



STUDY SESSION MEMORANDUM

TO: Mayor and Members of City Council

FROM: Nuria Rivera-Vandermyde, City Manager
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DATE: March 9, 2023

SUBJECT: Modifications to the City's Occupancy Regulations - Update and Discussion

EXECUTIVE SUMMARY

The purpose of this item to update the City Council on the project to review Boulder's occupancy regulations. The memo includes information on the practices on occupancy from other communities. Staff requests feedback on potential options before moving forward with a preferred option or narrowed set of options. At its retreat in 2022 and discussed at a [study session in November 2022](#), City Council identified updating the occupancy reform as one of their top work program priorities for 2022-2023. The council direction was to *“perform a comparative analysis from other communities, develop a model occupancy approach, and solicit community input for ordinance revisions.”* City Council comments from the November study session can be found [here](#).

In response, staff has prepared a project charter in **Attachment A** that outlines the proposed purpose, goals and objectives, scope and timeline of the project and has included research on how other communities regulate occupancy for context. This memorandum summarizes the history of occupancy in Boulder, how Boulder currently regulates occupancy, and the findings of the comparative community research. A history of occupancy regulations in Boulder is found in **Attachment B** and a summary document that lists the numeric occupancy limits per community can be found in **Attachment C**. A more detailed document outlining the different community approaches is found in **Attachment D**.

Based on the research of other communities, staff has developed 7 potential options for council to consider as outlined in the 'Analysis' section of this memorandum. Staff is

seeking input on a preferred option or narrowed set of options for further analysis, outreach and ordinance development. Public comments on the topic of occupancy received in recent months can be found in **Attachment E**. Staff plans to complete the project in the third quarter of 2023 (tentatively set for August 2023). A relatively simple change to the code could be processed on a more expedient timeline.

QUESTIONS FOR COUNCIL

Staff is seeking input from City Council on the scope and direction of the project before drafting an ordinance for consideration in August 2023 (or earlier depending on complexity). The following questions are provided to guide the council discussion:

1. Does City Council agree with the proposed project purpose, goals and objectives, scope, and timeline of the project as set forth in Attachment A?
2. Does City Council have any comments or questions related to the sample communities research and potential options?
3. Which potential options should be analyzed further and be the focus of any further outreach and ordinance development?

BACKGROUND

Introduction

Communities often have occupancy regulations in their local building and fire codes for the purposes of life and safety to avoid dangerous conditions that could occur from too many people occupying a space. Some communities, like Boulder, have opted to have additional occupancy limits in their land use/zoning codes that are more restrictive than the building or fire code limits to avoid other impacts, such as parking and/or noise, that could occur from having a concentration of people in spaces. Such additional requirements are common in the country especially in communities that have universities.

History of occupancy in Boulder

Boulder historically regulated occupancy by how the term "family" has been defined and the number of unrelated persons that may occupy a home. Unrelated persons has been as high as 5 in the 1960s to the present rules of 3 unrelated persons in lower density zoning districts and 4 unrelated persons in medium and high density zoning districts. Boulder also has special occupancy rules for group housing arrangements and for non-conforming occupancies. For a more detail review of the history of these regulations, see **Attachment B**.

Recent local developments in occupancy

As housing costs have continued to rise in Boulder, the community discussion on occupancy limits and enforcement has become more prevalent in recent years. The city's definition of "family" and the current limits of unrelated persons per household have been raised as discussion topics. Some community members have advocated for reform

to the city's occupancy regulations, including by a local group called Bedrooms Are For People, which twice submitted petitions for referenda on the issue, with the 2021 submission successfully getting a vote on the ballot.

Bedrooms Are For People's 2021 referendum question entailed changing the city's zoning occupancy regulations to be "*one person per bedroom plus one*" as well as changing the definition of "bedroom" in the Land Use Code. The vote to change the regulations did not pass on a 48% *yes* vs. 52% *no* vote. Despite the vote not passing, a community survey, the [2021 statistically significant City of Boulder Issues Survey by Drake Research and Strategy, Inc.](#) indicated support for revising the city's occupancy regulations.

At the 2022 City Council retreat, City Council requested that staff add a work program item to look at other solutions related to occupancy to address the community need for more affordable housing options. The City Council directive to staff was to "***perform a comparative analysis from other communities, develop a model occupancy approach, and solicit community input for ordinance revisions.***"

City Council discussed occupancy reform at a study session on [Nov.10, 2022](#) and most Council members found Occupancy Reform to be one of the highest priorities of 2023. Council generally agreed with the staff recommendation that the project stay on the current schedule (completion by late summer 2023), but requested that P&DS staff expedite the project for an earlier completion than Q2 or Q3 if at all possible. Council members supported options that were simple so that such changes could be implemented quickly with the goal of opening up more housing options given the housing needs of the community.

Most City Council members supported an engagement level of "consult" if such changes were simple, using prior engagement on the topic, and utilizing public input opportunities at existing board and council meetings to provide input on any ordinance. However, some council members expressed concern about the outreach approach given that the 2021 referendum failed, and the topic of occupancy causes many in the community stress and feelings of not being heard. Council, therefore, supported reaching out to interest groups to get their feedback on occupancy moving forward. A more detailed summary of the City Council comments can be found [here](#).

PROJECT SCOPE

Staff has developed a draft project charter for this scope of work which is available in **Attachment A**. The project charter outlines the purpose, goals and objectives, scope, and timeline for the project as well as the proposed public engagement. [Boulder Valley Comprehensive Plan \(BVCP\)](#) key focus areas on housing initiatives and relevant policies are also included in the charter. A summary of the problem statement, purpose, goals and objectives and proposed timeline are below:

Problem Statement

Boulder housing is increasingly more costly to rent or own making it ever more challenging for some to afford to live or stay in Boulder. Occupancy limitations and other zoning regulations may make such challenges more pronounced.

Project Purpose Statement

Perform a comparative analysis from other communities, develop a model occupancy approach, and solicit community input for ordinance revisions.

Goals and Objectives

- Review city occupancy standards of other peer communities.
- Based on best practices from other communities, prepare options for changes appropriate to Boulder.
- Consider simple land use code amendments that provide greater housing opportunities in the community while preserving neighborhood character in established neighborhoods and vet changes with the community.

Timeline

Completion of the project is targeted for August 2023 depending on the scope of the project.

ANALYSIS

This section provides background information on occupancy, discusses how Boulder currently regulates occupancy, how other communities regulate occupancy, and outlines potential options for changes to Boulder's regulations consistent with the purpose, and goals and objectives outlined above. Staff is requesting that City Council advise on any preferred option or narrowed set of options before staff continues with community engagement and ordinance development.

Why do cities regulate occupancy?

As stated above, some communities restrict occupancy through zoning regulations beyond the restrictions of building life and safety codes. Most of the communities analyzed regulate the number of unrelated adults allowed in a single dwelling unit as a method of indirectly regulating neighborhood impacts that could result from high concentrations of unrelated adults residing in a single dwelling unit. Impacts may range from on-street parking availability to noise to trash collection to the general level of activity in a neighborhood. These approaches are discussed in more detail in this section. For many cities, the stated purpose of occupancy regulations is to ensure safety, privacy, sanitation, and generally to prevent overcrowding.

How does Boulder regulate Occupancy?

[Section 9-8-5, “Occupancy of Dwelling Units,” B.R.C. 1981](#) of the Land Use Code includes occupancy requirements for dwelling units.

Family definition and number of unrelated persons per unit: Presently, Boulder regulates occupancy primarily based on the definition of a family (see definition below), plus two additional roomers, and by the number of unrelated people in a household. In the low, estate and rural residential density zoning districts, there is a limitation of 3 unrelated people. In all other zoning districts, the limitation is 4 people. Below is the city’s definition of “family”:

City definition of “family”

“Family” means the 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.

There are also exceptions to these regulations above:

Non-conforming Occupancy: The first exception is for dwelling units that have established legal non-conforming occupancies based on how properties have been historically occupied. Presently, those non-conforming occupancies are documented primarily in the city’s rental licensing files. The city also has old zoning inspection files, mainly from the 1970s and 1980s, that document non-conforming occupancies.

Cooperative Units: The other exception is for households that have a cooperative housing permit. This allows dwellings to be occupied by 12 to 15 occupants if a number of standards are met, including at least 200 sq. ft. of floor area per occupant, compliance with life safety standards and spacing requirements. The standards for cooperative housing permits can be found in [Section 10-11-3, “Cooperative Housing Licenses,” B.R.C. 1981](#).

Accessory Dwelling Units: Boulder occupancy limit for accessory dwelling units (ADUs) is generally consistent the limits specified in Section 9-8-5, B.R.C. 1981, but elaborates that there is no limit on the number of dependents that may live with ADU occupants consistent with the definition of family. This code section is as follows:

***Occupancy Requirement (ADUs):** For purposes of determining occupancy requirements under [Section 9-8-5, “Occupancy of Dwelling Units,” B.R.C. 1981](#), the principal dwelling unit and accessory unit shall be considered one dwelling unit. The occupancy of the principal dwelling unit together with the occupancy of any accessory unit shall not exceed the occupancy requirements set forth in [Section 9-8-5, “Occupancy of Dwelling Units,” B.R.C. 1981](#), for one dwelling unit; provided, however, for purposes of this section only, any occupant and his or her dependents shall be counted as one person. The floor area limitation for quarters used by roomers under Paragraph [9-8-5\(a\)\(1\)](#), B.R.C. 1981, shall not apply to an accessory unit.*

Group Residences: Lastly, there are allowances for increased occupancy for group residences including but not limited to fraternities, sororities, custodial or residential care facilities, congregate care facilities and group homes specified in [Section 9-8-6, “Occupancy Equivalencies for Group Residences,” B.R.C. 1981](#). For instance, congregate care facilities and group homes have limits between 6 to 8 occupants. This is consistent with how other communities permit such uses as discussed below.

How do other communities regulate occupancy?

Staff researched zoning occupancy regulations of 60 communities across the nation including 16 Colorado communities. A detailed document outlining each community’s occupancy limits and whether or not they have specific definitions for “family” or analogous definitions for “functional family” or “households” etc. (discussed below) is found within **Attachment D**. A summary of this document is found in **Attachment C**.

Most of the communities (called “sample” communities in this memorandum) that staff selected for analysis have a large university in the city or town (typically state universities). Many of the cities reviewed are those that have a comparable population size to Boulder or have a substantial amount of their population as university students. As staff was directed to find best practices, staff broadened the list to additional local and other well-known larger cities as well for comparative context.

Family definition: Most communities regulate occupancy using a definition of “family”. Most of the definitions of family are very similar to Boulder’s and like Boulder, there is no limit to the number of persons in a family. This is largely informed by a 1970s Supreme Court decision that made it illegal to regulate families. Staff is not proposing any changes to the city’s definition of family, but the other definitions of family from other communities can be reviewed within **Attachment D** because several of them identify their occupancy limits within their definition of family.

Occupancy limits on unrelated people per dwelling unit: Occupancy limits in zoning codes are intended to limit the number of unrelated people per dwelling unit. Some communities have uniform citywide occupancy limits per dwelling unit and many have different occupancy limits per zoning district like Boulder’s current regulations. Below are examples of several different approaches:

- Some have reduced occupancy limits in areas around their universities (e.g., Austin, TX, College Station, TX,)
- Others have increased occupancy in areas around their universities (e.g., Charlottesville, VA, Tuscaloosa, AL).
- One community (Madison, WI) has a 2 unrelated person occupancy limit in single-family zones, but allows an increased level of occupancy to 3 unrelated if the unit is owner occupied. *However, it should be noted that Madison is currently in the process of removing the owner-occupied requirement and changing the city’s limit to 5 unrelated citywide.*

Limits in the single-family zones typically range from 2 to 5 unrelated persons in the 60 sample communities (see column titled “Number of Unrelated Persons Permitted in Low Density Zones” in **Attachment C**. Table 1 below shows the percentage of each:

Table 1 – Specific occupancy limits per unit in single family dwelling (SFD) zones in sample communities

Specific occupancy limit in SFD zone (unrelated persons per single-family dwelling unit)	Number of sample communities	% of total
2	19	32%
3	14	23%
4	11	18%
5	7	12%
Different limit*	9	15%

*No limit or greater limit or limit based on floor area

Analysis of sample communities on single family dwelling zone occupancy limits:

Table 1 above shows that 32% of the sample communities have a limit of 2 unrelated persons per single-family unit, but that there is a relatively even split of communities that have three or four persons per unit (23% and 18% respectively). Only 12% allow 5 unrelated per unit in single-family zones, but 15% have either no limit, a greater limit than 5 or have a limit based on bedroom or by floor area that is typically more permissive. Factoring the 5-person limit or different limit together, the percentage is 29%. Further, 45% of the sample communities have a higher occupancy limit per single-family dwelling unit than Boulder. In the last category, it should be noted that there are at least 4 sample communities that have no occupancy limit at all. These tend to be in the west coast states of California, Oregon and Washington where state laws prohibit local occupancy laws in zoning ordinances. This is discussed further at the end of **Attachment D**.

Table 2 as follows lists the occupancy limits of either citywide restrictions or zones outside of single-family zones in the sample communities. See the column titled “Number of Unrelated Persons in Other Zones” in **Attachment C**.

Table 2 – Specific occupancy limits per unit in zones other than single-family zones or citywide (if applicable) in sample communities

Specific occupancy limit <i>(unrelated persons per dwelling unit)</i>	Number of sample communities	% of total
2	7	12%
3	8	13%
4	15	25%
5	9	15%
6	1	2%
Different limit*	20	33%

*No limit or greater limit or limit based on floor area

Analysis of sample communities on non-single family dwelling zone or citywide occupancy limits: Table 2 above shows that most of the sample communities (25%) have 4 unrelated persons as the occupancy limit either citywide or outside of single-family zoned districts similar to Boulder. An equal number (25%) are more restrictive at 2 or 3 unrelated persons per unit and 17% of the communities are less restrictive with 5 or 6 unrelated persons per unit. 33% of the sample communities are captured in the “different limit” category above, which like in Table 1, include communities that use the per bedroom or floor area limitations or in this case, communities that have increased occupancy for groups of unrelated persons living in one unit if there is cost sharing, use of a single kitchen and generally function similar to a family. These groups are typically defined as either a “functional family”, a “household” or a “single housekeeping unit”. Typically, these group living arrangements allow a greater occupancy from 5 to 8 unrelated persons. This is similar to how the city of Boulder regulates cooperative units, which are regulated per [Section 10-11-3, “Cooperative Housing Licenses”, B.R.C. 1981](#). As stated above, Boulder permits 12 to 15 unrelated persons in a coop but limits the number of coop licenses to a total of 10 per year.

Institutional uses and group living for seniors: Most communities, like Boulder, also have increased occupancy (typically 6 to 8 unrelated persons) in institutional settings like group homes or foster care facilities. Some communities have increased occupancy allowances for seniors as well (e.g., Bloomington, IN, Austin, TX, Westminster, CO). In 2014 at the request of the City Council at the time, staff brought forward an ordinance that would have modified the occupancy limitations to permit shared housing for seniors in single-family neighborhoods. The proposal was to allow 6 persons 62 years and older in the RL (Residential Low) zoning districts and up to 10 persons 62 years and older in the RR (Rural Residential) and RE (Residential Estate) zoning districts. The ordinance was ultimately not adopted due to community opposition.

What options make the most sense for Boulder?

Based on the research discussed above, staff is proposing the following potential options for City Council's consideration along with an advantages and disadvantages analysis. Staff is looking for feedback that will inform which options should be analyzed further and be the focus of any further outreach and ordinance development.

Table 3- Potential Options for consideration

Option	Description	
A	Increase the occupancy allowed in each zoning district by one (e.g., 4 unrelated in low density zones and 5 in other zones)	
	<i>Pros</i> • Simple change consistent with goals and objectives • Would avoid creation of more nonconformities • Would increase housing options • Consistent with many sample communities	<i>Cons</i> • May increase potential impacts on established single-family neighborhoods • Continues more complicated approach by having two different occupancy limits • May increase the community conflict that may result from changes in the regulations
	<i>Example Cities Researched:</i> Austin, TX College Station, TX Fayetteville, AR Manhattan, KS Cambridge, MA Burlington, VT Lexington, KY Charlottesville, VA Chapel Hill, NC Ann Arbor, MI Westminster, CO	

Option	Description	
B	Increase the occupancy allowed in all zoning districts to 4 or 5	
	<i>Pros</i> • Simple change consistent with goals and objectives • Would avoid creation of more nonconformities • Would increase housing options • Consistent with recent approaches in other local and national communities	<i>Cons</i> • May increase potential impacts on established single-family neighborhoods • May increase the community conflict that may result from changes in the regulations
	<i>Example Cities Researched:</i> Madison, WI (proposed) Denver, CO Colorado Springs, CO Longmont, CO Durango, CO Parker, CO Albuquerque, NM Orlando, FL Boise, ID	

Option	Description	
C	Only allow increased occupancy in low density areas in owner-occupied units	
	Pros • Would increase housing options • Uses similar logic to ADUs where impacts may be reduced by having an owner living on site • Owner provides onsite property management	Cons • Difficult to enforce • Would require more staff monitoring and legal documentation <i>(Madison is in the process of revoking this due to enforcement complications)</i>
	<i>Example Cities Researched: Madison, WI (may be revoked; see above)</i>	

Option	Description	
D	Only increase occupancy outside of low-density neighborhoods (e.g., 5 unrelated)	
	Pros • Simple change consistent with goals and objectives • Would avoid creation of more nonconformities • Would increase housing options	Cons • Would increase housing options, but may not increase housing options where most needed • May necessitate longer VMT or travel distances for students to the university
	<i>Example Cities Researched: NA</i>	

Option	Description	
E	Only have occupancy limits for single-family units, not multi-family units	
	Pros • Simple change consistent with goals and objectives • Would avoid creation of more nonconformities • Would increase housing options	Cons • Occupancy limits may be uneven in areas where housing types are mixed • Single-family neighborhoods that also have attached units may see increase in impacts • May increase the community conflict that may result from changes in the regulations
	<i>Example Cities Researched: Chapel Hill, NC</i>	

Option	Description	
F	Option A or B with overlay map created to not change occupancy in neighborhoods that are adjacent to the university (e.g., University Hill, Goss Grove, Martin Acres, East Aurora etc.)	
	<i>Pros</i> • Recognizes that some neighborhoods adjacent to the university are disproportionately impacted by increased non-conforming occupancies • Would not increase impacts in most sensitive areas • Consistent with some communities that have had similar impacts by universities	<i>Cons</i> • Requires some sort of mapping and designation of areas that would not see change in occupancy regulations • A more complicated solution • Would increase housing options, but may not increase housing options where most needed • May necessitate longer VMT or travel distances for students to the university
	<i>Example Cities Researched:</i> Austin, TX College Station, TX	

Option	Description	
G	No change to occupancy limits	
	<i>Pros</i> • Would not increase potential impacts • Avoids the community conflict that may result from changes in the regulations	<i>Cons</i> • Would not meet the goals and objectives of the project to increase housing options • Would not be responsive to residents in need of housing • Maintains situations where there may be a high number of nonconforming occupancies
	<i>Example Cities Researched:</i> NA	

PUBLIC AND STAKEHOLDER ENGAGEMENT

Community Engagement

With occupancy being raised at the City Council level in previous years and considering the Bedrooms Are For People initiative in the 2021 referendum, the community conversation on occupancy has been ongoing for several years. Some community surveys have indicated support of occupancy reform despite the ballot measure not passing. Staff has received correspondence in recent months both for and against changes to occupancy limitations. These comments can be found in **Attachment E**.

As this phase of the project has progressed, staff has continued community engagement on the project by including updates in the Planning and Development Services newsletter, updating the project website and reaching out to interested neighborhood representatives and housing advocacy groups with an outreach event on Feb. 22nd where occupancy, along with other housing and inclusionary housing code change projects were discussed. A summary of the feedback from the event will be shared with council as part of the March 9th presentation. Staff has also had conversations with people on the topic of occupancy.

Viewpoints in favor of changing occupancy limits include the following points:

- Increasing occupancy allowances will increase housing opportunities for those struggling to find housing or those struggling to stay in Boulder
- Such changes are consistent with Boulder's housing and racial equity goals
- Impacts from increased occupancy isn't necessarily any more than that of a large family living in a residence
- Any impacts should be addressed directly by enforcement and not indirectly through occupancy restrictions
- Students often need to live together in violation of occupancy rules because the cost of housing is too high
- More flexibility in occupancy limits will equate to reduced violations or decreased enforcement cases related to occupancy
- More housing supply options will address the increasing costs of housing due to lower supply

Viewpoints opposed to or cautious about changing the occupancy limits include the following points:

- Increasing housing supply alone will not make a difference or move the needle on affordable housing as it will not result in more affordable housing options or a reduction in housing costs. As the demand to live in Boulder is so high, adding housing will only result in increased quantity of expensive housing

- If Boulder wants more affordable housing, it should significantly increase in lieu fees, commercial linkage fees and/or control rental prices to obtain more deed restricted affordable housing
- Single-family owners who bought their homes with certain expectations will be disproportionately impacted if occupancy is increased
- Not every neighborhood should be treated the same. Many university-adjacent neighborhoods are more impacted by over-occupancy and impacts from student housing etc. Perhaps neighborhoods should vote on whether to allow changes in their own neighborhoods rather than decisions being made at the City Council level
- Increasing occupancy limits will increase the burden on neighbors to monitor for noise, trash or parking impacts and increase conflict between residents
- Increase occupancy will just make more money for landlords and property management companies

Once City Council provides input on a specific option or options to analyze further, staff intends to continue outreach efforts including meeting with the Community Connectors-in-Residence for feedback on the proposed changes. The Community Connectors-in-Residence support the voices and build power of underrepresented communities by reducing barriers to community engagement, advancing racial equity, and surfacing the ideas, concerns, and dreams of community members.

Once a draft ordinance is created, staff is looking at holding open houses and/or office hour meetings to solicit community feedback on the changes.

Board Feedback to Date

Housing Advisory Board

Once City Council provides input on a specific option or options to analyze further, staff intends to present the information to the Housing Advisory Board and obtain feedback.

Planning Board

Once City Council provides input on a specific option or options to analyze further, staff intends to present the information to the Planning Board and obtain feedback. Planning Board will be required to make a recommendation on any ordinance related to occupancy reform prior to City Council review and decision on an ordinance.

NEXT STEPS

As noted above, staff plans to continue community outreach and attend meetings of Planning Board and Housing Advisory Board in the coming weeks to obtain feedback on a preferred option or narrowed set of options. As more feedback is obtained and as needed for additional direction, staff is tentatively looking at returning to City Council in June of this year to receive direction under matters. Tentatively, a draft ordinance is scheduled to be brought forward to Planning Board in July and City Council in August. As stated above, a simple change to the code could be done within a quicker timeframe. The goal is to complete this project in the beginning of the third quarter of 2023.

ATTACHMENTS

Attachment A: Project Charter

Attachment B: History of occupancy regulations in Boulder

Attachment C: Summary of Occupancy Limits in Sample Communities in Attachment D

Attachment D: Sample Communities on Occupancy

Attachment E: Public Comments

Occupancy Reform

Land Use Code Amendment
Project Charter – *Working Draft*

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Project Purpose & Goals

Background

Communities often have occupancy regulations in their local building and fire codes for the purposes of life and safety to avoid dangerous conditions that could occur from too many people occupying a space. Some communities, like Boulder, have opted to have additional occupancy limits in their land use/zoning codes that are more restrictive than the building or fire code limits to avoid other impacts, such as parking and/or noise, that could occur from having a concentration of people in spaces.

As housing costs have continued to rise in Boulder, the community discussion on occupancy limits and enforcement has become more prevalent in recent years. The city's definition of "family" and the current limits of unrelated persons per household have been raised as discussion topics. Some community members have advocated for reform to the city's occupancy regulations, including by a local group called Bedrooms Are For People, which twice submitted petitions for referenda on the issue, with the 2021 submission successfully getting a vote on the ballot.

Bedrooms Are For People's 2021 referendum question entailed changing the city's zoning occupancy regulations to be "*one person per bedroom plus one*" as well as changing the definition of "bedroom" in the Land Use Code. The vote to change the regulations did not pass on a 48% yes vs. 52% no vote. Despite the vote not passing, community surveys indicated that roughly 70% of the respondents were interested in reforming the city's occupancy regulations. At the 2022 City Council retreat, City Council requested that staff add a work program item to look at other solutions related to occupancy to address the community need for more affordable housing options.

Problem Statement

Boulder housing is increasingly more costly to rent or own making it ever more challenging for some to afford to live or stay in Boulder. Occupancy limitations and other zoning regulations may make such challenges more pronounced.

Project Purpose Statement

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Goals and Objectives

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- Based on best practices from other communities, prepare options for changes appropriate to Boulder.
- Consider simple land use code amendments that provide greater housing opportunities in the community while preserving neighborhood character in established neighborhoods and vet changes with the community.

BVCP Guidance and Policies

The following "Core Values" expressed in the BVCP relate to occupancy and housing choice:

"A welcoming, inclusive and diverse community"

"A diversity of housing types and price ranges"

Further, the following "Focus Areas" also relate to occupancy and housing choice:

Housing Affordability & Diversity

Boulder's increasing housing affordability challenge, particularly for middle income households as well as for low and moderate incomes, made housing a major focus of this update (i.e., 2015). Additionally, the plan's guidance about housing and neighborhoods defines the kind of community Boulder is and will become. The plan includes several land use related policies to support additional housing and new types of housing (e.g., townhomes, live-work) in certain locations such as the Boulder Valley Regional Center and light industrial areas. The Housing section also contains new policies addressing affordability. A new enhanced community benefit policy is also located in Section 1.

Growth—Balance of Future Jobs & Housing

For several decades, the plan has recognized Boulder’s role as a regional job center and includes policies regarding jobs and housing balance. Boulder’s potential for non-residential growth continues to outweigh housing and could lead to higher rates of in-commuting. Therefore, land use related policy changes in this plan aim to reduce future imbalances by recommending additional housing in commercial and industrial areas (and corresponding regulatory changes) and reductions of non-residential land use potential in the Boulder Valley Regional Center. The plan further emphasizes the importance of working toward regional solutions for transportation and housing through its policies for a Renewed Vision for Transit, regional travel coordination and transit facilities, and regional housing cooperation.

The “Housing” section of the BVCP outlines the challenges related to housing in Boulder:

The high cost of local housing results in many households paying a disproportionate amount of their income for housing or finding it necessary to move farther from their work to find affordable housing (often out of Boulder County). Households that find housing costs burdensome, or by the combined costs of housing and transportation have less money available for other necessities, may find it difficult to actively participate in the community. This leads to a more transient and less stable workforce, a less culturally and socioeconomically diverse community, additional demands on supportive human services, and to an exclusion of key community members from civic affairs.

Housing trends facing the community include:

- Continued escalation of housing costs that disproportionately impact low and moderate income households;
- The “shed rate,” the rate at which homes are lost from the affordable range, outpacing the current replacement rate;
- An aging population;
- Loss of middle-income households in the community;
- Diminishing diversity of housing types and price ranges;
- The University of Colorado’s anticipated continued student growth;
- The growing difficulty of providing affordable housing attractive to families with children in a land-constrained community; and
- The need to evaluate regulations that creatively accommodate an expanding variety of household types, including multi-generational households.
- Therefore, the policies in this section support the following city and county goals related to housing:
 - Support Community Housing Needs;
 - Preserve & Enhance Housing Choices; and
 - Integrate Growth & Community Housing Goals

The following BVCP policies have been identified for their relevancy to occupancy and housing choice:

1.11 Jobs: Housing Balance

Boulder is a major employment center, with more jobs than housing for people who work here. This has resulted in both positive and negative impacts, including economic prosperity, significant in-commuting and high demand on existing housing. The city will continue to be a major employment center and will seek opportunities to improve the balance of jobs and housing while maintaining a healthy economy.

This will be accomplished by encouraging new housing and mixed-use neighborhoods in areas close to where people work, encouraging transit-oriented development in appropriate locations, preserving service commercial uses, converting commercial and industrial uses to residential uses in appropriate locations, improving regional transportation alternatives and mitigating the impacts of traffic congestion.

2.10 Preservation & Support for Residential Neighborhoods

The city will work with neighborhoods to protect and enhance neighborhood character and livability and preserve the relative affordability of existing housing stock. The city will also work with neighborhoods to identify areas for additional housing, libraries, recreation centers, parks, open space or small retail uses that could be integrated into and supportive of neighborhoods. The city will seek appropriate building scale and compatible character in new development or redevelopment, appropriately sized and sensitively designed streets and desired public facilities and mixed commercial uses. The city will also encourage neighborhood schools and safe routes to school.

7.01 Local Solutions to Affordable Housing

The city and county will employ local regulations, policies and programs to meet the housing needs of low, moderate and middle-income households. Appropriate federal, state and local programs and resources will be used locally and in collaboration with other jurisdictions. The city and county recognize that affordable housing provides a significant community benefit and will continually monitor and evaluate policies, processes, programs and regulations to further the region's affordable housing goals. The city and county will work to integrate effective community engagement with funding and development requirements and other processes to achieve effective local solutions.

7.06 Mixture of Housing Types

The city and county, through their land use regulations and housing policies, will encourage the private sector to provide and maintain a mixture of housing types with varied prices, sizes and densities to meet the housing needs of the low-, moderate- and middle-income households of the Boulder Valley population. The city will encourage property owners to provide a mix of housing types, as appropriate. This may include support for ADUs/OAUs, alley houses, cottage courts and building multiple small units rather than one large house on a lot.

7.08 Preserve Existing Housing Stock

The city and county, recognizing the value of their existing housing stock, will encourage its preservation and rehabilitation through land use policies and regulations. Special efforts will be made to preserve and rehabilitate existing housing serving low-, moderate- and middle-income households. Special efforts will also be made to preserve and rehabilitate existing housing serving low-, moderate- and middle-income households and to promote a net gain in affordable and middle-income housing.

7.10 Housing for a Full Range of Households

The city and county will encourage preservation and development of housing attractive to current and future households, persons at all stages of life and abilities, and to a variety of household incomes and configurations. This includes singles, couples, families with children and other dependents, extended families, non-traditional households and seniors.

7.11 Balancing Housing Supply with Employment Base

The Boulder Valley housing supply should reflect, to the extent possible, employer workforce housing needs, locations and salary ranges. Key considerations include housing type, mix and affordability. The

city will explore policies and programs to increase housing for Boulder workers and their families by fostering mixed-use and multi-family development in proximity to transit, employment or services and by considering the conversion of commercial- and industrial-zoned or -designated land to allow future residential use.

7.12 Permanently Affordable Housing for Additional Intensity

The city will develop regulations and policies to ensure that when additional intensity is provided through changes to zoning, a larger proportion of the additional development potential for the residential use will be permanently affordable housing for low-, moderate- and middle-income households.

10.02 Community Engagement

The city and county recognize that environmental, economic and social sustainability of the Boulder Valley are built upon full involvement of the community. The city and county support better decision-making and outcomes that are achieved by facilitating open and respectful dialogue and will actively and continually pursue innovative public participation and neighborhood involvement. Efforts will be made to: 1. Use effective technologies and techniques for public outreach and input; 2. Remove barriers to participation; 3. Involve community members potentially affected by or interested in a decision as well as those not usually engaged in civic life; and 4. Represent the views or interests of those less able to actively participate in the public engagement process, especially vulnerable and traditionally under-represented populations. Therefore, the city and county support the right of all community members to contribute to governmental decisions through continual efforts to maintain and improve public communication and the open, transparent conduct of business. Emphasis will be placed on notification and engagement of the public in decisions involving large development proposals or major land use decisions that may have significant impacts and/ or benefits to the community.

Anticipated Outcomes

Adoption of an ordinance that may amend the following Title 9, Land Use Code, sections:

- Chapter 9-6, “Use Standards,” for possible changes to references to occupancy (e.g., accessory dwelling units, residential care facilities etc.)
- Chapter 9-8, “Intensity Standards,” for any changes in the allowable occupancy limits per zone or by land use
- Chapter 9-14, “Residential Growth Management System,” B.R.C. 1981, if changes to the above sections necessitate revised language
- Chapter 9-15, “Enforcement,” B.R.C. 1981, if changes to the above sections necessitate revised language
- Chapter 9-16, “Definitions,” B.R.C. 1981 if changes are proposed to definitions such as “family” or addition of new definitions, as applicable.

Updates to Title 4, Licensing and Permits, or Title 10, Structures, may also be necessary.

Engagement & Communication

Level of Engagement

The City of Boulder has committed to considering four possible levels when designing future public engagement opportunities (see below chart). For this project, the public will be **Consulted** on any proposed changes to the occupancy limits. See Appendix for the guiding Boulder Engagement Framework.

Opportunities for community feedback on occupancy have occurred in the past and will continue through the duration of this project both of which will inform any proposed code changes. Proposed changes are anticipated to be targeted and relatively straightforward with the intent of allowing more flexibility and expand housing choice.

Who will be impacted by decision/anticipated interest area

- **Residents and neighborhoods** who may be impacted from potential use changes in the neighborhoods the live/work/play in, including but not limited owners and renters.
- **Development and real estate community**, who may be impacted from potential use changes in a variety of neighborhoods, including but not limited to landlords, realtors, and property management companies.
- **Under-represented groups** that may have an interest in use changes but may be unfamiliar with the methods to offer input.
- **City staff, City boards, and City Council** who will administer any amended Use Standards of the Land Use Code, and who will render development approval decisions.

Overall engagement objectives

- Model the engagement framework by using the city's decision-making wheel, levels of engagement and inclusive participation.
- Involve people who are affected by or interested in the outcomes of this project, including historically excluded communities.
- Be clear about how the public's input influences outcomes to inform decision-makers.
- Provide engagement options.
- Remain open to new and innovative approaches to engaging the community.
- Provide necessary background information in advance to facilitate meaningful participation.
- Be efficient with the public's time.
- Show why ideas were or were not included in the staff recommendation.
- The Planning Board subcommittee will guide and inform the project, including community engagement strategies and project recommendations.

Engagement strategies

Due to the ongoing COVID-19 pandemic, it is assumed that the majority of engagement will be completed virtually. Where possible, staff will reconsider strategies to include in-person engagement. Where possible, this plan and its strategies will be revised to accommodate in-person activities.

The following engagement tools and techniques will be implemented throughout the project.

WORLD CAFE MEETINGS

Purpose: Staff will plan to host one or more World Café method (in person) meetings to present code changes that may affect certain neighborhoods and stakeholders. The World Café method of outreach is discussed at this [link](#). The project team will introduce, at a high level the city's multiple initiatives on affordable housing, to help the community to understand the various projects and key dates for engagement/decision making.

Logistics: Staff will work with key neighborhood groups and interested stakeholders. Engagement staff and a mediator are anticipated to assist in the event.

At present, the neighborhoods that have shown strong interest in occupancy will be contacted and asked to attend the World Café style meetings. Neighborhood groups to **consult** throughout this process are:

- University Hill Neighborhood Association (UHNA)
- Goss Grove
- Whittier
- Martin Acres Neighborhood Association (MANA)
- East Aurora

It is imperative that this project focus on targeted stakeholder outreach as well. This includes interested groups such as PLAN Boulder, Better Boulder, the Boulder Chamber of Commerce, and the following other focus groups:

- Hill Revitalization Working Group (HRWG)
- University of Colorado, Local Government & Community Relations, Office of Government and Community Engagement
- Boulder Housing Network
- Boulder Area Rental Housing Association (BARHA)
- Community Connectors-in-Residence (CCR)

WEBSITE

Purpose: The existing project website will be maintained and updated throughout the remainder of the project to inform the public of the project, provide updates, share any draft ordinance, and links to any engagement opportunities.

Logistics: Work with communications staff to make updates as needed to the website.

NEWSLETTER AND EMAIL UPDATES

Purpose: Updates on the project will be provided to interested parties

Logistics: Staff will work with communications staff to draft content for the planning newsletter. Additional email updates will be provided on an as-needed basis.

CHANNEL 8

Purpose: Channel 8 will be utilized to promote engagement opportunities and raise awareness for any potential occupancy changes.

Logistics: Staff will work with communications staff to create and support content for Channel 8. This may involve creating a video that is posted on Channel 8 to inform the public about the project.

NEXTDOOR

Purpose: Nextdoor is another method to promote opportunities to provide input about the project and raise awareness that has a wide reach that may reach people who are not otherwise involved or engaged in planning-related topics. Neighborhoods to contact through NextDoor are:

- ⇒ University Hill, Martin Acres, Mapleton, Whittier, Newlands, Park East, Old North Boulder and low-density portions of North, East and South Boulder

Logistics: Staff will work with communications staff to craft posts to promote engagement efforts.

OPEN HOUSES

Purpose: Later in the project when options are being more fully developed and analyzed, open houses will be held virtually or in person (as evaluated based on health restrictions at the time) to provide updates on the project, present options, and receive feedback on the options. These offer a way for the public to hear summaries of the proposed changes, ask questions of staff, and suggest modifications prior to the formal adoption process.

Logistics: P&DS staff will collaborate with engagement staff to set up virtual meetings and with communications staff to promote them online.

WHAT'S UP BOULDER

- *Purpose:* What's Up Boulder is a citywide community outreach event. If the the project is still active in September, staff will plan to attend the What's Up Boulder? event to inform the public about the public about the project.
- *Logistics:* P&DS staff will confirm with communications and engagement staff about whether this event is being held in 2023. At present, it appears the event is targeted for September 2023.

PUBLIC HEARINGS AND UPDATES TO BOARDS

There will be a number of public hearings and updates provided to City Council during the duration of the project. These are other opportunities for the public the share their thoughts and concerns about the project.

Public Input Received from 2021 Community Survey

Prior to the Bedrooms Are For People referendum in late 2021, a [2021 Community Survey](#) was done that gauged community interest in occupancy reform. The referendum question was:

Shall the City of Boulder expand access to housing by allowing all housing units to be occupied by a number of people equal to the number of legal bedrooms, plus one additional person per home, provided that relevant health and safety codes are met?

While the referendum failed, the 2021 Community Survey indicated 75% of respondents were supportive of the initiative with 71% indicating strong support. The survey also included the following question:

Suppose the initiative I just read allowing more unrelated people to live together in each housing unit contained a provision that prohibited an owner from adding bedrooms to a house in order to increase

the number of people who could legally live in that house. Would that provision make you more likely or less likely to support a ballot proposal allowing more unrelated people to live in a housing unit?

Results from this question indicated that 43% of respondents would less likely support the referendum above and 35% more likely to support the referendum.

Project Scope and Timeline

PLANNING STAGE | Q2 – Q4 2022

- Evaluate occupancy laws in other jurisdictions (Apr. – Nov. 2022)
- Check in with City Council on general status, scope and timeline (Nov. 2022)
- Develop a community engagement plan (Aug. – Dec. 2022)

Deliverables

- *Memo to City Council on project status, scope and timeline*
- *Completion of Project Management Plan and Community Engagement Plan*
- *Summary document of peer communities focused on occupancy regulations and definitions of family or household etc.*
- *Comparative analysis of different communities*
- *Potential options for occupancy reform*

SHARED LEARNING STAGE | Q4 2022 – Q1 2023

- Reach out to stakeholders to discuss goals of the project, potential options for reform and future engagement ideas (Jan. – Feb. 2023)
- Meet with Community Connectors in Residence to discuss project and potential options (Jan. – Feb. 2023)
- Develop summary of options learned from other jurisdictions of regulating occupancy to present to the community that addresses objectives (Oct. 2022 – Feb. 2023)
- Study session with City Council to refine scope of the project and discuss and receive feedback on specific options (Mar. 2023)

Deliverables

- *Summary of potential options for occupancy reform*
- *Summary of stakeholder group feedback*
- *P&DS Study Session memorandum to City Council, and meeting materials*

OPTIONS STAGE | Q1 – Q2 2023

- Refine and analyze options per City Council direction (March – June 2023)
- Work with stakeholder groups and neighborhood associations to discuss and refine the options (March – June 2023)
- Check-In with Planning Board and Housing Advisory Board on options (March - April 2023)
- Check-In with City Council on options and summaries of community and board feedback (May or June 2023)

Deliverables

- *Stakeholder group and neighborhood association meeting summaries*
- *Drafts of potential code changes*
- *City Council check-in memorandum*

DECISION STAGE | Q2 & Q3 2023

- Create a draft ordinance of the preferred option (May - June 2023)
- Solicit additional feedback from stakeholder groups and neighborhood associations (May - June 2023)
- Bring forward draft ordinance to Planning Board (July 2023)
- First reading of draft ordinance at City Council (August 2023)
- Second reading of draft ordinance at City Council (August 2023)

POST ADOPTION & PROCESS ASSESSMENT STAGE | Q3 & Q4 2023

- Communicate with public and stakeholders about changes that occurred
- Debrief successes and challenges encountered
- Identify what worked and what didn't
- Evaluate the degree adopted changes accomplished the project's goals

Schedule for 2022 and 2023

	2022									2023							
	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug
Planning Stage																	
Shared Learning Stage																	
Options Stage																	
Decision Stage																	

Project Team & Roles

Team Goals

- Follow City Council and Planning Board direction relative to changes to the code to update the city's existing occupancy regulations.
- Consult with the community in the formulation of new standards/criteria and incorporate relevant ideas following a Public Engagement Plan and convey feedback to the Planning Board and City Council.
- Solution must be legal, directly address the purpose and issue statement, and should be a simple solution with community support.

Critical Success Factors

- Conduct a meaningful and inclusive public engagement process.

- Address the goals related to increasing housing options in the community while respecting community character.

Expectations

Each member is an active participant by committing to attend meetings; communicate the team's activities to members of the departments not included on the team; and demonstrate candor, openness, and honesty. Members will respect the process and one another by considering all ideas expressed, being thoroughly prepared for each meeting, and respecting information requests and deadlines.

Potential Challenges/Risks

The primary challenge of this project is making sure that proposed code changes avoid land use impact on other uses, unintended consequences and over complication of the code.

Administrative Procedures

The core team will meet regularly throughout the duration of the project. An agenda will be set prior to each meeting and will be distributed to all team members. Meeting notes will be taken and will be distributed to all team members after each meeting.

CORE TEAM		
Executive Sponsor	Charles Ferro	
Executive Team	Brad Mueller, Charles Ferro, Karl Guiler	
Project Leads		
Project Manager	Karl Guiler	
Comprehensive Planning	Kathleen King	
Housing	Jay Sugnet, Hollie Hendrikson or Sloane Walbert	
Working Group		
Legal	Hella Pannewig	
Communications	Cate Stanek	Strategy and tactics
I.R.	Sean Metrick	Mapping and land use analysis assistance
Community Vitality	NA	Not needed for this project
Racial Equity	Aimee Kane	
Public Participation and Engagement	Vivian Castro-Wooldridge/ Brenda Ritenour	Consulting role

Executive Sponsor: The executive sponsor provides executive support and strategic direction. The executive sponsor and project manager coordinates and communicates with the executive team on the status of the project, and communicate and share with the core team feedback and direction from the executive team.

Project Manager: The project manager oversees the development of the Land Use Code amendment. The project manager coordinates the core team, manages any necessary consultant firms, and provides

overall project management. The project manager will be responsible for preparing (or coordinating) agendas and notes for the core team meetings, coordinating with team members and consultants on the project, managing the project budget, and coordinating public outreach and the working group. The project manager coordinates the preparation and editing of all council/board/public outreach materials for the project, including deadlines for materials.

Core Team Members: Team leaders will coordinate with the project manager on the consultant work efforts and products, and will communicate with the consultants directly as needed. Core Team members will assist in the preparation and editing of all council/board/public outreach materials including code updates.

Communications Specialist: The communications specialist is responsible for developing and creating internal and external communications output such as press releases, major website updates and additions, talking points, etc., and will provide advice about and support of public outreach. The communications specialist works with the project managers and core team to develop a communications plan that aligns with the project's goals and larger outreach strategy. The communications specialist will be responsible for promoting events through a variety of methods. The communications specialist assists the manager and core team in advising on any public outreach methods as well as editing and producing outreach material that makes the project accessible to members of the public.

Project Costs/Budget

No consultant costs have been identified for this project at this time. The project will be undertaken by P&DS staff.

Decision-makers

- **City Council:** Decision-making body.
- **Planning Board:** Will provide input throughout the process, and make a recommendation to council that will be informed by other boards and commissions.
- **City Boards and Commissions:** Will provide input throughout process and ultimately, a recommendation to council around their area of focus.

Boards & Commissions

City Council – Will be kept informed about project progress and issues; periodic check-ins to receive policy guidance; invited to public events along with other boards and commissions. Will ultimately decide on the final code changes.

Planning Board – Provides key direction on the development of options periodically. Will make a recommendation to City Council on the final code changes.

Advisory Boards: Identify and resolves issues in specific areas by working with the following boards/commissions:

- Housing Advisory Board

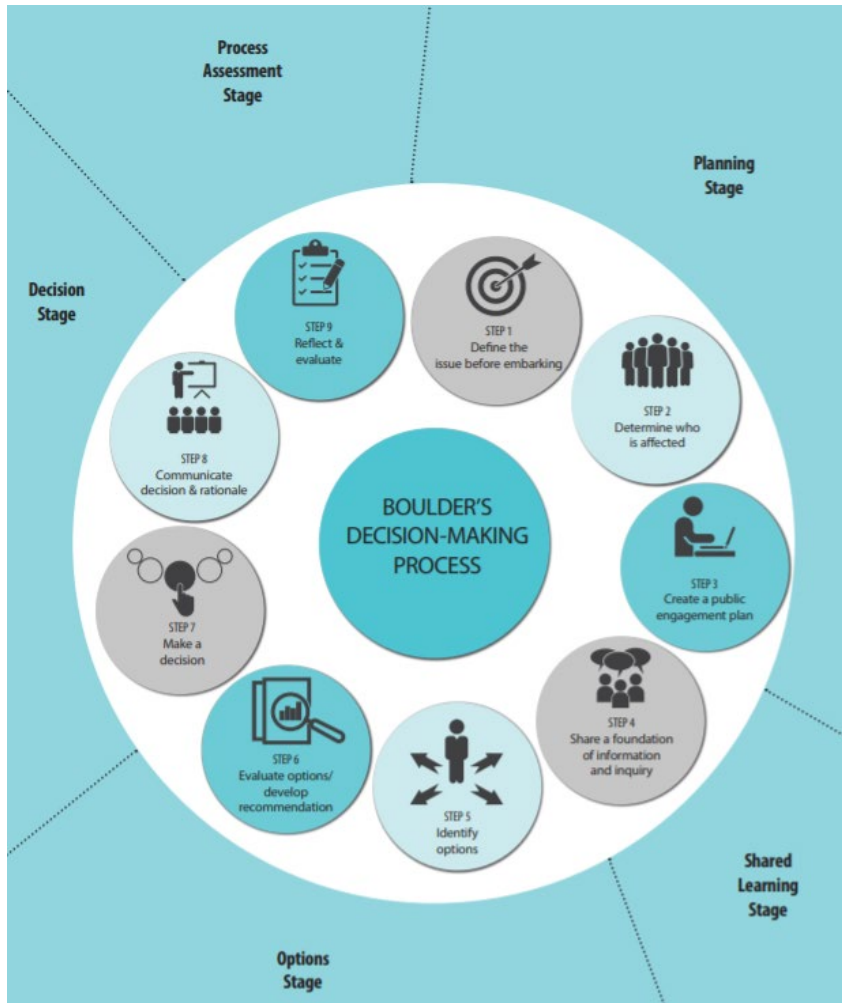
Appendix: Engagement Framework

BOULDER'S ENGAGEMENT SPECTRUM

The city will follow a modified version of IAP2's engagement spectrum to help identify the role of the community in project planning and decision-making processes.

INCREASING IMPACT ON THE DECISION 				
	INFORM	CONSULT	INVOLVE	COLLABORATE
PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding a problem, alternatives, opportunities and/or solutions.	To obtain public feedback on public analysis, alternatives and/or decisions.	To work directly with the public throughout a process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and identification of a preferred solution.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge your concerns and aspirations, and share feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	We will work with you to ensure that your concerns and aspirations are reflected in any alternatives and share feedback on how the public input influenced the decision.	We will work together with you to formulate solutions and to incorporate your advice and recommendations into the decisions to the maximum extent possible.

City of Boulder Engagement Strategic Framework



Boulder's Decision Making Process

History of occupancy regulations in Boulder

1920-1960s: The city's first zoning ordinance was adopted in 1928. From 1928 to the mid-1950s the city's zoning code simply stated that dwellings could be occupied by "a family." In the 1950s, the zoning code was amended to allow a dwelling to be occupied by "a family or five unrelated people." In 1962, the city's zoning code limited occupancy to a family (as defined in the BRC 9-16-1. - General Definitions) or three unrelated people.

1970s: In 1971, Boulder's zoning code was significantly revised, and introduced the idea of allowing three unrelated people in the low, estate, and rural residential zoning districts, while allowing four unrelated people in all other zoning districts. Also new to the code in 1971 was the ability for a family to also include two additional roomers to the household, classifying the rental to two additional people as an accessory use to the single-family use.

In the 1970s there were some zoning districts that allowed high density residential and higher occupancies that were rezoned to lower density (medium, mixed, or low density residential). As a result of those rezonings many properties have non-conforming density and occupancy. In response to these changes, the city has had to determine how to deal with properties that resulted a higher occupancy than the current code allowed. Many of the properties with non-conforming occupancies are on University Hill. The Hill's medium-density residential area has been gradually reduced over the years, giving way to lower-density residential zoning west of 9th Street and south of College Avenue. The 1974 rezoning reduced permitted density west of 9th Street and south of College Avenue. At the time of the 1974 rezoning, many multi-family conversions of single-family dwellings existed which would not be permitted under present zoning, and all were grandfathered after the 1974 rezoning.

1980s: As part of the recodification effort in the early 1980s, the occupancy regulations were decoupled from the definition of "family" and consolidated in a separate section of the code in a format that is similar to the format in use today. Before the 1990s, occupancy of dwelling units in the rezoned areas discussed above were treated as non-conforming uses, and the maximum number of occupants could be different for each dwelling unit. The city maintained records to reflect these differences. For instance, at each rental license inspection, the inspector checked the number of occupants against the non-conforming occupancy record to ensure that occupancy had not increased. Also, if the property owner ceased to keep the property occupied at the higher level, the property lost this non-conforming occupancy and was required to comply with the newer legal occupancy level.

1990s: In 1993, council effectively eliminated non-conforming occupancy discussed above by adding the following provision to the code:

"Although the number of dwelling units may be a non-conforming use, subject to discontinuance pursuant to Chapter 9-3.5 Non-conforming Uses and Nonstandard Buildings and Lots, B.R.C. 1981, the number of occupants in a dwelling unit is not a non-conforming use and all occupancies in the city are subject to the restrictions set forth in this title."

Council added this section to create a more uniform system of occupancy. The code change was intended to set uniform occupancy throughout the city regardless of the prior rezonings. The high and medium density districts allowed a maximum occupancy of four unrelated persons or a family plus two others. After this amendment to the zoning ordinance was adopted, the owners were allowed a maximum occupancy of three unrelated people or a family plus two roomers per dwelling unit. This amendment had an impact on both landlords and tenants, as it reduced the number of legal occupants in some dwelling units.

This code change was implemented through the rental housing inspection process. Upon rental inspection, landlords of non-conforming units were informed about the code amendment which changed the maximum occupancy limit.

Staff determined that the most equitable way to bring these non-conforming properties into compliance was to allow the existing occupants to remain until the end of their current lease or the expiration of the rental license, whichever came last. At that time, the property owner would have to reduce occupancy to adhere to the occupancy limits in the zone where the property was located.

Landlords objected to the code change and its implementation because reducing occupancies reduced their rental income and reduced the available housing stock in the rental market. The code change would cause units to have empty bedrooms that had previously been rented. Landlords also argued that with reduced occupancies, tenants would be forced to pay increased rents to allow landlords to meet operating expenses. The landlords requested that City Council and staff evaluate the possibility of allowing non-conforming occupancies to be maintained at historic levels.

In 1997, council responded and asked staff to look at the issue and propose appropriate alternatives. Staff reviewed the previous rezoning of residential areas from higher zoning district classifications to lower zoning district classifications, the city's history of regulating occupancy and the approaches Boulder's peer cities use to regulate occupancy of residential units. In 1997, there was another rezoning from high density residential to mixed used residential, which further reduced permitted density north of University Avenue. In mixed density zones, which continued to allow four unrelated people, the allowable number of dwelling units on lots were reduced from the rezoning, and existing apartment buildings and multi-family conversions were again grandfathered.

On March 3, 1998, council adopted an ordinance, which replaced the language added in 1993, quoted above, with the current non-conforming occupancy language in Section 9-8-5(c), which is as follows:

Nonconformity: A dwelling unit that has a legally established occupancy higher than the occupancy level allowed by Subsection (a) of this section may maintain such occupancy of the dwelling unit as a nonconforming use, subject to the following:

- (1) The higher occupancy level was established because of a rezoning of the property, an ordinance change affecting the property, or other city approval;*
- (2) The rules for continuation, restoration, and change of a nonconforming use set forth in Chapter 9-10, "Nonconformance Standards," B.R.C. 1981, and Section 9-2-15, "Use Review," B.R.C. 1981;*
- (3) Units with an occupancy greater than four unrelated persons shall not exceed a total occupancy of the dwelling unit of one person per bedroom;*
- (4) The provisions of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981; and*
- (5) If a property owner intends to sell a dwelling unit with a non-conforming occupancy that exceeds the occupancy limits in Subsection 9-8-5(a), B.R.C. 1981, every such contract for the purchase and sale of a dwelling unit shall contain a disclosure statement that indicates the allowable occupancy of the dwelling unit.*

Attachment C - Sample Community Occupancy Limits

Municipality	Number of Unrelated Persons Permitted in Low Density Zones	Number of Unrelated Persons in Other Zones
Albuquerque, NM	5	
Ames, IA	3	5 for Single Housekeeping Unit
Ann Arbor, MI	4	6 for Single Housekeeping Unit
Athens, GA*	2	-
Aurora, CO	4	
Austin, TX	4	6
Berkeley CA*	No limit	No limit
Bloomington, IN	3	5
Boise, ID	5	
Boulder, CO	3	4
Bozeman, MT*	4	
Burlington, VT*	4	
Cambridge, MA*	4	
Chapel Hill, NC	4	
Carbondale, IL	2	2 or more by square footage
Charlottesville, VA	2 (3 in certain university residential districts)	4
College Station, TX	2	6 (coop like use)
Colorado Springs, CO	5	
Columbia, MO*	3 (4 for housekeeping unit)	4
Corvallis, OR	No limit	
Denver, CO	5	
Durango, CO	5	
Englewood, CO	None found	8 (Short term rentals)
Eugene, OR	No limit	
Fayetteville, AR*	3	4 (5 in Single Housekeeping Unit in limited areas)
Flagstaff, AZ*	8 in Single Housekeeping Unit	8 in Single Housekeeping Unit
Fort Collins, CO	2	Additional occupancy subject to special approval of Extra Occupancy Rental Houses
Gainesville, FL *	2	
Grand Junction, CO	4	
Greeley, CO	2	2 (proposed to change to bedroom)
Hartford, CT	3	
Iowa City IA*	2	
Lafayette, IN	2	
Lakewood, CO	1 / 500 sf in SFD	1 / habitable room
East Lansing, MI*	2	3 in a Functional Family
Las Vegas, NV	2 / bedroom & no > than 1 / 200 square feet	2 / bedroom & no > than 1 / 200 square feet / No more than 4 in a Single Housekeeping Unit
Lawrence, KS*	3	4
Lexington, KY	4	
Lincoln, NE	2	
Littleton, CO	2	

Attachment C - Sample Community Occupancy Limits

Longmont, CO	5	
Louisville, CO	2	
Loveland, CO	2	3
Madison, WI	2 (4 if owner occupied)	4
Manhattan, KS*	4	
Minneapolis, MN	2	
Morgantown, WV*	2	3 in a functional family unit
Normal, IL*	2	4
Norman, OK*	3	3 (4 with special approval)
Orlando, FL	5	
Parker, CO	5	
Provo, UT*	3	
Pueblo, CO	3	
Salt Lake City, UT	3	
San Luis Obispo, CA*	No limit	
Seattle, WA	8 (no enforcement)	8 (no enforcement)
St. Louis	3	
Tallahassee, FL*	2	
Tempe, AZ*	3	
Tuscaloosa, AL*	3	5 in University adjacent neighborhoods with certification
Westminster, CO	4	

*Peer communities to Boulder in terms of relative size or student population ratio to total population

Municipality	Definition of "Family"?	Occupancy or Household Regulations?
- Municipality Name - Population - University if applicable - University enrollment - University enrollment as a percentage of the total population	Most communities have a definition of family and do not limit the number of occupants in a unit if people are related as defined in each community.	Some communities have zoning occupancy limits that are beyond standard building or fire codes to mitigate for potential impacts. Occupancy per unit limits may be citywide, only in single-family zones, or with different limits in single-family zones versus other parts of the city. Most communities have occupancy limits but others just list the limits within a definition of "Household" which includes a definition of "family" and other occupant situations.
Boulder, CO 108,000 CU 36,000 33%	Family means the 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.	General Occupancy Restrictions: Subject to the provisions of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, no persons except the following persons shall occupy a dwelling unit: (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.
Albuquerque, NM 560,000 UNM 28,000 5%	Family: Any of the following individuals or groups: 1. An individual. 2. Two (2) or more persons related by blood, marriage, legal guardianship, or adoption, plus household staff. 3. Any group of not more than 5 unrelated persons living together in a dwelling that do not meet the definition of group home. See also Group Home. 4. Any group of 5 persons or more that has a right to live together pursuant to the federal Fair Housing Act Amendments of 1988 (or as amended), as interpreted by the courts.	
Ames, IA 59,000 Iowa State 33,000 56%	Family means a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: (a) Any number of people related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; (b) Three unrelated people ; (c) Two unrelated people and any children related to either of them; (d) Not more than eight people who are: (i) Residents of a "Family Home" as defined in Section 414.22 of the Iowa code and this ordinance; or (ii) "Handicapped" as defined in the Fair Housing Act, 42	

Municipality	Definition of "Family"?	Occupancy or Household Regulations?
• Municipality Name • Population • University if applicable • University enrollment • University enrollment as a percentage of the total population	Most communities have a definition of family and do not limit the number of occupants in a unit if people are related as defined in each community.	Some communities have zoning occupancy limits that are beyond standard building or fire codes to mitigate for potential impacts. Occupancy per unit limits may be citywide, only in single-family zones, or with different limits in single-family zones versus other parts of the city. Most communities have occupancy limits but others just list the limits within a definition of "Household" which includes a definition of "family" and other occupant situations.
	U.S.C. Section 3602 (h) and this ordinance. This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C. Section 802 (6). (e) Not more than five people who are granted a Special Use Permit as a single nonprofit housekeeping unit (a "functional family") pursuant to Section 29.1503(4)(d) of this ordinance. (i) Exceptions - The definition of a "Family" does not include: a. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization; b. Any group of individuals whose association is temporary or seasonal in nature; and c. Any group of individuals who are in a group living arrangement as a result of criminal offenses.	
Ann Arbor, MI 114,000 Michigan 59,000 52%	Family An individual or group of individuals occupying a Dwelling Unit as a single Housekeeping Unit, or a group of persons whose right to live in a single Dwelling Unit is protected by the federal Fair Housing Act Amendments of 1988.	Limits on Occupancy of Dwelling Unit A Dwelling Unit may be occupied by one of the following Family living arrangements: a. One or more Persons related by blood, marriage, adoption, or guardianship living as a single Housekeeping Unit, in all districts. b. A maximum of four Persons plus their Offspring living as a single Housekeeping Unit, in all districts. c. A maximum of six Persons living as a single Housekeeping Unit in Multiple-Family and mixed use districts only. d. A Functional Family living as a single Housekeeping Unit that has received a Special Exception Use permit pursuant to Section 5.29.5.
Athens, GA 115,000 University of Georgia 35,000 30%	Family: Two or more persons residing in a single dwelling unit where all members are related by blood, marriage, or adoption up to the second degree of consanguinity, or by foster care. For the purposes of this definition, "consanguinity" means only the following persons are related within the second degree of consanguinity: Husbands and	Sec. 9-15-18. - Definition of family restrictions in AR and RS zones. It shall be unlawful for the occupants residing in or for the owner of any single dwelling unit located in any RS zoning district or any "AR neighborhood" to have more than two unrelated individuals residing therein, nor shall any family as defined in this section have, additionally,

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	wives, parents and children, grandparents and grandchildren, brothers and sisters, aunts and uncles, nephews and nieces, and first cousins. For the purposes of this definition, a person shall be considered to reside in a dwelling unit if he or she stays overnight in a dwelling unit for more than 30 days within a 90-day period. The term "family" does not include any organization or institutional group. For regulations see section 9-15-18. Any nonconforming use created by the adoption of this definition of "family" which was a legal use at the time of adoption shall be permitted to continue through July 31, 2002. After which date, the use of such dwelling shall be in compliance herewith. Any use established prior to or subsequent to the adoption of this definition of "family," which use did violate and continues to violate the standards of this chapter, is illegal, not nonconforming, and shall be handled in accordance with section 9-22-8 (Enforcement—Penalties).	more than one unrelated individual residing with such family. For the purposes of this paragraph B, one unrelated individual residing with a family shall include the minor children of such unrelated individual residing with him or her.
Aurora, CO 389,347	Family or Family Group. Any of the following: 1. A group of persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or 2. Persons living together in the relationship and for the purpose of guardian, ward, or foster family or receiving home care who may not necessarily be related by blood or marriage to the head of the	

Municipality	Definition of “Family”?	Occupancy or Household Regulations?
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	household, but live together as a single housekeeping unit, but not including correctional homes; or 3. A group of not more than four unrelated persons living together in a dwelling unit as a single housekeeping unit; or 4. Living arrangements in which one person is providing care to another occupant who is not related by blood or marriage, provided they neither maintain separate cooking facilities nor advertise the premises for rent; or 5. A single individual living as a single housekeeping unit; or 6. A group of individuals whose right to live together in a group home setting is protected by the federal Fair Housing Act Amendments of 1988, as interpreted by the courts, or by similar legislation of the State of Colorado. A family shall not include more than one person required to register as a sex offender pursuant to § 18-3-412.5, C.R.S. as amended, unless related by marriage or consanguinity. A family shall not include any group of individuals who are in a group living arrangement as a result of criminal offenses.	
Austin, TX 950,000 UT 52,000 5%	(A) In this section:(1) ADULT means a person 18 years of age or older.(2) DOMESTIC PARTNERSHIP means adults living in the same household and sharing common resources of life in a close, personal, and intimate relationship.(3) UNRELATED means not connected by	(Exceptions on reduction to 4 unrelated – established before 2014, no increase GFA or additional bedrooms

Municipality	Definition of “Family”?	Occupancy or Household Regulations?
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	consanguinity, marriage, domestic partnership or adoption. (B) Except as otherwise provided in this section, not more than six unrelated adults may reside in a dwelling unit. Except as provided in Subsection (E), for a conservation single family residential, single family attached residential, single family residential, small lot single family, duplex residential use, or two-family residential use, not more than four unrelated adults may reside on a site, in [low density zoning districts] (F) Not more than three unrelated adults may reside in a dwelling unit of a duplex residential use, unless: [nonconforming] For a two-family residential use or a site with a secondary apartment special use not more than four unrelated adults may reside in the principal structure, and not more than two unrelated adults may reside in the second dwelling unit, unless: [nonconforming]	
Berkeley CA 110,000 UC Berkeley 35,000 32%		Household. One or more persons, whether or not related by blood, marriage or adoption, sharing a dwelling unit in a living arrangement usually characterized by sharing living expenses, such as rent or mortgage payments, food costs and utilities, as well as maintaining a single lease or rental agreement for all members of the household and other similar characteristics indicative of a single household.
Bloomington, IN 83,000 Indiana University 32,000	Family An individual or group of persons that meets at least one of the following definitions.	

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38%	1) An individual or a group of people all of whom are related to each other by blood, marriage, or legal adoption, foster parent responsibility, or other legal status making the person a dependent of one or more persons legally residing in the household under federal or state law. 2) A group of no more than five adults aged 55 years of age or older living together as a single housekeeping unit in a dwelling unit. 3) A group of people whose right to live together is protected by the federal Fair Housing Act Amendments of 1988, and/or the Bloomington Human Rights Ordinance, as amended and interpreted by the courts, including but not limited to persons that are pregnant. 4) In the R1, R2, R3, and R4 zoning districts, and in single-family residential portions of Planned Unit Developments, a group of no more than three adults, and their dependent children, living together as a single housekeeping unit in a dwelling unit. 5) In all other zoning districts, "family" also includes a group of no more than five adults and their dependent children, living together as a single housekeeping unit in a dwelling unit. 6) A group of people who are shareholders in the same cooperative corporation that owns a facility meeting the definition of cooperative housing in which no more than two adults per bedroom occupy the facility.	
Boise, ID 228,000, Boise State 22,000	Family: A group of individuals related by blood, marriage, civil union, adoption, or guardianship functioning as a single and independent housekeeping unit or persons occupying a group home as defined in this ordinance.	Dwelling Unit: One or more rooms designed for or used as a residence for not more than one family, constituting a separate and independent housekeeping unit, with a single kitchen permanently installed. A dwelling unit may be occupied by a family by up to five unrelated individuals , or by

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		persons with a disability or elderly persons living in a group home as defined in this ordinance. The term does not imply or include types of occupancy such as lodging or boarding house, club, sorority, fraternity, or hotel.
Bozeman, MT 39,000 Montana State 15,000 38%	Immediate family. A spouse, children by blood or adoption, and parents.	Household. A.A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities: 1.Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship; 2.Not more than four unrelated people; or 3.Two unrelated people and any children related to either of them. 4.Persons or groups granted a request for a reasonable accommodation to reside as a single housekeeping unit pursuant to section 38.35.090.5."Household" does not include: a. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, cooperative housing or like organization; b. Any group of individuals whose association is temporary or seasonal in nature; c. Any group of individuals who are in a group living arrangement as a result of criminal offenses; or d. Any group of individuals living in a structure permitted as transitional or emergency housing pursuant to this chapter.
Burlington, VT 43,000 UVM 14,000 32%	Family: One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit, but not including group quarters such as dormitories, sororities, fraternities, convents, and communes. Occupancy by any of the following shall be	

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	deemed to constitute a family: (a) Members of a single family, all of whom are related within the second degree of kinship (by blood, adoption, marriage or civil union). (b) A "functional family unit" as defined below. (c) Persons with disabilities as so defined in Title VII of the Civil Rights Act of 1968, as amended by the "Fair Housing Amendments Act of 1988". (d) A state registered or licensed day care facility serving six or fewer children as required by 24 V.S.A. 4412(5), as the same may be amended from time to time. (e) No more than four unrelated adults and their minor children. Provided that a dwelling unit in which the various occupants are treated as separate roomers cannot be deemed to be occupied by a family. Functional Family. For purposes of this definition of family, a group of adults living together in a single dwelling unit and functioning as a family with respect to those characteristics that are consistent with the purposes of zoning restrictions in residential neighborhoods shall be regarded as a "functional family unit" and shall also qualify as a family hereunder.	
Cambridge, MA 105,000 Harvard MIT 34,000	Family. One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit; provided that a group of four or	

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32%	more persons who are not within the second degree of kinship shall not be deemed to constitute a family.	
Carbondale, IL 25,083 Southern Illinois University 14,554	FAMILY: One or more persons each related to the other by blood, marriage or adoption and maintaining a common household. The service dependent population of a group home and the resident staff shall be considered a family plus one person not related to the family.	One family plus one person not related to the family. Maximum occupancy for single-unit dwellings including townhouses, two-unit dwellings, condominiums (residential) with two (2) or fewer units: One family plus one person per dwelling unit. One family per dwelling unit plus one person; or two (2) persons for the first three hundred (300) square feet of floor area plus one person for each additional two hundred fifty (250) square feet of floor area.
Chapel Hill, NC 58,000 UNC 29,000 48%	Family: An individual living alone or two (2) or more persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes. The term "family" shall include an establishment with support and supervisory personnel that provides room and board, personal care and habitation services in a family environment for not more than six (6) residents who are handicapped, aged, disabled, or who are runaway, disturbed or emotionally deprived children and who are undergoing rehabilitation or extended care. The term "family" shall not be construed to include a fraternity or sorority, club, rooming house, institutional group or the like.	Dwelling units, single-family: A detached dwelling consisting of a single dwelling unit only. A single-family dwelling shall be classified as a rooming house if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership. Dwelling units, single-family with accessory apartment: A dwelling or combination of dwellings on a single zoning lot consisting of two (2) dwelling units, for which: ... (3) Together, the principal dwelling unit and the accessory apartment that are part of a two-family dwelling shall be classified as a rooming house (a different use type and group) if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership. Dwelling units, two-family: A dwelling or combination of dwellings on a single lot consisting of two (2) dwelling units. Any dwelling unit that is part of a two-family dwelling shall be classified as a rooming house if occupied by

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		more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership. Dwelling units, two-family—Duplex: A single dwelling consisting of two (2) dwelling units (other than a "two-family dwelling - including accessory apartment"), provided the two (2) dwelling units are connected by or share a common floor-to-ceiling wall, or, if the two (2) units are arranged vertically, that they share a common floor/ceiling and not simply by an unenclosed passageway (e.g., covered walkway). Any dwelling unit that is part of a two-family dwelling shall be classified as a rooming house if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership.
Charlottesville, VA 43,000 University of Virginia 22,000 51%	Family for purposes of the city's zoning ordinance, refers to persons residing together as a single housekeeping unit. See "occupancy, residential."	Occupancy, residential for purposes of this zoning ordinance, this term refers to the number of persons who may reside together within one (1) dwelling unit, as a single housekeeping unit. Each of the following shall be deemed a single housekeeping unit: (i) one (1) person; (ii) two (2) or more persons related by blood or marriage, together with any number of their children (including biological children, stepchildren, foster children, or adopted children); (iii) two (2) persons unrelated by blood or marriage, together with any number of the children of either of them (including biological children, stepchildren, foster children, or adopted children); (iv) within certain designated university residential zoning districts: up to three (3) persons unrelated by blood or marriage; (v) within all other residential zoning districts: up to four (4) persons unrelated by blood or marriage; (vi) group homes, residential facilities and assisted living facilities, as defined in the Code of Virginia, § 15.2-2291, which are licensed by the department of social services or the department of behavioral health and developmental services and which are occupied by no more than eight (8) mentally ill,

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		mentally retarded, developmentally disabled, aged, infirm, or disabled persons together with one (1) or more resident counselors; or (vii) a group of persons required by law to be treated as a single housekeeping unit, in accordance with the Federal Fair Housing Act, or a similar state law.
College Station, TX 114,000 Texas A&M 73,000 64%	Family: A family is any number of persons occupying a single dwelling unit, provided that no such family shall contain more than four (4) persons , unless all members are related by blood, adoption, guardianship, or marriage, are an authorized caretaker, or are part of a group home for disabled persons. When counting the number of unrelated persons in a single dwelling unit, a maximum of one group of persons related by blood, adoption, guardianship, marriage, an authorized caretaker, or members of a group home for disabled persons shall be permitted, provided that all other persons shall each count as one unrelated person. Guardianship shall include foster children, exchange students, or those in the process of securing legal custody of a person under age 18. Any asserted common law marriage must be subject to an affidavit of record under the family code, or a judicial determination. The term "family" shall not be construed to mean a club, a lodge, or a fraternity/sorority house.	Districts.1.Restricted Occupancy Overlay District (ROO).a .Purpose. The Restricted Occupancy Overlay District (ROO) is intended to provide subdivision-specific occupancy regulations in single-family neighborhoods. ROO is intended to preserve the single-family character of residential neighborhoods. d. Standards. Occupancy of either, a detached single-family dwelling or accessory living quarter, shall not exceed two unrelated persons per single-family dwelling or accessory living quarter. *Also have Northgate area where can increase to 6 unrelated (coops?) Northgate High-Density Dwelling Unit: A residential structure providing complete, independent living facilities for three (3) or more households, living independently of each other and including permanent provisions for living, sleeping, cooking, eating, and sanitation in each unit. Households in a Northgate High-Density Dwelling Unit allows more than four (4) but not greater than six (6) unrelated individuals, when one (1) bedroom is provided per each unrelated individual.
Colorado Springs, CO 483,956 Multiple universities and Air Forces Academy	FAMILY: As used in this Zoning Code, an individual, two (2) or more persons related by blood, marriage, adoption, or similar legal relationship, or a group of not more than five (5) persons who need not be so related , plus domestic staff employed for services on the premises, living together as a single housekeeping unit in one	

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	dwelling unit. The definition of "family" shall apply regardless of whether any member of such group receives outside services for mental, emotional, or physical disability.	
Columbia, MO 115,000 University Missouri 38,000 33%	Family. (1)An individual, married couple, or registered domestic partnership and the children thereof, including foster children placed in the household by a public agency, and no more than two (2) other persons related directly to the individual, married couple or registered domestic partnership by blood or marriage, occupying a single housekeeping unit on a nonprofit basis. A family may include not more than one additional person, not related to the family by blood or marriage; or(2) a. In zoning districts R-1 and PD (when the PD development density is five (5) or less dwelling units per acre), a group of not more than three (3) persons not related by blood, marriage, or registered domestic partnership, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis; or the use of a dwelling unit by four (4) persons not related by blood, marriage, or registered domestic partnership, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis, prior to February 4, 1991, shall be allowed to continue in districts R-1 and R-1 PUD as a lawful nonconforming use. b. In all other applicable zoning districts, a group of not more than four (4) persons not related by blood, marriage, or registered domestic partnership, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis.	

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Corvallis, OR 55,000 Oregon State 28,000 51%	<u>Oregon House Bill 2583</u> prohibits differential treatment between households made up of related individuals vs. households of unrelated persons. Please note that prior to HB 2583 taking effect earlier this year, the Corvallis Land Development Code (LDC) definition for “family” limited the number of unrelated adults living in a single dwelling unit to no more than five. That definition has since been deleted from the LDC.	Dwelling Unit - A single unit providing complete independent living facilities for one common household, including provisions for living, sleeping, eating, cooking (limited to one kitchen), and sanitation. A dwelling unit contains no more than five (5) rooms used for sleeping purposes in the unit that are offered for rent. Household - Domestic establishment including a member or members of a family and/or others living under the same roof.
Denver, CO 711,463 Multiple universities	Family: Any number of persons related to each other by blood, marriage, civil union, committed partnership, adoption, or documented responsibility (such as foster care or guardianship), plus any permitted domestic employees, who all occupy a dwelling unit as a single non-profit housekeeping unit (from Household definition).	Non-Profit Housekeeping Unit. A household comprised of persons who live together as a family or as the functional equivalent of a family, and who share household activities and responsibilities, such as meals, chores, rent, and expenses. The choice of specific adults comprising the single non-profit housekeeping unit is determined by the members of such housekeeping unit rather than by a landlord, property manager, or other third party. Members of a single non-profit housekeeping unit are not required to seek services or care of any type as a condition of residency. All members of the non-profit housekeeping unit jointly occupy the entire premises of the dwelling unit. Household: A “household” is either: i. A single person occupying a dwelling unit, plus any permitted domestic employees; or ii. Any number of persons related to each other by blood, marriage, civil union, committed partnership, adoption, or documented responsibility (such as foster care or guardianship), plus any permitted domestic employees, who all occupy a dwelling unit as a single non-profit housekeeping unit; or

Municipality	Definition of "Family"?	Occupancy or Household Regulations?
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		iii. Up to 5 adults of any relationship, plus any minor children related by blood, adoption or documented responsibility, plus any permitted domestic employees, who all occupy a dwelling unit as a single non-profit housekeeping unit; or iv. Up to 8 adults of any relationship with a "handicap" according to the definition in the Federal Fair Housing Act, and who do not meet this Code's definition of a Congregate Living or Residential Care use; or v. Up to 8 older adults (individuals 55 or more years of age) who occupy a dwelling unit as a single, non-profit housekeeping unit, and who do not meet this Code's definition of a Congregate Living or Residential Care Use. b. A household excludes any use that meets the definition of a Congregate Living use.
Durango, CO 19,223 Fort Lewis College 3,856 2%	Family means one or more persons living together as a single housekeeping unit, consisting of: Persons related by blood, marriage, or adoption; or Not more than five unrelated persons; or Not more than eight unrelated persons, plus appropriate staff, living together in a state-licensed group home for either: Persons with developmental disabilities; or Persons with mental illness.	
Englewood, CO 33,516	None found.	Short term rentals limited to a maximum occupancy of 8 persons.
Eugene, OR 175,096 University of Oregon 23,634	Occupancy requirements used to be 5 per unit in all residential zones. These requirements were repeal in October 2022 per State legislation	

Municipality	Definition of "Family"?	Occupancy or Household Regulations?
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13%		
Fayetteville, AR 77,000 University of Arkansas 25,000 32%	Family (zoning). In R-A, Neighborhood Conservation and all single family districts including single family Planned Zoning Districts, a "family" is no more than three (3) persons unless all are related and occupy the dwelling as a single housekeeping unit. In all other zoning districts where residential uses are permitted, a "family" is no more than four (4) persons unless all are related and occupy the dwelling as a single housekeeping unit with the exception that the City Council may permit a definition of "family" as no more than five (5) persons unless all are related and occupy the dwelling as a single housekeeping unit in a specific Planned Zoning District with proper safeguards for the surrounding neighborhood such as applying the parking requirements of §172.11 (even though this is a multifamily PZD), requiring that each five (5) person unit must be placed within a freestanding structure of not more than two (2) stories and be buffered from other residential districts outside the Planned Zoning District. The City Council shall consider whether an applicant's PZD with one (1) or more five (5) unrelated person structures would cause unreasonable traffic into an adjoining residential neighborhood before approving any such PZD. Persons are "related" for purposes of this definition if they are related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship. The definition of "family" does not include fraternities, sororities, clubs or institutional groups.	
Flagstaff, AZ 66,000 Northern Arizona University	Family:	

Municipality	Definition of "Family"?	Occupancy or Household Regulations?
- Municipality Name - Population - University if applicable - University enrollment - University enrollment as a percentage of the total population	Most communities have a definition of family and do not limit the number of occupants in a unit if people are related as defined in each community.	Some communities have zoning occupancy limits that are beyond standard building or fire codes to mitigate for potential impacts. Occupancy per unit limits may be citywide, only in single-family zones, or with different limits in single-family zones versus other parts of the city. Most communities have occupancy limits but others just list the limits within a definition of "Household" which includes a definition of "family" and other occupant situations.
26,000 39%	- One or more persons related by blood, marriage, adoption, or affinity, and resident domestic employees, which occupy a dwelling unit and live as a single housekeeping unit; or - Persons with disabilities as so defined in Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Act; or Not more than eight unrelated persons, living together as a single housekeeping unit in a dwelling unit.	
Fort Collins, CO 148,000 Colorado State University 31,000 21%	Family shall mean any number of persons who are all related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, and who live together as a single housekeeping unit and share common living, sleeping, cooking and eating facilities.	(A)Except as provided in Subsection (B) below, or pursuant to a certificate of occupancy issued by the city to the owner of the property, the maximum occupancy allowed per dwelling unit in a single-family, two-family or multi-family dwelling shall be either:(1)one (1) family as defined in Section 5.1.2 and not more than one (1) additional person; or(2) two (2) adults and their dependents, if any, and not more than one (1) additional person. (B)Exceptions. The following shall be exempt from the maximum occupancy limit established in Subsection (A) above:(1)dwellings regularly inspected or licensed by the state or federal government, including, but not limited to, group homes; and(2)dwellings owned or operated by a nonprofit organization incorporated under the laws of this state for the purpose of providing housing to victims of domestic violence as such is defined in Section 18-6-800.03, C.R.S.
Gainesville, FL 132,000 University of Florida 57,000 43%	Family means one or more natural persons who are living together and interrelated as spouse, domestic partner, child, stepchild, foster child, parent, stepparent, foster parent, brother, sister, grandparent, niece, nephew, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, or legal guardian, as evidenced by written documentation of such relationship, plus no more than two	

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	additional unrelated natural persons occupying either the whole or part of a dwelling unit as a separate housekeeping unit. A family also includes a community residential home, as defined in this chapter, with six or fewer residents. The persons constituting a family may also include domestic servants and temporary gratuitous guests. "Temporary gratuitous guests" as used herein shall refer to natural persons occasionally visiting such housekeeping unit for a short period of time not to exceed 30 calendar days within a 90-day period.	
Grand Junction, CO 66,964 Colorado Mesa University 10,662 16%	Family means any number of related persons living together within a single dwelling unit as a single housekeeping unit, but not more than four persons who are unrelated by blood, marriage, guardianship or adoption.	
Greeley, CO 106,000 University of North Carolina 12,000 11%	Family. An individual living alone, or any number of persons living together as a single household who are interrelated by blood, marriage, adoption or other legal custodial relationship; or not more than two unrelated adults and any number of persons related to those unrelated adults by blood, adoption, guardianship or other legal custodial relationship. In multifamily units, the number of unrelated adults shall be determined based on the provisions of the city's housing code. For the purposes of this definition, a bona fide employee of the family who resides in the dwelling unit and whose live-in status is required by the nature of his employment shall be considered a member of the family.	

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Hartford, CT 124,000 Multiple universities	See definition of Household.	Household. (1) One adult, together with up to 2 domestic employees; 2 or more adults, each related to the other by blood, marriage, adoption, custodianship, or guardianship, together with up to 2 domestic employees; up to 2 adults; or 3 adults, of which at least one is unrelated to the others by blood, marriage, adoption, custodianship, or guardianship, living together as a household unit; and, for each of the preceding categories of adults, any children related to any adult in the household by blood, marriage, adoption, custodianship, or guardianship. (2) A roomer or boarder or bona fide guest shall not be considered a member of a household, nor shall any resident of a group living arrangement as defined in 3.3.1 C. (3) The household or members of the household shall not be temporary or itinerant. Household Unit. A collection of individuals occupying the entire dwelling unit, sharing a household budget and expenses, preparing food and eating together regularly, sharing in the work to maintain the premises, and legally sharing in the ownership or possession of the premises. Group Living. A facility where a group of persons other than a household resides together with a common purpose or goal, excluding medical or rehabilitation purposes or goals. Typically includes a communal kitchen and dining facilities. Includes such uses as fraternity houses, sorority houses, convents, monasteries, foster homes for more than 6 children, orphanages

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		or children's homes. Does not include a roominghouse or boardinghouse or group living for health reasons (such as a rehabilitation home). When noted as subject to use-specific conditions ("●") or requires a special permit ("○") in Figure 3.2 -A Table of Principal Uses, the following regulations apply: (1) There shall be a minimum lot area of one acre for all uses, except orphanages and children's homes are required to have a minimum of 5 acres. (2) A minimum of 400 square feet of usable open space shall be provided per resident. For fraternity and sorority houses, the open space of the university or college campus on which they are located may be counted toward the usable open space requirement. (3) Fraternity and sorority houses shall be permitted only on the campus of a college or university.
Iowa City, IA 70,000 University of Iowa 31,000 44%	FAMILY: One person or two (2) or more persons related by blood, marriage, adoption or placement by a governmental or social service agency, occupying a dwelling unit as a single housekeeping organization. A "family" may also include the following: A. Two (2), but not more than two (2), persons not related by blood, marriage or adoption; or B. Up to eight (8) persons with verifiable disabilities, as defined by the fair housing amendments act of 1988, who are occupying a dwelling unit as a single housekeeping organization.	HOUSEHOLD: An individual or group of individuals that reside within a single-family dwelling or within a dwelling unit of a two family dwelling or multi-family dwelling as a single housekeeping organization, where the responsibilities and expenses of maintaining the household are shared among the members; also a group of individuals that meet the definition of a group household, as defined in this title.

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Lafayette, IN 68,000 Purdue University 39,000 57%	FAMILY. One or more persons related by blood, marriage or adoption and not more than two unrelated persons living as a single housekeeping unit.	HOUSEKEEPING UNIT. Either a family, or the occupants of shared housing, living together in one dwelling unit, with common access to and use of all living, eating, and food preparation and storage areas within the dwelling unit.
Lakewood, CO 156,605	Family: Any unrelated group of individuals living together as a single housekeeping unit up to a maximum of one person per 500 gross square feet in a single-family dwelling unit (including basements and excluding attached and/or detached garages) not to exceed five individuals per dwelling units (from "Household" definition)	Household: A household shall be made up of: 1. An individual living alone; or 2. Any number of individuals, who are related by blood, marriage, or legal adoption, including foster children; or 3. Any unrelated group of individuals living together as a single housekeeping unit up to a maximum of one person per 500 gross square feet in a single-family dwelling unit (including basements and excluding attached and/or detached garages) not to exceed five individuals per dwelling units; or 4. Any unrelated group of individuals living together as a single housekeeping unit up to a maximum of one person per habitable room; or 5. Not more than two unrelated individuals and their related children and/or parents; or 6. A household shall not include more than one individual who is required to register as a sex offender pursuant to Article 22 of Title 16, Colorado Revised Statutes. This section shall not apply to a registered sex offender who is living with his immediate family. For purposes of this section, immediate family is defined as a person, the person's spouse, the person's parent, the person's grandparent, the person's brother or sister of the whole or half blood, the person's child, the person's step-child or the person's child by adoption and shall include children who have been placed in foster care, as defined by the Colorado Revised Statutes.

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		For purposes of this definition, "living together as a single housekeeping unit" is generally characterized by a family-like structure, and/or a sharing of responsibility associated with the household, and a concept of functioning as a family unit with a sense of permanency, as opposed to the transient nature of a bed and breakfast establishment, motel or hotel. Notwithstanding the square foot limitations above, no dwelling unit shall be limited to fewer than three individuals.
Lansing and East Lansing, MI 161,000 Michigan State 50,000 31%	<u>LANSING: "FAMILY"</u> means any one of the following (see also "family, functional" hereof): 1. An individual; 2. An individual or two or more persons related by blood, marriage or adoption, together with not more than two other persons as roomers; or 3. Two or more persons related by blood, marriage, or adoption, with not more than two of the unrelated persons as roomers. 4. "FAMILY, FUNCTIONAL" means a group of persons, but not more than three (3) adults, which group does not meet the definition of "family" above hereof, living in a dwelling unit as a single housekeeping unit and intending to live together as a group for the indefinite future. "Functional family" does not include a fraternity, sorority, club, hotel or other group of persons whose association is temporary or commercial in nature." <u>EAST LANSING:</u> Family.	

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	(1)Family means one person or two related persons or two unrelated persons residing in a dwelling unit, or where there are more than two persons residing in a dwelling unit, persons classified constituting a family shall be limited to husband, wife, son, daughter, father, mother, brother, sister, grandfather, grandmother, grandson, granddaughter, aunt, uncle, stepchildren, and legally adopted children, or any combination of the above persons living together in a single dwelling unit.(2)Anyone seeking the rights and privileges afforded a member of a family by this Code shall have the burden of proof by clear and convincing evidence of their family relationship.(3)Domestic unit: As herein defined, a domestic unit shall be given the same rights and privileges and shall have the same duties and responsibilities as a family, as defined herein for purposes of construing and interpreting this chapter. Domestic unit shall mean a collective number of individuals living together in one dwelling unit whose relationship is of a regular and permanent nature and having a distinct domestic character or a demonstrable and recognizable bond where each party is responsible for the basic material needs of the other and all are living and cooking as a single housekeeping unit.(4)This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, nor include a group of individuals whose association is temporary or seasonal in character or nature or for the limited duration of their education, nor a group whose sharing of a house is not to function as a family, but merely for convenience and economics.(5)Any person seeking the rights and privileges afforded a member of a domestic unit by this chapter shall have the burden of proof by clear and convincing evidence of each of the elements of a	

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	domestic unit.(6)Nothing in this section shall be deemed to confer any legal rights upon any person on the basis of conduct otherwise unlawful under any existing law.	
Las Vegas, NV 646,790 University of Nevada, Las Vegas 28,600 4%	"Family" means: 1. One or more individuals related by blood, marriage, adoption, guardianship or legal custody; or 2. No more than four unrelated individuals living together as a single housekeeping unit.	1. Two persons per bedroom (but excluding children under the age of twelve); or 2. The maximum occupancy limits for residential dwellings established by the Uniform Housing Code, as adopted in LVMC Chapter 16.20. * 3. Sixteen persons within that unit at any given time. *Maximum occupancy in UHC is 1 person/200 for residential buildings

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Lawrence, KS 89,000 University of Kansas 28,000 31%	(d) Occupancy Limits (i) Occupancy means residing or sleeping at a Dwelling Unit the majority of a person's time. Unless otherwise expressly stated herein, all Dwelling Units shall comply with the Occupancy Limits of the following table: <table><tr><th>Zoning District</th><th>Maximum Number of Unrelated^[1] Occupants per Dwelling Unit</th></tr><tr><td>RS</td><td>3</td></tr><tr><td>RSO</td><td>3</td></tr><tr><td>RM</td><td>4</td></tr><tr><td>RMG</td><td>NA</td></tr><tr><td>RMO</td><td>4</td></tr><tr><td>Commercial</td><td>Detached Dwelling – 3 All other housing types – 4</td></tr><tr><td>Industrial</td><td>Detached Dwelling – 3 All other housing types – 4</td></tr><tr><td>MU</td><td>4</td></tr><tr><td>GPI</td><td>3</td></tr><tr><td>H</td><td>3</td></tr><tr><td>PUD(name)</td><td>Detached Dwelling – 3 All other housing types – 4</td></tr><tr><td>PRD(name)</td><td>Detached Dwelling – 3 All other housing types – 4</td></tr><tr><td>PCD(name)</td><td>Detached Dwelling – 3 All other housing types – 4</td></tr><tr><td>PID(name)</td><td>Detached Dwelling – 3 All other housing types – 4</td></tr><tr><td>POD(name)</td><td>Detached Dwelling – 3 All other housing types – 4</td></tr><tr><td>UR</td><td>Detached Dwelling – 3 All other housing types – 4</td></tr><tr><td>UIU-KU</td><td>Detached Dwelling – 3 All other housing types – 4</td></tr><tr><td>OS</td><td>Detached Dwelling – 3 All other housing types – 4</td></tr><tr><td>Lawrence SmartCode</td><td>Per SmartCode</td></tr><tr><td>Overlay</td><td>Determined by base zoning district</td></tr></table> ^[1] Persons not related by blood, marriage, or adoption.	Zoning District	Maximum Number of Unrelated ^[1] Occupants per Dwelling Unit	RS	3	RSO	3	RM	4	RMG	NA	RMO	4	Commercial	Detached Dwelling – 3 All other housing types – 4	Industrial	Detached Dwelling – 3 All other housing types – 4	MU	4	GPI	3	H	3	PUD(name)	Detached Dwelling – 3 All other housing types – 4	PRD(name)	Detached Dwelling – 3 All other housing types – 4	PCD(name)	Detached Dwelling – 3 All other housing types – 4	PID(name)	Detached Dwelling – 3 All other housing types – 4	POD(name)	Detached Dwelling – 3 All other housing types – 4	UR	Detached Dwelling – 3 All other housing types – 4	UIU-KU	Detached Dwelling – 3 All other housing types – 4	OS	Detached Dwelling – 3 All other housing types – 4	Lawrence SmartCode	Per SmartCode	Overlay	Determined by base zoning district	
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Lexington, KY 308,000 University of Kentucky 30,000 10%	Family or housekeeping unit means a person living alone, or any of the following groups living together and sharing common living and kitchen facilities: (a) Any number of persons related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship;																																											

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	(b) Four (4) or fewer unrelated persons; (c) Two (2) unrelated persons and any children related to either of them or under their care through a duly authorized custodial relationship; (d) Not more than eight (8) persons who are: 1.Residents of a "home-like" residence, as defined in KRS 216b.450;2.The term "handicapped" as defined in the Fair Housing Act, 42 USC § 3602(h). This definition does not include those currently illegally using or being addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 USC § 802(6). (e) Not more than six (6) unrelated individuals when in compliance with the provisions of the definitions of "dwelling, single-family" or "dwelling, two-family," as contained in this Article. (f) A functional family as defined and regulated	
Lincoln, NE 265,000 University of Nebraska 52,000 19%	Family. One or more persons immediately related by blood, marriage, or adoption and living as a single housekeeping unit in a dwelling shall constitute a family. A family may include, in addition, not more than two persons who are unrelated for the purpose of this title. The following persons shall be considered related for the purpose of this title: A person residing with a family for the purpose of adoption; Not more than six persons under nineteen years of age, residing in a foster home licensed or approved by the State of Nebraska;	

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	Not more than four persons nineteen years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the state or its delegate; Any person who is living with a family at the direction of a court.	
Littleton, CO 45,191	No definition of Family	Roomers and Boarders. As an accessory to residential occupancy of a dwelling, a maximum of not more than two roomers and/or boarders are permitted, subject to the following standards: a. The use shall not have a separate outside entrance; rather, the entrance to the quarters occupied by a roomer/boarder shall be from within the principal structure; and b. No separate kitchen facilities, including stoves, refrigerators or ovens, shall be allowed or maintained for the benefit of roomers/boarders.
Longmont, CO 95,000	Family. Any one of the following: • One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together in a dwelling unit; or • A group of not more than five persons not related by blood, marriage, adoption, or legal guardianship (including foster children) living together in a dwelling unit; or • Two unrelated persons and their minor children living together in a dwelling unit.	
Louisville, CO 20,975	Family means a single individual doing his or her own cooking and living upon the premises as a separate, independent, housekeeping unit; or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth or marriage; or a group of not more than two unrelated persons doing their own cooking and	

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	living together upon the premises as a single housekeeping unit, except that no more than one of such persons may be an individual who has been adjudged by a court of law as a sex offender and who is required to register as such within the community of his residence in accordance with the provisions of the C.R.S. § 18-3-412.5, as amended. Single persons of 18 years of age or older not living with parents or a legal guardian are considered to be unrelated to each other.	
Loveland, CO 77,194	Not found.	Occupancy limits. 1. The maximum occupancy allowed on a property in a single-family, duplex, townhome, or multifamily dwelling unit shall be either: a. One household of persons who are all related by blood, marriage, adoption, guardianship, or custodial relationship and not more than two additional persons; or b. One household of two adults and their dependents, if any, and not more than three additional persons. 2. The maximum occupancy allowed in an accessory dwelling unit shall be four persons. 3. In addition to the occupancy limits set forth in subsections 1 and 2, above, a property owner may submit to the City an application for increased occupancy to allow up to 2 additional persons in the dwelling unit. Approval for increased occupancy shall apply solely to the specific application and shall not run with the land. The application for increased occupancy shall include such information as required in the application checklist approved by the Director, to demonstrate that the dwelling unit provides sufficient parking and sufficient bedrooms for the additional occupants, which required information shall be, at a minimum, the following: a. Parking plan identifying the available parking spaces on the property or on the abutting street directly adjacent to the property boundaries, to accommodate the vehicles to be used by all of the occupants of the dwelling unit. Landscaped areas within the property shall not be converted to parking spaces to accommodate increased occupancy; and b. Floor plan of the residence identifying the number, size, and location of bedrooms as confirmed through the Larimer County Assessor’s Office and in compliance with the Building Code.
Madison, WI 255,000 Wisconsin 44,000	Family. A family is an individual, or two (2) or more persons related by blood, marriage or legal adoption living together as a single housekeeping unit in a dwelling unit, including foster children, domestic servants and not more than four (4) roomers, except that	

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17%	the term family shall not, in R1, R2, R3, R4A and R4L residence districts, include more than one roomer except where such dwelling unit is owner-occupied. In any residence district, a family may consist of two unrelated adults and the minor children of each. Such family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding. Up to two (2) personal attendants who provide services for family members or roomers who, because of advanced age or a physical or mental disability, need assistance with activities of daily living shall be considered part of the "family". Such services may include personal care, housekeeping, meal preparation, laundry or companionship.	
Manhattan, KS 56,000 Kansas State 25,000 45%	Family means an individual or two or more persons related by blood, adoption, marriage, or guardianship, or not more than four unrelated persons operating as a single housekeeping unit. There will be a rebuttable presumption that five or more people living together as a single housekeeping unit are not a family.	
Minneapolis, MN 420,000 St Paul 304,000 University of Minnesota 52,000 7%	Family. A person or persons as defined in Chapter 244 of the Minneapolis Code of Ordinances. Chapter 244: Family: A "family" is an individual or two (2) or more persons , intending upon residing and living together as a single household and housekeeping unit in a dwelling unit for thirty (30) days or more and not for short-term, tourist or transient use.	No limits.

Municipality	Definition of "Family"?	Occupancy or Household Regulations?
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Morgantown, WV 70,000 West Virginia University 30,000 43%	Family. For determining residential dwelling unit occupancy within the City's many diverse neighborhoods and zoning districts, the following definitions shall apply: (a) Within single-family residential zoning districts—A person living alone or any of the following groups living together as a single housekeeping unit and sharing common living, cooking and eating facilities: (1) A person or any number of related persons, as that term is defined in this article; (2) Two unrelated people or two unrelated people and any children related to either of them by blood, marriage, or legal adoption; (3) One or two persons with foster children placed in the home by a government agency or court of authorized legal jurisdiction to do so; (4) A "group residential home" or "group residential facility" as defined in this article; (5) Three or more unrelated persons who the Planning Director determines to be a "functional family unit", as defined in this article. (6) Exceptions: a. Occupancy for legal, pre-existing, non-conforming dwelling units in single-family residential zoning districts shall be no more than three unrelated persons and any children related to either of them by blood, marriage, or legal adoption. b. Where disability requires that more than the maximum number of unrelated persons provided in this article to reside together; in such cases, there shall be no requirement for persons with disabilities to petition, apply, or experience a process to obtain approval to live in any zoning district of the City. (b) Within all other zoning districts, dwelling unit occupancy will be determined by the West Virginia State Building Code as adopted and implemented by the City.	Functional family unit definition: <i>Functional family unit</i> means three or more persons occupying a dwelling unit and living together as a single, non-profit housekeeping unit whose relationship is of a permanent and distinct domestic character, with a demonstrable and recognizable bond where each party is responsible for the basic material needs of the other, and all are living as a single housekeeping unit consistent with the purposes of zoning restrictions in the R-1, Single Family Residential District and the R-1A, Single-Family Residential District. (a) In determining whether or not a group of unrelated individuals is a "functional family unit" under the definition set forth above, the following characteristics must be present: (1) The occupants must share the entire dwelling unit. A dwelling unit in which the various occupants act as separate roomers cannot be deemed to be occupied by a "functional family unit". (2) The household must have stability with respect to the purpose of functioning as a family unit. Evidence of such stability may include the following: a. The presence of minor dependent children regularly residing in the household. b. Proof of the sharing of expenses for food, rent or ownership costs, utilities and other household expenses. c. Whether or not different members of the household have the same address for the purposes of:

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		1. Voter registration. 2. Drivers' licenses. 3. Motor vehicle registration. 4. The filing of taxes. 5. Summer or other residences. d. Enrollment of dependent children in public or private schools within Monongalia County. e. Employment of householders in the local area. f. A showing that the householders have been living together as a "functional family unit" for 12 consecutive months or more, whether in the current dwelling unit or other dwelling units. g. Any other factor reasonably related to whether or not the unrelated persons are the functional equivalent of a family. (b) A group of individuals living in the same dwelling unit shall be presumed not to be a "functional family unit", as defined above, if such dwelling unit contains three or more unrelated persons whose association is temporary or seasonal in character or nature or a group whose sharing of a dwelling unit is merely for convenience and economics. (c) A group of individuals living in the same dwelling unit shall be presumed not to be a "functional family unit", as defined above, if

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		such dwelling unit contains three or more college students over the age of 16 years. (1) A college student is a person who attends, at least half time, any college, university, or other institution authorized to confer degrees by the State of West Virginia. (2) For the purpose of this presumption, dependent children of any other member of the household shall be excluded in calculating the number of college students in the household. (d) The presumptions set forth in subsections (b) and (c) of this definition may be rebutted by sufficient evidence of the characteristics set forth in subsection (a) of this definition. (e) The initial determination of whether a "functional family unit" status exists shall be made by the Planning Director, either by application or investigation. Any person seeking the rights and privileges afforded a member of a "functional family unit" shall have the burden of proof by clear and convincing evidence of a "functional family unit" as provided above. Nothing in this section shall be deemed to confer any legal rights upon any person on the basis of conduct otherwise unlawful under any existing law. The City will limit disclosure of any information provided by a "functional family unit" status applicants to the extent permitted by law.
Normal, IL 53,594 Illinois State University	Family. A. In the R-1AA, Single-Family Residence District, R-1A, Single-Family Residence District, and R-1B, Single-Family Residence District, a family is one of the following: 1. One (1) person or two (2) or more persons each related to each other by blood, marriage, or legal	Per Family definition.

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21,039 39%	adoption, any foster children residing with such person or persons in a "foster family home" as that term is defined in the Illinois Child Care Act of 1969 as amended and an aggregate of not more than one (1) roomer or boarder, whether or not gratuitous, maintaining a common household in a dwelling unit. 2. An aggregate of not more than five (5) individuals having a developmental disability as defined by Illinois Mental Health and Developmental Disabilities Code as amended January 1, 1979, and not more than two (2) persons supervising such person or person(s). (Amended 12/15/97 by Ord. No. 4487)(Amended 1/16/01 by Ord. No. 4706) 3. A group of not more than two (2) persons not so related maintaining a common household in a dwelling unit. B. In all other zoning districts, a family is either one (1) person or two (2) or more persons each related to each other by blood, marriage, or legal adoption, any foster children residing with such person or persons in a "foster family home" as that term is defined in the Illinois Child Care Act of 1969, as amended, and an aggregate of not more than two (2) roomers or boarders not related to each other, whether or not gratuitous, maintaining a common household in a dwelling unit; or a group of not more than four (4) persons not so related maintaining a common household in a dwelling unit. However, in no case shall more than two (2) unrelated individuals occupy an efficiency unit or one (1) bedroom dwelling unit.	
Norman, OK 128,097 University of Oklahoma	Family: An individual, or two or more persons related by blood, marriage, or legal adoption living together as a single housekeeping unit in a dwelling unit, including foster children, domestic servants, and not more than two roomers; OR	4 unrelated are possible in attached units with special approval

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31,678 24%	Three unrelated persons living together in a quasi-unit quarter	
Orlando, FL 281,000 University of Central Florida 71,000 25%	Family: One or more persons occupying a single dwelling unit and living as a single housekeeping unit, provided that unless all members are related by blood, marriage, adoption or foster care responsibility, no such family shall contain over five persons .	Single Housekeeping Unit: A group of persons jointly occupying a single dwelling unit that: (1) meet the definition of a family; (2) has access to and the joint use of all common areas of the dwelling unit; (3) shares household activities and responsibilities, such as meals, chores or expenses; (4) has no limits on length of residence except those imposed by a lease or rental agreement; and (5) rents no more than four individual rooms for a period of at least 30 days for compensation under separate leases or rental agreements, unless additional leases are required be a governmental funding program or a shared housing program operated by a federally recognized tax-exempt entity.
Parker, CO 60,313	Family means two (2) or more persons related by blood, marriage, or other legally recognized relationship, or a group not exceeding five (5) unrelated persons (excluding paid household staff such as nannies, cleaners and caregivers) living together as a single housekeeping unit in one (1) structure on one (1) lot, unless otherwise specifically authorized by this Land Development Ordinance, including, without limitation, Section 13.04.290 of this Title and its regulation of group homes, as may be amended from time to time, or by the provisions of state or federal law. This definition of <i>family</i> supersedes any definition of family in planned development documents, including, without limitation, development guides adopted by ordinance.	Per Family definition
Provo, UT 114,084 Brigham Young University	“Family,” means:	Three unrelated persons per single residential unit

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34,737 30%	(a) One (1) individual living alone; or (b) One (1), but not more than one (1) at the same time, of the following groups of individuals described in Subsection (b)(i) or (ii) of this definition who together occupy a <u>one-family dwelling</u> unit as one (1) nonprofit housekeeping unit and who share common living, sleeping, cooking and eating facilities: (i) A <u>head of household</u> and: (A) All <u>persons</u> related to the <u>head of household</u> as a spouse, parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild by blood, marriage, adoption, guardianship, or any other duly authorized custodial relationship; and (B) Not more than two (2) additional related or unrelated <u>persons</u>, including, but not limited to, personal care or <u>personal service providers</u>; or (ii) Three (3) related or unrelated individuals and any children of either individual, if any. (c) In applying this definition the existence of more than one (1) <u>kitchen</u> in a <u>dwelling unit</u> shall create a presumption that two (2) housekeeping units exist in the <u>dwelling</u>.	

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	(d) "Family" does not include: (i) <u>Baching singles</u>, as defined in this Section, even if related as set forth in Subsection (b)(i)(A) of this definition; (ii) Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization; (iii) Any number of individuals whose association is temporary or seasonal in nature; or (iv) Any number of individuals who are in a group living arrangement as a result of criminal offenses.	
Pueblo, CO 112,368 Colorado State University Pueblo 4,000 4%	Family means one (1) or more persons living together as a separate, independent housekeeping unit, all related by blood, adoption or marriage, or in the alternative, a group of not more than three (3) unrelated persons living together as a separate, independent housekeeping unit. Domestic servants employed on the premises may be housed on the premises without being counted as part of a family.	
Salt Lake City, UT 200,000 University of Utah 32,000	FAMILY: A. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together as a single housekeeping unit in a dwelling unit; or B. A group of not more than three (3) persons not related by blood, marriage, adoption, or legal guardianship living together as a single housekeeping unit in a dwelling unit; or	DWELLING: A building or portion thereof, which is designated for residential purposes of a family for occupancy on a monthly basis and which is a self-contained unit with kitchen and bathroom facilities. The term "dwelling" excludes living space within hotels, bed and breakfast establishments, apartment hotels, boarding houses and lodging houses.

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	C. Two (2) unrelated persons and their children living together as a single housekeeping unit in a dwelling unit.	
San Luis Obispo, CA 45,000 Cal State Poly 19,000 42%	Not found.	Household. One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food; who share living expenses, including rent or mortgage payments, food costs and utilities; and who maintain a single mortgage, lease, or rental agreement for all members of the household. (Ord. 1650 § 3 (Exh. B), 2018)
Seattle, WA 733,919 Multiple universities	"Family" means any number of related persons or eight (8) or fewer unrelated persons. Illegal to enforce per 2021 state legislation	
St. Louis, MO 293,310 University of Missouri, St. Louis 16,719 6%	Family: A person, or group of persons immediately related by blood, marriage or adoption, living as a single housekeeping unit; also a group of not more than three (3) persons not necessarily related by blood, marriage or adoption, living as a single housekeeping unit.	Per Family definition
Tallahassee, FL 181,000 FSU Florida A&M 51,000 28%	Family. The term "family" means one natural person, or a group of two or more natural persons, living together and interrelated by bonds of blood, marriage or legal adoption, plus no more than two additional, unrelated natural persons , occupying the whole or part of a dwelling unit as a separate housekeeping unit. A family also includes any foster children placed in a lawful foster family home and includes a community residential home with six or fewer residents. The persons constituting a family may also include temporary gratuitous guests. The term "temporary gratuitous guests" as used in this definition shall refer to natural persons occasionally visiting such	If a single-family home is occupied by four or more unrelated persons, it is considered a rooming house. Per Sec. 1-2 of the Tallahassee Land Development Code (TLDC), a "rooming house" is defined as a single-family dwelling or either unit of a two-family dwelling (duplex) which is rented for a valuable consideration or wherein rooms with or without cooking facilities are rented for a valuable consideration to or occupied by four or more natural persons unrelated by blood, marriage or legal adoption to the owner of the house or unrelated by blood, marriage or legal adoption to each other. Foster children placed in a lawful foster family home, a community residential home with six or fewer residents, a nursing home, or a residential care facility shall not be considered a rooming house.

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	housekeeping unit for a short period of time not to exceed 30 days within a 90-day period.	Temporary gratuitous guests as used herein shall refer to natural persons occasionally visiting the single-family house for a short period of time not to exceed 30 days in a 90-day period.
Tempe, AZ 187,000 Arizona State 53,000 28%	Family means: 1. One (1) or more persons related by the 3rd degree of consanguinity, adoption, marriage or as domestic partners as defined in Section 7-105, and not more than two (2) additional persons living together in a dwelling unit; or 2. Not more than three (3) persons who are not related by the 3rd degree of consanguinity, adoption, marriage or as domestic partners, living together in a dwelling unit.	Occupancy load; sleeping room. Every rental housing unit shall contain at least one (1) bedroom or living/sleeping room of appropriate size for each two (2) persons. Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of habitable room area and every room occupied for sleeping purposes by two (2) people shall contain at least fifty (50) square feet of habitable room area for each person.
Tuscaloosa, AL 95,000 University of Alabama 35,000 37%	Unless otherwise specified herein for a greater or lesser occupancy limit in certain districts no more than three (3) unrelated persons may live together in a dwelling unit in any zoning district.	
Westminster, CO 114,561	Family shall mean a head of household plus, if applicable, any individuals related to the head of household by blood, marriage, adoption, or guardianship, including foster children placed by a state institution or a licensed child placement agency.	Occupancy of Dwelling Units: Subject to the provisions of Chapter 12 of Title XI, "Rental Property Maintenance Code," W.M.C., no persons except the following persons shall occupy a dwelling unit: (1) Members of a family, together with bona fide domestic employees of such family; or (2) Up to four unrelated persons; or (3) Two persons and any of either of their children by blood, marriage, adoption, or guardianship, including foster children placed by a state institution or licensed child placement agency; or (4) Up to eight residents of a group home for the aged; or (5) Up to eight residents, plus staff, of a group home for persons with mental illness; or (6) Up to eight residents, plus staff, of a group home for developmentally disabled persons, provided, further, that, except as otherwise provided by

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		law, no more than one individual who is required to register as a sex offender under the provisions of the Colorado Sex Offender Registration Act shall occupy a dwelling unit.
State Regulations on Occupancy		
CALIFORNIA	California Supreme Court City of Santa Barbara v. Adamson in 1980 ruled that regulating occupancy based on unrelated was illegal	
OREGON	A maximum occupancy limit may not be established or enforced by any local government, as defined in ORS 197.015, for any residential dwelling unit, as defined in ORS 90.100, if the restriction is based on the familial or nonfamilial relationships among any occupants.	House bill 2583 passed in 2021
WASHINGTON	BILL 5235 "The legislature also intends to remove 4 barriers and restrictions on the number of unrelated occupants 5 permitted to live together, which will provide additional affordable 6 housing options."	Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or city ordinance, a city or town may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit.

From: Lisa Nelson <lgnelson@hotmail.com>

Sent: Thursday, November 10, 2022 2:13 PM

To: Brockett, Aaron <BrockettA@bouldercolorado.gov>; Friend, Rachel <friendr@bouldercolorado.gov>; Wallach, Mark <WallachM@bouldercolorado.gov>; Winer, Tara <winert@bouldercolorado.gov>; Yates, Bob <yatesb@bouldercolorado.gov>; Speer, Nicole <speern@bouldercolorado.gov>; Folkerts, Lauren <folkertsl@bouldercolorado.gov>; Benjamin, Matt <BenjaminM@bouldercolorado.gov>; Joseph, Junie <josephj@bouldercolorado.gov>

Cc: Ritenour, Brenda <ritenourb@bouldercolorado.gov>; Rivera-Vandermyde, Nuria <Rivera-VandermydeN@bouldercolorado.gov>; Meschuk, Chris <meschukc@bouldercolorado.gov>; Mueller, Brad <muellerb@bouldercolorado.gov>

Subject: Occupancy in university communities

External Sender

Hello Mayor Brockett and Councilmembers,

I am writing regarding your upcoming discussion of Planning and Development Services work planning at this evening's meeting. I have noted several Council members sharing on Hotline their perspective that the city should move forward rapidly on relaxing occupancy regulations.

In the review of occupancy limits as a factor in housing affordability, it is crucial that the city take the time to understand the well established dynamics inherent in housing markets in university towns such as Boulder.

It is abundantly clear that the existing occupancy limits in university adjacent neighborhoods have resulted in a significant loss of housing for families and long-term residents combined with significant increases in housing costs. The market demand for student rental housing has created a housing market where a home can sell for up to 50% more when sold as an investment property, and investors can get \$12,000/month or more in rent for a 2000 sq ft property, none of which advances anyone's goal of making housing more affordable. This is the current state of our community with occupancy being regulated the way it is now, before any changes.

I urge you to support taking the time and effort needed to gain a thorough understanding of this issue so you can develop informed solutions that will be the most helpful in addressing our housing crisis.

Thank you for your time and service,

Lisa Nelson



November 7, 2022

Re: Council and Planning & Development Services Priorities

Dear Mayor Brockett and Members of Boulder City Council:

In advance of the November 10 Study Session, Better Boulder offers the following input on projects to be discussed. You may notice an ongoing theme in our remarks as we urge you to act swiftly and boldly to continue to make Boulder better.

A. ADUs

Only 439 ADUs have been built in Boulder since the 1983 inception of the program. This lack of uptake of ADU construction is attributable to the city's over-regulation designed to limit density, as well as regulatory complexity and other barriers.

Better Boulder has been deeply involved in ADUs since our inception. In 2018, we hosted an ADU Summit with hopes that regulations would be updated in a comprehensive manner. While that proposed overhaul did not happen, today, in order to make Boulder more accessible and livable and to promote middle income and missing middle housing, City Council should set a goal of 10% of single family housing units having an ADU and set policy, procedures, and communications to encourage ADUs. ADUs are exceptionally equitable housing types, with benefits to existing homeowners and the potential ADU occupants.

Better Boulder encourages Council to take an aggressive and positive position and direct the city manager and P&DS to move quickly. The City has performed many years of community engagement since 2015, and surveys have always shown broad support for ADUs. 93% of all ADU owners surveyed report that neighbors are generally approving or not mentioning existing ADUs. As such, Better Boulder would revise the City staff's recommended approach to more of an "inform" level of engagement with the target date of Q2, 2023 for completion of all the recommendations developed by the Housing Advisory Board. In addition, we recommend a streamlined level of engagement performed through HAB and Planning Board for:



- Elimination of saturation limits.
- Elimination of parking requirements.
- Elimination of minimum lot sizes for ADUs.
- Revision of ADU size limits.
- Creation of pre-approved ADU plans.
- Streamlining of the entitlement process, code clarification, and process improvements.

B. Missing-Middle Housing - Duplexes and Additional Units as of Right if Deed Restricted Units Created on Site

1. Better Boulder has heard interest from Council in allowing duplexes to be built “by right” on all lots currently zoned for single-family housing, and we wholeheartedly endorse this proposal to create missing-middle housing. This proposal is now the law of the land in all of California and in Minneapolis. There is no reason a thought-leading city like Boulder should not adopt this urgently-needed housing reform to do our part to address the crippling undersupply of housing nationally that has had such devastating consequences for affordability in our community and around the nation. To facilitate construction of duplexes, code revisions are required including allowing for condo-ization of single family lots, changes to parking requirements, standard designs that are pre-approved by P&DS, and others. In light of current concerns from P&DS about workload, Better Boulder is willing to assist in an effort to draft specific ordinance language to achieve this change. An expedited study should be undertaken to determine whether a requirement for deed restriction as part of a duplex proposal will increase housing availability, or whether it will essentially act as a poison pill largely eliminating construction of newly-authorized duplexes altogether.

2. Lauren Folkerts recently proposed through a Hotline post that the City allow one additional unit by right in any zoning area beyond what is currently authorized for every deed-restricted unit created on-site. This modest-yet-



powerful proposal, combined with incentives such as waivers of all City fees for the construction of deed-restricted units, would be an important step to increase missing-middle and workforce housing in Boulder, and again it is one that Better Boulder supports. As with the duplex proposal, in light of the staff workload capacity issues expressed by P&DS, Better Boulder is willing to assist in this effort by drafting specific ordinance language to achieve this change.

3. Local housing experts have suggested that for larger projects there could be simple code revisions such as changing the open space requirement to 15% from the current 6000 SF per unit requirement in some zones for example, which is a barrier to providing on site units.

4. Incentives for on-site affordability, such as waiving the Site Plan Review process when on site affordability is provided could offset the loss that developers experience when providing on site affordable units.

C. Occupancy Reform.

Boulder City Council has a number of housing priorities. Given the robust conversation and campaigns around occupancy limits over the past few years, and desire for reforms, the council should quickly move to adopt changes in line with peer cities such as Denver. Council should look at a community process that takes 2-3 months and engages the people who are most harmed by the city's current occupancy limits and those who have had concerns with occupancy changes.

D. Boulder Junction Phase 2

Phase 2 of Boulder Junction represents the single largest opportunity for the City to advance its housing, climate, social equity, cultural and transportation goals.

1. Better Boulder supports the recommended staff process outlined in the November 10th Study Session Memorandum on the proposed scope of work, public engagement plan, and schedule for the Boulder Junction Phase 2, including the consolidation of tasks and sequencing the project in a way that distinguishes the 'planning' updates from the 'implementation' steps.



2. For the sake of process continuity, Better Boulder recommends that Task 3 – Plan Amendment Adoption & BVCP Land Use Updates, be implemented at the end of Q3 and before the City Council election in Q4.
3. Better Boulder celebrates and supports the heavy emphasis on placemaking and mobility and protected bike lanes and pedestrian connectivity within not only Boulder Junction II, but a robust connectivity between Boulder Junction I and Boulder Junction II and the rest of the city-wide bike trail system as part of the re-evaluation of Boulder Junction Phase II. The goal is to create an extension of the existing Boulder Junction I, 15-minute neighborhood.
4. In the initial TVAP plans from 2007, there was a “Mixed Use Industrial” (IMU) zone that was proposed for a large portion of Boulder Junction II. Better Boulder thinks this should no longer have industrial uses as a primary use but a potential complementary one. The land for Boulder Junction II is next to transit and should be used for housing first and other complementary uses to housing. Instead of Industrial Mixed Use, we think this should mimic the East Boulder Area Plan's land use that was designated Mixed Use TOD. This allows mixed uses, but would be “predominantly residential,” promoting greater social equity and housing diversity within walking distance to a multimodal transit hub and bike connectivity. With higher housing densities, the Mixed Use TOD zoning will allow for higher densities, helping to reduce the jobs-housing imbalance within the core of the city.
5. Flood protection for the community and surrounding businesses is critical for the success of this next phase. Infrastructure and flood mitigation projects, including the Boulder Slough, must be solved concurrently while the plan gets adopted and implemented. No residential project is allowed to be built in the current 100-year flood plain.
6. Better Boulder recommends that the city analyze the lessons learned from Phase I, by consulting the developers, architects, planners and others and understand what could be improved on Phase II.
7. Better Boulder recommends that the city engage a retail and food beverage district consultant during the process to better understand the opportunities and constraints, the right locations, for retail and food and beverage rich nodes that can contribute to a vibrant street experience.
8. Better Boulder supports a more permissive and aspirational form-based code that will render more interesting buildings and encourage architectural creativity and variety in service to a vibrant, vital, healthy, and beautiful public realm.

E. Site Review Criteria Update

Better Boulder recognizes that this work has been years in the making by



staff, many individuals, boards, and other groups and is nearing the completion/approval phase. We agree with the latest direction by council that the form-based code needs built-in flexibility to allow for creativity and innovation in design. Better Boulder also agrees that the greenhouse gas emission reductions should be a part of the discussion for the Energy code updates and kept separate from the Site Review Criteria.

F. Use Table & Standards

In December, City Council will consider an ordinance for Module Two (Industrial Areas) of zoning code changes. This ordinance - which Planning Board recommended with minimal changes in October - would result in long-overdue and considerable changes and updates to the allowed uses, standards, and use definitions in all industrial areas. Better Boulder supports these changes implementing the 2017 BVCP policies that envision more services, uses, and amenities (e.g., restaurants, limited retail uses/personal services, gyms) to serve industrial zone users and employees. This will result in fewer lunchtime and after work vehicular trips and help make the industrial areas more of a community.

Given that this ordinance affects the zoning of every property in every industrial zone, please note that the draft ordinance was posted online less than a week before the Planning Board meeting. It is likely that many property owners still are not aware of or do not understand the broad implications of the changes - on existing properties, tenants, or planned improvements. As an example, the consolidation of the office categories is a great improvement, but the proposed code results in a new size limit (50,000 sq. ft.) to all previously defined "technical offices" (a common current use category). Better Boulder urges City Council to seek a more robust outreach effort that engages impacted property owners.

G. Zoning for Affordable Housing



If we've learned anything from recent research, it is that zoning has real-world impacts on the provision of housing, often by favoring the few and excluding the working poor and middle class. A recent study shows that "first-time and repeat homebuyers are now the oldest on record, and the proportion of purchases by Black, Asian and Pacific Island Americans is the lowest since 1997." DC, 11/4/2022, At Home at H17. These national numbers are very likely to be much worse in Boulder. The facts are incontrovertible, and the steps Boulder has taken to remedy the imbalance are too few and do not meet the critical needs of the moment.

To address the magnitude of the affordable housing need, there are many steps City Council should be taking. Occupancy limitations should be reconsidered in favor of a "household living together" standard (as opposed to relying upon blood or marriage relationships). Single family zoning should be reconsidered, as discussed above. Owner-occupied Accessory Dwelling Units should be positively encouraged as discussed above - a city staff member should be assigned to assist with any and all such applications, since housing more people within our existing structures should be Boulder's highest priority. Among Boulder's most "wasted" assets are the empty bedrooms found everywhere within our single family zone districts.

H. Civic Area Downtown Planning

The City needs to evaluate the extent to which Downtown has recovered from COVID-19's worst effects, including the health of its restaurants, the occupancy of its office space and the availability of employees to fill all the positions open in these very different commercial uses. What effects have been mitigated, which are likely to be long-term challenges that can eventually be met, and which represent permanent change that create opportunities to do things differently and change or reconfigure how downtown is used as part of the constantly-evolving process that thriving urban areas go through with each new decade and each new generation.

Questions we should be asking ourselves are as follows: Are there opportunities in the neighborhoods surrounding the Downtown area where



the possibility for development of transit-friendly workforce housing may still exist, and, if so, where? What are the barriers to development of shared housing, cooperatives and other types of affordable workforce dwelling units close to Downtown? What current conditions in and around Downtown may be discouraging Boulder residents from visiting, dining, and shopping Downtown? Does downtown meet the pedestrian-friendly and bicycle-friendly challenges of today? How can visitors to CU's conference Center and the new hotels proposed on The Hill be enticed/assisted to support Downtown businesses (what are the barriers needing to be overcome)? A renewed and reinvigorated downtown planning process is needed now as we move past COVID lockdowns into a new reality for the use of this public realm.

Thank you for your consideration and for your service,

The Better Boulder Board of Directors

From: [No Reply](#)
To: [Council](#); [ContactCoB](#)
Subject: Eric Budd :- Planning and Development Services
Date: Thursday, November 10, 2022 1:11:29 PM

Preferred Form Language: English / Inglés

Name: Eric Budd

Organization (optional): Bedrooms Are For People

Email: ericbudd@gmail.com

Phone (optional): (720) 295-1122

My question or feedback most closely relates to the following topic (please choose one): Planning and Development Services

Direct my submission to: Staff and Council

Comment, question or feedback: Hello Boulder City Council,

Thank you for your discussion about housing priorities that will take place at your meeting tonight.

One year ago, we had just finished the Bedrooms Are For People ballot measure campaign. We wanted to send this to you tonight to help with the context of your discussion tonight which will include reforming the city's occupancy limits.

Over the past year, we have continued to receive notes and messages from people who live over-occupied and are concerned that they will lose their housing.

It has been a full year since changes to occupancy limits were fully discussed and engaged as a community. The concerns of the most vulnerable people in our community still have not been addressed. We urge you to prioritize and take action on this critical community issue now.

Thank you,

Eric Budd and Chelsea Castellano

Bedrooms Are For People Will Work with a Newly-Elected Progressive Council to Reform Occupancy Limits
Boulder, CO — November 9, 2021

Young people, renters, people who support social justice and climate action showed up in an off-year election and voted for change. We now have the first majority progressive City Council that Boulder has seen in decades. This historic victory was only possible because

Bedrooms Are For People fought for a measure that would make a meaningful difference for thousands of people.

Our measure narrowly missed passing with 48% in favor. We do not view Tuesday's election results as a loss, but rather one more hurdle we must overcome on our long journey to reform Boulder's exclusionary occupancy laws.

For those who live over-occupied or struggle to stay housed because of Boulder's restrictive housing limits, we are sorry that this change is not coming soon enough. Our work is not done and we will continue fighting for every person who currently lives in the shadows, has been evicted for safely sharing a home with others, or is being denied equal access to housing.

The new progressive majority on Council gives us hope that moving forward, compassion will win over exclusion and social justice will win over preserving the status quo. Six of the nine future city council members endorsed Bedrooms Are For People and have already indicated that they will take up reforming occupancy limits as a top priority.

"I was really hoping come November 3 we'd be able to say, 'If you're living over-occupied, you don't have to worry anymore.'" campaign co-lead Chelsea Castellano said. "But the progress we have made is incredible. We have made it impossible for our elected officials to continue ignoring Boulder's discriminatory occupancy limits."

"Not one more person should be evicted for sharing housing. Our newly-elected council needs to act immediately," from co-lead Eric Budd.

Bedrooms Are For People will push the new Boulder City Council at their first meeting on November 16th to enact a moratorium on fines and evictions for people sharing housing while the council implements longer-term reforms.

MEDIA CONTACTS

- Eric Budd | Campaign Co-Chair, Bedrooms Are For People | 720-295-1122 | ericbudd@gmail.com

- Chelsea Castellano | Campaign Co-Chair, Bedrooms Are For People | 732-977-7746 | chelseacastellano@gmail.com

[[FSF080521]] Submission ID is #: 1032293266

[Compose a Response to this Email](#)

From: [MANA Steering Committee](#)
To: [Gehr, David](#)
Cc: [Firnhaber, Kurt](#); steeringcommittee@martinacres.org
Subject: Feedback on City's survey of peer occupancy limits
Date: Wednesday, February 16, 2022 5:48:42 PM

External Sender

Dear Mr. Gehr,

Our Martin Acres Neighborhood Association (MANA) steering committee researched the occupancy limits of 24 peer cities, where such limits are set by the cities (rather than states). What we found differed substantially from the City of Boulder's survey of peer city occupancy limits (which only looked at 6 cities).

Of the 24 cities MANA came across, 20 cities (83.3%) allow a maximum of three or fewer unrelated individuals per dwelling unit. Six cities allow no more than 2 unrelated. Four cities allow 4 unrelated. One city allows 5 unrelated in a few limited areas, but - very importantly - it only allows 2 unrelated in most of its residential areas.

We discovered that it's easy to confuse the occupancy limits of a city for this reason: Many cities have differential occupancy limits – one for most of their residential neighborhoods, and another for high density zones and apartments. For example, the occupancy limits in most of Madison, WI's residential areas is no more than 2 unrelated people. In some very limited higher density zones, Madison allows 5 unrelated. But it wouldn't be accurate to characterize Madison as allowing 5, because the predominant limit is 2 in most residential zones.

We would therefore like to work collaboratively with the City in order to a) offer constructive suggestions regarding the City's survey and b) share our research. To avoid a very long email, we'll break those points into two separate emails. (We'll follow up shortly with an email containing our research.)

Here are our constructive suggestions:

- 1) We noticed that The City of Boulder only looked at 6 cities. MANA looked at 24 cities, and what we found provides a more 360 degree perspective on peer city occupancy limits. We hope that the City might incorporate our findings and examples of cities into its survey.
- 2) We suggest presenting peer occupancy limits more simply. For example, Ft. Collins allows 3 unrelated people. We suggest just stating that. It's very challenging to discern it's 3, from Boulder's chart that quotes Ft. Collins' complex code language. Council members "scan" reports, given their vast reading load. It would help Council and community members alike, if you presented occupancy in an at-a-glance, "just give me the number" format, rather than complex code language that makes it difficult to discern the actual, predominant occupancy limit.

3) If you present outliers on the "high end," (occupancy limits higher than Boulder's) as your study does, in the interests of fairness, balance, and scientific rigor, Boulder is also obligated to present outliers on the "low end." Plenty of such examples exist: The following cities allow only 2 unrelated: East Lansing, MI (Michigan State); Athens, GA (Univ. of Georgia); Carbondale, IL (Southern Illinois University; Normal, IL (Illinois State University); and Greeley, CO (Univ. of Northern CO). Fairness and balanced surveying dictates that - given the factual existence of these lower limits - your department should mention these, too.

4) We suggest presenting the "predominant" occupancy limits first, rather than their exceptions. Example: The Boulder survey lists Madison's "exceptional" limits of five persons, first. But those are the isolated, exceptional limits. Then, Boulder lists Madison's predominant policy, but it's buried in a middle section that's hard to even notice.

Madison only allows two unrelated persons in the vast majority of their neighborhoods - certainly all their low-density single family residential neighborhoods that are actually comparable to most of Boulder's neighborhoods, including Martin Acres, Goss Grove, and most of the Hill. But Boulder's study leads the reader to think that four or five unrelated persons is the predominant occupancy limit in Madison. That's not true. We feel the City of Boulder report should not promulgate this incorrect understanding of Madison's limits. We suggest that Boulder's chart first show Madison's "predominant" occupancy limit of two unrelated. Then, show the exceptional instances in which four to five are allowed in special cases.

The City of Boulder survey describes Madison thusly:

"Single-Family Units: For owner occupied dwellings, allowed occupancy can be a family AND max of four unrelated roomers OR a max of five unrelated individuals."

Then, the City of Boulder survey writes:

"In specified zones: ('suburban residential' and 'traditional residential' zones), the occupancy of a single-family rental unit can be a family AND one unrelated roomer OR a max of two unrelated individuals."

We suggest you list the second one first, since it's the predominant policy. We imagine the point of your survey is to find information analogous to Boulder. The point is, most Boulder neighborhoods precisely match Madison's description of "suburban residential" and "traditional residential." And it's rare that families rent rooms to roomers. So, for all intents and purposes, Madison's predominant limit is 2 unrelated, for the majority parts of its city that best match the majority parts of Boulder. That would seem to be the more relevant and analogous point to Boulder. So, don't "bury the lead." Display it first, and the exceptions, last.

5) Finally, kudos for the excellent visual depiction of the "hot spots" of confirmed occupancy violations in Boulder. Predictably, it's Uni Hill, Martin Acres, and Goss-

Grove. Uni Hill has 21 confirmed cases of occupancy violations, Martin Acres had 17, and Goss Grove a distant third at 8. The most any other neighborhood has is 2 to 4.

But we suggest adding a footnote documenting that those are just the "reported" cases. This gets to the problem with Boulder's "complaint based" system. Most residents simply suffer in silence, fearing reprisal, or perhaps having read that the City isn't enforcing occupancy.

The number of occupancy convictions would be far higher, if the City did proactive patrolling and investigation of occupancy issues, as many residents feel it should. And occupancy convictions would be higher if it wasn't widely publicized that the City has suspended occupancy enforcement. Obviously either one of those factors would skew the numbers way down. The combination of both creates a "perfect storm" in which no one takes occupancy limits seriously now. So in all likelihood we don't have anything approaching a realistic picture of the actual frequency of occupancy violations. A frequent problem with City of Boulder surveys is that they miss the obvious. Basic points – ones that are deeply understood by thousands of neighborhood residents (who live the actual day-to-day) – go unmentioned or ignored by the City of Boulder.

Thank you for considering this input, intended to be constructive and offered in the interests of greater empirical accuracy. We will follow up shortly, by sending you our survey of peer city occupancy limits.

In respect,

The Martin Acres Neighborhood Association steering committee:

Jan Trussell, president

Joy Rohde, vice president

Dorothy Cohen, treasurer

Bennett Scharf, treasurer

Ron DePugh, communications

Mike Marsh, zoning

Lisa Harris, newsletter

Dear Boulder City Council,

We write to express concerns we've heard from our neighborhood residents about the proposed elimination of ADU regulations. Allowing density to increase from one to three, or even two, dwelling units per lot will have very negative consequences in the four CU-adjacent neighborhoods. Ditto for eliminating the off-street parking requirements.

The Double Irony:

A very poorly-understood double irony exists in Boulder. We're not sure whether Council understands this. This double irony consistently produces very disproportionate, negative consequences for Boulder's four CU-adjacent neighborhoods.

We're not sure if Council fully appreciates how much more challenging day-to-day life already is, in our four neighborhoods (Martin Acres, Uni Hill, Goss Grove, East Aurora). Due to our proximity to CU, our neighborhoods have very high percentages of rentals, particularly student rentals.

Even without this proposed ADU density increase, we already struggle with exponentially more daily quality of life issues: noise, congestion, much greater daily churn (loud comings and goings at all hours of the day and night), trash, and parking issues. Until you have lived in a predominately student-rental neighborhood, you likely under-appreciate how many more issues we struggle with, daily.

We're familiar with many quiet, stable, tranquil Boulder neighborhoods in which perhaps 5% to 10% of the homes are rentals, and those rentals tend to be families and professionals. Such neighborhoods might be able to withstand more infill and density-related stress, without being pushed past a tipping point. That's not the case for us.

The second part of the double irony is this: Every time the City rolls out a new "city-wide" housing experiment, in actual fact the true deployments of said experiments are not city-wide. In reality, they consistently coagulate and concentrate in our four neighborhoods that, ironically, are least able to withstand more stress and quality of life pressures.

Our neighborhoods are widely known as "targets of opportunity." Investors know they'll have high demand for whatever they develop here, due to our proximity to CU, and they'll reap large profits as a result. So we're always first in line, and we're often (almost exclusively) the deployment ground for the City's densification plans like ADUs, co-ops, etc.

Ironically, the neighborhoods least able to withstand more quality of life stressors and pressures wind up with most of the City's new housing experiments. Our neighborhood, for example, received a very disproportionate number of 12-person co-ops after the City loosened co-op rules. While many neighborhoods saw no new co-ops, we received far more than a proportional share, for a neighborhood that is just 1.5% of Boulder. Meanwhile, the majority of Boulder's most stable, quiet neighborhoods that could absorb more change and impacts...saw no new deployment from the co-op ordinance.

Council, please recognize that if you don't take steps to guarantee new policies will be city-wide, they won't be. The ADU ordinance, like others before it, will take the form of additional "piling on" to the neighborhoods least able to handle more impacts. We have some specific suggestions to accomplish that, below.

First, there are better ways of creating affordable housing; please utilize them instead. We feel that Council should not approve the proposed eliminations of ADU rules, at least not for the four CU-adjacent neighborhoods that already experience so much impact, as is. We strongly feel that Council should instead:

*Increase the required percentages of inclusionary housing in new residential developments, and

*Increase linkage fees for new commercial developments.

Both policies above directly and irrefutably create true affordable housing, while ADUs don't, particularly at the unaffordable rates by which you define affordable ADUs. We don't understand why you would ignore the indisputably successful, surgical tools you have to create affordability, while instead further compromising neighborhoods that are already near the tipping point.

Our request: Maintain ADU limits in our four CU-adjacent neighborhoods via a regulatory carve-out for our neighborhoods, in which a saturation limit of one (not two) ADU projects every 200 feet be maintained. That's conceding some density. But then please resurrect the "Carr Amendment" which was proposed during the co-op ordinance. Former City Attorney Tom Carr proposed to have special restrictions in our four neighborhoods, in recognition that we're already under much greater quality of life pressures as is, and b) we're always the first "targets of opportunity."

We also request that the off-street parking requirement be maintained because of parking problems that many parts of our neighborhoods already experience.

Further, 800 to 900 square foot ADUs are far too large for neighborhoods like ours, where many principal dwelling units are 800 sf two-bedroom homes.

Understand this is not a NIMBY request. Picture our request as a way of ensuring that your ADU roll-out will actually be city-wide. Without any restrictions for our four "usual suspect" neighborhoods, you won't see city-wide deployment, you'll just see most of the new ADUs end up in our four neighborhoods.

Additionally, we respectfully request that Councilmembers not blithely suggest that if we have issues with noise, trash and parking, that we "just call Code Enforcement." For those of you who aren't cast into the unfortunate position of having to regularly utilize enforcement, allow us to explain:

Contacting Code Enforcement is almost totally ineffective. We realize many on Council believe that if there's a noise problem, one simply calls the police or code enforcement, and their problem is solved. While that's a picturesque, appealing idea...reality is quite different. Not only are there far too few code enforcement officers for the size of the problem, Boulder's deeply flawed "complaint-based system" forces the burden of proof onto the victims. We are told that we must document, photograph, find the source of noise ourselves, create logs of incidents, etc. None of us wish to spend our lives that way. We are not (nor do we wish to become) investigators, detectives or prosecutors.

Instead, a far better strategy would be to maintain guardrails to prevent problems where you can practically guarantee they'll occur (our neighborhoods), rather than "designing for problems," as we believe this ADU proposal to be, and then leaving residents to attempt in vain to fix problems on the back end.

Here's another of Boulder's least-understood problems with the City's and BPD's new, totally data-based system that relies exclusively, and erroneously on actual reported violations: The truth is that many violations go unreported, because many residents fear retaliation from the perpetrators in the offending properties. So your data maps and call logs, in reality, vastly under-count the actual number of issues. In short, Council's perceived solution to quality of life challenges (calling code enforcement) is actually an ineffective, exceptionally difficult, time consuming process.

In closing: We offer a sobering, cautionary tale from the City of Austin, TX:

Around the year 2010, Austin, TX passed a "city-wide" law known as the High Occupancy Unit (HOU) ordinance. As the following summary shows, actual HOU deployment wasn't anything approaching city-wide. HOUs coagulated and concentrated in the already-beleaguered neighborhoods closest to the University of Texas. The effects on those neighborhoods were devastating, leading Austin to repeal its HOU ordinance just a few years later. Can Boulder learn from history, and other cities' mistakes, or are we condemned to repeat those mistakes?

In particular, Austin's experience regarding loss of families (which we're also seeing in Martin Acres, as quality of life deteriorates each year) speaks directly to Councilman Benjamin's publicly-stated concern over decreasing BVSD enrollment in South Boulder. To quote the Austin report:

https://centralaustincdc.org/fair_affordable_housing/Family_Displacement_in_Central_Austin.pdf

(Austin report): "...today, **our community is losing a most important component of that diversity: its families. This loss is already complete in areas zoned and thought protected for single-family use. It may be irreversible, and many areas have reached the tipping point. The trend began near the campus...**"

"Single family uses in the 78751 zip code, most particularly the Northfield Neighborhood, have been devastated. **HOU's have placed many of their blocks beyond the tipping point of recovery.** Northfield has experienced the brunt of conversions of buildings to High-Occupancy

Units (HOU), and the **disappearance of families, long term renters, and the historically contributing structures** they once lived in.”

“Based on rents published in listings, **HOU’s have not created household affordability for the people who rent them**, nor as a class, have they delivered meaningful supply to the market to reduce rents elsewhere. **Conversely, HOU’s have increased the prevailing rents on a per-person basis**, compared to rents in denser multi-family uses and less restrictive zoning districts.”

“When HOU structures reach a tipping point in an area, **family flight accelerates. These areas become a street with yards that are not maintained, parking that is inadequate, and a monoculture that lacks social cohesion and continuity.**”

Thank you for considering our earnest requests and deep concerns regarding ADU de-regulation.

The Martin Acres Neighborhood Association steering committee

Jan Trussell

Bob Porath

Dorothy Cohen

Bennett Scharf

Mike Marsh

Ron DePugh

Lisa Harris

From: [MANA Steering Committee](#)
To: [Gehr, David](#)
Cc: [Firnhaber, Kurt](#); steeringcommittee@martinacres.org
Subject: Martin Acres Neighborhood Association survey of peer city occupancy limits
Date: Wednesday, February 16, 2022 6:01:17 PM

External Sender

Dear Mr. Gehr,

Thank you for allowing us to share our findings on occupancy limits with you. We greatly hope that this additional data may supplement and contribute to Boulder's draft survey that has thus far looked at 6 peer cities.

Our Martin Acres Neighborhood Association researched the occupancy limits of 24 peer cities (mostly college towns), where such limits are set by cities rather than states. What we found surprised us.

First, we learned that Boulder's occupancy limit of three unrelated persons per dwelling unit is very common. Of the 24 cities we researched below, 20 cities (83.3%) allow a maximum of three or fewer unrelated individuals per dwelling unit. (Six cities allow only two unrelated persons per dwelling.)

Second, occupancy limits are typical — nearly universal — in college towns, out of necessity. Many 19- and 20-year olds living on their own for the first time haven't yet balanced that newfound freedom with consideration of others' quiet and desire for tranquility. (Evidence last year's Hill riots.) Limiting numbers limits impacts — even more vital, given Boulder's nearly non-existent enforcement that places nearly all burden of proof on reluctant neighbors who fear retribution.

Third, many college towns such as Austin, TX that increased occupancy limits quickly reversed course, due to the [problems the higher limits created](#).

Marietta, GA Council member Griffin Chalfant in 2016 proposed to reduce his town's occupancy limits from four to two. "Houses in our various neighborhoods turn into fraternity houses, or something, with six to eight people there, destroying the neighborhoods, using the bathroom in the yard," Chalfant said. "I don't even want to go into all of the things I get reports on." Source: [WABE radio, Atlanta](#).

Finally, we discovered it's easy to confuse occupancy limits because many cities have varying occupancy limits: one for most of their residential neighborhoods, and another for higher density zones. For example, the occupancy limits in most of Madison, WI's residential areas is no more than two unrelated people. In some limited higher density zones, Madison allows five unrelated. But it wouldn't be accurate to characterize Madison as allowing five, because the limit is predominately two.

Below is an at-a-glance look at occupancy limits of 24 peer cities (mostly college towns). Most information is from our own research, in which case we include the link to the city's occupancy law. We also gleaned occupancy limit information [from this report](#).

No more than two unrelated individuals:

- Madison, WI (Univ. of Wisconsin) only allows two unrelated in most residential zones, such as low density and single-family zones.
- East Lansing, MI (Michigan State University) documented [here](#)
- Carbondale, IL (Southern Illinois University) documented [here](#)
- Greeley, CO (Univ. of Northern Colorado) is considering increasing occupancy in higher density zones, but will continue to allow only two unrelated persons in lower density residential zones.
- Athens, GA (University of Georgia) documented [here](#)
- Normal, IL (Illinois State University) documented [here](#)

No more than three unrelated individuals:

- Ft. Collins, CO (CSU)

- Longmont, CO
- Loveland, CO
- Lincoln, NE (Univ. of Nebraska)
- Gainesville, FL (Univ. of Florida)
- Norman, Oklahoma (Univ. of Oklahoma)
- Salt Lake City, UT (Univ. of Utah) documented [here](#)
- Bloomington, IN (Univ. of Indiana) documented [here](#)
- Boulder, CO (CU)
- Tempe, AZ (Arizona State Univ.) From the City of Tempe's website: "In Tempe's single-family districts, the maximum number of unrelated people that can live together is three (3), regardless of the size of the home or number of bedrooms in the home," documented [here](#)
- Tuscaloosa, AL (Univ. of Alabama) documented [here](#)
- Columbia, MO (Univ. of Missouri, Columbia) documented [here](#)
- St. Louis, MO (Univ. of Missouri, St. Louis) documented [here](#)
- Lawrence, KS (Univ. of Kansas) documented [here](#)

No more than four unrelated individuals:

- Cambridge, MA (Harvard)
- Ann Arbor, MI (Univ. of Michigan)
- Las Vegas, NV (Univ. of Nevada, Las Vegas)
- Austin, TX (Univ. of Texas) - After expanding its occupancy limit to six unrelated individuals and experiencing [widespread problems](#), Austin reduced back to four.

We welcome the City of Boulder to add these examples to its survey of peer city occupancy limits. We hope you will consider doing so, as it will provide a more robust, 360 degree perspective on occupancy limits for the Boulder community and its civic leaders.

In respect,

The Martin Acres Neighborhood Association steering committee:

Jan Trussell, president

Joy Rohde, vice president

Dorothy Cohen, treasurer

Bennett Scharf, treasurer

Ron DePugh, communications

Mike Marsh, zoning

Lisa Harris, newsletter