



Code Enforcement  
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## Addressing Occupancy Complaints in Residential Properties

The following is an explanation of the City of Aurora's occupancy requirements and how complaints are addressed. Occupancy standards are addressed in two ways. One is by addressing the minimal square footage requirements and the second is by meeting the definition of "Family." The current ordinance relating to occupancy states:

*It shall be unlawful for any person to occupy or let to another for occupancy any dwelling unit which does not contain at least 150 square feet of floor space for each occupant thereof. The floor space shall be calculated on the basis of the total enclosed space within the dwelling. . .*

The square footage of a home is obtained from the appropriate County Records.

In addition to the square footage requirements the second way occupancy is addressed is by the definition of a "Family," which is difficult to enforce, since we cannot prove the relationship of individuals unless the resident voluntarily provides this information:

- 1. A group of persons related by blood, marriage, or adoption, living together as a single housekeeping unit and normally consisting of two parents and their children;*
- 2. Persons living together in the relationship and for the purpose of guardian, ward, or foster family or receiving home care who may not necessarily be related by blood or marriage to the head of the household, but live together as a single housekeeping unit but shall not include correctional homes;*
- 3. A group of not more than four unrelated persons living together in a dwelling unit as a single housekeeping unit; or*
- 4. Living arrangements wherein one person is providing care to another occupant who is not related by blood or marriage, provided they neither maintain separate cooking facilities nor advertise the premises for rent.*
- 5. A single individual living as a single housekeeping unit.*

*Exceptions: A family shall not include more than one person required to register as a sex offender pursuant to § 18-3-412.5, C.R.S. as amended, unless related by marriage or consanguinity. Family shall not include any group of individuals who are in a group living arrangement as a result of criminal offenses.*

## Procedures of Investigation

When a complaint is received for an alleged occupancy violation from Access Aurora (303-739-7000) or other source, an officer is assigned to investigate. The investigation includes:



- Talking with the complainant (if their contact information is provided) to obtain detailed information (i.e. what specifically are they observing or what other information do they have that implies there are too many people living at the residence). We do not share who the complainant is with the resident/owner;
- Inspecting the property for any zoning code violations;
- Taking into consideration the number of vehicles associated with the property as part of the investigation;
- Making contact with the resident(s) and asking questions using an Occupancy Questionnaire Form (i.e. how many people live at the home, relationship to one another, visitors, etc.). This information is voluntary and unless there is substantial evidence to suggest the information provided is inaccurate there is no other enforcement action taken for occupancy;
- When it is determined there is an occupancy violation, a Notice of Violation is left with the resident to make corrections. Typically we give 30-45 days to resolve the violation.

The city does not have the right or authority to enter a home and inspect without the consent of the resident or a court order.

A new complaint for the same address that has already been investigated and found to not be in violation will not be investigated again unless there is new information or other evidence to support otherwise.