

## ORDINANCE NO. 5266

**AN ORDINANCE ENACTING A MORATORIUM REGARDING COLORADO REVISED STATUTE 29-20-111 AND THE APPLICATION THEREOF TO GROUP LIVING OCCUPANCY REGULATIONS WITHIN THE CITY OF GRAND JUNCTION; PROVIDING THAT THE MORATORIUM SHALL SERVE TO SUSPEND ENFORCEMENT AND THAT APPLICATION MAY NOT BE FILED WITH THE CITY FOR A GROUP LIVING USE FOR A PERIOD WHICH MORATORIUM SHALL TERMINATE AT THE EARLIEST OF THE CITY'S ADOPTION OF AMENDMENT(S) TO CERTAIN PROVISIONS OF THE GRAND JUNCTION MUNICIPAL CODE INCLUDING BUT NOT NECESSARILY LIMITED TO 21.02.030, 21.02.040, 21.04.020, 21.04.030(b)(3), (4) AND (5), 21.08.010 AND 21.14.010 OR THE EXPIRATION OF 365 DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR FINDINGS, INTENT AND PURPOSE**

### RECITALS:

On April 15, 2024, Governor Polis signed HB 24-1007. That bill known as the HOME (Harmonizing Occupancy Measures Equitably) Act is codified at C.R.S. 29-20-111. The first sentence of C.R.S. 29-20-111(3) provides that a local government may not limit the number of people that live together based on familial relationship and the second sentence provides that a local government may implement residential occupancy limits on condition. While the *may not do* sentence is clear, the *may do* sentence is not, particularly when considering group living arrangements.

The second sentence specifies that residential occupancy limits are proper if those limits are based only on (or because of) health and safety standards. Because the City's Group Living regulations are established on numbers of occupants<sup>1</sup> not health and safety standards the HOME Act is presumptively applicable; however, Group Living facilities may be required to have State licensure and/or oversight, and the relationship, if any, between such license(s) and/or City regulation needs to be determined in light of the HOME Act and, as necessary or required by the City Council to safeguard the Grand Junction Municipal Code (GJMC) properly protects the health, safety and welfare of the City.

Furthermore, Group Living facilities do not typically or exclusively develop in neighborhood contexts, but instead are often large, commercial type developments. In

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<sup>1</sup> Group living facility means a type of group living characterized by the provision of training, treatment, supervision or other professional support or care and who receive care, training, treatment, supervision or other support from caregivers or staff on site. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a typical family. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered to be either a form of lodging facility. Generally, group living structures have a common eating area for residents, but a common eating area by itself, without other care, treatment, supervision or other professional or health support services being provided on site, does not indicate a group living facility (a multifamily residential facility, such as apartments, may, for example, have a common eating area).

Group living facility, small means a facility designed for and occupied by five to nine residents living together.

Group living facility, large means a facility designed for and occupied by 10 to 16 residents living together.

Group living facility, unlimited means a facility designed for and occupied by 17 or more residents living together.



the instances when a Group Living use(s) and/or facility(ies) as presently defined and described in the GJMC is something other than a typical residence, public health, safety and welfare will be best protected/advanced by the GJMC including regulations that recognize the unique challenge(s) of a "one size fits all" approach as seems to be assumed by the HOME Act. During the moratorium the GJMC will be reviewed and revised for purposes of better processing new applications and/or enforcing the Code with respect to the HOME Act and other applicable legal standards and current land use development principles for group living uses and facilities.

A temporary moratorium suspending new applications and enforcement of the GJMC relating to Group Living is necessary and a proper exercise of the City's authority. A moratorium will allow time for the City Manager, by and through the Community Development Department in conjunction with the City Attorney to conduct a review of GJMC, will allow the City an opportunity to evaluate potential regulation, or not, of Group Living uses, and to explore other avenues, including seeking amendment of the HOME Act to better regulate the impact of Group Living uses and facilities have on the community.

This temporary moratorium is narrowly tailored and will further the health, safety, and welfare of the people of the City of Grand Junction.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE GRAND JUNCTION THAT:

1. The foregoing Recitals are incorporated by reference and serve as findings of the City Council and state the City Council's intent and purpose for this Ordinance.
2. In consideration of the finding, intent and purpose the City Council does hereby and herewith impose a moratorium on a) any new application(s) for a Group Living use as presently defined and described in Title 21 of the Grand Junction Municipal Code and b) the enforcement of Title 21 of the Grand Junction Municipal Code relating to Group Living use(s) as presently defined and described in Title 21 of the Grand Junction Municipal Code.
3. The moratorium hereby declared on all new application(s) for a Group Living use(s)/for uses not in existence as of [DATE (THE EFFECTIVE DATE OF THIS ORDINANCE)] shall be from the effective date of this Ordinance, [DATE] for the period of three hundred sixty five (365) days to [DATE] (inclusive), or until further action of the City Council ending, modifying or extending this moratorium, whichever occurs first. Such further action shall be taken accordingly by ordinance of the City Council. No application(s) pertaining to Group Living uses(s), including but not limited to, development permit and/or building permit shall be accepted for review by the City for the moratorium period as defined herein.
4. The moratorium hereby declared on all enforcement of Title 21 of the Grand Junction Municipal Code regarding Group Living use(s) in existence as of [DATE (THE EFFECTIVE DATE OF THIS ORDINANCE)] shall be from the effective date of this Ordinance, [DATE] for the period of three hundred sixty five (365) days to [DATE] (inclusive), or until further action of the City Council ending, modifying or extending

this moratorium, whichever occurs first. Such further action shall be taken accordingly by ordinance of the City Council. No application(s) pertaining to Group Living uses(s), including but not limited to, development permit and/or building permit shall be accepted for review by the City for the moratorium period as defined herein.

5. The moratorium does not suspend the enforcement of any other section(s) of the GJMC or other applicable law and all other provisions of the GJMC remain in full force and effect.

Introduced on first reading the 18<sup>th</sup> day of June 2025 and ordered published in pamphlet form.

Adopted on second reading the 16<sup>th</sup> day of July 2025 and ordered published in pamphlet form.

  
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Cody Kennedy  
President of the Council

Attest:


  
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Selestina Sandoyal  
City Clerk



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 5266 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 18<sup>th</sup> day of June, 2025, and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the day of the 16<sup>th</sup> of July 2025, at which Ordinance No. 5266 was read, considered, adopted, and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 21<sup>st</sup> day of July 2025.

  
Deputy City Clerk

Published: June 21, 2025  
Published: July 19, 2025  
Effective: August 18, 2025

