

Neighborhood Integrity and Rental Housing

College Station Texas

Consultant's Synthesis of Issues from Meetings 4 February 2008

Process Issues

Students very much want to be involved and are somewhat concerned that the policy-making part of this process involving elected officials may take place while many of them are away for spring break

Comment: Bob Cowell assured students that the intent of Council is exactly the opposite and that this issue should be brought before Council for a policy decision while most students are still on campus.

At least some neighborhood representatives do not believe that students should be involved in the discussion.

Comment: This appears to be a minority view; the process has been established to include students and it will continue to include them. The final decisions will remain with City Council, which will listen to whatever stakeholders it believes are relevant to the discussion.

Context Issues

Comment: The following issues provide a context in which the rest of the discussion must take place. They are, however, largely beyond the control of the City and must simply be accepted as part of the environment in which other issues must be addressed.

About 37,000 Aggie students, plus additional students from Blinn College, need off-campus housing in the College Station – Bryan metro area.

Many of the students are young and away from home for the first time; they may have difficulty in adapting their normally civil behavior to this new context.

The population of College Station is aging, thus creating what may be a larger generation gap (consultant's term) than has previously existed in many neighborhoods.

Almost everyone agrees that College Station should be an attractive place for retirement, particularly for former Aggie students; as more people retire to College Station, however, the "aging community" factor becomes larger.

Although economics once limited the conversion of single-family homes to those in a few, modest neighborhoods, the economic pattern has changed and there are parents and investors acquiring properties for rental occupancy in many different neighborhoods.

Under Texas law, lawful nonconforming uses are protected – or "grandfathered in" under new regulations. Thus, any major change in the City's regulations (such as a new limit on occupancy) would apply only to units built or converted to rentals in the future, not to units that are now rented. Other types of regulations, such as new ordinances dealing with loud parties, can be applied to all persons in all units.

Public Policy Issues

Different rules for different neighborhoods? Most people participating in the discussions seemed to agree that a new regulatory program can and should acknowledge differences among neighborhoods, imposing new restrictions only on neighborhoods where a substantial number of property owners believe that such regulations are both necessary and desirable. Most who spoke appeared to accept the concepts of neighborhood petitions and some degree of neighborhood self-determination, policies that underlie the City's new Neighborhood Conservation District; many seemed to believe that the Neighborhood Conservation process could be expanded to include limitations on future rental housing.

Different policies for landlords with problem properties than for other landlords?

Landlords and investors expressed firm convictions that everyone in their business should not be punished for problems that they believe arise only from a small number of properties belonging to a small number of landlords. Although landlords and investors were the most adamant in expressing this position, no one else seemed to question it. Thus, one of the public policy questions that must be addressed in trying to find solutions to the problems is whether it is possible to craft a solution that has significant effects on "bad actors" without unduly impairing the reasonable business opportunities of others.

Voluntary compliance versus "zero tolerance" and immediate consequences for violators?

College Station has, quite rightly, taken great pride in achieving compliance with most regulations through warnings and moral suasion, without imposing fines or penalties. There is a tension, however, between the desire of residents for prompt and immediate consequences for disruptive tenants or other neighbors and the desire of the City not to impose many fines. There is a further tension in that any expansion of enforcement efforts (which a number of neighborhood representatives advocate) would involve new costs to the City; if the public policy resolution of the previous issue is that there should be no new fees imposed on "good" landlords, then it becomes essential to collect significant inspection fees or fines from landlords whose properties create problems for the City.

Substantive Issues

Parking appears to be the most frequently mentioned substantive issue (really a symptom) of extensive rental occupancy in a neighborhood. Most of the parking problems are forced onto the streets, where the following problems may and sometimes do occur:

- Make street inaccessible to emergency vehicles
- Make street inaccessible to school buses
- Block neighbors' driveways
- Use up on-street parking that other neighbors may expect to have available for their guests
- Make passage difficult for pedestrians in neighborhoods that lack sidewalks.

Loud parties and the secondary effects of such parties are also an issue in many neighborhoods. Parties may be particularly problematic to neighbors when they are held outside. Some of the negative effects of such parties on neighborhoods include:

- Noise after reasonable bedtimes for children and working adults

- Drunken behavior of party participants, some of which carries into neighbors' yards
- Trash tossed or left to blow into neighboring yards.

Although the City devotes police and code enforcement resources to dealing with loud parties, they may not catch all such parties, and some students simply resume the objectionable behavior as soon as the City official leaves.

Affordable housing for students is a major concern of students and, from a somewhat different perspective, for landlords. Because Texas A&M continues to grow but appears to have stopped trying to house additional students, this will be a continuing and growing issue. If occupancy of rental units were reduced to two persons per unit for all future rentals, it is likely that the cost of renting space in houses would increase and that it would take even more rental houses to provide for those students who must live off-campus but who cannot or will not be housed in apartments or off-campus dorms.

Comments: Student representatives seemed to have a good understanding of the local rental market and of the potential effect on the availability and cost of housing of the elimination of existing houses from the rental stock or reductions of occupancy. One landlord argued that "even \$25 per year" would be an unaffordable fee to pay for a rental unit that he separately acknowledged would generate rental income of \$900 -- \$1200 per month; that position appears to be more philosophical than economic, because a \$25 fee on \$12,000 or so of income would be a charge of less than one quarter of one percent – or less than the cost of an extra call to a sewer service to unplug a stopped up drain. The lack of economic basis to the landlords' side of this argument does not make the issue go away, but it is important to note.

Lawn and property maintenance was an issue raised by a number of people. In further discussion, even those raising the issue acknowledged that this can be a problem with owner-occupied homes and with homes rented to families, as well as with student-occupied housing. There is, nevertheless, a widely held perception in neighborhoods that student rental in general tend to be among the units with the most maintenance issues that are visible from the street or neighboring premises.

Occupancy. A number of neighborhood residents expressed the opinion that the problem is one of having too many people in each rental unit.

Comment: There is clearly a correlation between the number of occupants in a unit and the extent of the parking problem around it. Discussion with the large group and individuals ones, however, failed to show a direct correlation between total occupancy and other problems that directly affect neighbors. Landlords and students alike disputed whether total occupancy is a real issue.

Other noise. Some neighbors raised concern about other noise issues related to vehicles used by occupants of rental housing.

Communication Issues

Among neighborhoods and students. It is the consultant's conclusion that communication among neighborhood residents and their temporary neighbors in many neighborhoods is dismal – and that the responsibility for the lack of communication is shared by all non-participants. In

contrast, there are clearly some neighborhoods where the communication among residents – including renters – is excellent, and that such communication makes life better for all of them.

Among neighborhoods and landlords. Not surprisingly, landlords and developers who attended the working sessions appeared to be attentive to community and neighborhood concerns. There does not, however, appear to be any consistent form of communication between landlords, on the one hand, and long-term residents of the neighborhoods in which they own rental property.

With the City. It is clear that both Eric Hurt, Director of Community Enhancement/Code Enforcement, and Barbara Moore, Neighborhood & Community Development Coordinator, have excellent relationships with many neighborhood representatives and landlords. Not all neighborhood representatives, and virtually none of the students participating in the discussions, are aware of the resources of their offices, however. There is a need to expand their excellent communication with many groups to include all stakeholders

Comment: Both Mr. Hurt and Ms. Moore appear to be working diligently to address this issue. It is one that is thus likely to be cured no matter what comes out of this process.

To students. College Station 101 and a new leadership program provide excellent information about the responsibilities of community citizenship – to a tiny, tiny percentage of the students at Texas A&M. There is currently no structured program that disseminates to students information on important local laws, issues in neighborhoods, and the general responsibilities of adult citizenship in a community.

To neighbors. It appears that many neighbors think of students as “those people” – a group that is not understood and that is thus intimidating in some ways. Most graduate students at Texas A&M are international students, thus possibly adding issues of color, language, and religious and cultural practices to the list of ways in which they are different from others in neighborhoods in which they live. There is currently no structured program that helps neighbors to understand today’s students and to understand and accept those who come from other countries and other cultures.

Enforcement Issues

There is a widely held belief among neighborhood representatives that increased enforcement efforts would reduce the problems arising from rental houses in neighborhoods. Some student representatives argued fervently that there should be no new ordinances until it is clear that all reasonable efforts are being made to enforce current ordinances. No one involved appears to oppose increased enforcement efforts, but there no one proposed a way to pay for it. Such efforts in other communities are often funded with fees charged to owners of rental units, a concept to which there is strong opposition by College Station landlords.

Comment: More enforcement effort almost always pays off in increased compliance. The consultant would note, however, that, if accurate, the 96 percent “proactive” enforcement effort and the “drive by every property twice a week” performance levels of College Station enforcement staff are commendable. In driving through many neighborhoods (admittedly on a Sunday night, when, according to neighbors, there are usually few problems), the consultant viewed far fewer obvious code problems in neighborhoods than he has observed in similar neighborhoods in other college towns. Specifically, the consultant saw no vehicles parked on lawns, only one trash barrel left

out by the street on what was clearly not a pick-up day, very little trash in yards, no upholstered furniture outside on porches (or on roofs – a college student favorite elsewhere), no old refrigerators or coolers in yards, and no streets seriously impaired by the way that vehicles were parked. The real problem with current enforcement efforts may not be a lack of personnel but a lack of serious and immediate penalties or other effective tools to deal with repeat and intransigent offenders.

About this Document

This document reflects the attempt of the consultant to the City of College Station to synthesize issues from a day-long series of meetings occurring on 4 February 2008. Participants in the meetings included leaders of neighborhood associations and other neighborhood activists, owners and developers of rental properties, student leaders from Texas A&M, and representatives of several city departments. This is an interim document to facilitate further discussion. It does not represent official policy of the City of College Station, nor even final recommendations of the consultant. It is a working document. Consultant contact – Eric Damian Kelly, Ph.D, FAICP, Duncan Associates 765-289-5380, eric@duncanplan.com .