



# Occupancy

Boulder City Council  
September 15, 2020



## Motion

Motion to request that the city manager until at least May 31, 2021, allow households to exceed the city's occupancy limitations as set forth in section 9-8-5 of the Boulder Revised Code to allow dwelling units to safely house people during the COVID-19 pandemic. Nothing in this request shall be deemed to create a non-conforming occupancy under subsection 9-8-5(c)(1), or to affect enforcement of section 10-3-20 or any other provision of the Boulder Revised Code.



# Occupancy Enforcement

## Title 10 – Proactive

- Licensing
- Regulation of Advertising
- Documenting Maximum Allowed Occupancy.

## Title 9 – Reactive

- Complaint Based
- Can Result in Evictions

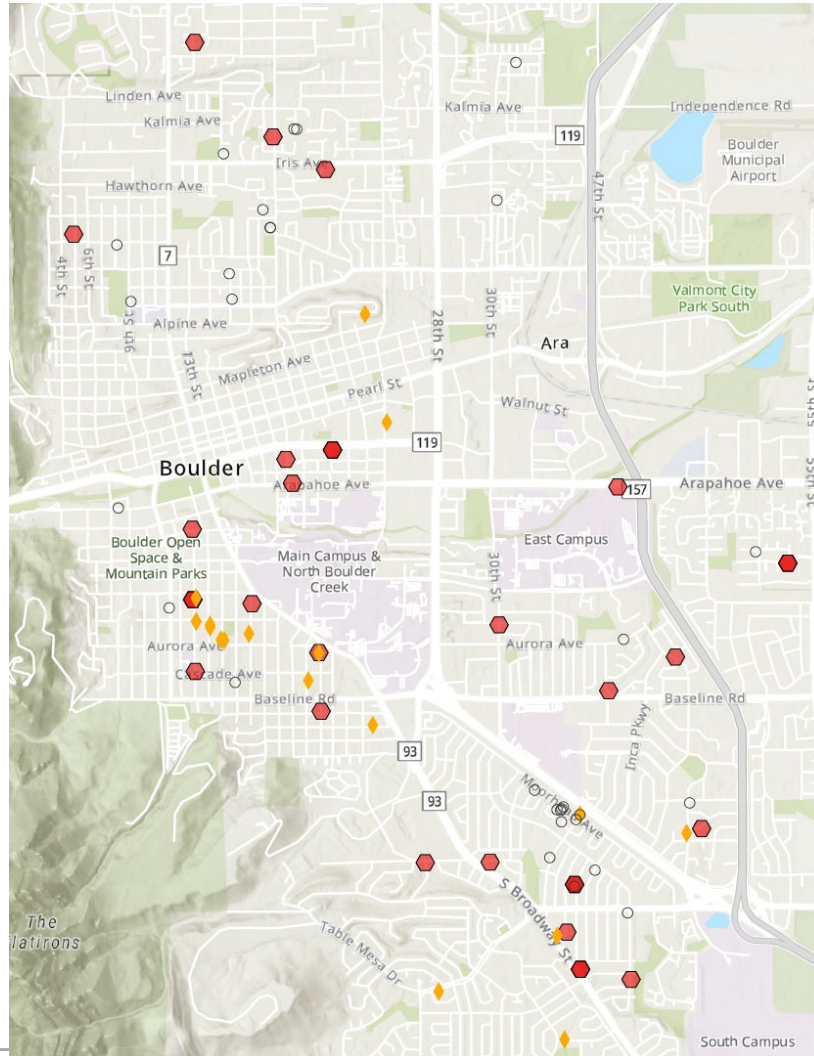
# Data



Year	Title 9 Complaints	No Violation	Violations	Title 10 Cases
2017	57	33	24	940
2018	26	14	12	501
2019	36	12	24	761
2020 (YTD)	21	6	15	183

Case Status

- ◆ Potential Occupancy Violation / Under Investigation - 19
- ◻ No Violation Found / Investigation Complete - 31
- ◼ Occupancy Violation - 30



March 19, 2018 to  
September 14, 2020

# Violations



Confirmed Violations Between March 19, 2018 and September 14, 2020	Number of Cases
Married Couples or Domestic Partners	2
Related adults e.g. siblings or cousins	2
Families with Children	0
Unrelated adults	26
Total	30



# Occupancy Limits

## Section 9-8-5

- (1) Members of a family plus up to two additional persons. Quarters that roomers use shall not exceed one-third of the total floor area of the dwelling unit and shall not be a separate dwelling unit;
- (2) Up to three persons in P, A, RR, RE, and RL zones;
- (3) Up to four persons in MU, RM, RMX, RH, BT, BC, BMS, BR, DT, IS, IG, IM, and IMS zones; or
- (4) Two persons and any of their children by blood, marriage, guardianship, including foster children, or adoption.

# Definition of Family



[T]he heads of household plus the following persons who are related to the heads of the household: parents and children, grandparents and grandchildren, brothers and sisters, aunts and uncles, nephews and nieces, first cousins, the children of first cousins, great-grandchildren, great-grandparents, great-great-grandchildren, great-great-grandparents, grandnieces, grandnephews, great-aunts and great-uncles. These relationships may be of the whole or half blood, by adoption, guardianship, including foster children, or through a marriage or a domestic partnership meeting the requirements of Chapter 12-4, "Domestic Partners," B.R.C. 1981, to a person with such a relationship with the heads of household.



# Domestic Partnership



- Available to any two individuals
- Registration is offered but not required.

# Non-conforming Occupancy



- 1,253 properties identified in the city's rental licensing database as potentially having legal non-conforming occupancies.
  - 5,307 dwelling units and 1,017 rooming units.
  - Of these, 1,066, or 85%, were properties listed as having a non-conforming occupancy based upon a prior down-zoning.
  - The other 187 properties, or 15%, had non-conforming occupancies for other reasons. This is likely because they had rooming units.
  - Those 187 properties made up 335 rooming units and 222 dwelling units.

# Co-Ops

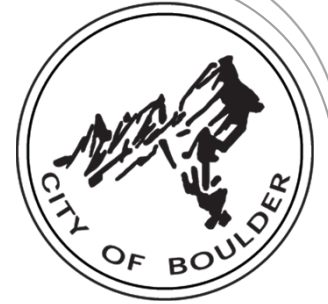


- Maximum Occupancy 12 in Low Density and 15 in other Zone Districts with at least 200 square feet per person.
- Must have legal sleeping areas for all proposed residents.
- Limited to 10 licenses per year.
- Must be certified by an outside expert organization.

# Accessory Dwelling Units



- 2018 – Council expanded the availability of ADUs
- 352 Permits issued since January 1, 1970
- 73 (21%) Issued since January 1, 2019
- 26 (36%) of the 73 are affordable ADUs



# Council Questions?