



INFORMATION PACKET MEMORANDUM

To: Mayor and Members of Council

From: Nuria Rivera-Vandermyde, City Manager
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Date: July 20, 2021

Subject: Information Item: Retreat follow-up on how Boulder and other Communities Regulate Occupancy of Dwelling Units.

EXECUTIVE SUMMARY

During the 2021 City Council retreat, the council asked staff to establish baseline information on occupancy limits through peer city research and analysis of how changes to occupancy limits may affect Boulder. A copy of the notes from the retreat can be found in **Attachment A**. This memorandum is intended to provide the council with information related to how Boulder, both historically and presently, regulates occupancy of dwelling units.

Since the retreat, the Bedrooms Are For People petition has been certified by the city clerk and will be a ballot question at the November 2021 election. The petition proposes to amend the Boulder Revised Code to allow a dwelling unit 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. Considering the potential for this petition, in addition to the impacts of higher concentrations of people in neighborhoods, students or recent graduates from the university, council members requested more information on occupancy regulation. This memorandum also provides a summary of how many of Boulder's peer cities regulate occupancy.

Why do cities regulate occupancy?

Regulating the number of unrelated adults allowed in a single-family home is a method of indirectly regulating neighborhood impacts that result from high concentrations of unrelated adults residing in a single dwelling. For many cities, the stated purpose of occupancy regulations is to ensure safety, privacy, sanitation and generally to prevent overcrowding. Occupancy standards also typically include minimum size requirements to ensure habitability of the living space.

How does Boulder regulate Occupancy?

[Section 9-8-5, “Occupancy of Dwelling Units,” B.R.C. 1981](#) includes occupancy requirements for dwelling units. Presently, Boulder regulates occupancy primarily based on the definition of a family, plus two additional roomers, and by the number of unrelated persons in a household. In the low, estate and rural density zoning districts, there is a limitation of three unrelated persons. In all other zoning districts, the limitation is four persons.

There are also exceptions to these regulations. 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 those non-conforming occupancies.

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](#).

How do other Communities Regulate Occupancy?

Based on the gathered information detailed in the attached ‘Peer City Comparisons on Occupancy Standards’ document, the majority of researched communities regulate occupancy by ‘Family’ & ‘Non-Family’ per household/dwelling unit and state how many families and non-family members are permitted within each. The exception is Norman, OK, which regulates based on their definition of “Single-Family” to define what is allowed within the single-family dwelling unit.

Based on the comparison information, most permit a family (*as is defined for each community*) plus from two to four unrelated persons or from two to five unrelated persons if no family is involved. Denver appears to have been the only community who recently increased its occupancy allowances (2021) while Austin (2014) decreased its occupancy allowances for single-family households in several zoning districts.

Of the six communities it appears only one, Fort Collins, has dedicated a team specifically for occupancy enforcement with a more proactive approach to occupancy compliance. Like Boulder, most of the peer communities do not have a dedicated programmatic and proactive approach to their occupancy enforcement, nor a dedicated team of city staff for just occupancy.

For details on how each of the six researched peer communities regulates occupancy, refer below to the ‘Occupancy Standards in other Communities’ section of the memo as well as the ‘Peer City Comparisons on Occupancy Standards’ attachment.

**Note that staff primarily focused on single-family housing and did not research multi-family housing.*

BACKGROUND

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. In 1971, Boulder’s zoning code was significantly revised, and introduced the idea of allowing three unrelated persons in the low, estate and rural residential zoning districts, while allowing four unrelated persons 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. As part of the recodification effort in the early 1980’s, 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.

Non-conforming occupancy results mostly from previous rezoning: changes in the law reducing the density in a zone district, or when occupancy regulations have changed from time-to-time. For example, when the city rezoned a neighborhood, property owners were permitted to keep the then-existing occupancy. There are a total of 1,253 properties identified in the city’s rental licensing database as potentially having legal non-conforming occupancies. The properties make up 5,307 dwelling units and 1,017 rooming units. Of these,

- 1,066, or 85%, were properties listed as having a non-conforming occupancy based upon a prior rezoning; and
- The other 187 properties, or 15%, had non-conforming occupancies for other reasons. This is likely because they had rooming units, which differ from dwelling units in that rooming units lack a sink or any type of cooking device. Those 187 properties make up 335 rooming units and 222 dwelling units.

Many of the properties with non-conforming occupancies based on down-zoning 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 dramatically 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 down-zoning. 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 persons, the dwelling unit potential was reduced, and existing apartment buildings and multi-family conversions were again grandfathered.

Before 1993, occupancy of dwelling units in down-zoned areas was treated as a non-conforming use, and the maximum number of occupants could be different for each dwelling unit. The city maintained records to reflect these differences. Before the 1993 code change, 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. In 1993, council effectively eliminated non-conforming occupancy 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 prior down-zonings. 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 persons 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.

On March 3, 1998, council adopted Ordinance 5970, which replaced the language added in 1993, quoted above, with the current non-conforming occupancy language in Section 9-8-5(c), which is

also quoted above.¹ It is worth noting that the Planning Board recommended that the change include a sunset provision. The City Attorney's Office recommended against including a sunset clause, noting that council could change the language at any time. The ordinance has remained unchanged since 1998.

In 2015, council undertook an examination of occupancy and enforcement and ultimately adopted Ordinances 8072 and 8108 amending the occupancy and rental licensing provisions to allow for more effective enforcement. The changes were focused on enforcing occupancy limitations through the city's rental licensing program. The new code provisions required licensees to post the maximum legal occupancy at the time any unit was shown and in any advertisement. It also required that the rental license include the maximum legal occupancy. Acceptance of the license waived any claim for any additional occupancy. In addition, council approved increased administrative fines, shifting enforcement from criminal prosecution to civil administrative enforcement.

OCCUPANCY, NUISANCE AND COMMUNITY FEEDBACK

Regulating the number of unrelated adults in a household is a method of indirectly regulating the effects produced by high-occupancy properties. These regulations are typically adopted through municipal ordinances and often include minimum spatial requirements for dwellings. The specifics of those ordinances establish the guidelines for rental property owners and municipal staff who enforce the regulations.

Generally in Boulder, areas with higher occupancy levels may be correlated to higher nuisance violations. These observed effects often relate to trash, parking, noise and heavily attended parties, often in neighborhoods and districts conventionally associated with high concentrations of student-age populations. Some members of these populations seek to enjoy freedoms new to them as recently developed adults, conducting themselves as they choose in their own dwelling, away from parental supervision. These lifestyle preferences may conflict with the preferences of longer-term residents who may have work schedules, child care and a higher preference for a quiet living environment rather than a highly social, active environment.

City staff also report highly varying perceptions of nuisance violation enforcement activities. In summary, when a resident or visitor files a complaint regarding a nuisance that may be in violation of adopted regulations, city staff respond accordingly. Community feedback indicates that long-term residents may be reluctant to report nuisances for fear of reprisal and harassment from the offending individual or group. Conversely, community feedback from student-age populations indicate that they can feel targeted by overly sensitive long-term residents in an attempt to prevent them from enjoying their homes in a reasonable way, even at reasonable hours.

Finally, a direct correlation among the factors of occupancy level, demographic of occupants, and undesirable nuisance incidents has not been proven. Nuisances such as parties, noise and other quality of life concerns may also be attributed to other factors such as visitors to a property or public areas in the vicinity of a property, rather than being solely attributable to high property

¹ The 1998 code change only included subsections 1-4. Council added subsection 5 in 2015.

occupancy. For a richer understanding of the issues, including the effects of high concentrations of high-occupancy properties on a block or district, further study is needed.

Occupancy Standards in other Communities.

City staff researched six peer cities to evaluate community regulations specific to occupancy. These cities were chosen due to demographic similarities to Boulder or because the city recently modified its occupancy regulations in response to similar challenges that Boulder is currently experiencing. The table below is a summary of the six communities and their current occupancy standards. For more in-depth details, including demographics, code references, definitions, findings and other pertinent information on each individual community, refer to the attached ‘Peer City Comparisons on Occupancy Standards’ attachment:

Peer City	Single-Family Occupancy Limit
<i>Fort Collins, CO</i>	<ul style="list-style-type: none"> One family and not more than one additional person <i>OR</i> one adult and their dependents (if any), a second adult and their dependents (if any) and not more than one additional person
<i>Ann Arbor, MI</i>	<ul style="list-style-type: none"> One or more “Persons related by blood, marriage, adoption, or guardianship” living as a single household; in all districts Maximum of four persons plus their offspring; in all districts “Functional Family” living as single “Housekeeping Unit” that has received a “Special Exception Use” permit for such a family and subject to specific standards/regulations
<i>Austin, TX</i>	<ul style="list-style-type: none"> Single-Family Detached Housing: Occupancy limitation was six unrelated but revised to four unrelated in <i>single-family housing</i> (implemented as two-year trial in 2014 but approved and indefinitely extended in 2016). This applies to nine specific zoning districts in the city, and one is exempt if addition gross floor area does not increase more than 69 square-feet and no additional bedrooms are being added For a duplex, no more than three unrelated may reside in a unit and with growth limitations (e.g., does not increase more than 69 square-feet) For single-family with accessory unit: No more than four unrelated may reside in principal unit and two unrelated in accessory unit unless grandfathered with conditions
<i>Norman, OK</i>	<ul style="list-style-type: none"> “Single-family” is defined as: 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; <i>OR</i> three unrelated persons living together in a quasi-unit quarter; <i>OR</i> A group home as defined by 60 O.S. §862
<i>Madison, WI</i>	<ul style="list-style-type: none"> Single-Family Units: <u>For owner occupied dwellings</u>, allowed occupancy can be a family <i>AND</i> max of four unrelated roomers <i>OR</i> a max of five unrelated individuals In specified zones: (‘suburban residential’ and ‘traditional residential’ zones), the occupancy of a single-family rental unit can be a family <i>AND</i> one unrelated roomer <i>OR</i> a max of two unrelated individuals

	<ul style="list-style-type: none"> In all other zoning districts that allow dwelling units: The occupancy of a single-family rental unit can be a family AND max four unrelated roomers OR a max five unrelated individuals
<i>Denver, CO</i>	<ul style="list-style-type: none"> Single-Family Detached Housing: Occupancy limitation was two unrelated but was recently revised to five unrelated in single-family housing (approved in 2021)

The Bedrooms Are For People Petition: Summary and potential impacts to city resources.

Over the years, the city has adopted varying occupancy standards for living arrangements that exceed the density of single-family homes. These include different standards for cooperative housing, group homes and some forms of sheltering for vulnerable populations. Standards of this kind, including those proposed by the Bedrooms Are For People petition, seek to fully utilize living and sleeping spaces in dwellings. The Bedrooms Are For People provision proposes to change the following regulations:

- Removing floor area limitations for roomers.
- Adding an additional occupancy standard that allows one occupant for each bedroom, plus an additional occupant.
- Adding regulatory standards for the requirements of a bedroom.

A summary of the Bedrooms Are For People petition and proposed people’s ordinance can be found in **Attachment D**.

Under this proposal, the allowed occupancy of a dwelling will be determined based on the number of legally established bedrooms. This introduces a regulatory challenge, as the city has never tracked or recorded the number of bedrooms in a dwelling. Other records of bedroom count, such as assessor’s office records, contain inaccurate and unverified information, rendering them unusable for regulatory purposes. Additionally, the potential exists for confusion and debate regarding what qualifies as a bedroom according to the city’s building and property maintenance codes, and how a bedroom is formally established through a permit process. The potential exists for landlords to attempt to add additional unpermitted bedrooms, thus increasing the occupancy of a dwelling for maximum profit. As with any portion of a structure, if a bedroom is not formally established and confirmed to be code-compliant by inspection, risks to life and safety could be present.

Should the current petition pass, staff will need to diligently work with property owners to determine each rental dwelling’s legal bedroom count so that occupancy may be established as required by rental licensing regulations. This will be a significant task, with 23,189 long term rental units currently existing in the City of Boulder. Confirming the number of legal, conforming bedrooms contained among those units will be a major undertaking, demanding additional staff and/or contractor resources over a period of months or years. Less time-intensive methods of certifying bedroom count may exist, such as recertifying each dwelling case-by-case or presuming a citywide baseline bedroom count, but in any condition this process will require additional reviewing staff. As there is no existing record of bedrooms, staff will also need to perform individual physical inspections of every dwelling. For many properties, new records (such as accurate architectural plans) will need to be created, certified and filed.

Additionally, property owners or their agents have the right to file appeals in Municipal Court when occupancy related disputes arise. The acceptance, review and processing of appeals demand additional time from staff of the City Attorney's Office, Municipal Court and Planning and Development Services.

In summary, successful implementation of any initiative that expands allowed occupancy will require significant additional resources. The assessment of existing properties, certification of properties for conformity with ordinances and life safety codes, inspection of dwellings and potential court appeals and questions that will arise from the community all require the time of highly trained staff and/or contractors. Should those resources be unavailable, currently planned work may need to be postponed or abandoned, especially given current staffing shortages due to 2020 budget cuts.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

Economic

Any change in occupancy regulations may alter housing value, for both renters and owners, although the specific effects are difficult to determine without in-depth analysis. Some speculative arguments predict an increase in housing cost due to higher profit by landlords and, conversely, others predict greater housing access due to lower rents per-person. These speculative arguments are complicated by larger macroeconomic forces, demographic trends and the specific dynamics of Boulder's highly constrained housing markets. In summary, this is a complex topic with many variables, and a realistic assessment of economic impacts requires study by qualified market analysts.

Environmental

Fulfilling the occupancy potential of existing buildings in the city utilizes the resources and energy already invested in them and may reduce, or delay, the need for new construction to replace existing buildings and accommodate housing needs.

Social

Expanding the number of unrelated adults allowed to live together promotes choice in living arrangements to accommodate varying lifestyles and may make housing in Boulder more accessible to groups finding it difficult to obtain affordable housing. The proposed initiative may also cause additional tension in neighborhoods that expect a growing impact of nuisance offenses if occupancy limits are increased.

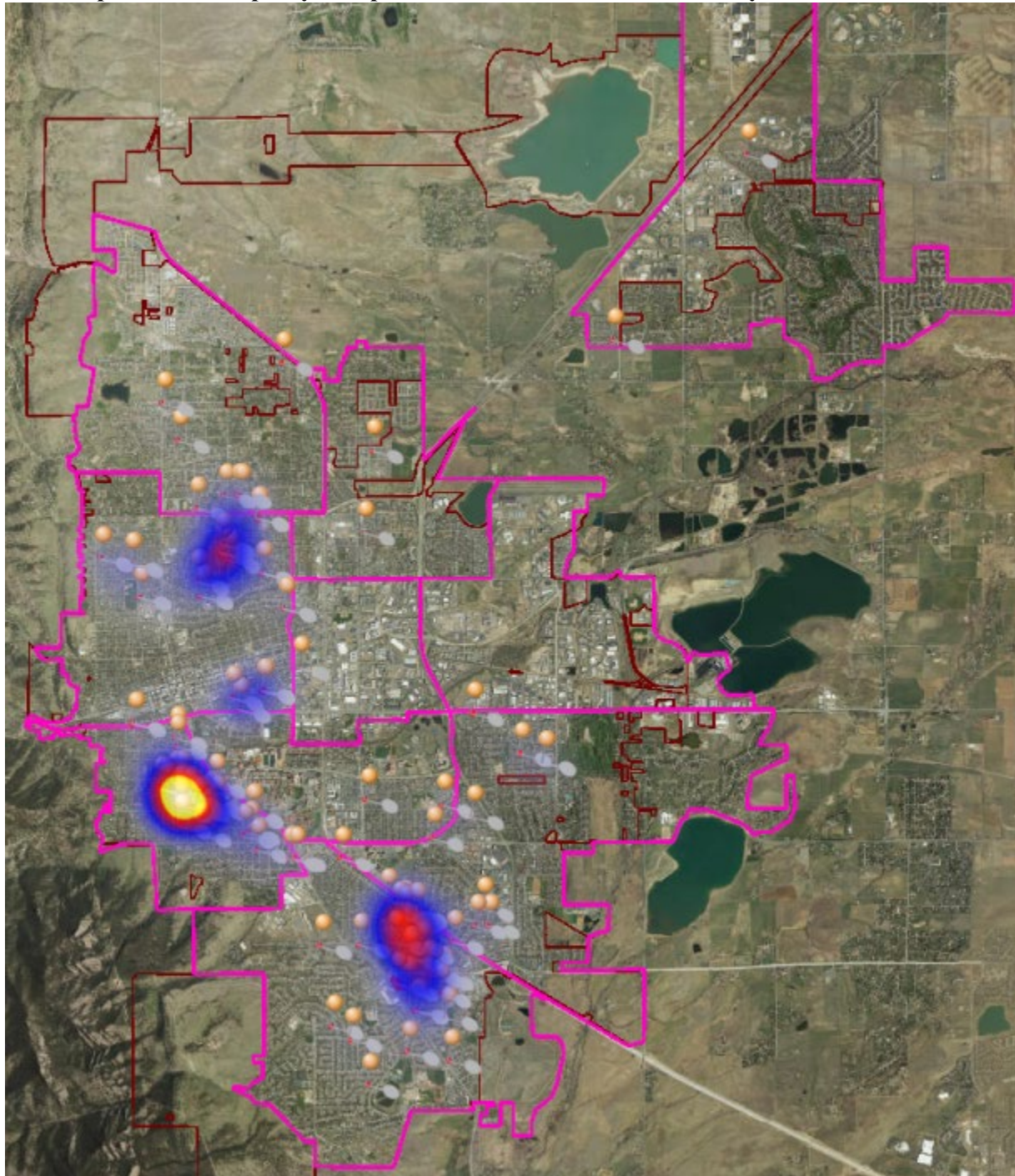
OCCUPANCY VIOLATION MAP

The following map illustrates the concentrations of over-occupancy complaints within the city from 2018-2021. This map includes all cases, including those that were found to have no violations, in order to demonstrate geographic areas of the city that may be impacted the most by changes to the occupancy regulations.

For cases where violations have been found, enforcement takes two forms. Enforcement under Title 10, rental licensing provisions, is intended to prevent over-occupancy. City staff reviews advertisements and rental licenses to make sure that landlords are only offering units for the maximum legal occupancy. Posting requirements inform tenants of the maximum legal occupancy.

Enforcement under Title 9 comes after-the-fact, with a staff investigation prompted by complaints. If staff finds a violation, the landlord and tenants can be required to reduce the occupancy by rehusing one or more tenants. Enforcement under Title 10 is proactive and enforcement under Title 9 is reactive.

Heat Map – Total Occupancy Complaints between Jan. 1, 2018 and May 12, 2021



*Higher concentration is represented by white, yellow and red.

NEXT STEPS

The council will set the ballot title for the Bedrooms Are For People later this summer. If the measure passes in November, staff will assess the needed resources and develop a work plan for implementation and enforcement of the new regulations.

ATTACHMENTS

- A - 2021 City Council Retreat Notes Related to Occupancy
- B - Boulder's Current Occupancy Regulations
- C - Enforcement and Complaint Data
- D - Bedrooms Are For People Petition Summary and Proposed Code Changes

Attachment A

2021 City Council Retreat Notes Related to Occupancy.
April 6, 2020 Follow up to the Retreat Memo, pages 29-30

Proposed Priority: Occupancy limits

- In 2020, the ballot measure to expand occupancy limits in Boulder did not reach the ballot. Community members have expressed their interest in the topic, and there is an opportunity for Council to tackle occupancy limits legislatively.
- There are concerns from residents on University Hill that expanded occupancy limits will affect their quality of life. It would be important to engage the University Hill neighborhood to address these concerns.
- Council could delay phase two of the community benefit/use tables and standards project to accommodate adding a work item around occupancy limits.
- There are three issues related to occupancy limits:
 - o Optimizing space to accommodate the people living in the city by setting occupancy limits based on the number of available bedrooms
 - o Market stabilization
 - o Quality of life concerns, particularly on University Hill
- There will most likely be a ballot measure on occupancy limits. Instead of focusing on a ballot measure, Council could focus its efforts on market stabilization and quality of life concerns. Council could identify the city departments that could work with the University Hill Commercial Area Management Commission (UHCAMC) to address quality of life concerns. Council could also take the lead by providing direction to city staff on ordinance development and code enforcement. Council's work should be complementary to the ballot measure, whether it passes or not.
- The outcome of the ballot measure will influence Council's action on this topic. If the ballot measure fails, the question of occupancy limits will fall to a new council. If the ballot measure passes, the new Council will oversee the implementation of new occupancy limits. The role of this Council should be to establish baseline information for the next Council. The baseline information could include researching how other college towns and cities managed changes in their occupancy limits (e.g., City of Austin), particularly around quality of life concerns.
- Boulder has unique issues, so it would be beneficial to engage the Boulder community to learn from them rather than develop a report of best management practices from other cities.
- Staff would be prepared to support Council if the ballot measure fails. They could also research peer cities and reach out to the community to analyze how a change in occupancy limits would impact Boulder. Staff has discussed how to scope information on occupancy limits by researching the full complexity of this issue. Council should establish a timeline to have the research completed by November.

- If Council were to prioritize developing new ordinances or code changes around occupancy limits, that task would be a major new work item and would likely require postponing phase two of the community benefit/use tables and standards project. If Council were to prioritize developing baseline research for the next Council to take up the issue, that task would be a discrete new work item.
- If Council is interested in developing a ballot measure, they should notify staff as soon as possible. There is not an interest in having Council develop a competing ballot measure.
- Council did not approve moving forward on a major new work plan item to support occupancy limits through ordinances and code changes. This work item does not have to be addressed until Council knows about the outcome of the ballot measure.
- Through a nod of five, council members approved having staff establish baseline information on occupancy limits through peer city research, community outreach, and an analysis of how changes to occupancy limits will affect Boulder.

ATTACHMENT B

Boulder's Current Occupancy Regulations

Boulder's present occupancy rules can be found in [Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981](#). The requirements for cooperative housing licenses can be found in [Section 10-11-3, "Cooperative Housing Licenses," B.R.C. 1981](#).

The city's current occupancy provision is somewhat complex. The basic rule is that occupancy is limited to three unrelated persons in P, A, RR, RE, and RL zones and four unrelated persons in MU, RM, RMX, RH, BT, BC, BMS, BR, DT, IS, IG, IM, and IMS zones. In addition to the basic rule, an unlimited number of family members can live together. Each family can have two "roomers." Finally, two people can live together in a dwelling unit with their children.

["Family"](#) is defined as follows:

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

In addition to the basic legal occupancy, there is a provision for non-conforming occupancy. Subsection 9-8-5(c) provides as follows:

- (c) 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; and
 - (4) The provisions of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981.

- (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.

Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981.

ATTACHMENT C
Enforcement and Complaint Data

- **Total Over Occupancy Compliance Cases Per Year**
 - 2018: 26
 - 2019: 34
 - 2020: 31
 - 1/1/2021 to 5/12/2021: 0?
- **Complaint received and Violation found Per Year:**
 - 2018: 12
 - 2019: 22
 - 2020: 20
 - 1/1/2021 to 5/12/2021: 0?
- **No Violation Found:**
 - 2018: 14
 - 2019: 12
 - 2020: 11
 - 1/1/2021 to 5/12/2021: 0?
- **Cases by subcommunity between Jan. 1, 2018 and May 12, 2021 (data also represented in the heat map provided in the memo):**
 - **Central Boulder – University Hill** (78% of complaints result in violation)
 - Total Cases: 27
 - No Violation Found: 6
 - Complaint Received/Violation Confirmed: 21
 - **Central Boulder** (44% of cases result in a violation)
 - Total Cases: 18
 - No Violation Found: 10
 - Complaint Received/Violation Confirmed: 8
 - **Crossroads**
 - Total Cases: 1
 - No Violation Found: 1
 - Complaint Received/Violation Confirmed: 0
 - **East Boulder**
 - Total Cases: 1
 - No Violation Found: 0
 - Complaint Received/Violation Confirmed: 1
 - **Gunbarrel**
 - Total Cases: 2
 - No Violation Found: 0
 - Complaint Received/Violation Confirmed: 2
 - **North Boulder**
 - Total Cases: 7
 - No Violation Found: 4
 - Complaint Received/Violation Confirmed: 3
 - **Palo Park**
 - Total Cases: 2
 - No Violation Found: 2

- Complaint Received/Violation Confirmed: 0
- **South Boulder** (51% of complaints result in violation)
 - Total Cases: 33
 - No Violation Found: 16
 - Complaint Received/Violation Confirmed: 17
- **Southeast Boulder**
 - Total Cases: 4
 - No Violation Found: 4
 - Complaint Received/Violation Confirmed: 0

**ATTACHMENT D
BEDROOMS ARE FOR PEOPLE PETITION SUMMARY AND PROPOSED CODE
CHANGES**

SUMMARY OF PROPOSED MEASURE: 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?

BEDROOMS ARE FOR PEOPLE ACT

BE IT ENACTED BY THE PEOPLE OF THE CITY OF BOULDER, COLORADO:

SECTION 1. In the Boulder Revised Code, amend Section 9-8-5 (a) of Chapter 8 of Title 9 as follows:

(a) 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; or
- (2) Up to three persons in P, A, RR, RE, and RL zones; or
- (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; or
- (5) Up to the number of persons equal to the number of legal bedrooms, plus one additional person per dwelling unit.

For the purposes of this subsection, unless the context is otherwise required, "Bedroom" must meet all requirements defined in the Title 10 Chapter 5.5 - Residential Building Code including but not limited to the following:

- i. Must have 70 square feet of floor space;
- ii. Must have a minimum of 7 feet in at least one direction;
- iii. Must have its own access to a hallway or communal space;
- iv. Must have two points of egress;
- v. Must have at least one window;
- vi. Must have a source of heat;
- vii. Garages, kitchens, bathrooms, and one living room per dwelling unit are deemed not to be bedrooms for the purposes of this definition.