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 goes 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.

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.

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

The 1st major change is that the new law will be 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.
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.

When 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, lessors, 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 also be given a reasonable time to correct the over-occupancy and come into 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 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.

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.

Still have questions?
Contact Melissa Emerson, Community Liaison (970) 491-6707 Email: memerson@fcgov.com

Off-Campus Student Services
Main Level, Lory Student Center