



DENVER
THE MILE HIGH CITY

Community Planning and Development
Development Services
Zoning Administration

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To: All CPD Zoning Administration and ZNIS Staff
From: Tina Axelrad, Zoning Administrator *T A*
Date: September 15, 2020
RE: **Zoning Enforcement During COVID of Household Limits (# of Unrelated Adults)**

Consistent with Governor Jared Polis' request to suspend limits on unrelated people who can live together to prevent homelessness among those who might be evicted or displaced during the pandemic, effective immediately, CPD enforcement of current zoning rules limiting the number of unrelated adults who may reside in a dwelling unit is hereby given the lowest priority in the expenditure of time and resources by this department.¹

Accordingly, the following process will be followed for all complaints and cases about potential larger-than-allowed household zoning violations:

- The complaint or case will be logged into Accela and provided a case number per usual business practice. ZNIS staff will conduct their investigation of the subject property per current business practice.
- After the inspector completes the property investigation, they will result the inspection as in the "Research" status, and immediately schedule time to review the entire case (all violations) with the Chief Inspector.
- The Chief Inspector and inspector will review the evidence, prepare a case summary and recommendation for enforcement, and transmit the case summary and recommendation to the Zoning Administrator for her review.
 - During this meeting, the Chief Inspector and inspector will also decide whether and how to pursue usual enforcement actions for any other code violation, and how to document them in Accela.
- The Zoning Administrator will review each case and determine whether CPD resources will be expended to seek immediate compliance. The Zoning Administrator will consult with ZNIS leadership and the City Attorney's Office, as necessary. The Zoning Administrator will review such cases and inform ZNIS staff of the determination within 7 days from the date she is notified of the opened case.
 - The key determinant in such review and determination will be the likelihood of potential external effects on abutting residential dwelling units if enforcement is not pursued per existing (non-COVID) business practice.

¹ See Denver Post story: <https://www.denverpost.com/2020/07/14/jared-polis-occupancy-limit-housing-boulder/>

- The intent of this interim policy is to mitigate real impacts of certain land uses on a neighborhood, and not to target people for how they choose to live during a public health emergency and resulting economic downturn.
- If the Zoning Administrator determines that a specific complaint or case should be given the lowest priority for enforcement, the assigned ZNIS inspector or chief inspector will keep the case pending for recheck after 30 or 45 days as directed by the Zoning Administrator.
- At the expiration of the recheck timeframe, the ZNIS chief inspector will determine if any material change in facts or circumstances warrant a change in the case's enforcement status. If there are no such changes, and if the COVID pandemic and/or economic downturn is still present, the case shall be returned to pending status for another 45-day recheck. If there are such changes substantiated upon investigation, the ZNIS chief inspector may move the case forward toward full compliance per existing business practice.