

ORDINANCE NO. 082, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CODE OF THE CITY OF FORT COLLINS TO
CONFORM WITH THE REMOVAL OF RESIDENTIAL
OCCUPANCY LIMITATIONS FROM THE LAND USE CODE

A. Pursuant to Ordinance No. 055, 2024, Council adopted the revised Land Use Code by reference which went into effect on May 27, 2024.

B. The Land Use Code contains certain residential occupancy limits based upon familial relationships.

C. Colorado House Bill 24-1007, effective July 1, 2024, prohibits the City from limiting who may live together in a single dwelling based on familial relationship.

D. In order for the City to comply with House Bill 24-1007, City Code references to residential occupancy limits based on familial relationships must be amended as set forth in this Ordinance.

E. Concurrently by separate ordinance, Land Use Code references to residential occupancy limits based upon familial relationships are also being amended.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 5-264 of the Code of the City of Fort Collins is hereby deleted in its entirety and held in reserve.

Sec. 5-264. - ~~Reserved. Certificate required for occupancy of dwelling units contained in single-family or two-family dwellings in excess of limit; conditions; revocation or suspension.~~

~~(a) No dwelling unit contained in a single-family or two-family dwelling shall be occupied by more persons than the number of persons permitted under Section 5.14.1 of the Land Use Code unless a certificate of occupancy for an extra-occupancy rental house has been issued for such dwelling by the Building Official.~~

~~(b) Terms and conditions imposed upon a certificate of occupancy as an extra occupancy rental house may include, but are not limited to, compliance with all state laws, City ordinances, rules and regulations, and court or administrative orders.~~

~~(c) In determining whether to revoke or suspend a previously issued certificate of occupancy, the Building Official may consider any history or pattern of Code violations related to the use of the property, or any failure on the part of the applicant or the applicant's property manager or tenants to abate or correct violations at the property as ordered by an enforcement official, referee or judge.~~

Section 2. Section 5-265 of the Code of the City of Fort Collins is hereby deleted in its entirety and held in reserve.

Sec. 5-265. - ~~Reserved.~~ Posting; inspection of books and records; disclosure.

~~(a) — Any certificate of occupancy for an extra occupancy rental house specifying the number of allowable tenants must be posted on the back of the front door of the dwelling.~~

~~(b) — Whenever reasonable cause exists to believe that a violation of the Code or Land Use Code has occurred at any rental dwelling unit, the owner and property manager, if any, of said unit shall, immediately upon request, make available to the City all lease, rental payment and tenant information pertaining to the unit, together with the written disclosure statement required by Subsection (c) of this Section.~~

~~(c) — Any person selling or leasing a dwelling unit shall forthwith provide all purchasers, lessees or sublessees of such unit with a written disclosure statement, on a form provided by the City, specifying the maximum permissible occupancy of such unit under Section 5.14.1 of the Land Use Code. Such disclosure statement shall be signed and dated by all parties to the transaction immediately upon execution of any deed, contract for purchase and sale or lease pertaining to such unit. In the case of a lease, the following shall apply:~~

~~(1) — All signatures on such disclosure statement shall be notarized by a notary public or, as an alternative to notarization, an electronic record may be used to verify the date that the disclosure statement was signed by the parties.~~

~~(2) — The disclosure statement shall be attached to a copy of the fully executed lease agreement and retained at the leased premises by the owner of the unit and the property manager, if any. If an electronic record is used to verify the date that the disclosure statement was signed, then documentation evidencing the electronic record shall also be attached to a copy of the lease agreement.~~

~~(3) — In the case of a multi-family building with an on-site manager, the lease, the disclosure statement and any documentation evidencing electronic verification may be retained in the office of the property manager for the unit.~~

~~(d) — Notwithstanding the foregoing, a new disclosure statement need not be provided upon renewal of a written lease agreement if all parties to such renewal agreement executed a disclosure statement at the time of execution of the original lease agreement.~~

~~(e) — It shall be a violation of this Section for any person to rent a dwelling unit, or portion thereof, to any person who has failed or refused to sign the disclosure statement required by Subsection (c) of this Section.~~

~~(f) — It shall be a violation of this Section for any person to occupy a dwelling unit pursuant to a lease or sublease unless such person has signed the disclosure statement required by Subsection (c) of this Section.~~

Section 3. Section 14-3 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 14-3. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section:

...

Dwelling, single-family unit shall mean a dwelling containing no more than one (1) dwelling unit.

Dwelling, single-family unit detached shall mean a single-family unit dwelling that is not attached to any other dwelling or building by any means, including mobile homes and manufactured housing situated on a permanent foundation.

Dwelling unit shall mean habitable floor space intended for the exclusive use of a single household with a single kitchen, or including a second kitchen pursuant to Land Use Code Section 5.3.6, ~~one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking, and sanitary purposes.~~

...

Section 4. Section 14-6 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 14-6. - Offenses against historic resources and potentially eligible resources.

(a) Except as may be authorized pursuant to this Chapter or the provisions of the Land Use Code, no person shall damage, deface, destroy, or otherwise cause any alteration to be made to any site, structure or object that is: (1) Fifty (50) years of age or older that is not a single-family unit detached dwelling; (2) An accessory building or structure fifty (50) years of age or older that is not directly associated with a single-family unit detached dwelling; (3) A historic resource; or (4) Undergoing any of the processes provided for in this Chapter.

(b) Except in response to a bona fide determination of imminent danger under § 14-8 of this Article, no person shall deviate from or fail to comply with any approved plan of protection for any historic resource that is required under this Chapter or the Land Use Code.

Section 5. Section 14-8 of the Code of the City of Fort Colins is hereby amended to read as follows:

Sec. 14-8. - Remedying of dangerous conditions.

In any case where a properly authorized public official or employee orders the demolition of any historic resource for the purpose of remedying conditions determined by that official

or employee to constitute an imminent danger, as such term is defined in the version of the *International Property Maintenance Code* adopted and amended by the City, to life, health or property, nothing contained herein shall be construed as making it unlawful for any person to comply with such order. Such official or employee shall take immediate steps to notify the Commission of the proposed issuance of such order and may include in the order any timely received requirements or recommendations of the Commission or staff. In the event that such official or employee has determined that the historic resource, with the exception of single-family unit detached dwellings, and accessory buildings or structures associated with single-family unit detached dwellings, that are non-designated, is capable of being made safe by repairs and need not be demolished, the historic resource shall be repaired, or demolished, in accordance with the provisions of this Article.

Section 6. Section 15-641 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-641. - Definitions.

The following definitions shall apply to this Article:

...

Multi-family unit dwelling unit shall mean a dwelling unit that is located in a structure that is zoned for multi-family unit dwelling use.

...

Section 7. Section 15-644 of the Code of the City of Fort Collins is hereby amended to read as follows:

(a) The following are the minimum requirements that must be satisfied by the applicant for the issuance of a short term primary rental license.

...

(3) The dwelling unit must comply with all applicable federal, state, and local laws including, but not limited to, the Code of the City of Fort Collins and Land Use Code, and in particular, Land Use Code Section 5.9.1(K)(1)(k) which sets forth applicable parking requirements.

...

(b) The following are the minimum requirements that must be satisfied by the applicant for the issuance of a short term non-primary rental license.

...

(3) The dwelling unit must comply with all applicable federal, state, and local laws including, but not limited to, the Code of the City of Fort Collins and Land Use

Code, and in particular, Land Use Code Section 5.9.1(K)(1)(~~km~~) which sets forth applicable parking requirements.

...

Section 8. Section 15-646 of the Code of the City of Fort Collins is hereby amended to read as follows:

...

(b) In addition to satisfying (a) above, the applicant must satisfy the requirements set forth in § 15-644 in order to be eligible for a license. License applications submitted pursuant to this Section on or before October 31, 2017, do not need to comply with the parking requirements in Land Use Code Section 5.9.1(K)(1)(~~km~~).

...

(e) Should ownership of a dwelling unit licensed pursuant to § 15-646 be transferred, and such license was continuously valid until the transfer of ownership, the new owner is eligible for a license identical in scope to the previously issued license provided: (1) the new owner applies for a license within thirty (30) calendar days of the transfer of ownership; (2) the dwelling unit complies with the parking requirements in Land Use Code Section 5.9.1(K)(1)(~~km~~); and (3) any license issued pursuant to § 15-646 is continuously maintained. Should a license issued to the new owner under this Section be revoked, not be renewed, or lapse for any period of time, the new owner shall no longer be eligible for a license for such dwelling unit pursuant to this Section.

...

Section 9. Section 15-647 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-647. - Term of license and renewal.

...

(d) A short term primary or non-primary rental shall only operate in a multi-family unit dwelling unit if the entire multi-family unit structure meets all sanitation, mechanical, electrical, structural, and fire safety requirements applicable to an R-1 Occupancy Building.

(e) A short term primary or non-primary rental licensed prior to September 13, 2019, that operates in a multi-family unit dwelling unit may continue to operate under and for the current terms of such license if it meets the requirements in § 15-648(4) and continues to comply with all other applicable requirements, and if the license has not lapsed for more than thirty (30) days.

If the owner of a short term primary or non-primary rental operating in a multi-family unit dwelling unit that is licensed prior to September 13, 2019, sells or otherwise transfers the multi-family unit dwelling unit, then the short term rental license shall expire at the time of

sale or transfer unless the entire multi-family unit structure where the multifamily unit dwelling unit is located meets the R-1 Occupancy Building requirements in this § 15-647.

Section 10. Section 15-648 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-648. License regulations.

...

(3) The licensee shall comply with all applicable Code of the City of Fort Collins and Land Use Code provisions including, but not limited to, the Code of the City of Fort Collins Chapter 5, Buildings and Building Regulations, and the Code of the City of Fort Collins Chapter 20, Nuisances, Chapter 25, Taxation, and Land Use Code Section 5.9.1(K)(1)(~~km~~).

(4) The licensee shall maintain compliance with all sanitation, mechanical, electrical, structural, and fire safety requirements described in § 15-644. As a condition of renewal for the year 2020 and subsequent years, a short term primary or non-primary rental licensed in a multi-family unit dwelling unit prior to September 13, 2019, may only continue to operate as a short term rental if the Building Official determines that the dwelling unit meets the following alternate minimum fire resistance and safety requirements applicable to an R-1 Occupancy, as those terms are defined by the *International Building Code*:

...

Section 11. Section 20-111 of the Code of the City of Fort Collins is hereby amended by deleting Paragraph (8) in the definition of *Nuisance activity* and holding that Paragraph number in reserve.

Sec. 20-111. – Definitions.

...

Nuisance activity means any of the following violations and nuisances occurring or existing on a property and committed by any person, including, without limitation, by an owner, lessee, agent, occupant, or trespasser:

...

(8) **Reserved.** ~~Dwelling unit occupancy limits – § 3.8.16 of the Fort Collins Land Use Code.~~

...

Introduced, considered favorably on first reading on June 18, 2024, and approved on second reading for final passage on July 2, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 12, 2024
Approving Attorney: Brad Yatabe