

What Other College Communities Have Done

Examples of Regulatory Actions to Preserve the Single-Family, Residential Character of a Campus Neighborhood

West Urbana is not alone in trying to preserve its single-family residential neighborhood. The May 2002 issue of *Zoning News*, a publication of the American Planning Association, discusses “How Communities Address the Problems of Students Living Off-Campus.” It lists effective strategies to reverse the “encroachment of student rental housing into nearby single-family neighborhoods and the negative effects of this encroachment.”¹ Research by members of the West Urbana Neighborhood Association details solutions other college communities have implemented to achieve these goals.² What follows are examples from which we can extrapolate and learn.

Restrict the Definition of Family “The most common method of attempting to deal with over-occupation of rental properties in a single-family district.”

Example of a “functional family” from Ann Arbor, MI: “... functional family means a group of people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.”³

The restrictive family definition needs to be non-discriminatory and broad enough to include two unrelated partners and same-sex partners. Specific exceptions can be included in such an ordinance: e.g., in-home childcare; elderly care; sabbatical renters; exchange students, etc. Towns that have passed such an ordinance, and the year of passage include:

- ◆ Macomb, IL, 2001
- ◆ Ann Arbor, MI [Survived challenges at the State Supreme Court level, 2001]
- ◆ East Lansing, MI, 1997
- ◆ Burlington, VT, 2001
- ◆ Salisbury, MD, 2003
- ◆ Binghamton, NY, [Survived challenges at the State Supreme Court level, 2000]

¹ Craig Raborn: “Coping with Colleges: How Communities Address the Problems of Students Living Off-Campus.” *Zoning News*, May 2002, p1-6. [Quote, p.1] Other quotes from this article, unless otherwise indicated.

² Research was conducted over the last several years and may not be 100% accurate.

³ Chapter 55, Zoning Code. Also at: <http://www.ci.ann-arbor.mi.us/Planning/codes/ch55-all.html>

Reduce the Number of Unrelateds [currently 4 in Urbana]. Provide a sunset provision which requires that any current rentals will have to conform to the new occupancy rate within a specified number of years. Examples of the number of permitted unrelateds in other communities and when current level enacted are:

- ◆ Carbondale, IL, 2, 1974
- ◆ Normal, IL, 2, long-standing
- ◆ Macomb, IL, 2, 2001
- ◆ Columbus, OH, 2, long-standing
- ◆ Madison, WI, 2, long-standing
- ◆ East Lansing, MI, 2, 1997
- ◆ Salisbury, MD, 2, 2003. Included a sunset provision of 3 years for existing rentals.
- ◆ Lawrence, KS, 3, 2003
- ◆ Provo, UT, 2, 2003
- ◆ Lincoln, NE, 2 [Survived challenges at the State Supreme Court level, 1997]
- ◆ Bloomington, IN, 3 [Survived challenges at the State Supreme Court level, 2003]
- ◆ Allentown, PA: Student overlay district, limiting the number of unrelateds permitted in this district compared to other parts of town. [Upheld in court challenges.]

Enforce Codes and Standards Ordinances to encourage compliance with existing codes include:

- ◆ Bethlehem, PA: Tenant & Landlord must sign supplementary agreement that stipulates an understanding of legal # of occupants; obligations of landlord for maintenance; obligations of decent conduct by tenants.
- ◆ Gainesville, FL: Requires rental occupancy permit to be maintained on premises.
- ◆ Iowa City, IA: Have info disclosure form on responsibilities and # occupants. Post legal # occupants for every rental property on the Web.
- ◆ West Lafayette, IN: Nuisance inspector who inspects key neighborhoods 3-4/x daily. Has resulted in a major change in appearance of area.

Issue Residential Parking Permits

- ◆ Manhattan, KS: issues two permits per property at nominal fee. Overnight parking in neighborhoods near campus prohibited without a permit.
- ◆ Newark, DE: No more than 2 residential parking permits will be issued per address for any non-owner occupant single-family type dwelling requiring a rental permit.
- ◆ Columbus, OH: Limits number of 'stacked' cars in a driveway; also limits to area devoted to parking and maneuvering of vehicles in the University District Overlay to 35% of lot to prevent the "auto salvage yards" syndrome.
- ◆ Eugene, OR: One permit per address, with a limited number of additional permits for a 2-hour parking limit only.

- ◆ East Lansing, MI: 24/7 program in select neighborhoods, which limits number of permits [up to 3 or 4, depending on area] per address. No on-street parking 2am-5am. Grandfathered businesses exempted.
- ◆ Bloomington, IN: Limits number of permits issued to Greek houses in the neighborhood. Greek Houses do not receive visitor passes.

Inspect Rentals and License Landlords “Safe rental housing and a record of responsible parties for each property are additional benefits of such a program.”

- ◆ Columbia, MO: Requires certificate of compliance, HVAC inspection, and city inspection. Registration and inspection fees required.
- ◆ Gainesville, FL: Yearly fee for rental properties. Website promotion of licensed properties. Landlord point system, in which revocation of license possible for non-compliance [passed 2003].
- ◆ Iowa City, IA: requires rental permit [fee assessed every 3 years per structure and per number of bedrooms] and one-time Certificate for Structure Compliance [one-time fee].
- ◆ West Lafayette, IN: Requires certification of all rental housing. Annual fee of \$300 per structure in 2002, and additional per-unit fee. Different fees depending on whether owner-occupied, # of relateds and/or unrelateds, and multi-housing/single-family unit, etc.
- ◆ East Lansing, MI: Annual inspections.
- ◆ Boulder, CO: Baseline and safety inspections required. Fines up to \$2000 if unlicensed. Exempted properties include: owner-occupied or sabbatical rentals.

Implement Rooming House Programs These programs may be permitted in certain zones or overlay districts and may be prohibited in single-family districts.

- ◆ Adopt ordinance making a Student Rental Home a use by special exception
 - ◆ West Chester, PA
 - ◆ Merrion Township, PA
- ◆ Limits on density of student houses:
 - ◆ West Chester, PA: bans new student housing within 400’ of other such housing.
 - ◆ Newark, DE: student homes must be at least 10 lot-widths apart.

Target Disorderly Houses Minimizing nuisance and over-occupancy violations. Drafting ordinances to preserve the spirit of single-family zoning.

- ◆ East Lansing, MI: Landlord fined daily if over-occupied. Landlord must prove tried to evict. Can fine landlord or tenant. If there are too many noise violations, the landlord is notified and ultimately liable. \$1,000 fines and possible incarceration for serious repeat noise violations. Enforced twice and never needed subsequently, as of 2004.
- ◆ Columbus, OH: Owner liable for over-occupancy.
- ◆ West Lafayette, IN: Requires Occupancy Affidavit, which must be displayed on premises. Fines of \$1000-\$2500 imposed on landlord for over-occupancy. Owner and tenants must sign occupancy affidavit.

- ◆ Springfield, IL: Website of landlords with excessive violations.
http://www.springfield.il.us/CITY_GOV/ComServ/TopTen.htm
- ◆ Ames, IA: Aggressive enforcement of over-occupancy. Landlords and tenants found in violation of the occupancy limit for their area will be fined \$500 for the first violation and \$750 for additional violations.
- ◆ Carbondale, IL: Second offense for over-occupancy: fine owner and tenants. Burden is on the owner to inform tenants of legal occupancy rate. Burden of proof on residency is on the tenant.
- ◆ Bloomington, IN: Everyone on lease gets a ticket if there is a noise complaint, whether present or not at party.
- ◆ Boulder, CO: violation for over-occupancy and nuisance violations can be up to \$2,000 and 90 days in jail.
- ◆ Manhattan, KS: If tenants get more than 2 serious violations within a year, the city can shut down the rental house.
- ◆ Normal, IL; Boulder, CO; Ft. Collins, CO; Ames, IA; Tuscaloosa, AL; and Blacksburg, VA: ban of indoor [upholstered] furniture outside, “based on national fire safety standards and tragedies that have occurred with fires on porches or with waterlogged furniture causing collapse of the structure. Couches outdoors also attract vagrants who may find them a nice place to sleep and smoke.”
- ◆ Eugene, OR: Requires bike storage – number depending on type of building and number of units.
- ◆ West Chester, PA: For drinking offenses, can impose the maximum state penalty – loss of driver’s license.

Other Solutions

Encourage Owner-Occupancy and Responsible Management

- ◆ East Lansing, MI: Occupancy limits based on dwelling size and whether owner-occupied.
- ◆ West Lafayette, IN: rental registration program assigns different category of fees and fines for rental properties, depending on whether or not it is owner occupied. Properties with out-of-town owners must have a local manager if property owner lives outside of designated area [e.g., city or county limits].
- ◆ Carbondale, IL, Ann Arbor, MI, and Boulder, CO: Must have a local agent to manage property, even if owned by out-of-town parent.
- ◆ Ann Arbor, MI: UMich has Website listing of approved landlords.
- ◆ East Lansing, MI: Considering buying back rental licenses and converting rentals back to single-family, owner-occupied properties [as of 2004].

Limit Occupancy Based On Parking Availability

- ◆ East Lansing, MI. Under consideration.

Reverse Grandfathered Non-Conforming Uses

- ◆ Tallahassee, FL: Elimination of non-conforming status for properties that have had three or more violations of a rental housing ordinance during a six-month period.
- ◆ Bloomington, IN: Require all owners to register, and rescind non-conforming status if they do not register.
- ◆ Utah: Abandonment and Amortization of Nonconforming Uses: “The right to continue a nonconforming use may be lost if the use is abandoned for a period of time. State law does not define the period of time so it must be done by municipal ordinance. Most municipal zoning ordinances allow six months to one year of non- use, after which the property cannot be used except in conformity with the current zoning ordinance.” Elsewhere, applies towards abatement of nuisances.
- ◆ Mason County, IL: “Whenever a nonconforming use has been discontinued for a period of 12 months, such use shall not thereafter be reestablished, and use thereafter shall conform to the provisions of this ordinance.”
- ◆ Elgin, IL: “Multi-Family Conversion Program” with funding to encourage conversion of grandfathered properties back to single-family.

Establish A Conservation District Or Overlay Zones to Discourage Demolition Of Historic Properties and insure new development is architecturally compatible with existing fabric of the neighborhood.

- ◆ Portland, OR, 1977
- ◆ Cambridge, MA, 1983
- ◆ Raleigh, NC, 1988
- ◆ Lake Forest, IL, 1990
- ◆ Arlington, VA, 1998
- ◆ Palos Verdes, CA, 1998
- ◆ Austin, TX, 1999
- ◆ Arlington, VA, 1999
- ◆ Boulder, CO, 2002
- ◆ Chapel Hill, NC

Develop Deed Restrictions and Covenants for specified neighborhoods

- ◆ Newark, DE: Limits on number of student homes permitted: “A student home is permitted on a lot only if any portion of the lot is no closer to any portion of another student home, than a distance determined by multiplying times 10 the required lot width for a single-family detached dwelling in the zoning district in which the proposed student home is located.”⁴

⁴ <http://www.udel.edu/towngown/HousingRentalGuide.html>