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What developers can expect for permits and inspections across the Denver area

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Local building and planning departments across the Denver metro are taking a range of approaches to new development under Colorado's stay-at-home order, as some halt the majority of new permits and inspections while others aim to keep projects on track during the coronavirus pandemic.

Developers rely on these services to keep projects moving forward. The discrepancies are partly due to local departments' abilities to do their work remotely; some, such as the City and County of Denver, already had online permitting systems in place, while others needed time to establish processes under the statewide stay-at-home order, which went into effect March 26 and will last at least until April 26.

Other cities and counties are taking more cautious approaches to inspections, choosing to limit their employees' potential exposure to the coronavirus by halting or significantly reducing in-person inspections.

The different approaches could also stem from the wording of the stay-at-home order itself, which initially left room for interpretation in its designation of construction as a critical business, said [Caitlin Quander](#), an attorney at Brownstein Hyatt Farber Schreck who specializes in real estate development.

The public health order issued March 25 listed "construction" as an essential business, with a bulleted list of examples including "housing and housing for low-income and vulnerable people," "skilled trades such as electricians, plumbers" and "other related firms and professionals who provide services necessary to maintain the safety, sanitation, and critical operation of residences, and other essential services."

Quander said that initial order, without a clause specifying that critical construction is not limited to those examples, left the door open for a more conservative reading that could interpret other types of construction as nonessential.

A later update to the executive order added the phrase "including but not limited to" ahead of those examples, clarifying that all forms of construction are allowed under the order. Quander said the updated wording, as well as additional [construction guidance](#) issued April 1 by Colorado Department of Public Health and Environment, could move more local jurisdictions to continue issuing permits and carrying out inspections.

The new guidance specifically says that construction may continue under the stay-at-home order as long as social distancing requirements are followed on worksites.

"I think that initially there was some confusion," Quander said. "The modification to say, 'including but not limited to,' provided some clarity."

The City of Louisville is among those taking a more conservative approach under the stay-at-home order. According to the city's website, "the Building Department will not do inspections on commercial buildings that are not considered a critical business."

Inspections of new construction there will continue "on a limited, case-by-case basis," according to the website. The city did not respond to requests for comment.



KATHLEEN LAVINE, DENVER BUSINESS JOURNAL
Construction at 1701 Platte St.

Cities such as Broomfield have expanded their permitting and inspection services after an initial pause. The city is now accepting permits for new commercial, tenant finishes and residential projects.

Adams County said it needed time to set up its remote work capabilities, and has resumed inspections after a temporary halt.

The City of Boulder is also allowing more inspections, at first only carrying out emergency inspections but now also providing the service for "critical public infrastructure" projects such as affordable housing and essential businesses.

Quander is part of a team at Brownstein Hyatt Farber Schreck that is [tracking local inspection policies](#) across the metro. The vast majority are continuing inspections, with some caveats. Inspections for occupied residential dwelling units are more likely to be discontinued.

Quander said more cities and counties are looking into how they can facilitate remote inspections. She also pointed to the City of Northglenn, which already contracts its inspections through an independent, third-party service, as a model that other jurisdictions could possibly follow.

"We've seen clients explore that as an alternative option," Quander said.

A survey of more than 1,150 code officials across the United States, conducted by the International Code Council between March 22 and April 1, found that 93% were still performing inspections, either remotely or in person.

More than 40% did not have the capability to do electronic/remote plan reviews.

A spokesperson for the City of Denver said inspections are continuing without delays, and that inspectors have the authority to cancel inspections at job sites that are not in compliance with social distancing requirements.

"While most of our work can continue remotely, there are several functions that require a public hearing in front of a review body, such as Denver's Planning Board, the Landmark Preservation Commission, and City Council," said [Eric Escudero](#), Denver Joint Information spokesman. "For the time being, public hearings like these are on hold, which will delay items like rezoning applications and landmark designations."

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