

**Town of Lyons, Colorado
Board of Trustees
Agenda Cover Sheet
Agenda Item No: VII. 1.
Meeting Date: February 18, 2025**

TO: Mayor Rogin and Members of the Board of Trustees

FROM: Brandon Dittman, Town Attorney

DATE: February 6, 2025

ITEM: Ordinance 1180 An Ordinance of the Town of Lyons, Colorado, Amending the Lyons Municipal Code to Comply with HB24-1007 and Implementing Occupancy Limits Based on Health and Safety Codes

X ORDINANCE

MOTION / RESOLUTION

INFORMATION

- I. **REQUEST OR ISSUE:** An ordinance changing various definitions of the LMC to comply with the requirements of HB 24-1007 and implementing an occupancy limit based on health and safety codes.
- II. **RECOMMENDED ACTION / NEXT STEP:**
Approve the ordinance.
- III. **FISCAL IMPACTS:** None.
- IV. **BACKGROUND INFORMATION:** .

Staff is bringing forth an ordinance that proposes to amend Title 17, Zoning of the Lyons Municipal Code, to address changes in State Law relating to the HOME (Harmonizing Occupancy Measures Equitably) Act (HB24-1007) <https://leg.colorado.gov/bills/hb24-1007>

The legislation prohibits local governments from regulating the number of people who may live together in a single dwelling based on familial relationship while allowing local governments to implement residential occupancy limits based only on:

- Demonstrated health and safety standards, such as international building code standards, fire code regulations, or Colorado Department of Public Health and Environment wastewater and water quality standards; or
- Local, state, federal, or political subdivision affordable housing program guidelines.

Compliance with the HOME Act (HB24-1007) was required by July 1, 2024. Lyons complies with the effective date of the legislation by not taking enforcement actions after the effective date related to residential occupancy unless the enforcement action was in compliance with the limitations of the HOME Act.

The proposed Ordinance would amend the Municipal Code to ensure alignment with the new requirements created by the HOME Act (HB24-1007). The proposed ordinance is based on actions taken by neighboring jurisdictions such as the City of Boulder and the City and County of Broomfield as well as language recommended by the Department of Local Affairs (DOLA).

V. LEGAL ISSUES: HB 24-1007 took effect on July 1, 2024. Since then, the Town has not enforced its existing occupancy limitations based on the number of families occupying a type of housing. Without the proposed ordinance, the Town will continue to have non-compliant occupancy limitations that are unenforceable.

Because the proposed ordinance is limited in scope, the Town will need to be diligent about updating the mention of the word "family" to the new definitions in all future code updates.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: None

VII. SUMMARY AND ALTERNATIVES:

1. Approve the Ordinance.
2. Approve the Ordinance with changes.
3. Deny the Ordinance.
4. Continue to a date certain.

VIII. Recommended Motion:

"I move to approve Ordinance 1180 An Ordinance of the Town of Lyons, Colorado Amending the Lyons Municipal Code to Comply with HB24-1007 and Implementing Occupancy Limits Based on Health and Safety Codes."