

# Shared Housing, Occupancy, and Rentals in Single-Family Neighborhoods



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# Shared Housing, Occupancy, and Rentals in Single-Family Neighborhoods



- Data on Changing Occupancy
- What are the Challenges?
- Possible Approaches

# Shared Housing, Occupancy, and Rentals in Single-Family Neighborhoods



## Data on Changing Occupancy

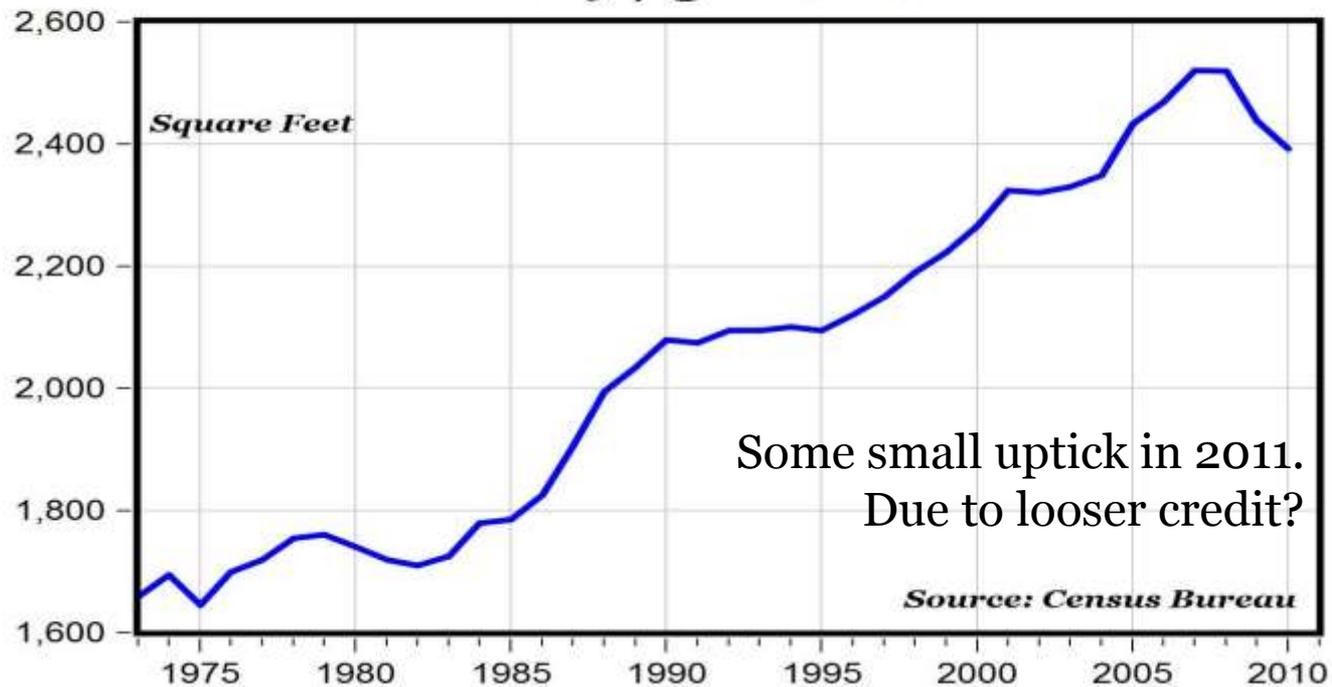
2010

- 60% of U.S. housing stock is Single Family Detached
- Average size of all SFD Homes = 2,392 sf
- 48% of SFDs completed in 2010 had 3 bedrooms
- 39% completed in 2010 had 4+ bedrooms
- 27% of rental housing stock is in SFD units
- Average size of household drops from 3.67 in 1940 to 2.58 in 2011.

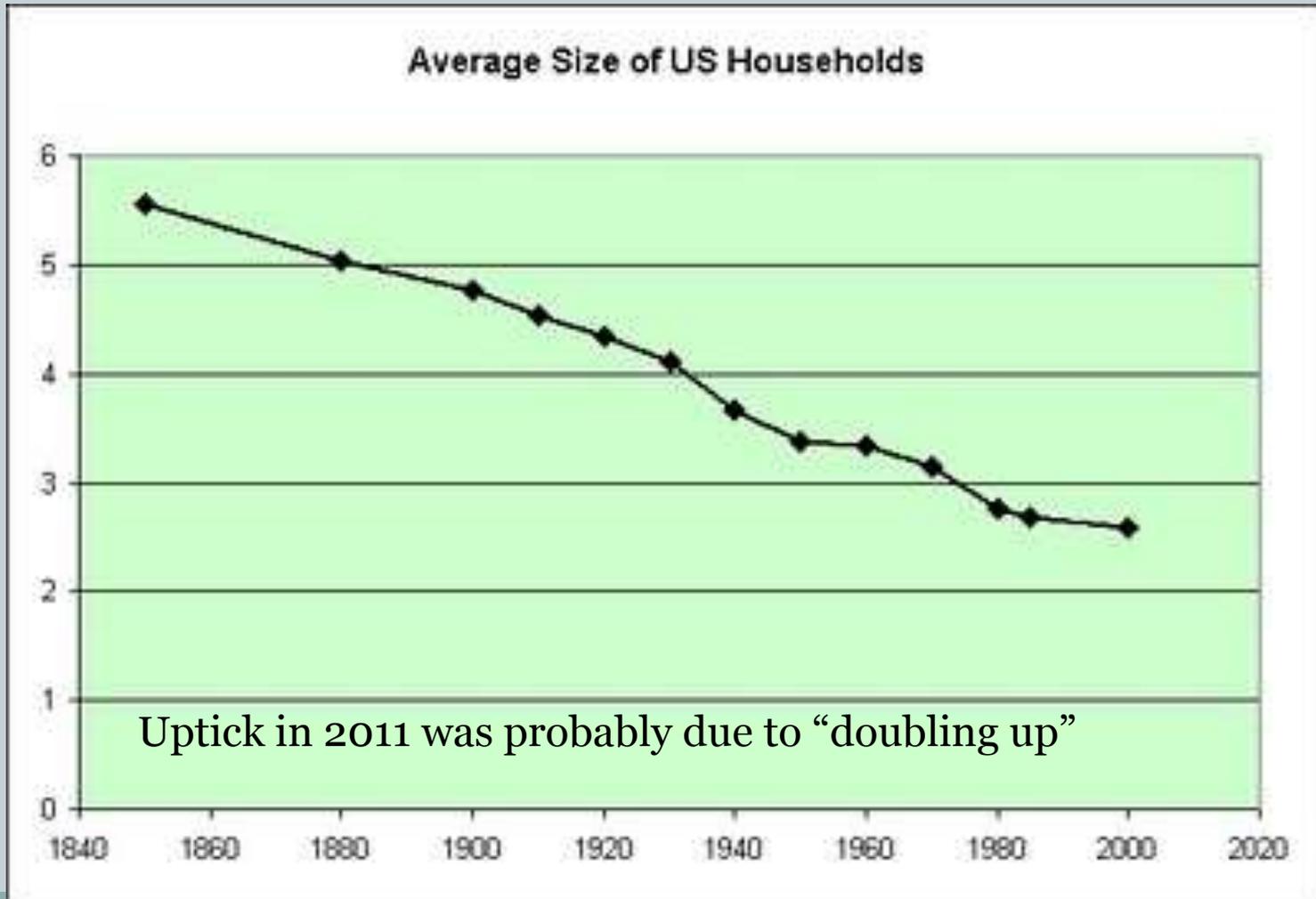
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## Average Square Feet of New U.S. Single-Family Homes 1973-2010



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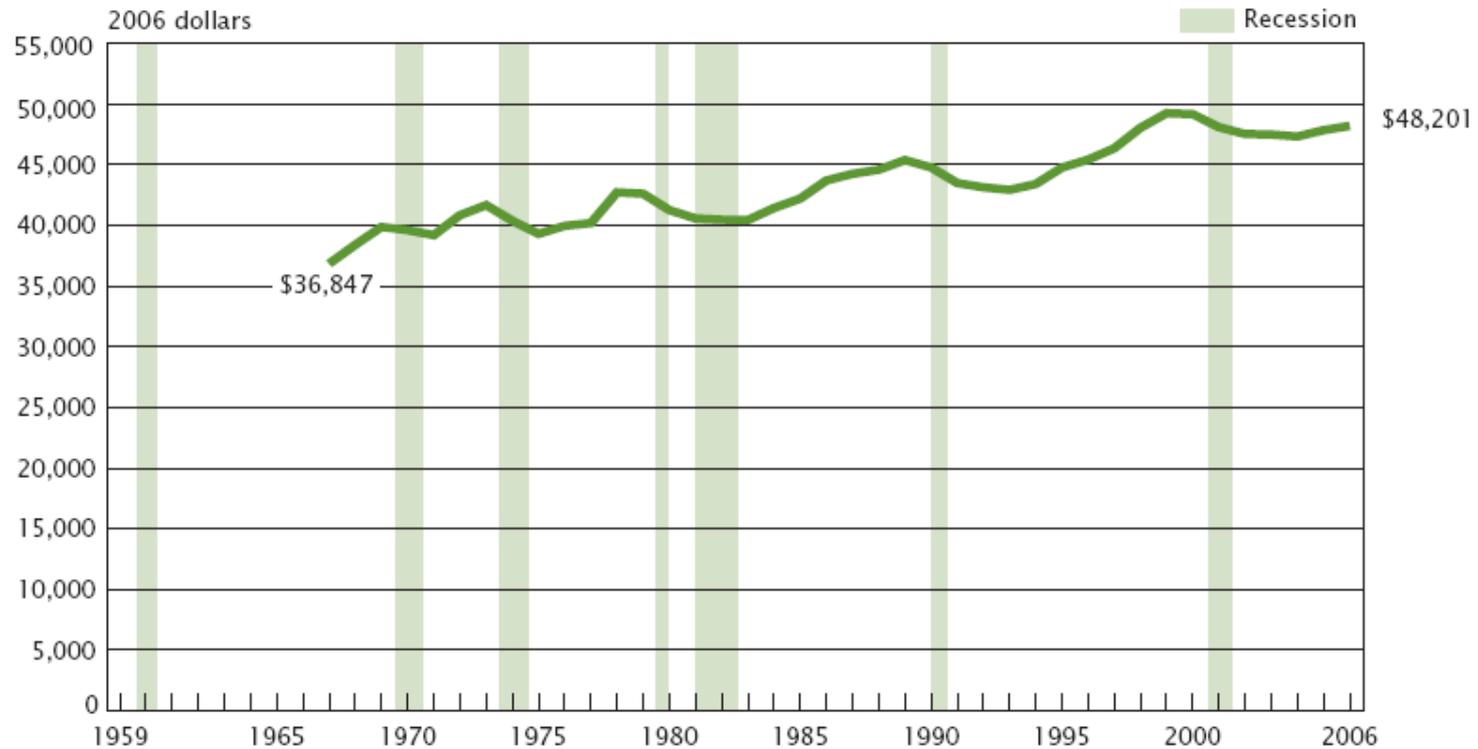
USA Today (May 5, 2011)

“A half-century slide in the number of people living under one roof has ended and has even reversed in some places, according to 2010 Census data released today. Average household size is inching up in Florida (2.48 persons per household vs. 2.46 in 2000) and has stopped declining in Tennessee (2.48). The change was most dramatic for renters: The average household size in rentals rose or stayed flat in 11 of the states from 2000 to 2010. The biggest increases are in Florida and Tennessee. Just as growing affluence let many Americans live with fewer people, the recession, high unemployment and the housing bust now are forcing some people to double up.”

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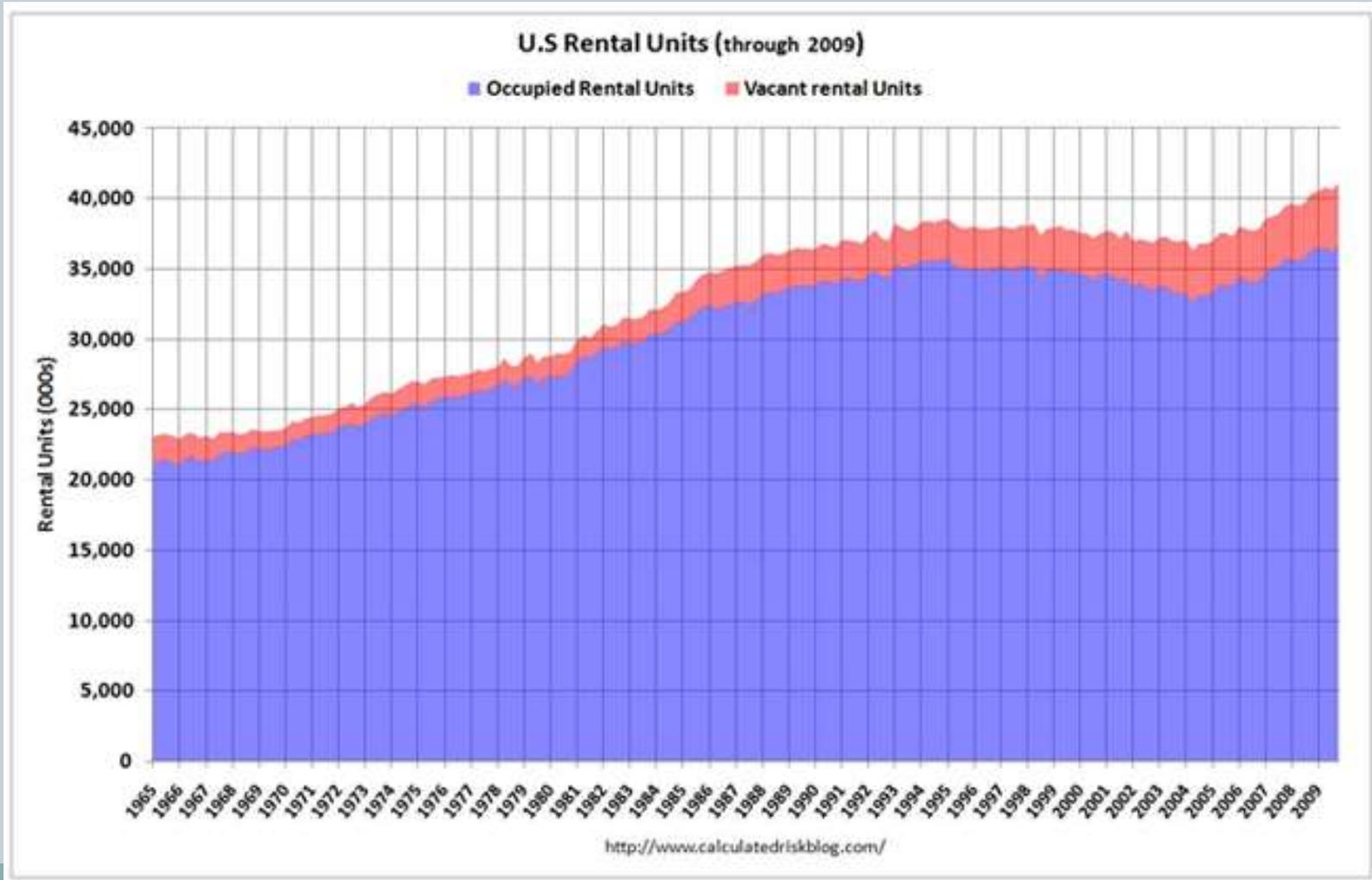
Figure 1.  
**Real Median Household Income: 1967 to 2006**



Note: The data points are placed at the midpoints of the respective years. Median household income data are not available before 1967.

Source: U.S. Census Bureau, Current Population Survey, 1968 to 2007 Annual Social and Economic Supplements.

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# Shared Housing, Occupancy, and Rentals in Single-Family Neighborhoods



Lots of big Single Family Detached Homes +

Declining Household Size +

Flat or slowly rising real household incomes +

Growing rental housing market =

Pressure to have more than one small household (or a single three-generation household) occupy larger single family homes

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## Reaction

- “Single-family residences that are being used to house multiple families, or a large number of unrelated persons who are not a family, is a violation of zoning ordinances in Manassas, Prince William County, and Manassas Park. Overcrowded single-family residences crowd our streets, place unexpected burdens on our schools and utilities infrastructure, and often become neighborhood eyesores and a public nuisance. Not only do these overcrowded homes pose a safety threat to those that live in them, but they often pose a health and safety hazard to those who live in nearby residences.”

**HELP SAVE MANASSAS!**

<http://www.helpsavemanassas.org/index.php/issues/overcrowding>

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- Expectation of “one house, one family” is about as strong as “one man, one vote” in many areas
  - Strong political pressure to hold the line to retain single family character

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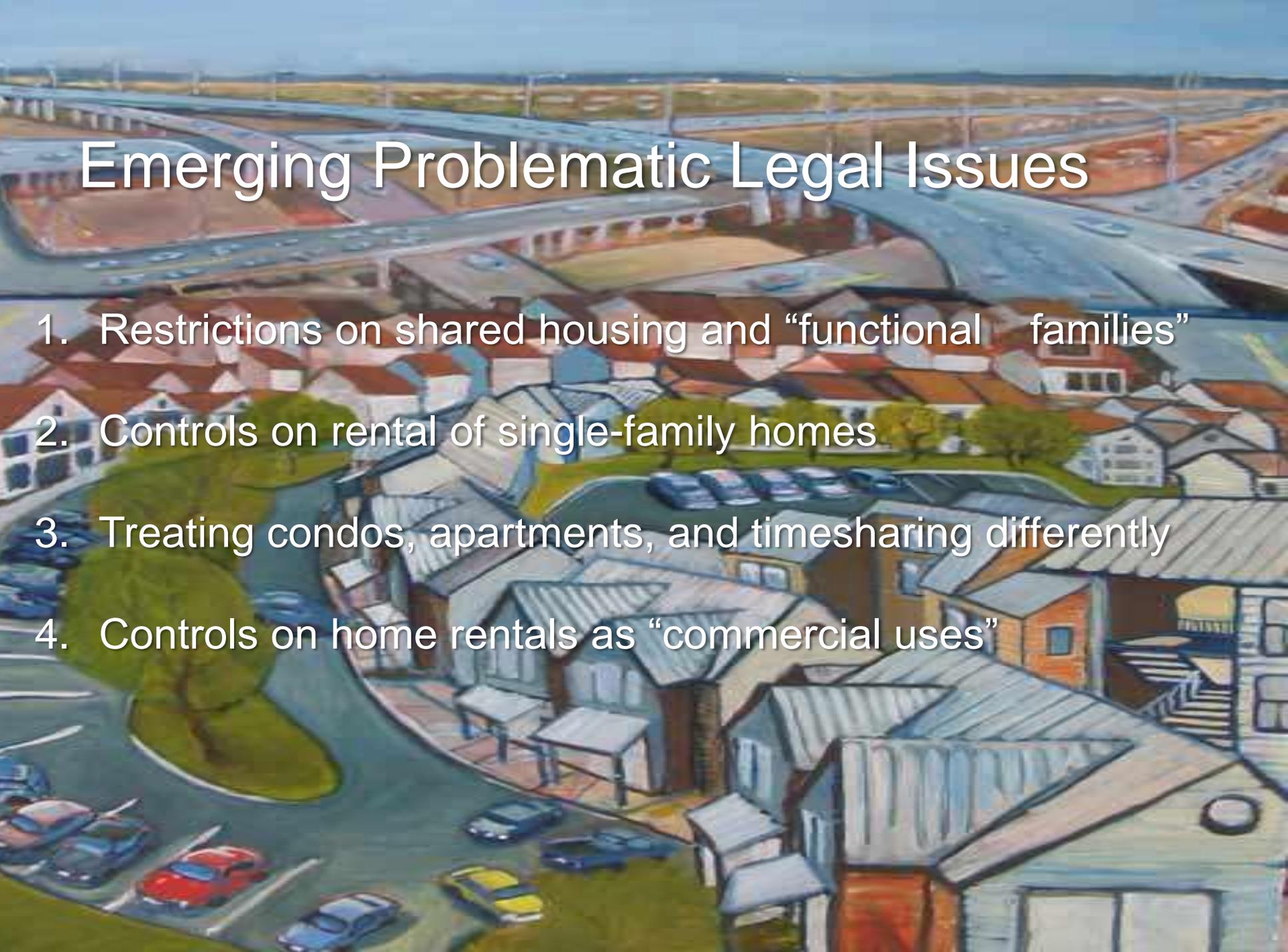
## Current Codes

- Many cities have no occupancy restrictions other than:
  - Building code “persons per square foot” standards or
  - Restrictions on number of unrelated individuals in a definition of “family”
  - Restrictions to single family occupancy in most exclusive residential districts
- Denver New Zoning
  - Only slightly better

An aerial, stylized illustration of a suburban residential neighborhood. The scene shows a mix of single-family homes with various roof colors (red, grey, blue) and styles. There are several streets, some with cars parked along the sides. A prominent feature is a large, circular parking lot in the lower-left quadrant, filled with several cars in various colors (blue, red, yellow, white). The overall style is that of a colorful, slightly abstract painting or digital illustration. The sky is a pale blue, and the background shows more houses and a distant horizon.

# Legal Issues in Regulating Single-Family Areas

1. May exclude accessory apartments!
2. May exclude duplexes and multi-unit housing!
3. May control shared housing and occupancy!
4. May exclude commercial uses in allowed dwellings

An aerial, stylized illustration of a suburban residential development. The scene shows a winding road with several cars, a parking lot with several cars, and numerous houses with gabled roofs. The style is reminiscent of a painting or a digital illustration with visible brushstrokes and a slightly muted color palette. The background shows a flat landscape under a clear sky.

# Emerging Problematic Legal Issues

1. Restrictions on shared housing and “functional families”
2. Controls on rental of single-family homes
3. Treating condos, apartments, and timesharing differently
4. Controls on home rentals as “commercial uses”

An aerial, stylized illustration of a suburban neighborhood. The scene shows a mix of residential buildings, including houses with gabled roofs and larger structures. There are several streets, some with cars parked or driving. A prominent parking lot in the lower-left foreground contains several cars in various colors (red, blue, yellow). The overall style is that of a hand-drawn or painted illustration, with visible brushstrokes and a slightly muted color palette. The background shows a flat landscape under a clear sky.

# Emerging Problematic Legal Issues

5. Controls on accessory units - occupancy, parking, and design restrictions, etc.
6. Miscellaneous issues - interpretation, definitions, grandfather provisions, and nonconforming uses
7. Changing neighborhoods and emerging substantive due process and equal protection issues

# Zoning Reform -- Single-family Districts?

An aerial, stylized illustration of a suburban neighborhood. The scene shows a mix of single-family homes, some with multiple stories, and a parking lot with several cars. A road with a median runs through the middle of the neighborhood. In the background, there are more houses and a large, open field under a clear sky. The overall style is that of a digital painting or illustration.

1. Accessory apartments “allowed by right” everywhere
2. No restrictions on identity of occupants
3. No artificial design restrictions
4. No parking restrictions
5. City support for home conversions

# Shared Housing, Occupancy, and Rentals in Single-Family Neighborhoods



## Practical/Enforcement

- Even in cities that have single-family residency restrictions on the books, enforcement is complaint-driven
  - Very few cities (especially in the west) have requirements to register single family rental housing
  - So no one knows when a single family house is being rented out

# Shared Housing, Occupancy, and Rentals in Single-Family Neighborhoods



## Practical/Enforcement

- Regulation and enforcement of occupancy restrictions based on the identity of who is in the unit (rather than the number) is very difficult and usually politically unpopular.
- 1960s show that when single-family structures are broken up for multi-family use, additional regulations may become necessary to enforce higher standards of habitability or safety
  - Things that we do not regulate in SFDs because we assume families will maintain safe conditions for their family members.

# Shared Housing, Occupancy, and Rentals in Single-Family Neighborhoods

## Possible Zoning Solutions to Protect Current SFD Character

1. Enact residential occupancy restrictions (like resort communities) by requiring registration of rental units and prohibiting them in some zoning districts
  - Always a risk you will just drive the activity underground
  - Difficult enforcement



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## Possible Zoning Solutions Protect Current SFD Character

2. Limit the number of cars that can be parked on or in front of the property (as some college neighborhoods do)
  - “The way to a landlord’s heart is through his tenant’s cars”
  - Likely to be opposed by the very people who want neighborhood character protected – because their families already have more cars than that
  - Enforcement much easier



# Shared Housing, Occupancy, and Rentals in Single-Family Neighborhoods

## Possible Zoning Solutions Protect Current SFD Character

3. Enact (or improve enforcement of) regulations limiting number of kitchens in the structure
  - May just result in illegal construction without permits – in areas with 240volt electric circuits
  - Enforcement much easier



# Shared Housing, Occupancy, and Rentals in Single-Family Neighborhoods

## Possible Zoning Solutions to Accommodate Market Forces

1. Revise definition of family to allow more unrelated persons
  - Or go to a definition of “functional family”
2. Remove restrictions on numbers of “renters” and “roomers” – at least in some zoning districts.



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## Possible Zoning Solutions to Accommodate Market Forces

3. Allow single-family dwellings to be classified as multi-family structures if they install 2 or more entries and full kitchens.
4. Allow conversion of garages, attics, and other divisible spaces with a separate entry into “accessory dwelling units” by right – at least in some zone districts.



# Shared Housing, Occupancy, and Rentals in Single-Family Neighborhoods

## Possible Zoning Solutions to Accommodate Market Forces

5. Remove restrictions on number of full kitchens in an SFD



# Shared Housing, Occupancy, and Rentals in Single-Family Neighborhoods



## Possible Zoning Solutions to Accommodate Market Forces

BUT public health and safety concerns will rise.

- More people and more kitchens in a structure built for one household =
  - Increased fire risk
  - Increased health risks
  - Increased risks from poor maintenance and do-it-yourself repairs
- May still need a new registration and enhanced inspection system for these units

# Shared Housing, Occupancy, and Rentals in Single-Family Neighborhoods



Thank You!

Questions and Discussions

