

**FOCUS GROUP ON RENTAL PROPERTIES NEAR THE COLLEGE  
MINUTES**

**Thursday, February 19, 2009**

The Focus Group on Rental Properties Near the College held a meeting on Thursday, February 19, 2009 at 7:30 pm in the third floor conference room of the Municipal Building, 401 Lafayette Street.

**ATTENDANCE**

Present were Messrs. Dell, Fitzgerald, Fox, Granger, Pons, Talley, and Witkowsky, and Meses. McCord, Murphy, and Shackelford. Also present were Facilitator Bill Porter, and Recorder Kaitlin Keller. Present city staff employees included Planning Director Nester, Police Chief Yost, Codes Compliance Administrator Skinner, Zoning Administrator Rhodes, and Assistant City Attorney Shelton.

**AGENDA**

**Presentation of Background Information**

Two background presentations were given to familiarize the Focus Group with current neighborhood demographics and four presentations were given to detail the enforcement process of relevant zoning ordinances.

Demographics & Background on Three Person Rule, Reed Nester, Planning Director

Mr. Nester began by giving the definition of “family” as defined in the Zoning Ordinance, otherwise known as the “three-person rule”, and its history in the city. Mr. Nester also informed the Focus Group of the owner-occupied housing unit and renter-occupied housing unit rates for Williamsburg as a whole, and also for the Richmond Road and Jamestown Road Neighborhood Focus Areas. He also provided detailed fact sheets and land use maps on these areas based on 2000 Census information and the City of Williamsburg Comprehensive Plan.

Sharpe Community Partnership Report, Kaitlin Keller, Recorder

Ms. Keller presented survey results from two Sharpe Scholars’ reports: the 2002 Off-Campus Student Housing Project and the 2004 survey to provide input for the City of Williamsburg Comprehensive Plan process. Both of these reports included survey results of W&M students regarding where students live, why they choose to live off-campus, and where they park.

Property Maintenance Associated with Rental Housing, Stanley Skinner, Codes Compliance Administrator

Mr. Skinner explained the Virginia Property Maintenance Code, relevant Williamsburg City Code, and the process of complaint inspections and violations. Mr. Skinner also outlined the Rental Inspection Program, which exists to ensure the safety of rental units, and the Neighborhood Improvement Program, which focuses on ensuring that the exteriors of buildings meet state and city codes.

### Police Issues Relevant to Neighborhoods Near the College, Mike Yost, Chief of Police

Chief Yost stated that approximately 18 percent of noise complaints come from dwellings located near the College. Chief Yost emphasized the difficulties surrounding parking in the city and in providing parking permits for all city residents that live in areas that require them.

### Zoning Issues for Rental Property Near the College, Rodney Rhodes, Zoning Administrator

Mr. Rhodes detailed relevant zoning issues for rental units, including commercial use of dwellings, parking in yards, and exceeding the limit of the “three-person rule”. Mr. Rhodes then explained the process of receiving and investigating a complaint of a violation of the “three-person rule”, and the process of contacting the tenants.

### Legal Issues Affecting Residential Rental Property, Christina Shelton, Assistant City Attorney

Ms. Shelton clarified the legal issues surrounding residential rental units. Ms. Shelton began by defining the Dillon Rule application to localities in Virginia, which states that all locality ordinances must have a basis in the State Code before being enacted.

Ms. Shelton then outlined the two specific Williamsburg Code provisions that impact rental units in Williamsburg, rental inspection and the limited number of unrelated person that can live together in a single family residence. She explained the enforcement process for violations of both of these code provisions, including the two methods of enforcing the Zoning Ordinance, the process by which the City of Williamsburg enforces the City Code, the origin of Federal authority to do so, and the practical difficulties in obtaining satisfactory evidence for court proceedings.

Ms. Shelton then provided information regarding similar city limits on the number of unrelated persons in a dwelling, and explained that changes in the zoning ordinance are vested.

### **Questions and Answers**

Focus group members then asked questions of the city staff in attendance. A question as to whether or not parking on one’s lawn could become a ticket-able offense was asked. Ms. Shelton explained that the Dillon Rule would not likely allow this. Mr. Nester was asked if there is a definition of “bedroom” in the City Code. Mr. Nester explained that there is not current a definition. Mr. Skinner informed the Focus Group that, in practice, a bedroom is considered a room with a closet.

Mr. Fox offered a clarification regarding Ms. Keller’s presentation of the Sharpe Scholars surveys of the number of students that live off-campus. Mr. Fox stated that 75 percent of all undergraduate students are required to live on-campus. Questions were posed as to whether or not the Sharpe Scholars will study off-campus housing in the near future and on the number of students “bumped” each year. Mr. Fox, Mr. Fitzgerald, and Mr. Witkowsky later answered questions regarding the availability of student parking o-

campus and the associated costs, penalties, and tickets. Mr. Fox was later asked if the College is aware of where students live. He replied that for emergency contact reasons, the College is aware of where the vast majority of students live. Mr. Fox also answered a question regarding the growth plan of the College and possible future housing demand growth. He stated that the policy of the College Administration is that there will not be significant growth for the College in order to maintain its character.

Ms. Shelton stated that fines are imposed on all parties involved, including the landlord, when there is a violation of the “three person rule”, after being asked who receives a fine. In response to several other questions posed, Ms. Shelton explained that city staff are permitted to answer city resident questions on how to compile evidence for a “three-person rule” violation, that the rental inspection program cannot be used to enforce the “three-person rule”, that she will provide the Focus Group with copies of the most recently proposed “four-person rule” change to the Zoning Ordinance, and outlined the general progression of events relating to the 711 Richmond Road investigation.

Mr. Nester answered several questions regarding the definition and use of Overlay Districts, University Districts, and Housing Conservation Districts. He stated that a defensible rationale is needed for an overlay district, and that there are multiple factors that contribute in the justification of a Housing Conservation District, including the age and conditions of dwellings and the owner and renter occupancy rates. Later, Mr. Nester also explained that it is possible to have a different number of renters in different areas of the city and that not all residential rental dwellings are in the Rental Inspection Program.

Chief Yost was asked to detail the process of investigating a noise complaint. He explained that a police officer will go to the scene, typically the home of the resident that made the complaint, and decided as to whether or not the complaint is justified. Offenders receive a warning the first time and a summons can be issued for the second offense.

### **Agenda Topics for February 26th Meeting**

Mr. Fox suggested that several employees from the College present to the Focus Group, including Vice President for Student Affairs Virginia Ambler and Chief of Police Don Challis. These presentations will be scheduled for the March 5<sup>th</sup>, 2009 Focus Group Meeting. Mr. Porter suggested that next week’s meeting be used to further discuss interests of the Focus Group members and the community stakeholders they represent.

### **Public Comment**

Sharon Baker of Skipwith Farms asked if any Focus Group homeowners lived in areas outside of the Jamestown Road and Richmond Road neighborhoods. She was assured that a Focus Group Member does live outside of these areas. Ms. Baker requested that the Focus Group keep in mind that decisions and suggestions that they make impact the entire city and not just the abovementioned neighborhoods. She also stated that if exceptions are made, the general public needs to know how to identify which houses have exceptions to the “three person rule” and which do not.

Another public comment was made regarding the importance of neighborhood disaster preparation and the role of Community Emergency Response Teams (CERT). It was

stated that, in the event of a disaster or emergency, neighbors have no way of knowing if any college students in residential rental dwellings need special assistance and that these students are current out of the scope of CERTs and other neighborhood safety databases.

### **Adjournment**

There being no further business, the meeting was adjourned at 9:03 pm.