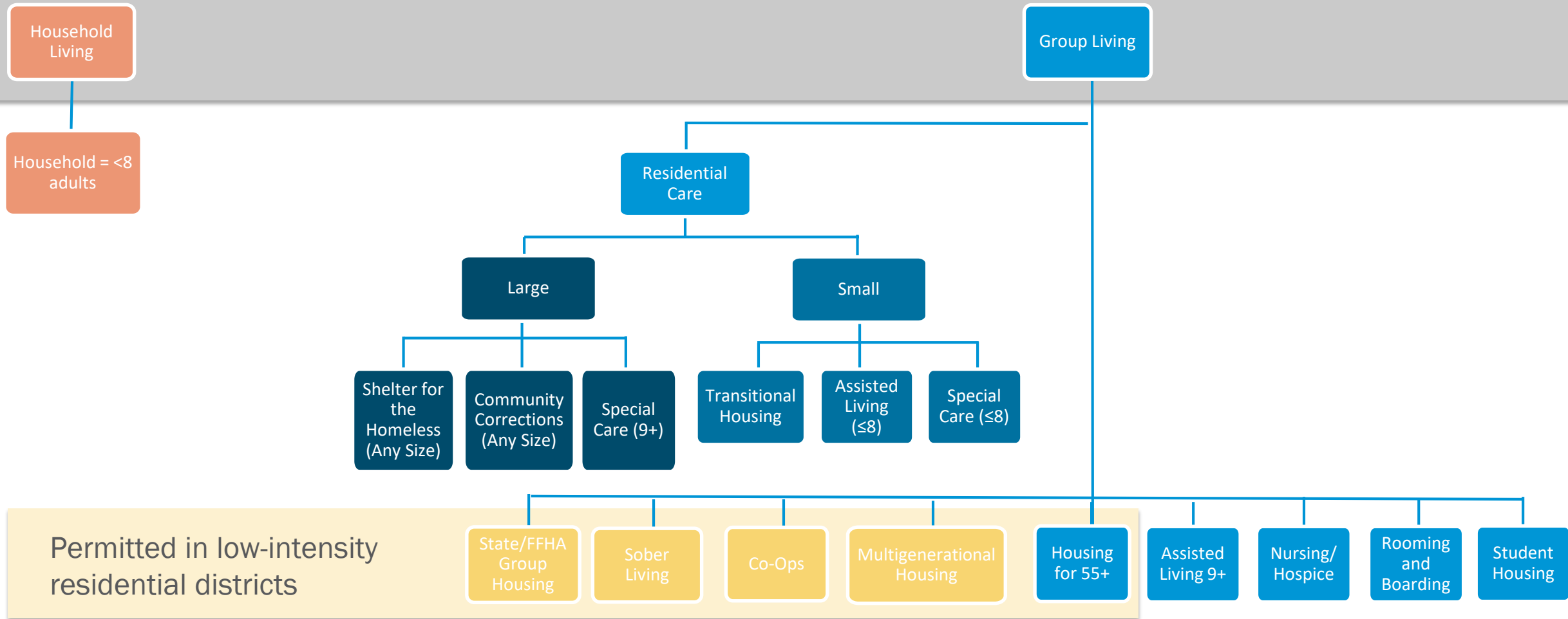
Intentional communities of unrelated people living as a functioning household.

Multigenerational
Housing

Housing where two or more adult generations of unrelated people live together

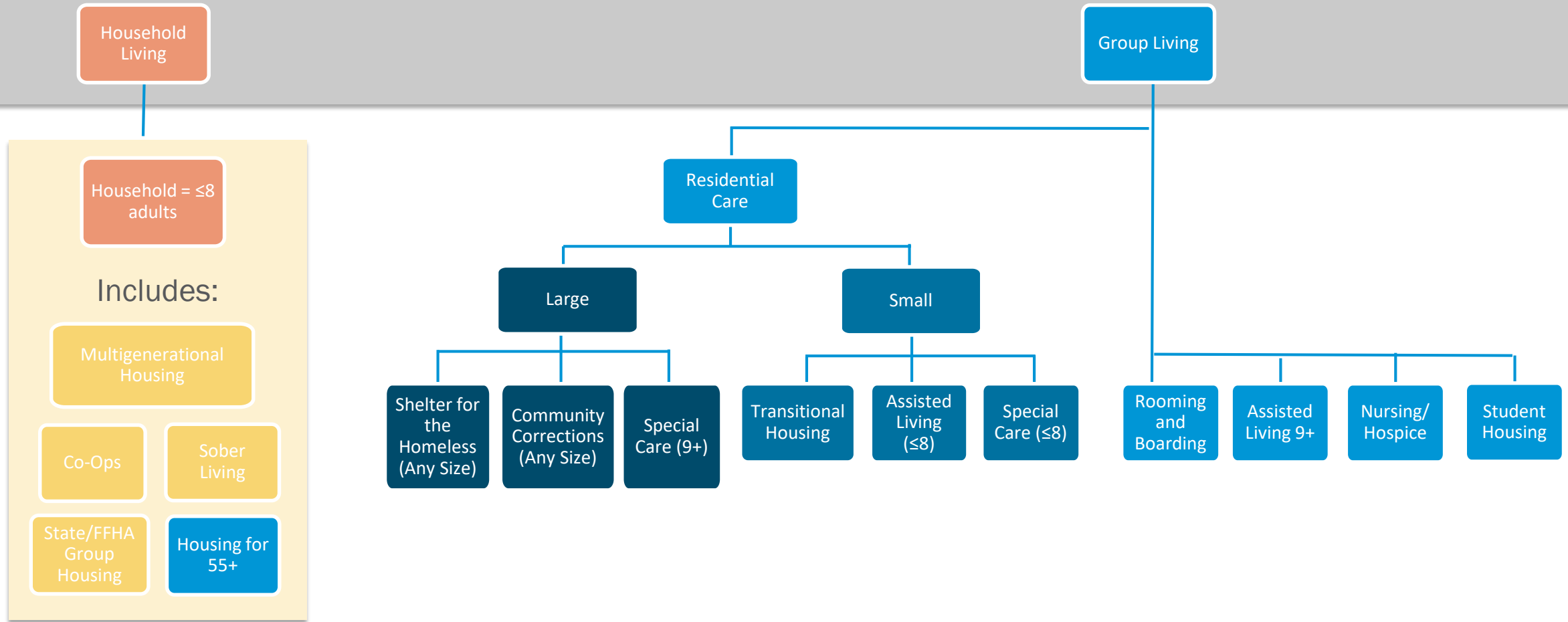
Conceptual new use breakdown

With fewer than 8 unrelated adults as Household



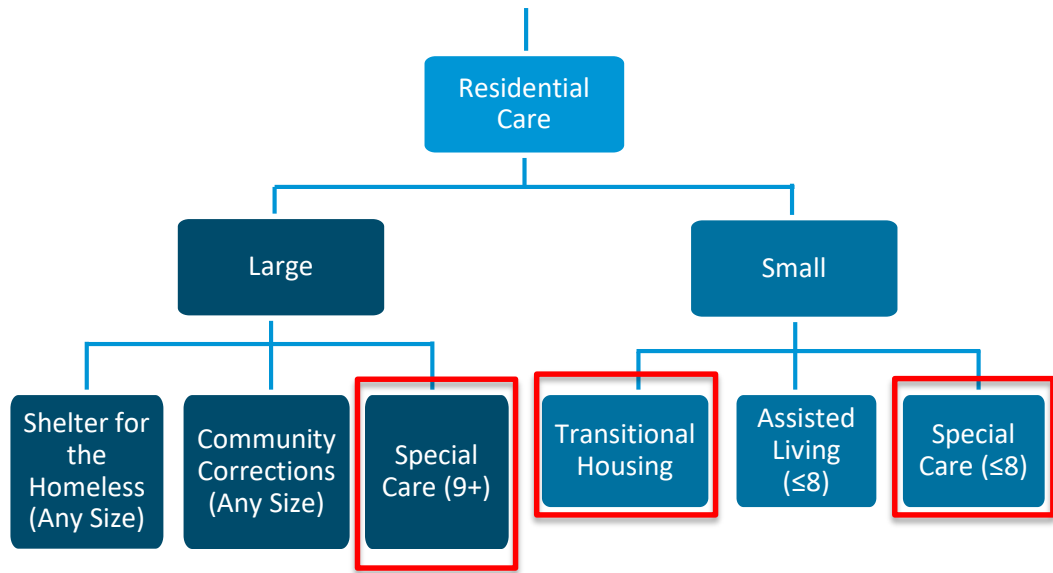
Conceptual new use breakdown

With at least 8 unrelated adults as Household



Residential Care

Current Residential Care uses (highlighted in red)

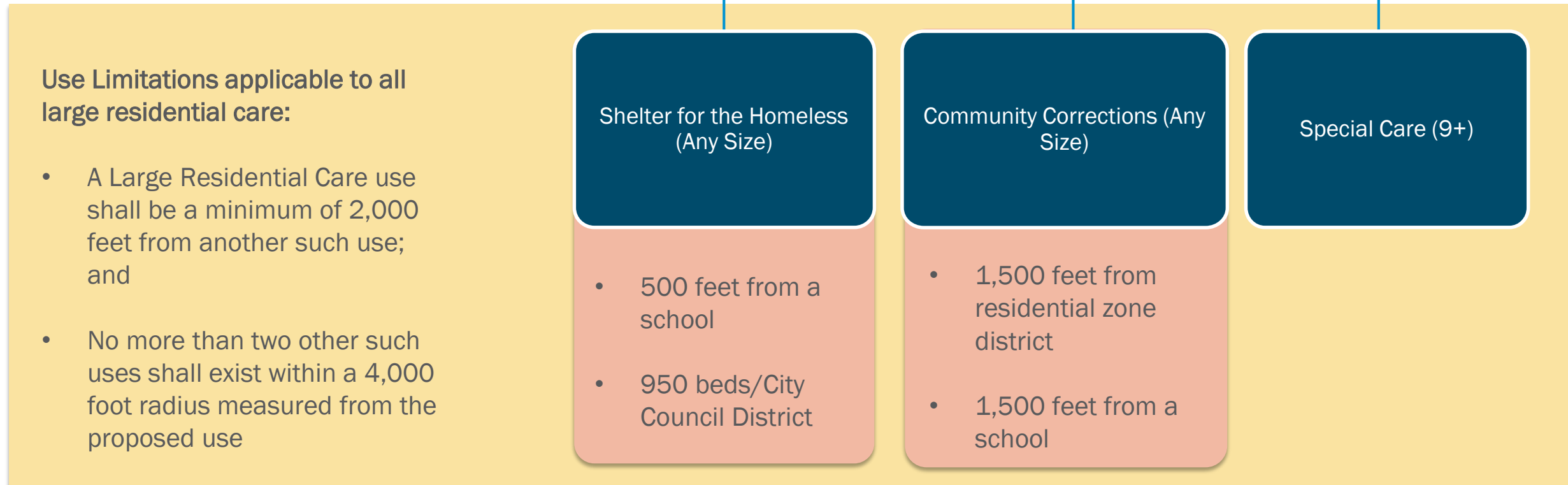


Current Definitions:

Transitional housing: A residential structure housing a number of unrelated persons in excess of the number of unrelated persons permitted per dwelling unit in the zone district, where such persons are provided with individual bedrooms, where the primary service offered at the facility is related to transitioning into permanent housing and all services provided are not sufficient to constitute a ‘special care home’ and where occupancy of such housing is primarily made available for more than 30 days and less than 2 years. Transitional housing shall be considered a Small Residential Care use.

Special Care Home: A special care home is a residential structure housing a number of unrelated persons in excess of the number of unrelated persons permitted per dwelling unit in the zone district in which the dwelling unit is located, where such persons are living as a single housekeeping unit and are receiving more than 12 hours per day of on-premises treatment, supervision, custodial care or special care due to physical condition or illness, mental condition or illness, or behavioral or disciplinary problems. A special care home, depending on its size, shall be considered a large or Small Residential Care use.

Zoning Regulations: Use-specific and overlapping use limitations in Zoning Code



Current residential uses ranked by permissiveness of zoning

Residential Use	Permitted Zone Districts	Other Use Limitations
Household Living	Allowed in nearly all zone districts	none
Housing for 55+	Allowed in nearly all zone districts	none
Assisted Living	Allowed in nearly all zone districts	Spacing/Density in low-intensity zone districts
Transitional Housing	Allowed in nearly all zone districts	None (“institutionalization” language, no specific requirements)
Special Care Home, Small	Allowed in nearly all zone districts	None (“institutionalization” language, no specific requirements)
Nursing Home/Hospice	Allowed in limited zone districts (not low-intensity residential)	none
Student Housing	Allowed in limited zone districts (not low-intensity residential)	none
Rooming and Boarding House	Allowed in limited zone districts (not low-intensity residential)	none
Special Care Home, Large	Allowed in nearly all zone districts	Spacing/Density
Shelter for the Homeless	Allowed in nearly all zone districts	Spacing/Density/Buffering/Bed Limits by City Council District
Community Corrections	Allowed in very few zone districts	Spacing/Density/Buffering

Proposed residential uses ranked by permissiveness of zoning

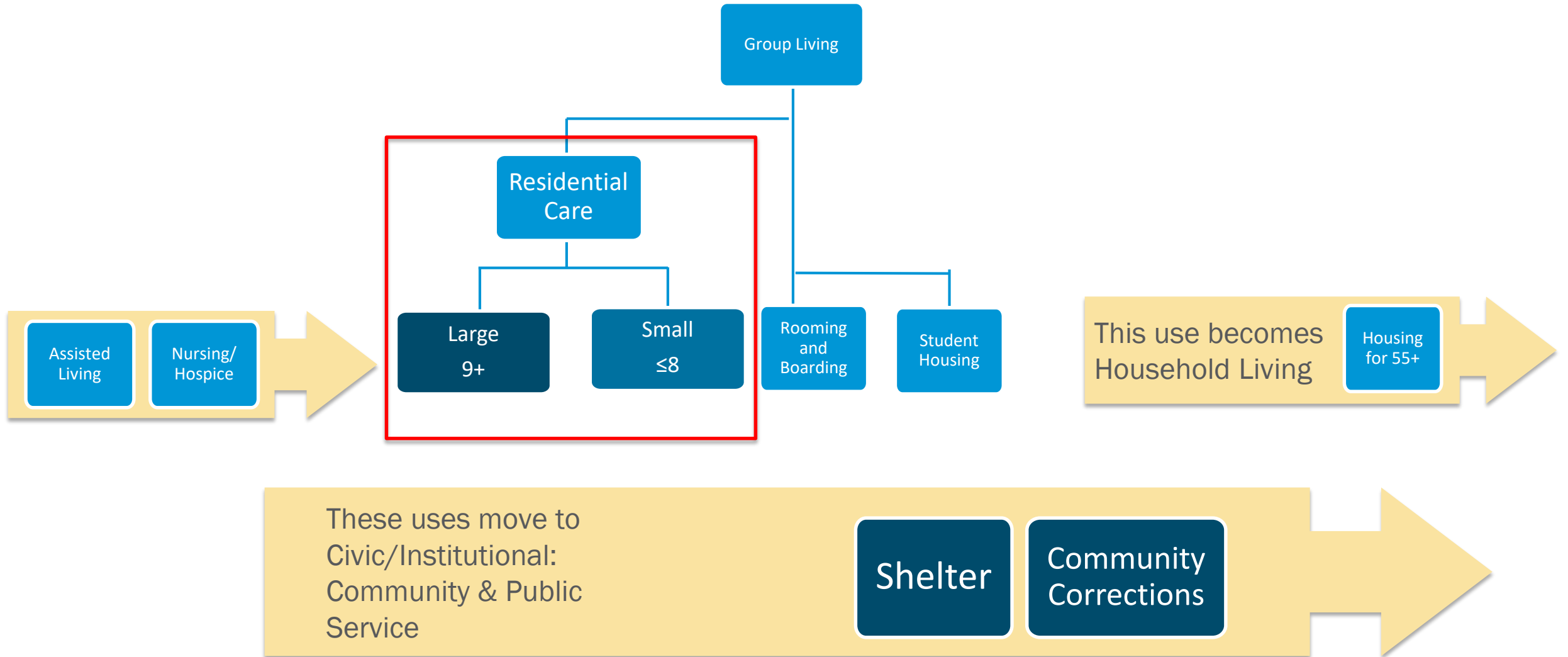
Residential Use	Permitted Zone Districts	Other Use Limitations
Household Living ¹	Allowed in nearly all zone districts	none
Small Residential Care ≤8; includes: <ul style="list-style-type: none"> Assisted Living Transitional Housing Special Care Nursing Home/Hospice 	Allowed in nearly all zone districts	Spacing/Density in low-intensity zone districts
Shelter, Small	Allowed in nearly all zone districts	Spacing/Density
Shelter, Medium	Allowed in nearly all zone districts	Spacing/Density
Student Housing and Rooming and Boarding	Allowed in limited zone districts (not low-intensity residential)	none
Large Residential Care 9+ <ul style="list-style-type: none"> Assisted Living Transitional Housing Special Care Nursing Home/Hospice 	Allowed in higher intensity zone districts	Spacing/Density
Shelter, Large	Allowed in nearly all zone districts	Spacing/Density
Community Corrections	Allowed in limited zone districts ² (not low-intensity residential)	Spacing/Density/Buffering ²

- Consolidates housing for 55+ into Household Living (along with unaddressed uses like multigenerational living, co-op, etc.)
- Consolidates Assisted Living, Nursing Home/Hospice, Transitional Housing and Special Care into single Residential Care use
- May introduce spacing/density requirement for Small Residential Care (in low-intensity residential districts)
- To enable provision of a spectrum of housing options/services in one facility, spacing/Density would not impact multiple use types on one site.

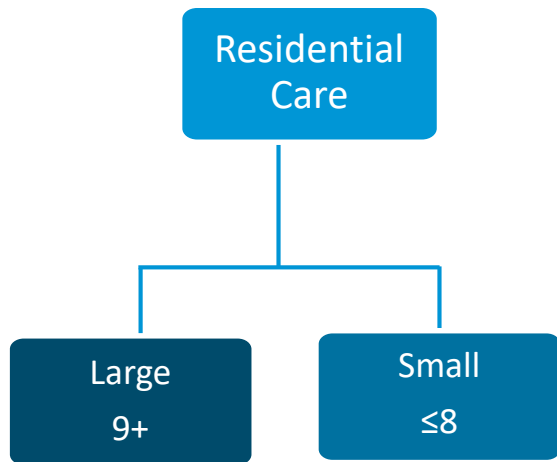
Notes:

1. Non-care/unsupervised group home use may be needed to accommodate FFHA uses, coops, multigenerational housing, sober living depending on outcome of Household definition discussion.
2. One approach under consideration is to regulate Community Corrections similar to Large Residential Care Uses.

Conceptual updates to Residential Care uses



Proposed consolidation of Residential Care category



- Supervised home for unrelated people
- On-site care may be provided
- Includes residential treatment, transitional housing and conventional group homes for people with mental or physical disabilities.
- Tenancy is at least 30 days and may be permanent
- Includes current Assisted Living, Nursing/Hospice, Transitional Housing and Special Care uses
- Decisions on Household size will determine whether Small Group Home needs to include multigenerational housing, sober living, etc.