

Emergency Order 2022 - MF - 100

CITY OF BOULDER ORDER RELATED TO DECLARATION  
OF LOCAL DISASTER EMERGENCY

A disaster emergency was declared by the city manager on January 2, 2022. The city council confirmed and extended the emergency declaration until further notice at the January 4, 2022 council meeting. Pursuant to Section 2-2.5-7, "Powers," B.R.C. 1981, the city manager finds a need to issue this order in order to protect the health, safety and welfare of persons or property within the city or to otherwise preserve the public peace or abate, clean up or mitigate the effects of any disaster emergency.

**One of the effects of this disaster emergency is the displacement of many people whose homes have been destroyed or damaged by winds or fire or whose homes may otherwise be unlivable as a result of the disaster emergency. There is also a known shortage of available housing in Boulder and the surrounding communities. I therefore find that making available additional housing units for rent is needed to mitigate the effects of a disaster emergency and to preserve the public health, safety, and welfare.**

**Section 2-2.5-7(r) provides authority to "suspend or modify provisions of any ordinance if strict compliance with such ordinance would prevent, hinder, or delay action that is necessary to cope with any disaster emergency." In using the authority under this emergency order, the health, safety, and welfare of the users of the rental properties and of the general public shall be considered.**

**The city finds that it is reasonable and prudent to temporarily allow modifications to the city's rental licensing requirements under Chapter 10-3, "Rental Licenses," B.R.C. 1981, to address the emergency disaster situation. Accordingly, effective immediately, the city manager or the director of Planning and Development Services and employees of that department under the director's supervision may grant exemptions from the rental licensing requirements of Chapter 10-3, B.R.C. 1981, pursuant to the terms of this order.**

**The city manager or other delegate authorized under this order shall exempt from the requirement to obtain a rental license a dwelling or dwelling unit for which the operator has submitted the following to the city manager on or before February 28, 2022:**

- (1) An affidavit of exemption certifying that the rental property will be used to house people who have been displaced from their home due to damage or destruction caused by the Marshall Fire or Midland Fire, or the winds in the City of Boulder that occurred on December 30, 2021; and**
- (2) A current rental housing inspector's certification of rental inspection report consistent with the requirements of Paragraph 10-3-3(b)(1), B.R.C. 1981, certifying compliance with those portions of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, for which the report form requires inspection and certification. Compliance with Section 9-9-16, "Lighting Outdoor," and the energy efficiency requirements of Chapter 10-2, "Property Maintenance Code, Appendix C- Energy Efficiency Requirements," B.R.C. 1981, otherwise required prior issuance of a rental license, shall not be required.**

**A rental license exemption under this order may not be issued for rental properties with a current long-term rental license or a long-term rental license that expired within 90 days from the submittal date of the affidavit of exemption and rental housing inspector's certification. Rental properties that have received an exemption under this order shall not be rented or leased to any person who has not been displaced from their home due to damage or destruction caused by the Marshall Fire or Midland Fire, or the winds in the City of Boulder that occurred on December 30, 2021. Any rental license exemption issued under this order shall expire on March 15, 2025.**

**Rental properties that have been granted a rental license exemption under the terms of this order are also exempt from the city's rental license fee and rental license excise tax for the time period said exemption is used.**

**Requests for an exemption may be required to be submitted on forms approved by the city manager and any exemption granted may include terms and conditions.**

**No person may offer to allow through advertisement or otherwise any person to occupy a rental property as a tenant or lessee or otherwise for a valuable consideration unless each room or group of rooms constituting the rental property has been issued a valid rental license by the city manager, provided however, an operator may advertise for a rental of thirty days or longer:**

- (1) As permitted under to the standards of Chapter 10-3, B.R.C. 1981, or**
- (2) If the operator of the rental property has submitted an affidavit of exemption under the terms of this order (pending submittal or review of a rental housing inspector’s certification) or an exemption has been issued under this order and the advertisement specifies that the rental property will be available for rent or lease only to house persons who have been displaced from their home due to damage or destruction caused by the Marshall Fire or Midland Fire or the winds in the City of Boulder that occurred on December 30, 2021.**

**No person shall violate the terms of this order, or the terms and conditions of an exemption or other approval issued under this order. Any violation of this order or the terms and conditions of an exemption issued under this order may result in the revocation of the exemption or other approval.**

**This order is necessary to prevent displacement or possible homelessness of persons by a disaster emergency. Once issued, this order may be changed from time to time during the period of a declared disaster emergency based upon the discretion of the city manager.**

---

Enforcement: Pursuant to Section 2-2.5-8, “Adherence to Emergency Orders,” B.R.C. 1981, police, code enforcement and such other law enforcement and peace officers as may be authorized by the city manager shall be authorized to enforce the orders, rules and regulations made or issued pursuant a declared disaster emergency. Further, no person shall violate this order or any exemption issued pursuant to this order.

Notice: All members of the public shall be deemed to have been given notice of the restrictions contained within a declaration upon its dissemination to the news media or publication on city websites or by use of other means of publicity.

Violation of Order: During the period of a declared disaster emergency, a person shall not:

- (1) Violate any of the orders duly issued by the city manager or designee pursuant to such declaration; or

(2) Willfully obstruct, hinder or delay any duly authorized city officer, employee or volunteer in the enforcement or exercise of the provisions of Chapter 2-2.5, "Civil Emergencies and Disasters," B.R.C. 1981, or of the undertaking of any activity pursuant to said chapter of the Boulder Revised Code.

DATE: January 13, 2022, 10:30 a.m. a.m./p.m.

YPR

City Manager or other Authorized City Official  
as designated by Chapter 2-2.5, "Civil Emergencies  
and Disasters," B.R.C. 1981.