

# Know the Occupancy Limit

Know the occupancy limit where you live.



In Fort Collins, did you know that **no more than three unrelated individuals** may reside in a dwelling unit?

On January 1, 2007 the City's new housing occupancy-limit ordinance went into effect, and it is important to learn how students may be impacted by the enforcement of this code.

Regardless of whether you own or rent a property, both landlords and their tenants could be held responsible if found in violation of the ordinance.

## How does the new ordinance differ from the one that's been on the books since the 1960's?

The major change is that the law is now a "civil infraction" rather than a criminal misdemeanor. This means that the "burden of proof" for establishing a violation is much less than in the case of a criminal offense.

The definition of occupant and family have been changed and the actual occupancy limit was added (it used to be within the definition of family). There is also a new requirement that all properties have an Occupancy Disclosure Statement signed at the time of lease or sale. A copy of the disclosure form can be found at <http://fcgov/building/pdf/disclosure-disclaimer.pdf>

## Who can I contact if I have questions that are specific to my living arrangement?

Students who may be housed in an over-occupancy situation should seriously consider talking with Student Legal Services (if they are a full-time student) or see if Neighborhood Services' free mediation program might be a service to help you, your roommates, and your landlord come into compliance.

For inquiries about mediation, please call Neighborhood Services 224-6046 or go to [www.fcgov.com/neighborhoodservices](http://www.fcgov.com/neighborhoodservices)

For more information about Student Legal Services go to: [www.sls.colostate.edu](http://www.sls.colostate.edu) or call 491-1482.

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### **Why does the occupancy code exist and how long has it been in the books?**

Since the 1960s, the City of Fort Collins has had definitions and ordinances to limit occupancy of a family or no more than 3-unrelated individuals. The City created an occupancy limit to help ensure health and safety of residents and to help protect the quality and character of neighborhoods.

### **How will the occupancy ordinance be enforced and what will the process look like?**

When someone calls the city to report a property they believe is over-occupied, staff will be interested in the following information: complainant's contact information, address of property in question, reasons for suspecting over-occupancy and any supporting evidence (tenants names, license plate numbers, etc.).

Once city staff completes an intake form based on the information provided by the complainant, they will begin an investigation and will contact owner/property manager and request a copy of the Disclosure form. Disclosure Forms have been required since December 2005 and there is a potential for up to \$1000 fine to the landlord for not having one upon request. The form acknowledges that all involved parties (sellers, leasers, tenants, buyers) have been informed about the occupancy limit in Fort Collins.

If the investigation produces "reasonable cause" to suspect over-occupancy the inspector will give notice to all tenants, the landlord, and the property manager that they may receive citations. They will have seven days to correct the over-occupancy and schedule an inspection to confirm compliance.

Correcting the situation within that time period on a first complaint will result in no citation or penalty being issued. However, if the situation is not corrected, the City can issue a citation to the owner, property manager/landlord and/or **each** tenant of the property and fines could be as high as \$1000 per day. After being cited, the parties will have 10 days to pay the fine or request a hearing.

If participants request a hearing they will be scheduled to appear before the court-appointed hearing officer. The inspector will also be at the hearing and any neighbor willing to participate as a witness can also attend. Hearings are binding and all statements made under oath with the consequence of criminal charges such as perjury or false information to authorities if false statements are made.

If an investigation results in reasonable cause to suspect a violation of the Rental Housing Standards, inspectors may also conduct a rental housing inspection throughout the entire property.

### **What if my landlord hasn't asked me to sign the disclosure form?**

Ask them to provide the form for your signature. The disclosure form will protect both you and your landlord in the event of an over-occupancy investigation.

### **My landlord never had me sign a disclosure form and now the city is investigating an occupancy violation at my residence. Although I have four roommates, my landlord is asking that only three of us sign the agreement. What do we do, knowing that we are in violation?**

If you are a CSU student, seek the services of Student Legal Services so that they can advise you what to do in this situation. Go to [www.sls.colostate.edu](http://www.sls.colostate.edu) or call 970-491-1482.

### **What if a house can easily accommodate more than three residents?**

The property owner can get an "Extra Occupancy Rental House" (formerly known as Boarding House) designation if the house meets certain criteria. Not all neighborhoods are zoned to allow for Extra Occupancy Rental Homes. For more information go to: <http://www.fcgov.com/building>

### **Are there apartments that allow for four unrelated individuals to live together?**

Yes! There are apartment complexes that were built and approved for four tenants. These complexes have a disclosure statement that reflects this occupancy limit. The following apartment complexes are approved for having a maximum of four roommates: The Lofts at Campus West, Ram's Crossing, Ram's Point, and Ram's Village.

### **What if I have guests on most weekends? Will I be in violation even though these guests don't technically live with me?**

It depends on if those guests spend enough time at your place to be considered are occupants. The occupancy limit applies to occupants - not guests. However, the code that goes into effect in 2007 classifies anyone who spends more than 30 nights in a dwelling unit in a calendar year as an occupant. Therefore, a frequent guest could actually be considered an occupant.

### **Still have questions?**

**Contact Melissa Emerson, Community Liaison (970) 491-6707 Email: [memerson@fcgov.com](mailto:memerson@fcgov.com)**

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