1. Overview

This policy establishes a new business practice for the Zoning & Neighborhood Inspections (ZNIS) team within the Community Planning & Development department. The practice is intended to ensure that the Denver Department of Excise & Licenses (E&L) does not confer a significant privilege, specifically a license to allow a residence to conduct short-term rentals, if there is one or more active zoning enforcement actions against the proposed licensed premises that relate to or impact short-term rental activity.

This policy states the process steps for ZNIS staff to use Accela, the citywide permitting tracking system, to place a “notice” condition on specific property addresses where there are pending zoning enforcement actions that could negatively affect the property’s use for short-term rental. Upon finding such notice condition attached to a specific property address, E&L and other city agencies will have proper legal grounds to deny or stop review of an application for a short-term rental license until the zoning enforcement action has been finally resolved and zoning code compliance ensured.

2. Code References

Denver Revised Municipal Code
- Sec. 33-53 – Licenses for Short-term Rentals – Issuance or Denial

Denver Zoning Code:
- Article 12, Zoning Procedures & Enforcement, Division 12.11, Enforcement, Violations and Penalties.

3. Placing Condition on Property Address to Provide Notice of Zoning Enforcement Action

Applicability of Policy

This policy shall apply to any property subject to a zoning enforcement action where the zoning inspector, using their professional judgement and discretion, determines that the zoning violation(s) at issue would prevent the legal operation of a short-term rental use at the subject property.

- For example: A zoning inspector has issued a notice of violation to a property containing a single unit dwelling where the violation is for unpermitted construction/establishment of a second dwelling unit inside the primary structure or in a detached accessory structure.
Procedure for Creating Notice Condition on Properties with Open Zoning Enforcement Actions

- **Step 1:** The Zoning Inspector determines whether this policy applies to a specific zoning enforcement action. See Applicability provision above.

- **Step 2:** If this policy is applicable, the Zoning Inspector will use Accela to create a new condition on the subject property address, according to the following directives:
  
  o On Accela home/landing page, click on “Address, Parcel & Owner Info” link at top of navigation bar:

  ![Accela Home/Landing Page Screenshot]

  o Enter the subject property address and click “submit”:

  ![Accela Address Input Screenshot]
Once submitted and the correct subject address is shown, click on the “Condition” tab in the Address portal, and then click on “new” button:

Create a new condition with the following specifications (see images below for example):

- Group = “Enforcement”
- Condition type = “Service Order”
- Severity = “Notice”
- Effective Date = date of creation
- Condition Name = “Unpermitted Construction” or “Unpermitted Zoning Use” as applicable
- Applied by Dept/Applied by User/Action by User = use current department and current user to apply zoning inspector name and department.
- Short Comments/Long Comments/Public Display Message (same content in each field): “Zoning violation enforcement action in progress. No city permits/approvals until violation remedied. 202__ZNIS--.”
  - The record reference is to the in-progress ZNIS record for the unpermitted construction or use.
- “Include in Condition Notice” – check both boxes for “Condition Name” and “Short Comments” (see image at right)
- “Display Notice” – make sure “ACA” box is checked (see image at right).

- Click “Submit” to create the condition (see image below for all the information required in creating the Condition – make sure all information is completed before clicking “Submit”).
• If the condition was correctly created, a user in Accela who looks up the subject address or has a record with that address, will see the green “Notice” condition banner as shown below:

Procedure for E&L Reviewers/Staff Upon Seeing Zoning Violation Notice on Address

• If an E&L reviewer sees the green banner “notice” on a property address that is the subject of a short-term rental license application or renewal, the reviewer shall deny the application and send notice to the license applicant that approval will not be granted until the zoning violation is remedied.

• The E&L reviewer should direct the license applicant to notify E&L when the zoning violation case is closed for compliance. The E&L reviewer can confirm zoning code compliance at any time by checking Accela to see if the “notice” condition on the subject address has been removed. The E&L reviewer may also reach out to the zoning inspector identified in the condition details for specific questions/inquiries, as needed.

Procedure for ZNIS Zoning Inspector When Zoning Enforcement Action is Resolved in Compliance

• The “notice” condition must remain on the subject property address in Accela until the zoning violation is resolved and the property complies with the zoning standard that put the short-term rental use at issue. For example, the property obtains all required zoning and building permits for the unpermitted construction work.

• Upon closing the ZNIS enforcement record as in compliance, the zoning inspection must delete the “notice” condition on the subject property address in Accela.
Following the above-described steps to search for the subject address in Accela, click on the “Condition” tab, select the condition by checking the box, and then click “Delete” to remove the condition from the address.

While the deleted condition may sometimes still appear on screen, you can always double-check its deletion by navigating back to the Accela “home” landing page and doing a record search for the subject address. View any record resulting from the address search, and you should see that the condition (green banner) is no longer present.

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