

ORDINANCE NO. ____
OF THE CITIZENS OF THE CITY OF FORT COLLINS
AMENDING SECTION 3.8.16 OF THE LAND USE CODE
OF THE CITY OF FORT COLLINS TO MODIFY THE OCCUPANCY LIMIT
PERTAINING TO SINGLE-FAMILY AND MULTI-FAMILY HOUSING

WHEREAS, access to safe, secure, habitable and affordable housing is a fundamental right guaranteed, irrespective of income or socioeconomic class entailed by the foundations of the democratic ideology and process; and,

WHEREAS, the conversation on affordable housing is of vital interest to the City of Fort Collins, her citizen's and vested interests, both present and future, necessitating the production of tangible and actionable policy to secure the present and protect the future; and,

WHEREAS, governments are the legitimate organization for the monopolization and execution of politically authoritative decisions based upon the power vested in them by the citizenry government is established unto; and,

WHEREAS, governments establish standards in relation to the zoning and occupation of land for the furtherance of the public good, considering mutually the interests of all parties involved; and,

WHEREAS, the current state of the "U+2" regimen entailed by Fort Collins Land Use Code 3.8.16 currently prohibits the occupation of any domicile by more than "one (1) family as defined in Section 5.1.2 of the land use code and not more than one (1) additional person" or "two (2) adults and their dependents, if any, and not more than one (1) additional person."; and,

WHEREAS, these restrictions create artificial market conditions detrimental to the creation and sustainability of any prospects of affordable housing and growth in the City of Fort Collins; and,

WHEREAS, access to affordable housing is a public good that creates development and prosperity for not just the end user, but also the broader community which is in no way remote to the process of sustainable development; and,

WHEREAS, Fort Collins Land Use Code 3.8.16 was historically intended to establish safe occupancy limits and to address infrastructure sufficiency. Repurposing the code to address issues of public nuisance and uncourteous conduct causes the law to become a detriment to sustainable development and affordable housing; and,

WHEREAS, Fort Collins Land Use Code 3.8.16 currently allows for discrimination by violating C.R.S. 24-34-502 by codifying the discrimination based on marital status and familial status, which disproportionately affects certain vulnerable populations creating greater discrimination and inequity; and,

WHEREAS, the presumption of innocence is set by legal precedent and predates modern democracy. Occupancy of a home is not a determinant of crime, violations of city ordinances, or otherwise discourteous behaviors. The presumption of guilt is a tool to discriminate housing based on biases and stereotypes of who commits what infractions, before any crime, infraction, or other discourteous behavior has even occurred and that discrimination will not be tolerated by the citizens of Fort Collins; and

WHEREAS, issues such as public nuisance and uncourteous conduct are major concerns to the fabric of the community of Fort Collins and represents a tangible threat to the unity of our society in such times of multi-faceted growth; and,

WHEREAS, an open dialogue between all stakeholders in this issue of public nuisance and uncourteous conduct would benefit all factions of this issue immensely and has yet to occur.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS,

That the Land Use Code of the City of Fort Collins be amended to change the existing limits from one (1) family as defined in Section 5.1.2 and not more than one (1) additional person; or two (2) adults and their dependents, if any, and not more than one (1) additional person,

To:

not more than (1) adult as defined in Section 3.8.16, subsection D, per bedroom at or below 99 sq. ft.; and not to exceed more than two (2) adults per bedroom 100 sq. ft. or greater.

With the resulting section 3.8.16(A) to be read in entirety as follows:

3.8.16 Occupancy Limits; Increasing the Number of Persons Allowed

(A) Except as provided in Subsection (B) below, or pursuant to a certificate of occupancy issued by the city to the owner of the property, the maximum occupancy allowed per dwelling unit in a single-family, two-family or multi-family dwelling shall be:

- 1.) not more than one (1) adult as defined in Section 3.8.16, subsection D, per bedroom at or below 99 sq. ft; and
- 2.) not more than two (2) adults per bedroom of 100 sq. ft. or greater