

**From:** [Michelle Pinkowski](#)  
**To:** [Byrne, Cayley](#)  
**Subject:** Re: [EXTERNAL] Text Amendment in response to HOME Act  
**Date:** Sunday, June 9, 2024 2:46:26 AM  
**Attachments:** [image001.png](#)

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Hi Cayley,

I'd like to submit comments to the proposed text amendment. By way of introduction, my law firm advocates for fair housing rights for people with disabilities, particularly older adults with disabilities living in assisted living residences. Thus, I've reviewed the proposed text amendments through a fair housing lens.

I appreciate County staff's actions to work quickly to address the new requirements of the HOME Act. When it comes to "regular" Family / Household definitions, I think you've done a great job. However, one thing that has been overlooked is to address the definition of Group Care, as well as the fact that its approval requires special review.

Sec. 4-511 of the LUC defines "Group Care or Foster Home" as "A facility which provides 24-hour care or supervision of persons who are not related by blood, marriage, or adoption, to the owner, operator, or manager thereof, **and who do not meet the definition of family** under this Code. A Group Care or Foster Home may be operated by a public, nonprofit, or private agency." This use can only be allowed by special review in the F, A, RR, ER, SR, MF, MH, MI, T, and B districts.

The HOME Act applies to all groups of unrelated people – be they simple roommates, college students, or people living in congregate care. This law is important for group homes like assisted living residences, as limitations on occupancy are often imposed because the residents, while living together as a single housekeeping unit, are generally not related.

The applicability of the HOME Act is especially important for people who live in assisted living residences, as they seek care in these homes specifically because they have one or more disabilities that impact their ability to engage in everyday life activities on their own. These individuals are considered to be disabled and fall under the protections of state and federal fair housing and anti-discrimination laws. See Colorado's Unfair Housing law, C.R.S. §§ 24-34-502 to 502.2; the Fair Housing Amendments Act, 42 U.S.C. §§ 3601-3619; the Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213; and the Rehabilitation Act of 1973, 29 U.S.C. §§ 791-794.

Therefore, if any number of non-disabled people will now be classified as a Household and can live in a Single Unit Dwelling as a matter of right (subject to health and safety standards), anti-discrimination laws teach us that any number of people with disabilities also must be allowed to live in a single dwelling, too, without the burden of a special review process or other differentiating conditions.

Please update the Planning Commission packet to reflect that public comments have, in fact, been received. I'm out of the country at the moment and would be very grateful if you could let me know how my comments have been addressed.

Thanks very much,

Michelle Pinkowski