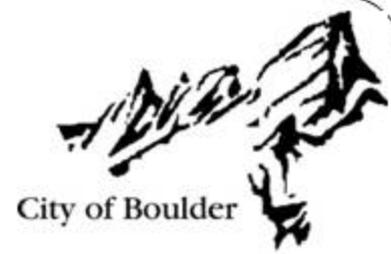


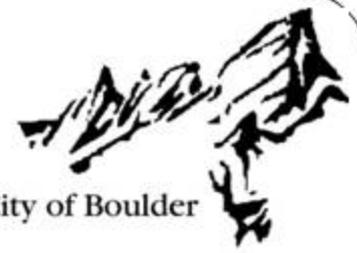
Exploring Ways to More Effectively Enforce the City's Current Occupancy Code

May 28, 2015

Our Mission Tonight



Develop a policy-based,
transparent and effective means
of regulating occupancy in the
City of Boulder.



City of Boulder

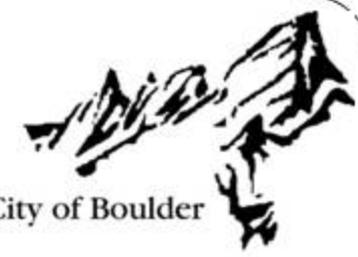




City of Boulder



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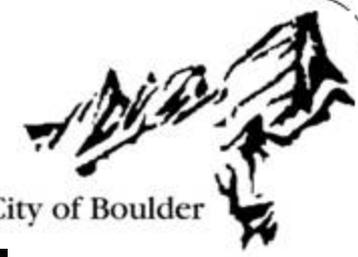


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THE ~~WORD~~

- **Market Forces**



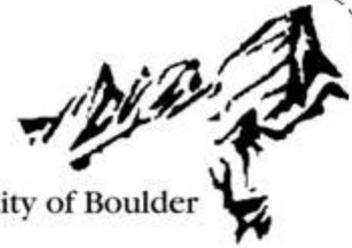


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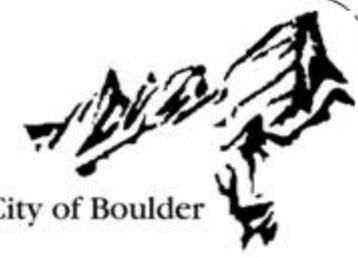


What is Wrong with Our Enforcement Mechanism?

City of Boulder



- A complex and confusing system of occupancy rules
- Difficulty in establishing what is the legal occupancy
- High standards of proof
- A strong affirmative defense



**Complaint
Filed**



**Is the
occupancy
legal?**

Yes

No



**Can we
prove over-
occupancy?**

No

Yes



**Affirmative
defense?**

Yes

No

**Criminal
Case Filed**

**Case
Closed**

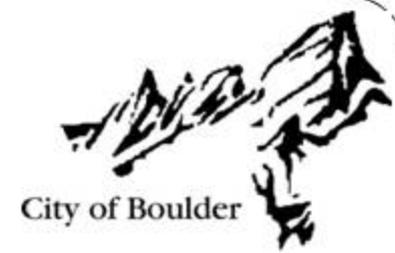
January 1, 2011 to September 12, 2014

City of Boulder



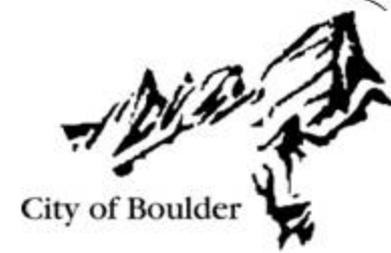
Cases Opened	No Violation	Violation	Criminal cases
133	83	44	16

Known Non-Conforming Occupancy



- There are approximately 20,000 rental licenses in the city.
- There are approximately 1,200 properties identified as potentially have a legal non-conforming occupancy.
- This represents about 6% of the rental licenses.

Some Options for Council



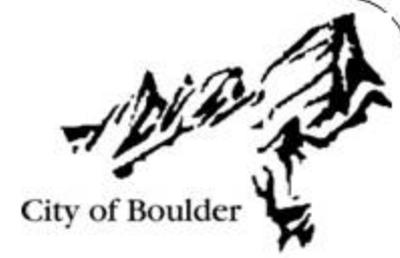
1. Require posting of legal occupancy at all rental locations.
2. Require notation of legal occupancy on all rental licenses.
3. Encourage the use of administrative remedies for over-occupancy violations.
4. Prohibit advertisement for either sales or rental of occupancy in excess of the occupancy set forth in the rental licensing database.

More Options

City of Boulder



5. Require proof of any nonconforming occupancy to be made at time of rental license application or renewal. In the absence of proof, occupancy would be set at the base occupancy for the zone district.
6. Eliminate the non-conforming occupancy provision in § 9-8-5(c), B.C.R. 1981 (“Occupancy of Dwelling Units”).
7. In the alternative, add a condition to section 9-8-5(c) restricting application to units that were legally occupied and licensed for rental during the entire period of nonconforming occupancy



Questions?