

Senate Local Government & Housing

03/12/2024 02:00 PM

HB24-1007 Prohibit Residential Occupancy Limits

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
<p>Ronald Hanser Against themselves</p>	<p>I am writing in opposition to HB24-1007 (Prohibit Residential Occupancy Limits) that will come before the Local Government and Housing Committee on March 12.</p> <p>I oppose any State legislation that would override local City and County control. Legislation regarding land use — currently proposed in the House Transportation, Housing and Local Government Committee is another example.</p> <p>When the State creates land use mandates, it takes away City and County Home Rule and essentially ends citizen input in what my own community (Fort Collins) will look like. Bills of this sort will stimulate even more and faster growth, force Denver-like density on all Colorado cities and do nothing to end “urban sprawl” between our cities.</p> <p>In 2022 and 2023, Fort Collins residents successfully resisted similar initiatives in Fort Collins City Council’s proposed Land Use Code changes by successful citizen petition drives. The point is that Colorado citizens do not want this sort of legislation.</p>

	<p>Specifically I oppose HB24-1007.</p> <p>This bill is another overreach by the State. Communities need to decide what their city or county needs. A state mandate takes away the opportunity for our citizens to have input into what their own community needs. Again, many cities are reviewing occupancy limits. Please oppose this bill unless amended so municipalities can regulate occupancy per bedroom, square footage per person or other reasonable limits; could impose reasonable parking requirements; or requirements to vary by zone, etc.</p> <p>I am concerned that investors will buy rental houses, build ADU's in the back yards, and rent it out to 8-12 college students, all with cars.</p> <p>That would destroy the character of our neighborhoods – making Colorado a less desirable place to live.</p>
<p>Trudy Haines Amend Fort Collins HOA (Home Owners Association) Coalition</p>	<p>Dear SENATE Local Government and Housing Committee,</p> <p>Mandating City and County land use code is overreach by the State and violates Home Rule. Communities need to decide what their city or county needs are. As a state mandate, this bill would take away the opportunity for our citizens to have input. For example, university town's have different needs from other cities. Fort Collins started enforcing U plus 2 land code because neighborhoods were over run with houses rented to 8-10 college students--there was noise, massive block parties, speeding, etc. It was pure hell for those living near them.</p> <p>Please vote NO--and let the Cities decide. Many Colorado communities are working on this or have already passed changes to occupancy limits. Fort Collins City Council is revamping it's occupancy codes this year and currently has a program for exceptions to the current U plus 2 applying to bigger homes, location, etc. OR you could amend this bill where municipalities can regulate occupancy per bedroom, square footage per person or other reasonable limits-- i.e. more than just fire safety, etc.</p>

	<p>Investors will buy even MORE rental houses, build an ADU's in the back yards--(which the House is proposing to allow anywhere) and rent it out to 10-12 college students, all with cars.</p> <p>It is time that we hold our State Universities accountable for adding thousands of students and housing so few of them.</p> <p>It is time that you protect the quality of life of our Citizens and our neighborhoods. Fort Collins was selected by Travel and Leisure as the "Most Peaceful City in the US"--that will certainly disappear.</p> <p>Thank you for listening and for your service, Trudy Haines Fort Collins HOA Coalition</p> <p>FORT COLLINS HOA COALITION is made up of 30 HOAs representing 8200 homes (approximately 22,000 citizens in every City Council district throughout Fort Collins.</p>
<p>Beth DeHaven For herself</p>	<p>Lack of affordable housing is a well-known challenge in Colorado communities, leading to increased homelessness and economic insecurity for many families. Prohibiting residential occupancy limits will help to alleviate the housing problems that so many families face. Please vote yes on this important bill.</p>
<p>Charles Kopp Against himself</p>	<p>To Senate Committee members:</p> <p>I strongly urge you to oppose SCR 352, which I understand is up for vote on March 12. I am very disappointed that the House passed its version because it is yet another draconian bill in the state's perhaps well-intentioned but misguided efforts to increase housing availability and affordability in Colorado.</p> <p>Residential occupancy limits is also something that should be left to home-rule because local governments can best evaluate what can be very different situations in different communities regarding such limits---for example in college towns like Fort Collins where I live. If reasonable and practical occupancy limits are no longer able to be determined locally, I'm afraid developers and investors will again take advantage of the situation and be the main beneficiaries of such an</p>

	<p>open policy by buying up and building many rental units and packing them with as many tenants as they can.</p> <p>I also oppose SCR 352 on principle alone because it's another very bad case of overreach by the state, which at least should be amended to allow towns and cities to maintain enough control in this housing matter. The state should guide, but not mandate on housing issues!</p> <p>I know there's a multitude of citizens who feel the way I do about these issues, and we'll be watching the way you all vote on this bill and related ones.</p> <p>Sincerely,</p> <p>Charles Kopp Fort Collins charleskopp01@gmail.com</p>
<p>Karlston Nasser For themselves</p>	<p>I am a landlord in Boulder and fully support of the elimination of occupancy limits for the following reasons:</p> <ol style="list-style-type: none">1.The rule has been largely ineffective, it is estimated that at least 30% of the student homes on the Hill are overoccupied2.enforcement is essentially impractical, if city were to enforce ALL overoccupied homes it would cause massive disruption, students should not be worried about their housing if they are already living with people they chose in houses that are safe and comfortable3.if all residents are named in the lease, they can all have tenant rights, tenants not in the lease forces management companies and landlords to turn a blind eye to overoccupied rooms, a game of

	<p>pretend which prevents good and essential communication between tenant and landlord</p> <p>4.landlord will have more guarantors with all tenants legally signing leases, reducing delinquency risk or collection issues, ultimately reducing the risk to landlord and eventually lowering rents, the business of being a housing provider is made more difficult with occupancy limits, anything to make it more transparent may cause more investment in rental properties (quality and quantity) which may increase rentable stock and rents if a stable demand is assumed</p> <p>5.Housing insecurity and tenant anxiety will decrease, particularly for students who will no longer live in fear of being reported by a non-student neighbor or afraid to open the door in case an inspector knocks, this is a hard-to-measure peace of mind that will be an immediate benefit to all renters in this city</p> <p>6.theoretically, the quality of the rentable stock should increase, as landlords who hitherto had no reason to improve excess bedrooms will now be incentivized to, because these bedrooms will be legal to be licensed and advertised</p> <p>7. a marginal decrease in rents, ceteris paribus, if a) excess bedrooms that are not currently offered for rent are now legal and added to listings and b) homes that were not economically viable as rentals become so, because all the bedrooms can now be listed for rent, assuming they are in student areas and the rent of the unit is priced based on the total number of rooms</p>
<p>Vicki Rossen Against themselves</p>	<p>Dear Senators,</p> <p>Thank you for your work on the Senate Local Government and Housing Committee.</p> <p>My husband and I live in Fort Collins,Colorado. We are both CSU graduates and appreciate the university.</p> <p>In the early 2000s our city adopted a U plus two occupancy limitation due to the neighborhoods near the college being totally destroyed by investors buying homes and renting them out to large number of college students. These students caused extreme difficulties with neighboring families. Constant parties, fast driving through the neighborhood... total disregard for others. These behaviors created continual police intervention</p>

	<p>and safety issues for children and people just trying to lead their daily lives. Occupancy limits need to be set at a local level, not dictated by state government.</p> <p>Sincerely, Vicki Rossen</p>
<p>Jo Feder For League of Women Voters of Colorado</p>	<p>My name is Jo Feder and I am a Volunteer Lobbyist with the League of Women Voters of Colorado's Legislative Action Committee. I am writing in SUPPORT of HB24-1007.</p> <p>Rent prices have soared in Colorado and many Coloradans are severely burdened by their housing rental costs. There are over 700,000 renter households in Colorado cities alone, which represents 34% of all households in Colorado.</p> <p>Occupancy limits have been used by cities across the country and in Colorado to restrict how many non-related people can live in the same household.</p> <p>Current practice discriminates against non-traditional family and non-family residential renters, lowers the effective density of larger homes, and generally acts as an enforcement mechanism for single family occupancy. This can have a negative effect on affordability. Renters in middle-and low-income sectors could sure use our help to be able to mitigate the high cost of rent and utilities by eliminating occupancy limit restrictions.</p> <p>HB24-1007 provides equitable exceptions for occupancy limits that are tied to minimum square footage per person required to establish safety, health and welfare regulations.</p>
<p>Maddy King For themselves</p>	<p>Like hundreds of other CSU students the U plus 2 rules have severely impacted my ability to find housing for both the 2023/24 and 2024/25 school year. My best friend's two roommates are graduating and as such she needs a place to live next year, and my other best friend who is an RA currently also needs a place for next year. Due to the financial stress that my family and I are under, I have to look for cheap housing. It would be cheapest to live with more people in a</p>

	<p>house, but due to the laws we are unable to do so. We are unable to find four person apartments in my price range and the only option is for two bedroom apartments, which causes us to figure out who lives with who. Because of that each of us has to find a different place to live at a higher cost. If we were not limited by the U plus 2 laws we would have been able to find better and more affordable housing and actually live all together.</p>
<p>David Roy Against themselves</p>	<p>I write to you this morning asking that you oppose HB24-1007.</p> <p>With no meaningful media coverage of your legislative efforts across the State of Colorado, and the twin work horses of greed and corruption always in fashion, it isn't shocking that a major extractive industry in Colorado, the housing industry, is seeking ways to manipulate power to fatten their profits, drooling at the opportunity of gutting neighborhoods across the State of Colorado to enrich their industry.</p> <p>My wife and I live in the Avery Park neighborhood in Fort Collins. It was the kind of neighborhood where red beer cups were considered lawn ornaments, broken front picture window shades the height of interior and exterior design, and with noise levels that approached violence a neighborly gesture.</p> <p>Occupancy limits in Fort Collins brought back green lawns, fixed front doors, baby carriages, and a supply of housing stock in our neighborhood that is nearly perfect for first time home-buyers. From run down, shabby, and dystopian, it has morphed into a hospitable area and a great neighborhood.</p> <p>Your constituents should not be targets of the exploitive legislation that is HB24-1007, legislation that takes away Home Rule, disregards the biggest investment most people will ever make, that breaks neighborhoods up into investment zones, lessens our quality of life, and puts a burden on individuals, while large faceless corporations thank you and laugh all the way to the bank.</p> <p>Starting with Governor Polis, the Democratic Party in Colorado is showing signs of imperial corruption and organizational incompetency. Your job is to support the lives of those that elected</p>

	<p>you, not barons of industry. HB24-1007 is a symptom of leadership more interested in building ties and allegiance with the rich and the powerful, than in doing the work that will change people's lives for the better.</p> <p>I recently changed my voter registration from Democrat to Independent. From where I'm sitting this morning, the Democratic Party in Colorado has decided that rich people are easier to represent than the majority, and that the aspirations of Governor Polis are more important than the people who live here.</p> <p>Please oppose HB24-1007. It is a make believe solution, will damage neighborhoods more than you can imagine unless you've lived it, will make housing conditions less safe for renters, and encourage a blight across our State.</p>
<p>Bri Erger For themselves</p>	<p>As both a real estate agent and a member of the queer community, I wholeheartedly urge a "yes" vote on Colorado HB24-1007. In my professional capacity, I witness firsthand the struggle many face in finding affordable housing. Wages aren't keeping pace with the soaring costs of living. This reality means many aren't able to find secure and stable housing. It's a crisis that demands urgent action.</p> <p>But beyond the economic imperative lies a deeply personal aspect: the need for community. Many homes have unused bedrooms while countless individuals grapple with housing insecurity. By embracing shared living arrangements, we not only address the housing shortage but also foster environments where people can forge connections, find support, and combat feelings of isolation.</p> <p>As a queer person, I understand the profound significance of feeling accepted and celebrated in one's living space. It's not just about four walls and a roof; it's about mental well-being and belonging. Living in inclusive communities offers solace to those who feel marginalized, providing a sanctuary where individuals can thrive amidst diversity.</p> <p>In an era marked by social isolation, shared housing can offer a beacon of hope. It promotes inclusivity, expands perspectives, and cultivates environments where individuals from diverse backgrounds</p>

	<p>come together to create stronger, more vibrant communities. It also makes housing more affordable. By voting "yes" on HB24-1007, it's an affirmation of our commitment to building a future where everyone has access to safe, affordable housing and the warmth of community support.</p>
<p>Sarah-Dawn Haynes For themselves</p>	<p>I am a 43 year resident of Colorado. I am speaking for myself and not as a representative of any organization.</p> <p>For 19 years I have been an environmental sustainability and climate educator in a University. I am the chair of the Indian Peaks Group of the Sierra Club and a ten year veteran as a housing justice advocate in the city of Boulder- focusing on ordinances for co-ops and occupancy limits.</p> <p>But most importantly, I lived over occupied for 19 years with 5-7 people in a 4 bedroom 3.75 bath. I did attempt to use the Co-op ordinance in Boulder. It was expensive and difficult. The pandemic made it impossible to process our permit And we were left without protection. It caused one immigrant from an authoritarian country who was trans to leave our home because they felt unsafe in the grey area surrounding the legality of our residency. While we had a moratorium on enforcing occupancy I'm a politically involved person and have had the occupancy limits weaponized against me before. Due to needing to simplify my life for a full time job and graduate school I decided to give up and move last year and closed down the co-op. Boulder has had a net loss of co-ops due to these challenging rules and circumstances.</p> <p>I've learned a lot. These arbitrary rules are rooted in exclusion and discrimination and meant to keep certain people out of upper class neighborhoods. Things that hurt people also hurt the environment and we know this through the research of the IPCC, NRDC and the Sierra club how using existing housing stock BETTER is the first step in a more just and environmentally sustainable society. Buildings have fire and safety codes, they should be the standard for determining occupancy limits. Using the moral code of 50 plus years ago that was a backlash to the Fair Housing Act to govern is hurting Coloradans and the environment. Thank you to the sponsors and to those who support common sense bills like this. It is time to legalize housemates across Colorado.</p>

AFFORDABLE HOUSING BOARD (AHB)

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



March 11, 2024

Dear Mr. Chairman and Members of the Senate Local Government & Housing Committee,

The City of Fort Collins' Affordable Housing Board (AHB) advises our City Council on matters pertaining to affordable housing issues of concern to the city and its residents. As such, we regularly issue statements and recommendations for Council to take under advisement in their advocacy and decision-making work.

On March 8th we submitted a statement to City Council regarding HB24-1007. We've attached that statement for your information as you consider this bill.

Respectfully,

A handwritten signature in black ink, appearing to read "Stefanie Berganini".

Stefanie Berganini

City of Fort Collins Affordable Housing Board

AFFORDABLE HOUSING BOARD (AHB)

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



March 7, 2024

From: Affordable Housing Board (AHB) Chair John Singleton

To: City Council

Re: HB24-1007

Per the Affordable Housing Boards's (AHB) mission of advising the City Council on matters pertaining to affordable housing issues of concern to the City, we believe that HB24-1007 legislation, as currently written, positively benefits the supply, affordability, and/or accessibility of affordable housing in Fort Collins. We encourage City Council to actively support the passage of this legislation.

In particular, we support HB24-1007 because:

- We recognize that U+2 has inequitable impacts on the residents of Fort Collins, and disproportionately burdens college students, young professionals, people who live with chosen rather than biological family, and others who are most in need of affordable housing.
- The bill's language aligns with the AHB's priority of improving housing availability and inventory while recognizing potential community concerns related to noise and safety.
- The bill as written allows the goals of an occupancy limit to be instead managed via existing health and safety standards, as well as the City's expanded nuisance ordinances.
- We also believe that parking should not be considered in defining occupancy limits, in line with Council's stated goal of creating and incentivizing walkable 15-minute cities, and in line with HB24-1304, currently in consideration in the State House, which would prohibit parking minimums.

Thank you for your consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read "John Singleton".

John Singleton

Chair, Affordable Housing Board



DEMOCRATIC SOCIALISTS OF AMERICA Fort Collins, Colorado

March 11, 2024

Dear Mr. Chairman and Members of the Local Government & Housing Committee,

I'm writing on behalf of the Fort Collins chapter of Democratic Socialists of America to urge you to support HB24-1007.

The Democratic Socialists of America is the largest socialist organization in the United States. We are a member-driven, democratically run organization of, by, and for the working class. Our local chapter is over 120 members strong, and our Housing Justice Committee works both inside and outside of legislative spaces to help build a more equitable, accessible, and affordable housing system for all.

Fort Collins is in a housing crisis, with residential vacancy rates well below the national average, housing costs rising much faster than wages, home ownership an unachievable dream for many, and a deep shortage of housing units for the people who live here right now, let alone those who will live here in the future. Our local occupancy ordinance, informally known as U+2, exacerbates all of these issues. It discriminates on the basis of family status by only regulating occupancy in cases where the residents are unrelated - something that is illegal under the Fair Housing Act. It's also unnecessary, with existing nuisance, parking, safety, and other regulations already in place to deal with every issue U+2 was supposedly created to solve. Our occupancy ordinance worsens housing affordability by making thousands of available bedrooms illegal to use, and it makes housing unsafe by limiting housing options for queer and trans people, victims of domestic violence, people who are at risk of becoming unhoused, and anyone else who needs or chooses to live with friends or chosen family rather than biological family. The City of Fort Collins' own recent research has shown that almost 70% of renters and homeowners want this ordinance to change, and the majority of renters want it abolished altogether.

Despite these obvious issues and its deep unpopularity with most residents, our city council has never had the political will to deal with U+2. While we appreciate the need and desire for local control in many circumstances, it's clear that this is an issue that requires state action. We support HB24-1007 because it's a simple, straightforward way to provide a fair occupancy regulation for everyone. We agree wholeheartedly with the justifications presented in the bill itself: legalizing our bedrooms will provide social, economic, and environmental benefits by reducing discrimination, increasing housing affordability, reducing household environmental footprints, and increasing community wellbeing.

Again, we urge you to support this bill. Housing is a human right, and a more equitable, accessible, and affordable housing system cannot wait.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Stefanie Berganini', with a stylized flourish at the end.

Stefanie Berganini
Housing Justice Chair
Democratic Socialists of America, Fort Collins

Colorado Can Improve Housing Affordability by Requiring a Health and Safety Basis for Occupancy Limits

CHARLES GARDNER

Research Fellow, Mercatus Center at George Mason University

Colorado Senate Local Government and Housing Committee
House Bill 24-1007, The HOME (Harmonizing Occupancy Measures Equitably) Act

March 12, 2024

Chair Exum, Vice Chair Gonzales, and members of the Senate Local Government and Housing Committee, thank you for allowing me to offer informational testimony relating to House Bill 24-1007, titled “The HOME (Harmonizing Occupancy Measures Equitably) Act.” I am Charles Gardner, a research fellow at the Mercatus Center at George Mason University. I study housing policy and affordability across the country. In this testimony I argue that reforms to occupancy limits such as those proposed in House Bill 24-1007 can not only protect an individual’s freedom to establish a household and associate freely with others but also increase affordable housing opportunities for Colorado residents.

Ever since zoning received the sanction of the nation’s highest court almost a century ago, many municipalities across the United States used the zoning power to exclude nonfamilial households from residential zones. A popular means of doing this is by restricting occupancy of housing units to persons related by blood or marriage.¹ This practice, challenged as unconstitutional infringement on personal rights, was upheld by the Supreme Court in a notorious 1974 case.² Emboldened by this decision, municipalities have used occupancy ordinances to outlaw a group of adult friends seeking to share a large home in Connecticut and roommates with co-living arrangements in Kansas.³ The latter of these examples is now the subject of a federal lawsuit challenging the constitutionality of limiting occupancy on the sole basis of marital or genetic ties between those sharing a home.⁴

State and lower federal courts and legislatures have also been active in resisting exclusionary local practices on housing occupancy. Federal and state courts in Ohio have recently held that occupancy

¹ See *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926).

² See *Village of Belle Terre v. Boraas*, 416 U.S. 1 (1974).

³ Stephen Dunn, “8 Adults, 3 Children, 1 House—and a Big Zoning Dispute in Hartford,” *Hartford Courant*, November 20, 2014; and Roxie Hammell, “Shawnee Residents Petition City Council to Reconsider Co-living Restrictions,” *NPR*, May 10, 2022, <https://www.kcur.org/housing-development-section/2022-05-10/shawnee-co-living-ban-roommates-council-petition>.

⁴ *Homeroom, Inc. et al. v. City of Shawnee, Kansas*, Case No. 2:23-cv-02209-HLT-GEB (D. Kan.).

limits violated state constitutional provisions nearly identical to those of Colorado.⁵ In the federal case, *Yoder v. City of Bowling Green*, the United States District Court for the Northern District of Ohio invalidated a local ordinance prohibiting more than two unrelated persons from residing together, stating,

[T]he limit is arbitrary, unduly oppressive, fails to substantially advance the avowed government interests of reducing population density or targeting specific issues with college-aged inhabitants, and treats similarly-situated homeowners and tenants differently without any justifiable basis. (*Yoder v. City of Bowling Green*, Case No. 3:17 CV 2321, 2019 WL 415254, N.D. Ohio 2019)

In the state case, decided in January 2024, an Ohio state court followed *Yoder* in striking down the application of a locality’s occupancy ordinance. Acknowledging that the municipality in question may have had legitimate concerns underlying the occupancy limit, the court observed that these could be dealt with directly rather than by interfering with individuals’ choices of living arrangement:

In the instant case, if the City of Kent is concerned with noise, property maintenance, parking or traffic problems, or similar issues, it can deal with those issues separately. . . . [T]his Court finds the restriction of the occupancy of dwellings for unrelated parties to be unconstitutional. (*Havel v. Board of Zoning Appeals, City of Kent*, Case No. 2023 CV 0188, Court of Common Pleas, Portage County, Ohio [Pittman, J., Jan. 30, 2024])

If the Ohio decisions are any indication, the legal climate may be growing more hostile toward occupancy limits. Meanwhile, other states such as New Hampshire have introduced their own bills to prohibit local governments from discriminating against unrelated households.⁶

The reasons people may have for sharing a home with others unrelated to them are numerous, including financial constraints, lack of suitable housing options such as small apartments, the absence of any nearby family, or simply the growing personal preference for shared living arrangements.⁷ These concerns are particularly pressing at a time when Colorado housing costs are at or near record highs, leaving many state residents struggling to find a home—or even just a bedroom—they can reasonably afford.⁸

⁵ Compare Colo. Const. Art. II, Section 3 (“All persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness”) with Ohio Const., Art. I, Section I, Inalienable Rights (“All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety”).

⁶ New Hampshire House Bill 1281 (2023). The relevant portion of the bill provides that local governments shall not enforce “any code, ordinance, by-law, or regulation related to the occupancy of residential rental property that restricts the number of occupants to less than 2 occupants per bedroom based upon the existence of unrelated or non-familial relationships between the occupants of such rental property.”

⁷ See Alexander Fabino, “Inside Communal Living: Shared Living Spaces Explode in Popularity,” *Newsweek*, November 14, 2023; and C. J. Hughes, “As Housing Costs Soar, Co-living Makes a Comeback,” *New York Times*, November 2, 2022.

⁸ See Aldo Svaldi, “Colorado Has the Four Most Expensive Housing Markets in US Not on a Coast,” *The Denver Post*, October 17, 2023; Sara B. Hansen, “Limited Supply Keeps Colorado’s Housing Market Off Balance,” *The Denver Post*,

Whatever the reason for a person's preference for a particular living situation, it is difficult to see a municipality's legitimate interest in deeming certain arrangements permissible and others illegal. The fundamental right to establish a household of one's choosing and to associate freely with others would mean little if cohabitation among members of the household were outlawed and the state were allowed to intrude into the private affairs of persons desiring only to live undisturbed within their own homes.⁹

It should be emphasized that occupancy limits based upon the relationship between members of a household are typically found in zoning regulations, not in health and safety regulations. For instance, the zoning code of the town of Broomfield, Colorado, prohibits more than two unrelated adults from sharing a dwelling unit.¹⁰ Households of related persons are not subject to numerical limitation and are governed instead by the health and safety codes that the locality adopts.¹¹ The role of restrictive zoning ordinances that go beyond health and safety standards in contributing to a shortage of housing has been increasingly recognized in recent years.¹² House Bill 24-1007 addresses this distinction between exclusionary motives and legitimate concerns about overcrowding by forbidding discrimination based on familial relationships while allowing municipalities to retain occupancy limits based on demonstrated health and safety standards.¹³

In general, local government authority to regulate housing density, including housing occupancy, is based upon the state-granted power to protect health, safety, and general welfare. When local authority is used in a manner that contravenes those objectives, a state has the authority to intervene on behalf of all its citizens. In the case of occupancy restrictions based upon familial ties, state reforms such as those contemplated in House Bill 24-1007 have the potential not only to safeguard individual freedoms, but to increase housing opportunity for Colorado residents at a time when affordable options are scarce.

March 17, 2023; Kelsey Vlamis, "A Colorado Ski Town Can't Fill a Job with a \$167,000 Salary Because Potential Candidates Can't Afford to Live There," *Business Insider*, March 4, 2024.

⁹ See *Moore v. City of East Cleveland*, 431 U.S. 494 (1977) (Stevens, J., concurring, stating that "a community has other legitimate concerns in zoning an area for single-family use, including prevention of overcrowding in residences and prevention of traffic congestion. A community which attacks these problems by restricting the composition of a household is using a means not reasonably related to the ends it seeks to achieve."). For further reading on the familial and household rights implicated by occupancy limits based on relatedness, see Kate Redburn, "Zoned Out: How Zoning Law Undermines Family Law's Functional Turn," *Yale Law Journal* 128, no. 8 (June 2019); and John G. Sprankling, "The Constitutional Right to 'Establish a Home,'" *George Washington Law Review* 90, no. 3 (2021).

¹⁰ See Broomfield Municipal Code, Title 17 (Zoning), Chapter 4 (Definitions), Section 130.

¹¹ See Broomfield Municipal Code, Title 15 (Buildings and Construction), Chapter 8 (Uniform Housing Code). Subject to certain amendments, Broomfield has adopted the 1997 Uniform Housing Code, which contains square footage requirements for bedrooms based upon occupancy by "persons," regardless of whether the persons in question are related by blood or marriage.

¹² See Kevin Erdmann, Salim Furth, and Emily Hamilton, "The Link Between Local Zoning Policy and Housing Affordability in America's Cities" (Mercatus Policy Brief, Mercatus Center at George Mason University, Arlington, VA, March 2019).

¹³ House Bill 24-1007, Section 1, Paragraph 5.



Defeat, DO NOT PASS HB24-1007!

Becky Calvin to: committees.lcs.ga, manny.rutinel.house,
javier.mabrey.house, tony.exum.senate,
julie.gonzales.senate

03/12/2024 10:42 AM

Dear committee members,

You must NOT pass this bill! I have lived in Colorado since 1978 & our state is going towards the direction of California if you pass this bill!

This bill will not only destroy our neighborhoods, housing prices, our water resources, our electric grid, energy & overall economy! It will turn our entire state into A Sanctuary State! I ask that you DO NOT PASS this bill! I have contacted as many people as I can, although I do not understand why there was more publicity regarding this bill!

This bill would create a Colorado where every house turns into a place for "illegals" to live! These people can enter our country legally & follow our rules which includes housing occupancy limits!

I also plan on calling your committee phone number. I did call your phone number 303-866-3521 to make sure my voice is heard. If you need more information, please email me ASAP.

Rebecca Calvin
3144 Electra Dr S
Colorado Springs, CO 80906 Sent from my iPad

March 4, 2022

Senate Local Government & Housing Committee
SCR 352

RE: Opposition to HB24-1007 Prohibit Residential Occupancy Limits

Dear Senate Committee Members,

I am writing to express my strong opposition to HB24-1007, which erodes local governments' autonomy and the integrity of our single-family neighborhoods.

The bill, which forbids local entities from setting residential occupancy limits except for health and safety reasons, has already passed the House. While its purported aim is to alleviate housing shortages, it threatens to disrupt the fabric of our communities, particularly in university towns where needs differ markedly.

Local governments must retain the right to tailor occupancy rules to their unique situations—be it through bedroom-specific limits or zoning distinctions. This is not an overreach but a defense of community voice and identity.

Moreover, the bill's narrow focus on occupancy limits defined by inflexible health and safety codes overlooks the layered needs of our communities. Local circumstances often dictate a more nuanced approach to ensure the genuine welfare of our neighborhoods.

Additionally, by removing restrictions based on familial relationships, HB24-1007 could significantly alter the dynamics of our single-family zones, risking the erosion of the community fabric that our citizens hold dear.

It's a misconception that opposition to this bill equates to resistance to growth. Rather, we oppose the subversion of our investment in our communities by state mandates that favor indiscriminate densification over thoughtful, inclusive planning. Homeowners are not opposed to change; we are opposed to the bait-and-switch tactics that deprioritize local input and community character.

Lastly, while the bill's goals to enhance economic activity and reduce social isolation are commendable, the proposed means—a blanket increase in occupancy—may not be the panacea it is portrayed to be. Each Colorado community has its own heartbeat, and state policy should empower, not override, the tailored solutions that keep that rhythm strong.

A more effective solution would be to promote the development of middle and low-income housing in strategically selected locations, ensuring a significant portion is

mandated as affordable. Specifically, we should target underused commercial zones and other appropriate non-residential areas ripe for revitalization. This approach not only meets the diverse needs of our population but also preserves the character of existing neighborhoods.

HB24-1007, with its intent to increase density, fails to account for the potential negative impacts on the community character and local infrastructure. It presumes that up-zoning will lead to affordable housing without considering market complexities.

Therefore, I strongly recommend opposing this bill and instead adopting a comprehensive strategy that includes the development of mixed-use, mixed-income communities. It is crucial that new developments contribute a fair share of affordable housing. Equally important is ensuring that any densification efforts are supported by adequate infrastructure investments, preventing undue strain on our communities."

As you work to safeguard the unique qualities of our local communities, I ask you to oppose HB24-1007, and instead champion approaches that genuinely enhance an inclusive, balanced, and thriving Colorado.

Thank you for considering my perspective.

Sincerely,

Jeff Gantman
Fort Collins, CO

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3/11/2024

Affidavit of Mohamed Juma

I, Mohamed Juma, I am over the age of 18 years and am competent to make this testimony. I am a community / cultural navigator. I work with Refugees and Immigrants and other undocumented people here in the Denver metro area. I am making this testimony voluntarily; I have been called upon to testify in relation to the Prohibit Residential Occupancy Limits Bill ([HB24 – 1007](#)).

This bill is important to me and the community that I serve. I come from a big family of 10 plus I have my uncle as well. We have been resettled to the US as refugees. Housing is a huge problem for then to now, we did apply to several rental properties to live separate as youth with my uncle which he share a different name then me and the other youth from my home country, but our application get rejected without getting the measurement fees. I hear a lot of similar stories from my clients, some of them moved from different states to make a living here in Colorado. Additionally, based on my experience and knowledge among the Refugees, Asylees, and Immigrants, I am available to provide further information on these matters to assist with the bill to prohibit residential occupancy limits.

Please support this bill because it spoke to the issue that I faced and to the youth in the community. This bill can help refugees and Immigrants to be able to live together to help with affordability and integrate to the new society.

I affirm that the statements provided in this testimony document are true and accurate to the best of my knowledge and belief.

JUMA
3/11/2024