

---

Tuesday, July 2, 2024, 6:30 PM  
Council Chambers  
One Descombes Dr  
Broomfield, CO 80020

**\*\* Revised \*\***

---

## **1: Concept Review**

---

## **2: Study Session**

---

2A. Council Discussion and Direction for Future Legislative Efforts

2B. Residential Occupancy

The City and County of Broomfield operates without regard to race, color, national origin, ethnicity, citizenship, immigration status, gender, age, sex, sexual orientation, gender identity, gender expression, marital status, source of income, military status, or disability in all programs and activities.

Individuals with disabilities requiring accommodation or persons needing a language interpreter must submit such a request to the City Clerk no later than noon on Thursday prior to the scheduled Council meeting to allow adequate time to make arrangements. Please call 303.438.6332 or TDD 303.465.5411 or write [cityclerk@broomfield.org](mailto:cityclerk@broomfield.org) to make your request.

During the meeting, individuals can click the "CC" button on Live Council meeting video feeds to view closed captioning. Auxiliary hearing aid equipment can be requested on the night of the meeting with our AV team located at the back of the Council Chambers.



*Date Posted: June 27, 2024*



**Council Discussion and Direction for Future Legislative Efforts**

Meeting	Agenda Group
Tuesday, July 2, 2024, 6:30 PM	Study Session Item: 2A
Presented By	
Danee Brouillard	
Community Goals	

## Overview

[View Correspondence](#)

Legislative discussion and direction by Council regarding the extent of staff work during the interim period before the next legislative session and during the 2025 Legislative Session.

### **Attachments**

[July 2 Study Session - Legislative Discussion and Direction for Interim and 2025 Legislative Session.pdf](#)

# Summary

## [View Correspondence](#)

**Background:** Legislative efforts for the City and County of Broomfield (CCOB) are unique as Broomfield is positioned differently than other cities and other counties in Colorado due to the combination of the following reasons:

- Home Rule authority (specifically municipal home rule authority, which is broader than county home rule authority)
- Combined city and county authority (oftentimes laws directed at statutory counties won't apply to CCOB)
- Positions that are typically County elected positions such as Treasurer, Sheriff, Clerk and Recorder, and Assessor are full-time leadership staff that serve at the direction of the City and County Manager, and actively participate in their respective associations which includes lobbying/legislative activities.
- Broomfield is "debruced" meaning Broomfield voters, under TABOR, and via multiple ballot questions over the years have permitted the retention of excess revenue.
- The majority of the bills introduced each year apply to state agencies or are specific to state action.

The combination of the bullets above puts CCOB in a unique and strong position as the vast majority of the bills introduced each session have a limited to no impact on CCOB as an entity (estimated 5-7%). Of the 5-7% of the bills that impact CCOB, historically and currently, impacts are manageable (e.g.: liquor licensing changes in the Clerk's office; changes in criminal charges for certain crimes; revised discrimination laws in the employment context).

### **2024 Legislative Session Investment:**

Using the lens noted above, the following information is provided based on a concerted and thorough analysis of the number and content of bills and the impact to Broomfield, both positive (Air Quality Control, Forced Pooling, etc.) and negative, but manageable (land use, taxation related issues, regulatory/unfunded mandates, etc.)

At the June 11, 2024 Council meeting, staff provided a [debrief of the 2024 Colorado Legislative Session](#) which included the fiscal impact on the City and County of Broomfield:

Approximately 260 hours per month is the conservative estimate of staff time spent reviewing and analyzing bills, providing updates (written and verbal), drafting speaking points, coordinating, etc.

- Council rejoining Colorado Counties Incorporated (CCI) in 2023 drastically increased the staff time dedicated to legislation as it added staff support at 3 full-day meetings every month of the session in addition to staff tracking and reviewing all bills on the CCI agendas for CCOB impact. ~10% of the bills tracked and analyzed for CCI impacted CCOB due to the unique circumstances of the City and County of Broomfield outlined previously. The additional duties increased staff support time by ~200 hours during the legislative session.

\$133,563: estimated fiscal investment in staffing the 120-day 2024 session.

- \$108,063: estimated CCOB fiscal investment in the 2024 Colorado legislative session based on staff time. Note this does not include insurance, benefits, etc. To estimate this portion of the memo, staff used the total time spent on legislation submitted by staff multiplied by \$90 per hour as the average

hourly rate based on the staff members working on legislation (ie. Planning Director, various attorney staff, Transportation manager, Economist, etc).

- This amount does not include work deferred because of the focus on legislation.
- \$25,500: contract amount for Aponte-Busam, contract lobbyist for the 2024 session. Aponte-Busam's primary focus was to provide timely updates to the staff lobbyist related to priority bills, opportunities and coordination of testimony, and coordination of meetings with other stakeholders.

\$156,620.50: estimated cost of annual membership fees as outlined [in this chart](#). The list is not exhaustive and is instead focused on the groups with the largest presence in the legislative space. For the professional associations for staff, these organizations serve primarily a general professional purpose (such as professional development, monitoring, and public education), and national and state legislation and regulatory monitoring and advocacy is an element of their work.

### **2024 Legislative Session Outcomes:**

When reviewing the outcomes of the session, CCOB staff invested time and resources as outlined previously, as did the Mayor and several Councilmembers through their roles as the representatives to various membership organizations. [Council took formal positions on 25 bills and only 4 of the 25 that passed will have impact or require future action from CCOB.](#) CCOB influenced the outcome of [6 bills of the over 700](#) introduced.

### **Council Membership Organizations:**

It is important to note that the approximately 90% of the bills being reviewed through the organizations do not have an impact on CCOB as an entity.

Historically, local governments and staff have relied on specific membership organizations for summaries, updates, advocacy, and coordination during the legislative session, namely CML & CCI. In recent years, more membership groups have been created in an effort to encourage better alignment with cities/counties that felt their voices were not being represented. For example, both CCAT and CC4CA were created in 2016 and over the years have increased their legislative presence as have more established organizations like the Metro Mayors Caucus which created a legislative group in the 2024 session.

Adding to the complexity, and thus time and effort required, each membership organization follows a different process with philosophical approaches that are as varied as their members. This compounded by the number of organizations directly correlates to the amount of staff time required to manage the volume and perform critical outcome analysis to determine the cost benefit ratio.

### **Staff Professional Membership/Trade Organizations:**

Staff continues to participate in their respective membership/trade organizations all of whom are active during the legislative session. Examples include Colorado Association of Local Public Health Officers (CALPHO), Colorado Human Services Director Association (CHSDA), Colorado Assessor's Association (CAA), Colorado Association of Chiefs of Police (CACP), County Sheriffs of Colorado (CSOC), Colorado Clerks Association, Denver Regional Council of Governments (DRCOG), Colorado Stormwater Council, Colorado Wastewater Utility Council, Housing Colorado, Economic Development Council of Colorado (EDCC), Rocky Mountain Water Environment Association, Colorado Parks and Recreation Association, and Colorado Emergency Management Association.

Through these associations, CCOB has had a voice at the table in multiple arenas to bring additional information, both technical and financial, to aid City Council in further discussion and possible action.

### **Council direction on how to proceed:**

The legislative landscape, Broomfield's participation in Council membership organizations including Councilmembers' individual roles in those organizations, and the direction from Council related to

involvement, communication and bills with formal positions have changed over the years; however, the number of bills introduced that impact CCOB as an entity (approximately 8-10%) has remained consistent. Due to these changes, the workload to review, analyze, and advise on specific legislation has increased significantly, although the outcomes have not.

Staff seeks direction from Council on how to proceed with the interim efforts and 2025 legislative session. If the Council desires to continue efforts consistent with what was deployed in 2024, additional funding and staffing will be required.

## Financial Considerations

CCOB Staff Time (conservative estimate)	\$108,063
Aponte-Busam Contract	\$25,500
Council Membership Organizations/Professional Associations Annual Dues	\$156,620.50
<b>TOTAL</b>	<b>\$290,183.50</b>

## Prior Council or Other Entity Actions

February 27, 2024 Council Meeting - [Legislative Update](#)

March 26, 2024 Council Meeting - [Legislative Update](#)

April 9, 2024 Council Meeting - [Legislative Update](#)

April 23, 2024 Council Meeting - [Legislative Update](#)

June 11, 2024 Council Meeting - [Legislative Summary](#)

## Boards and Commissions Prior Actions and Recommendations

N/A

## Proposed Actions / Recommendations

Staff seeks direction for the 2025 legislative session including direction related to interim efforts.

## Alternatives

N/A



# City of Broomfield

## City Council Study Session

---

### Residential Occupancy

Meeting	Agenda Group
Tuesday, July 2, 2024, 6:30 PM	Study Session      Item: 2B
Presented By	
Anna Bertanzetti	
Community Goals	
<input checked="" type="checkbox"/> Thriving, Diverse, Safe and Welcoming Community	

### Overview

[View Correspondence](#)

On April 15, 2024, HB 24-1007 was signed into law by Governor Jared Polis. This bill prohibits local governments from enacting or enforcing residential occupancy limits based on familial relationships. Local governments can still enforce occupancy based on demonstrated health and safety standards, such as International building code standards, fire code regulations, or Colorado department of public health and environment wastewater and water quality standards.

Staff has reviewed the municipal code based on the above new requirements and has determined that changes will be necessary to Title 17, Zoning. Staff is seeking input from the City Council regarding these required changes to the municipal code.

---

### Attachments

[Memo for Residential Occupancy Study Session.pdf](#)

[Draft Ordinance 2241 for Study Session July 16, 2024 - Ordinance Revisions for HB24-1007.pdf](#)

# Summary

## [View Correspondence](#)

On April 15, 2024, [HB 24-1007](#) was signed into law by Governor Jared Polis. This bill prohibits local governments from enacting or enforcing residential occupancy limits based on familial relationships. Local governments can still enforce occupancy based on demonstrated health and safety standards, such as international building code standards, fire code regulations, or Colorado department of public health and environment wastewater and water quality standards. Local governments can also impose residential occupancy limits based on local, state, federal, or political subdivision affordable housing program guidelines.

Staff has reviewed the municipal code based on the above new requirements and has determined that changes will be necessary to Title 17, Zoning.

Modifications are proposed by staff to do the following:

- Provide new terms of single-unit dwelling and multi-unit dwelling that can be used interchangeably with single-family dwelling and multi-family dwelling to make it clear Broomfield is not requiring familial relationships to reside in a dwelling in Broomfield.
- Specify that the use of the term “family” within the zoning code does not necessarily mean familial relationship among household members.
- Clarify that a Group Living Home is a separate use with different standards than a single-unit dwelling and clarify that Group Living Homes are a permitted use where single-unit dwellings are permitted.

Staff is seeking input from the City Council regarding these required changes to the municipal code.

## Financial Considerations

The amendments discussed in this Study Session will not impact fees or other mechanisms for collecting revenue for the City and County of Broomfield.

## Prior Council or Other Entity Actions

- [November 12, 2019](#) - City Council approved [Ordinance No. 2106](#) regarding updates to the Municipal Code in regard to Household Group Living Facilities in response to HB19-1009.
- [April 16, 2019](#) - City Council held a study session in regard to “Sober Living Homes”.

## Boards and Commissions Prior Actions and Recommendations

None at this time.

## Proposed Actions / Recommendations

Make changes to the B.M.C. as directed by City Council to ensure compliance with state law.

## Alternatives

Make changes to B.M.C. Title 17 as directed by Council.

# Overview

Since Broomfield municipal code does not meet the requirements of HB24-1007, staff is recommending City Council consider a future ordinance to modify the terminology used and the regulation of occupancy in residential districts.

## Background - HB24-1007

[HB 24-1007](#) prohibits local governments from enacting or enforcing residential occupancy limits based on familial relationships. This relatively short bill has two main components:

1. Local governments can not limit the number of people who may live together in a single dwelling based on familial relationships.
2. Local governments can implement residential occupancy based on the following:
  - a. Demonstrated health and safety standards, such as international building code standards, fire code regulations, or Colorado Department of Public Health and Environment Wastewater and Water Quality Standards
  - b. Local, state, federal, or political subdivision affordable housing program guidelines.

Compliance with HB24-1007 is required by July 1, 2024. While Broomfield seeks to amend the Municipal Code to ensure alignment with the new requirements, Broomfield will comply with this effective date of the legislation by not taking enforcement actions after July 1, 2024 unless such action is in compliance with the limitations of HB24-1007.

## Background - Broomfield Law

The BMC includes the following definitions for terms utilized throughout the zoning code.

“One-family dwelling” is defined in Section 17-04-095 as:

a detached building, arranged and designed as a single dwelling unit, other than a mobile home, and used exclusively by not more than one family, household group living facility or household group, which has not less than one bathroom and minimum floor area of 850 square feet, unless otherwise specified within the appropriate zone district.

“Family” is defined in Section 17-04-130 BMC as:

(A) Family means any one of the following:

- (1) One person living alone;
- (2) Two or more persons all of whom are related by blood, marriage, or legal adoption, together with up to four children who may not be related to any or all of the other residents but who are under the care and supervision of the adult family head; or
- (3) A group including not more than two adults, together with any number of children, related by blood or legal adoption to at least one of the adults.

(B) As used in this section, an adult means a person eighteen or older, and child means a person under the age of eighteen.

(C) A family shall not include more than one person required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S., unless related by marriage or consanguinity. Family shall not include any group of individuals who are in a group living arrangement as a result of criminal offenses.

“Household group” is defined in Section 17-04-202 BMC to include the following:

(A) Household group means any one of the following, provided that there is at least 400 square feet of finished interior space for each resident:

- (1) A group not exceeding three persons living together as a single housekeeping unit, such group to be distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel, except that such a household group may not include more than one individual who is required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S.;
- (2) Two or more persons all of who are related by blood, marriage, or legal adoption, together with not more than one adult boarder or domestic worker.

“Household group living facility” is defined in 17-04-203 BMC to include the following:

Household Group Living Facility means any one of the following, provided that there is at least 400 square feet of finished interior space for each resident:

(A) A group of more than three, but not more than eight developmentally disabled persons living in a state-licensed group home or community-based residential facility for the developmentally disabled;

(B) A group of more than three, but not more than eight persons in an owner-occupied or nonprofit group home for the exclusive use of persons sixty years of age or older, together with domestic workers; or

(C) A group of more than three, but not more than eight persons with mental illness living in a state-licensed group home for persons with mental illness, subject, however, to limitations on such homes provided by state law.

(D) A group of more than three, but not more than eight persons who are handicapped within the meaning of the Federal Fair Housing Act (FHA).

(E) As used in this section, an adult means a person eighteen or older, and child means a person under the age of eighteen.

(F) As used in this section, finished interior space includes any room with:

(1) Floor completely covered (except for heating, cooling, or ventilation grilles, cabinets, plumbing fixtures, and appliances), with one or more of the following materials: ceramic or vinyl tile, vinyl sheet goods, cork, rock, brick, carpeting, decorative concrete or finished wood flooring;

(2) Walls completely covered (except for doors, windows, cabinets, electrical outlets, plumbing fixtures, appliances, and heating and ventilation grilles) with one or more of the following materials: painted or wall-papered gypsum board or plaster, stucco, wood or composite panelling, ceramic or vinyl tile, vinyl sheet goods, cork, rock, decorative concrete or brick; and

(3) Ceiling completely covered (except for light fixtures, skylights, and heating, cooling, or ventilation grilles) with one or more of the following materials: painted or wall-papered gypsum board or plaster, stucco, wood or composite panelling, ceramic or vinyl tile, vinyl sheet goods, or acoustical panels.

(G) As used in this section finished interior space does not include areas with exposed studs, joists, or plain concrete.

(H) As used in this chapter, Recovery Residence means any premises, place, facility, or building that provides housing accommodation for individuals with a primary diagnosis of a substance use disorder that:

- (1) is free from alcohol and non-prescribed or illicit drugs;
- (2) promotes independent living and life skill development; and
- (3) provides structured activities and recovery support services that are primarily intended to promote recovery from substance use disorders.

As noted above, any number of individuals related by blood, marriage, or legal adoption together with up to four children can reside in a single-family dwelling, but if unrelated, then no more than three persons can live together as a single housekeeping unit. If unrelated, there are also requirements related to the square footage required per individual that is not applicable for families related by blood, marriage, or legal adoption. Since the occupancy differs depending on familial relationship, this occupancy standard does not meet the requirements of HB24-1007 and must be changed.

## Revisions to Residential Occupancy Requirements

To ensure residential occupancy is not tied to familial relationships, staff is recommending modifications to terms used throughout the zoning code, revised definitions for those key terms, and removal of occupancy limitations except as allowed under the recently passed legislation.

### Modify Terminology

The new legislation requires occupancy not be based on familial relationships. Broomfield uses the term “family” in many contexts throughout zoning and long range planning documentation. To ensure it is clear that Broomfield is not intending the use of residential dwellings only by families that are related by blood, marriage, or legal adoption, staff is suggesting the terms “single-family dwelling” and “multi-family dwelling” be replaced with the terms “single-unit dwelling” and “multi-unit dwelling”.

Since there are many documents, including long range plans and planned unit development plans, that will continue to utilize the prior terms (single-family and multi-family dwellings), staff is proposing that these prior terms be listed as synonymous with the new terminology. Moving forward, staff will ensure documents utilize the new terms, but it will be a long period of transition where previously approved documents will continue to utilize the prior terminology.

Staff is also recommending replacing the term “Household Group Living Facility” with the term “Group Living Home”. Although not a part of this initial code amendment, staff will bring forward a separate study session for discussion and direction on potential other types of group living facilities that can be added to the code, such as transitional housing, congregate care facilities, or custodial care facilities, which are sometimes included in zoning codes as permitted uses or uses by special review in particular zoning districts. Since it is critical to address the requirements of HB24-1007 first, staff is recommending this discussion be held separately after the initial changes are made to the code to ensure immediate compliance with the new legislative requirements.

## Options for Regulating Occupancy

HB24-1007 allows for occupancy to be limited based on very specific reasons as noted previously.

For properties served by Onsite Wastewater Treatment Systems (septic systems), HB24-1007 allows occupancy to be limited to the number of individuals permitted by the Onsite Wastewater Treatment System (OWTS) Regulations. For single-unit homes, the required design flow per person is 75 gallons per day. When designing the system, the minimum design flow is based on the number of bedrooms. If the minimum design criteria were to be utilized, homes would generally be limited to two people per bedroom for the first four bedrooms with an additional person permitted per bedroom over the initial 4 bedrooms. If an occupancy concern was identified for a home served by OWTS, the design of the system would need to be reviewed as well as the number of bedrooms to determine the maximum occupancy for that particular unit.

Broomfield has adopted the 2021 Building Codes. Staff recommends referencing compliance with the adopted Building and Fire Codes as a part of the regulations within Title 17 in regard to occupancy for dwelling units. Staff acknowledged that occupancy regulations within these particular codes are limited. It

would be rare that Broomfield staff would be able to utilize these codes effectively to limit occupancy, but there may be instances if for example a home's occupancy was determined to be more consistent with the occupancy of a "boarding house" for more than 16 individuals and in this instance, the building code may require compliance with different construction requirements than for a similar use with 16 or fewer people.

Although not recommended by staff at this time, some cities are adopting occupancy limits through administration of a portion of the [International Property Maintenance Code \(IPMC\)](#). The IPMC regulates occupancy based on the number and size of bedrooms in each dwelling unit. The IPMC requires that each bedroom be no fewer than 70 square feet in size, with a minimum of 50 square feet per occupant of a bedroom (IPMC sec.404.4.1). In addition, IPMC table 404.5 prescribes minimum areas for living and dining rooms based on the number of occupants of the dwelling unit. Staff is not recommending this requirement due to the challenges that would be faced with administering such a standard. If a complaint were to be received, Code Compliance staff would not have ready access to the necessary information (floor plan, dimensions, etc) for a dwelling unit to determine the allowable occupancy and would not be able to readily gain entrance into a building. Broomfield does not keep on file all residential floor plans. This will pose significant challenges to any administration of this occupancy regulation.

Staff is recommending that within the definition of dwelling unit a limitation be placed that occupancy for a single dwelling unit cannot include more than one individual who is required to register as a sex offender, unless the individuals are related by marriage or consanguinity (related by blood). This requirement is proposed to protect the safety of the community and this is consistent with requirements Broomfield has had in place since this language was originally included in the municipal code in 2000. By removing the definition of family from the municipal code, we needed to relocate this requirement to another section. This revision does not change how Broomfield has treated or will treat sex offenders within the city. Specifically, nothing has changed as far as the prohibitions against sex offenders living a certain distance from schools and other facilities.

Broomfield currently limits group living homes to a maximum occupancy of eight individuals. Group living facilities that are operated from homes typically include eight or fewer residents, but higher occupancies can be permitted based on the number of bedrooms available in the home, among other factors. Since the majority of group living homes are permitted, licensed, or certified by the state, staff is recommending that the state's requirements for such permits, licenses, or certifications manage occupancy. Group living facilities would still need to comply with OWTS, building code, and fire code regulations.

Unlike other similar legislation in other states, HB24-1007 does not specifically address the applicability or non-applicability of the new occupancy requirements for homes utilized as group living facilities. Staff will continue to monitor how other local jurisdictions address the requirements of HB24-1007 in relation to its applicability to group living facilities and will bring back an amendment as appropriate if there is clarification regarding how local governments are able to further provide guidance regarding occupancy of group living facilities.

## Request for Direction

Broomfield must update the regulations to remove occupancy based on familial relationships.

The purpose of the study session is to provide an introduction to Council and the community with the recommended changes that are necessary to comply with HB24-1007 and answer questions that Council may have regarding these changes.

Staff is also seeking direction from Council as follows:

1. Would Council like staff to bring back a separate discussion in the future regarding other group living facilities to determine where these types of occupancy should be allowed? Examples included transitional housing and custodial care facilities.

**Bold type** indicates new material to be added to the Broomfield Municipal Code  
~~Strikethrough type~~ indicates deletions from the Broomfield Municipal Code

## DRAFT ORDINANCE NO. 2241

An ordinance to amend the Broomfield Municipal Code, Title 17, to address changes in State Law relating to the HOME (Harmonizing Occupancy Measures Equitably) Act (HB24-1007)

Be it ordained by the City Council of the City and County of Broomfield, Colorado:

### Section 1.

Chapter 17-04, Definitions, of the Broomfield Municipal Code is amended as follows:

17-04-090 - Dwelling, multiple-family unit.

Multiple-family unit dwelling means a building occupied by two or more ~~persons~~ **families** living independently of each other in separate dwelling units ~~with a minimum floor area of 500 square feet per unit (including balconies),~~ but not including hotels or motels. **A multiple-unit dwelling may also be known as multi-family dwelling units, multiple-family dwelling units, duplexes, triplexes, fourplexes, condominiums, apartment buildings or similar multiple dwelling unit arrangements.**

17-04-095 - Dwelling, ~~one-family~~ single-unit.

~~One-family~~ **Single-unit** dwelling means a detached building, arranged and designed as a single dwelling unit ~~structure, other than a mobile home, and used exclusively by not more than one family, household group living facility or household group, which has not less than one bathroom and a minimum floor area of 850 square feet, unless otherwise specified within the appropriate zone district.~~ **A single-unit dwelling may also be known as a one-family dwelling unit, single dwelling unit, or a single-family dwelling.**

17-04-100 - Dwelling unit.

Dwelling unit means ~~one or more rooms, including at least one single kitchen, designed for or occupied as a unit by one family for living and cooking purposes, located in a one-family or multiple-family dwelling.~~ **any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, except that any individual dwelling unit may not include more than one individual who is required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S., unless related by**

marriage or consanguinity. A dwelling unit may be further described as either attached or detached, and single-unit or multiple-unit. This includes both buildings constructed on-site and manufactured homes. A dwelling unit does not include hotels or motels.

Maximum occupancy of a dwelling unit shall not exceed any of the following:

- a. The number of individuals permitted by the Onsite Wastewater Treatment System (OWTS) Regulations.
- b. The number of individuals that can be accommodated based on the adopted Building and Fire Codes, as applicable.

...

~~17-04-130—Family.~~

~~(A) Family means any one of the following:~~

- ~~(1) One person living alone;~~
- ~~(2) Two or more persons all of whom are related by blood, marriage, or legal adoption, together with up to four children who may not be related to any or all of the other residents but who are under the care and supervision of the adult family head; or~~
- ~~(3) A group including not more than two adults, together with any number of children, related by blood or legal adoption to at least one of the adults.~~

~~(B) As used in this section, an adult means a person eighteen or older, and child means a person under the age of eighteen.~~

~~(C) A family shall not include more than one person required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S., unless related by marriage or consanguinity. Family shall not include any group of individuals who are in a group living arrangement as a result of criminal offenses.~~

...

~~17-04-202—Household group.~~

~~(A) Household group means any one of the following, provided that there is at least 400 square feet of finished interior space for each resident:~~

- ~~(1) A group not exceeding three persons living together as a single housekeeping unit, such group to be distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel, except that such a household group may not include more than one individual who is required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S.;~~
- ~~(2) Two or more persons all of who are related by blood, marriage, or legal adoption, together with not more than one adult boarder or domestic worker.~~

- (B) ~~As used in this section, an adult means a person eighteen or older, and child means a person under the age of eighteen.~~
- (C) ~~As used in this section, finished interior space includes any room with:~~
- ~~(1) Floor completely covered (except for heating, cooling, or ventilation grilles, cabinets, plumbing fixtures, and appliances), with one or more of the following materials: ceramic or vinyl tile, vinyl sheet goods, cork, rock, brick, carpeting, or finished wood flooring;~~
  - ~~(2) Walls completely covered (except for doors, windows, cabinets, electrical outlets, plumbing fixtures, appliances, and heating and ventilation grilles) with one or more of the following materials: painted or wall papered gypsum board or plaster, stucco, wood or composite panelling, ceramic or vinyl tile, vinyl sheet goods, cork, rock, or brick; and~~
  - ~~(3) Ceiling completely covered (except for light fixtures, skylights, and heating, cooling, or ventilation grilles) with one or more of the following materials: painted or wall papered gypsum board or plaster, stucco, wood or composite panelling, ceramic or vinyl tile, vinyl sheet goods, or acoustical panels.~~
- (D) ~~As used in this section finished interior space does not include areas with exposed studs, joists, or plain concrete.~~

17-04-203 - Household ~~g~~Group living facility-home.

*Household-Group Living Facility*~~Home~~ means any one of the following, provided that there is at least 400 square feet of finished interior space for each resident: ~~any single unit dwelling, duplex or paired home where accommodations and care (including but not limited to, supervision, guidance, counseling, medical or other services) are provided to persons. Typically people in a group living home are living with physical or mental disabilities, persons under the age of 18 years living apart from their parents or guardians, elderly, or persons in emergency or crisis situations. Group living home includes, but is not limited to, residential treatment or training home, home based residential care facilities, adult foster home, recovery residence, or similar facilities.~~

- ~~(A) A group of more than three, but not more than eight developmentally disabled persons living in a state-licensed group home or community-based residential facility for the developmentally disabled;~~
- ~~(B) A group of more than three, but not more than eight persons in an owner-occupied or nonprofit group home for the exclusive use of persons sixty years of age or older, together with domestic workers; or~~
- ~~(C) A group of more than three, but not more than eight persons with mental illness living in a state-licensed group home for persons with mental illness, subject, however, to limitations on such homes provided by state law.~~
- ~~(D) A group of more than three, but not more than eight persons who are handicapped within the meaning of the Federal Fair Housing Act (FHA).~~

- ~~(E) As used in this section, an adult means a person eighteen or older, and child means a person under the age of eighteen.~~
- ~~(F) As used in this section, finished interior space includes any room with:~~
- ~~(1) Floor completely covered (except for heating, cooling, or ventilation grilles, cabinets, plumbing fixtures, and appliances), with one or more of the following materials: ceramic or vinyl tile, vinyl sheet goods, cork, rock, brick, carpeting, decorative concrete or finished wood flooring;~~
  - ~~(2) Walls completely covered (except for doors, windows, cabinets, electrical outlets, plumbing fixtures, appliances, and heating and ventilation grilles) with one or more of the following materials: painted or wall papered gypsum board or plaster, stucco, wood or composite panelling, ceramic or vinyl tile, vinyl sheet goods, cork, rock, decorative concrete or brick; and~~
  - ~~(3) Ceiling completely covered (except for light fixtures, skylights, and heating, cooling, or ventilation grilles) with one or more of the following materials: painted or wall papered gypsum board or plaster, stucco, wood or composite panelling, ceramic or vinyl tile, vinyl sheet goods, or acoustical panels.~~
- ~~(G) As used in this section finished interior space does not include areas with exposed studs, joists, or plain concrete.~~
- ~~(H) As used in this chapter, Recovery Residence means any premises, place, facility, or building that provides housing accommodation for individuals with a primary diagnosis of a substance use disorder that: (1) is free from alcohol and non-prescribed or illicit drugs; (2) promotes independent living and life skill development; and (3) provides structured activities and recovery support services that are primarily intended to promote recovery from substance use disorders.~~

## Section 2.

Chapter 17-33, Household Group Living Facilities, of the Broomfield Municipal Code is amended as follows:

### Chapter 17-33 - Household Group Living FacilitiesHomes

#### 17-33-010 - Definitions.

- (A) **Good Neighbor Policy.** A document that outlines the rules that the owner(s) of the household group living facilityhome, licensee, certificate holder, managers and residents must follow as it pertains to interaction with the neighborhood. At a minimum the policy must include:
- (1) Policies and procedures providing neighbors with a designated responsible person's contact information upon request;
  - (2) Policies and procedures that require the responsible person to respond to the neighbor's concerns;

- (3) Resident and staff orientations that include how to greet and interact with neighbors and concerned parties;
- (4) Policies that minimize negative impacts, including but not limited to:
  - (a) Smoking
  - (b) Cleanliness of the property
  - (c) Parking for residents and guests
- (B) House Rules, Policies and Procedures. A document setting forth the house rules and policies and procedures that includes consequences for violations of the rules and at a minimum states each of the following:
  - (1) The residents' rights and grievance procedures
  - (2) Prohibits the use of alcohol and illicit drugs - in a Recovery Residence
  - (3) Lists prohibited items
  - (4) Smoking prohibitions or designated areas for smoking
  - (5) Visitor policies
  - (6) Admission and discharge criteria
  - (7) Emergency preparedness procedures
- (C) Responsible person. A person who either has ownership in the ~~household~~-group living ~~facility~~home or has been given management authority by the owner of the ~~household~~-group living ~~facility~~home and has the authority and responsibility to take action to address and alleviate the concerns of the residents and concerns of the neighborhood as they relate to house residents, house rules and house impacts on the neighborhood.

17-33-020 - Generally applicable regulations.

- (A) Unless otherwise expressly stated, all ~~household~~-group living ~~facilities~~homes shall be subject to the following standards:
  - (1) Licensing/certification. If required by state law, the ~~household~~ group living ~~facility~~home is licensed or certified by the State of Colorado to operate such facility.
  - ~~(2) Registration with the city. All state licensed or state certified household group living facilities must register with the city manager or his or her designee before operating the facility in the city. The registration must include a copy of the state issued license or certification and a copy of the application provided to the state.~~
    - ~~(a) The owner of any household group living facility must notify the city manager or his or her designee of any changes to the status of a state issued license or certification in writing, within ten days of the change.~~
    - ~~(b) Facilities that are legally operating in Broomfield on the date this law goes into effect will have sixty days to register and provide documentation to the city.~~

- (3) Dispersal policy. In order to prevent the concentration and encourage better integration into neighborhoods of ~~household~~ group living ~~facilities~~ homes, no two ~~household~~ group living ~~facilities~~ homes may be located within 750 feet of each other. The community development department shall therefore find that there is no other ~~household~~ group living ~~facility~~ home located within 750 feet of the proposed household group living facility.
- (4) Threats to public safety. No ~~household~~ group living ~~facility~~ home shall provide housing to any individual who constitutes a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical danger to the property of others.
- (5) **Group living facilities are permitted in all residential, agricultural and estate zone districts, including planned unit development districts that contain a residential component, within the city.**

**17-33-025 - Regulations applicable to group living homes licensed or certified by the State of Colorado.**

- (A) **Registration with the city. All state licensed or state certified group living homes must register with the city manager or their designee before operating the facility in the city. The registration must include a copy of the state issued license or certification and a copy of the application provided to the state, as applicable, otherwise the application process set forth in B.M.C. 17-33-030 shall be completed.**
- (B) **The owner of any group living home must notify the city manager or their designee of any changes to the status of a state issued license or certification in writing, within ten days of the change.**

**17-33-030 - Regulations applicable to ~~household~~ group living ~~facilities~~ homes not licensed or certified by the State of Colorado.**

- (A) It shall be unlawful for any ~~household~~ group living ~~facility~~ home that is not licensed or certified by the State of Colorado, to operate within the City and County of Broomfield without first obtaining a valid permit through the city manager or his or her designee. Denial of a license or certification by the State of Colorado shall be grounds for denial of a permit by the city.
- (B) Application for permit: Any owner or authorized agent who intends to open a ~~household~~ group living ~~facility~~ home in the city must first submit an application to the city and pay all required fees. Contents of the application shall be incorporated in and become requirements of the permit.
  - (1) A written application shall be submitted on a form furnished by the city. The application shall provide:
    - (a) The permanent address, the telephone number, and email address of the owner of the ~~household~~ group living ~~facility~~ home.

If the owner is an individual, a copy of ~~his/her~~ their state issued identification must be provided.

- (b) Documentation of the legal business entity showing that it is in good standing with any Secretary of State where it is registered, including Colorado, as well as any DBA [doing business as] names.
- (c) Evidence of written permission from the property owner of record to operate a ~~household~~ group living ~~facility~~home on the property. If the property owner is not the same person as the applicant or ~~household~~ group living ~~facility~~home owner, provide the name, street address, email address and telephone number of the property owner.
- (d) The legal and physical description of the property where the residence will be located including a clearly legible floor plan of the ~~household~~ group living ~~facility~~home that includes the total square footage of the home, the layout, location, dimensions, and square footage of each bedroom, and the number of beds in each bedroom.
- (e) The maximum number of residents proposed to occupy the ~~household~~ group living ~~facility~~home.
- (f) The name under which the ~~household~~ group living ~~facility~~home will be doing business and the URL of any website or advertisement for the ~~household~~ group living ~~facility~~home.
- (g) A list of any prior ~~household~~ group living ~~facility~~home permits applied for in the city and the status of each.
- (h) A list of any other cities where the applicant currently has active ~~household~~ group living ~~facilities~~homes and the status of any license or permit required for each residence.
- (i) A description of the intended use of the residence.
- (j) A certification by a third party home inspection service that electrical, mechanical, and structural components of the property are functional and free of fire and safety hazards.
- (k) A safety inspection policy requiring semi-annual verification of: functional smoke detectors in all bedroom spaces and elsewhere as needed, functional carbon monoxide detectors, functional fire extinguishers placed in plain sight or in clearly marked locations, regular inspections of smoke detectors, carbon monoxide detectors and fire extinguishers.
- (l) A copy of the house rules and regulations and procedures for amending them.
- (m) A copy of the good neighbor policy and procedure for amending it.

- (n) Proof of adequate general liability insurance showing the ~~household~~ group living ~~facility's~~ home's owner's name and the group living ~~facility's~~ home's address as a covered property under the policy.
- (C) Action on application. The city manager or ~~his or her~~ **their** designee shall examine or cause to be examined applications for permits and amendments thereto. If the city is satisfied that the subject residence conforms to the requirements of this code and other applicable laws and ordinances, the city shall timely issue a permit.
- (D) Timing on application: an application for a permit for a ~~household~~ group living ~~facility~~ **home** shall be deemed to have been abandoned 180 days after the date of filing, unless the applicant has pursued the application in good faith or a permit has been issued.
- (E) Fees:
  - (1) The fee for a permit shall be set by the city manager or ~~his or her~~ **their** designee to cover the city's cost of administration of this chapter.
  - (2) An applicant shall pay the permit fee when the application is filed.
  - (3) As part of the annual budget process, permit fees charged by the city shall be reviewed and, if necessary, adjusted to reflect the direct and indirect costs incurred by the city in connection with the adoption, administration and enforcement of this chapter.
- (F) Any ~~household~~ group living ~~facility~~ **home** legally operating in the city of Broomfield on the date that this law goes into effect will have sixty days from the effective date of the law to file an application for the required permit. If the application is timely filed, the ~~household~~ group living ~~facility~~ **home** will be permitted to continue to operate without a permit until either, a valid permit is issued by the city or a denial of the permit application is determined by the city.

17-33-040 - Permit.

- (A) Term: A permit shall be valid for a two year term or for 180 days from the issuance of the permit if the ~~household~~ group living ~~facility~~ **home** has not begun admitting residents.
- (B) Renewal: A renewal application for a permit set to expire shall be filed, with the required fee, no later than forty-five days prior to the date of expiration. A permit does not guarantee or vest any right to a renewed permit in the permittee.
- (C) Suspension or revocation: The city manager or ~~his or her~~ **their** designee is authorized to suspend or revoke a permit issued under the provisions of this code for any of the following reasons:

- (1) Wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any state or federal statute, ordinance or regulation or any provision of this code.
  - (2) Wherever the ~~household~~-group living facility is non-compliant with the terms of the permit or is non-compliant with the Broomfield Municipal Code or any state or federal law.
- (D) Any suspension or revocation will be communicated to the ~~household~~-group living ~~facility~~**home** in writing stating the reasons for the suspension or revocation. In the case of a suspension, the city will include the issues that must be remedied before the suspension will be lifted and the time frame that those requirements must be met.
- (E) Appeal of suspension or revocation: A final decision of the city may be appealed to the board of adjustment.
- (F) Placement of permit: The permit, good neighbor policy and the house rules shall be posted in a prominent location in the entryway of the ~~household~~-group living ~~facility~~**home** so that it may be read at any time.

#### **Section 4.**

This ordinance is effective seven days after publication following final passage.

Introduced and approved after first reading on [insert full date], and ordered published in full.

Introduced a second time and approved on [insert full date if for second reading, or \_\_\_\_\_ if for first reading], and ordered published.

[DRAFT ORDINANCE FOR DISCUSSION - JULY 16, 2024 STUDY SESSION]