www.larimer.org

Planning & Building Services
Code Compliance Section
200 W. Oak Street - 3rd Floor
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Fort Collins, CO 80521

970-498-7700

Illegal Dwelling Units

- **What are they?**
- **Why care?**
- **How are they discovered?**
- **Can they be made legal?**

What is a dwelling unit?

A dwelling unit is a building or portion thereof used for residential occupancy.

What is an illegal dwelling unit?

An illegal dwelling unit is one built or occupied without obtaining the necessary land use approval and/or building permit. For example:

- an unfinished basement turned into a 'mother-in-law' apartment
- an apartment added to the second floor of a garage or outbuilding
- a duplex changed into a triplex
- a barn or garage converted into a dwelling unit, or any portion of a barn or garage converted into a dwelling unit

How are illegal dwelling units discovered?

Complaints and inquires about illegal dwelling units come from several sources:

- requests from the Assessor's office to research building records for a 2nd dwelling
- tenants call about problems with landlords over living conditions or lack of heat, hot water.
- neighbors report large amounts of trash near buildings and an increase in parking and traffic
- inquiries from realtors, prospective buyers, utility companies, insurance investigators, appraisers, and lenders

Why care?

Illegal dwelling units create risks and concerns that can adversely affect the occupants, the property owner, the neighbors and the public. Some of the possible risks and concerns are:

- health and safety risks for occupants, including fire, explosion, unsanitary water, inadequate sewage disposal, improper electrical wiring and improper installation of gas appliances
- if the county doesn't know an illegal dwelling exists, neither do fire and emergency rescue personnel
- negative effect on surrounding property values
- unfair property taxation
- extra burden on emergency services
- increased parking and traffic
- denial of insurance claims for un-permitted units
- exclusion of un-permitted work from appraisals
- unsuccessful collection actions in court for un-permitted units

In an incident that occurred in Bridgeport CT, an apartment owner was arrested and charged with negligent homicide, as well as safety code violations, in a fire that took the lives of a mother and three of her children.

The fire started around 4:00 a.m. in the kitchen area. The husband and wife escaped, but re-entered the building to save their children. In doing so, the mother suffered fatal injuries.

In this case, the illegal dwelling unit was in the basement. Fire investigators discovered there were no smoke detectors, an exit was nailed shut and bars were placed on the inside of the windows.

How do I make an illegal dwelling unit legal?

Most zoning districts allow one (1) single-family dwelling per lot/parcel. Only the Larimer County Land Use Code provides options for an additional accessory dwelling unit, under specific conditions.

Land Use Application 970-498-7683

- If the dwelling unit is the only dwelling on the property, you must obtain an "as-built" building permit and all required inspection approvals.
- If there is already a residence on the property, the owner must first obtain approval for the additional dwelling as an accessory dwelling unit (accessory living area, farmstead or extended family dwelling). The first step is to talk to a planner.
- Accessory dwelling units must not be rented or leased separately from the single-family dwelling. They may be used by guests or family of the single-family dwelling or as living quarters for hired help.

Please speak with the Planning Department to get details for specific Land Use Code regulations, qualifications and limitations for an accessory living area, farmstead or extended family dwelling.

Building Permit Application 970-498-7700

- After receiving approval of a land use application, the owner must submit an application for an 'as-built' building permit.
- 'As-built' permit applications may require the owner to hire a Colorado licensed master electrician and master plumber to evaluate and report on existing electrical, plumbing, and heating work. Depending on the type of construction, a Colorado registered structural engineer may be required to evaluate the structural construction.
- Building permits for accessory dwelling units are subject to review and approval by water and sewer districts, which may involve additional tap fees; use of well water is regulated by the Colorado Division of Water Resources [970-352-8712]; and adequacy of existing septic systems are reviewed by the County Dept. of Health and Environment [970-498-6775].
- Building permits for accessory dwelling units are subject to TCEF – Transportation Capital Expansion Fees.

Where can I get more information?

Type of Info	County Dept	Phone
Zoning, Land Use	Planning	970-498-7683
Building Code	Building	970-498-7700
Code Complaints	Code Compliance	970-498-7683
Septic Systems	Health	970-498-6775
Road Fees (TCEF)	Engineering	970-498-5700

How do I remove an illegal dwelling unit?

An illegal dwelling unit is removed by physically removing, remodeling or demolishing the portion of the illegal unit that does not have land use approval and/or was not included in a building permit.

HOUSING PROGRAMS

If a tenant is displaced from an illegal dwelling unit the following organizations can provide help with housing resources.

Neighbor to Neighbor

Neighbor to Neighbor assists families and individuals in Larimer County who are homeless and renting to identify, secure and maintain affordable, sustainable housing and work toward self-sufficiency.

Neighbor to Neighbor Offices	
Coach Light Plaza	565 North Cleveland Avenue
1550 Blue Spruce Drive	Loveland, CO 80537
Fort Collins, CO 80524	970-663-4163
970-484-7498 Fort Collins	970-488-2355 Loveland
www.n2n.org	

Housing Authority

The housing authority programs offer assistance finding a home, regardless of income.

Fort Collins Housing authority	City of Loveland Housing authority
1715 W. Mountain Ave	375 W. 37th St. Suite 200
Fort Collins, CO 80521	Loveland CO 80538
970-416-2910	970-667-3232
www.fchousing.org	www.lovelandhsg.org

CARE Housing

Care Housing is a non-profit organization providing earnings-based rental housing and support services to working families.

1303 W. Swallow Rd, Bldg 11
Fort Collins, CO 80526
970-282-7522
www.carehousing.org

COMMUNITY RESOURCES

United Way	Larimer County Human Services
2-1-1	1501 Blue Spruce Drive
970-407-7066	Fort Collins, CO 80524
866-485-0211 (toll free)	970-498-6300
www.firstcall-vc.org	www.larimer.org/humanservices

EMERGENCY SHELTERS

The Mission	The Open Door Mission
460 Linden Center Drive	316 Jefferson Street
Fort Collins, CO 80524	Fort Collins, CO 80524
970-484-5010	970-224-4302
	www.administries.org